

The Tamil Nadu Cattle-Disease Act, 1866

Act 2 of 1866

Keyword(s):

Spread of Disease among Cattle, Infected Animals, Contagious or Infectious Disease, Pound Keeper

Amendment appended: 18 of 1981

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¹(TAMIL NADU) ACT No. II OF 1866².

[THE ¹(TAMIL NADU) CATTLE-DISEASE ACT,
1866.]

*(Received the assent of the Govern^e on the 16th
March 1866, and of the Governor-General on the 17th
April 1866.)*

An Act for the prevention of the spread of disease
among cattle in the ³[State of Tamil Nadu].

Preamble

WHEREAS it is expedient to take measures to prevent
the spreading of contagious or infectious diseases
among animals in the ⁴[State of Tamil Nadu], and, with
that object, to prescribe by law in what way animals
so infected shall be dealt with; It is hereby enacted
as follows :—

Act to be
extended to
such places,
and during
such period
of time, as
the State
Government
think proper.

1. This Act shall be put in force in such districts, or
parts of district and during such periods of time, as the

¹ These words were substituted for the word "Madras" by the
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969,
which came into force on the 14th January 1969.

² Short title, "The Madras Cattle-disease Act, 1866" was given
by the Repealing and Amending Act, 1901 (Central Act XI of
1901).

Madras Act I of 1879 had to be read with this Act. [Madras Act I
of 1879 has since been repealed by the Tamil Nadu Repealing and
Amending Act, 1957 (Tamil Nadu Act XXV of 1957)].

This Act was extended to the Kanyakumari district and th^o
Shencottah taluk of the Tirunelveli district by section 3 of, and the
Schedule to, the Tamil Nadu (Transferred Territory) Extension
of Laws Act, 1957 (Tamil Nadu Act XXII of 1957) repealing the
corresponding law in that territory.

The provisions of this Act have been made inapplicable to the
disease of rinderpest in any area to which the provisions of the
Tamil Nadu Rinderpest Act, 1940 (Tamil Nadu Act XIX of 1940),
have been applied by notification under section 1 (3) of that Act and
so long as such notification remains in force—*see* section 2 of Tamil
Nadu Act XIX of 1940.

³ This expression was substituted for the expression "Madras
Presidency" by the Tamil Nadu Adaptation of Laws Order, 1970,
which was deemed to have come into force on the 14th January
1969.

⁴ This expression was substituted for the expression "Presidency
of Madras" by *ibid.*



¹[State Government] ²[or subject to ³[their] control the Board of Revenue] may, from time to time, direct by notification in the "[Official Gazette]."

2. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

the word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate ;

words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number ;

words importing the masculine gender shall include the feminine ;

⁴[the word "animal" shall mean any camel, buffalo, horse, pony, ass, bull, bullock, cow, heifer, calf, sheep, lamb, goat, kid, swine or dog.]

3. Whenever this Act shall have been applied, above provided, to any district, or part of a district, hospital-pounds shall be established in such places as the Magistrate of the district, ⁵[or, in the City of Madras] ⁶[the Commissioner of the Corporation] shall determine, and keepers shall be appointed to such pounds by the said Magistrate ⁷[or Commissioner, as the case may be.]

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were inserted by the Tamil Nadu Decentralization Act, 1914 (Tamil Nadu Act VIII of 1914).

³ This word was substituted for the word "his" by the Adaptation Order of 1937.

⁴ These words were substituted for the words "Fort. St. George Gazette" by *ibid.*

⁵ This definition was substituted for the original definition by the Tamil Nadu Cattle-disease (Amendment) Act, 1963 (Tamil Nadu Act 29 of 1963).

⁶ These words were inserted by Madras Act I of 1879, s. 1.

⁷ These words were substituted for the words "the President of the Municipal Commission" by s. 3 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act III of 1921).

⁸ These words were added by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).



The village or villages by which every hospital-pound is to be used shall be determined and notified by the Magistrate.

Notice by owner of cattle attacked by disease.

4. Whenever, in any district or part of a district to which this Act has been extended as above provided, any animal is attacked by any contagious or infectious disease, it shall be the duty of the owner, or of the person in charge thereof, to give immediate notice to the keeper of the hospital-pound provided for the village or township in which the animal may at the time be.

Examination by pound-keeper.

5. On receiving notice as aforesaid, the keeper of the hospital-pound shall, as soon as possible, examine the animal and shall decide whether it is necessary to place it in the hospital-pound for treatment.

Removal to the hospital-pound.

¹[6. If the keeper of a hospital-pound should be of opinion that the animal has any contagious or infectious disease, he may thereupon require the owner of the animal or the person in charge thereof to place it in the hospital-pound.]

Inspection of places in which animals, suspected to be diseased are found.

7. Every keeper of a hospital-pound, or person thereunto authorized by the Magistrate of the district, ²[or, in the City of Madras,] ³[the Commissioner of the Corporation], shall have power, within the range for which he is appointed, to enter upon and inspect any premises or place in which any animal or animals, which he suspects to be labouring under any contagious or infectious disease, may be found, and to examine and inspect, whenever or wherever he may deem it necessary, any animal or animals which he suspects to be labouring under such disease, and to require the removal of such animal or animals to the hospital-pound for the range.

Cleansing of premises in which diseased animal has been or is.

8. Every keeper of hospital-pound, or person thereto authorized by the Magistrate of the district, ²[or, in the City of Madras,] ³[the Commissioner of the

¹ Section 6 was substituted by section 2 of the Madras Cattle-disease (Amendment) Act, 1921 (M.A. III of 1921).

² These words were inserted by Madras Act I of 1879, s. 1.

³ These words were substituted for the words "the President of the Municipal Commission" by s. 3 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act III of 1921).



Corporation,] shall have power, within his range, to cause to be cleansed and disinfected, in any manner which he may think proper, any premises in which any animal labouring under any contagious or infectious disease has been or may be, and to cause to be disinfected, and, if necessary destroyed, any Disinfection fodder, manure or refuse-matter which he may deem of fodder, etc. likely to propagate the said disease.

9. From the time when any animal affected as aforesaid is taken charge of by the keeper of the hospital-pound, all expenses incurred on account of feeding and medical treatment for the said animal shall be borne by the cattle-pound fund established under Act III of 1857¹ unless the owner, or person in charge thereof, desires to supply the food and medicines himself: Provided always that such food and medicines shall be such as the keeper of the hospital-pound may approve or direct.

Expenses for food and treatment by whom to be borne.

10. The keeper of the hospital-pound, or other person thereto authorized by the Magistrate of the district, ^{Power to destroy diseased animals.} ²[or, in the City of Madras,] ³[the Commissioner of the Corporation,] shall be empowered to destroy any animal either before or after it has been impounded as aforesaid, whenever it shall appear to him to be necessary to prevent the spread of contagion or infection.

When any animal shall have been so destroyed, or shall die whilst in charge of the keeper of the hospital-pound, it shall be the duty of the said keeper to have the carcass of the said animal buried at least six feet below the surface of the ground, and any cost incurred in so doing shall be met from the cattle-pound fund.

Burial of carcass.

No compensation shall be claimable in respect of any loss incurred by reason of any act authorized by this section.

Bar of claim to compensation.

11. Should an animal impounded as aforesaid recover from the disease under which it may have been labouring, the owner or person who was in charge thereof

Owner to pay costs for animal cured.

¹ The references to this Act should be read as if made to the Cattle-trespass Act, 1871 (Central Act I of 1871), *vide* s. 2 of the latter Act.

² These words were inserted by Madras Act I of 1879, s. 1.

³ These words were substituted for the words "the President of the Municipal Commission" by s. 3 of the Madras Cattle-disease Amendment) Act, 1921 (Madras Act III of 1921).



shall pay to the keeper of the hospital-pound, to be placed to the credit of the cattle-pound fund, the actual cost of the feeding and treatment of such animal.

Recovery in case of default.

Should he fail to pay the expenses aforesaid, then the said animal shall be sold by auction, and the sum realized by its sale, after deducting the amount of the expenses, shall be paid over to the owner, or the person who was in charge:

Owner when not chargeable.

Provided always that, in such cases as the owner or person who was in charge may elect to supply food and medicine, he shall not be required to pay any charges whatever.

Bar to removal, without licence, of animal in contact with diseased cattle.

12. No person having in his possession, or under his custody, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact, with any animal labouring under any contagious or infectious disease, shall remove such animal alive from his land or premises without the licence of the keeper of the hospital-pound for the range, or of some person authorized by the Magistrate of the district, ¹[or, in the City of Madras,] ²[the Commissioner of the Corporation,] to grant such licence.

Licences.

Every such licence shall be in writing, and shall only permit the removal of such animal to some place where it can be conveniently kept apart from all other animals, until the hospital pound-keeper or other person authorized as aforesaid, is satisfied that there is no reasonable probability of such animal propagating the disease.

Penalty for failing to give notice when animal is attacked by disease.

13. If any person who may be in charge of any animal at the time of its being attacked by a contagious or infectious disorder shall fail to give notice to the hospital pound-keeper of the village, as required in section 4, the said person shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees five for every instance of such neglect, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

¹ These words were inserted by Madras Act I of 1879, s. 1.

² These words were substituted for the words " the President of the Municipal Commission " by s. 3 of Madras Act III of 1931.



14. Any person who shall fail to comply with the directions of a hospital pound-keeper, or of a person duly authorized by the Magistrate of the district, ¹[or, in the City of Madras,] ²[the Commissioner of the Corporation,] in that behalf, as to the impounding any diseased animal; or to the disinfecting any premises or place where any diseased animal may have been kept; or to the disinfecting or destroying any fodder, manure and refuse-matter which may be likely to propagate the disease; or who may remove, without a licence, any animal which has been in the same shed or stable, or in the same herd or flock, or in contact with any animal labouring under any contagious or infectious disease,—shall, on conviction before a Magistrate, be liable, for every such offence, to a fine of twenty rupees, commutable, if not paid, to simple imprisonment for any period not exceeding ten days.

Penalty for refusing to obey directions of cattle pound-keeper, etc.

³[15. In any district or part of a district in which this Act is in force, hospital pound-keepers, all police officers not below the rank of a sub-inspector and such other persons as the Magistrate of the district, or, in the City of Madras, the Commissioner of the Corporation, may specially empower, may seize and impound all animals suffering from contagious or infectious disease, and any person who shall forcibly oppose such seizure, or who shall forcibly rescue the animals after such seizure, shall be deemed to have committed an offence punishable under section 186 of the Indian Penal Code.]

Penalty for opposing seizure and impounding of diseased animals.

Central
Act XLV
of 1860.

16. Any person whose animals shall have been seized as being diseased may prefer a complaint against the seizure, at any time within ten days from the date thereof, to any Magistrate.

Complaint of seizure by owner.

¹ These words were inserted by Madras Act I of 1879, s. 1.

² These words were substituted for the words "the President of the Municipal Commission" by s. 3 of the Madras Cattle-disease (Amendment) Act, 1921 (Madras Act III of 1921).

³ Section 15 was substituted for the original section by s. 2. *ibid.*



Form of
complaint.

The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances.

Procedure
thereon.

If, on examination of the complainant or his agent, the Magistrate shall see reason to believe the complaint to be well founded, he shall summon the party complained against, and shall proceed to make a summary inquiry into the case.

If the seizure be adjudged illegal, the Magistrate shall award to the complainant such damages as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure, together with all expenses incurred by the complainant in procuring the release of the animals; or, if the animals have not been released, the Magistrate, in addition to the award of damages, shall make an order for their release, and shall direct that the expenses leviable under this Act shall be paid by the party who made the seizure.

The amount of all damages and expenses so awarded shall be recoverable according to the process prescribed in Act No. V of 1865 ¹(Tamil Nadu)* for the recovery of forfeitures or penalties imposed under the authority of Act XXIV of 1859.**

Fees and fines
to be credited
to the revenues
of the State.

17. All fines levied under this Act shall be credited to ²[the revenues of the State]:

Reward to
informers.

Provided that it shall be lawful for the officer inflicting a fine under this Act to direct any portion thereof, not exceeding one-half, to be paid to the informer.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² The words "the revenues of the Province" were substituted for the words "the cattle-pound fund established under the provisions of Act III of 1857, which fund shall be available for payment of all expenses incurred under the provisions of this Act" by the Adaptation Order of 1937 and the word "State" was substituted for "Province" by the Adaptation Order of 1950. Now the consolidated fund of the State.

*The Tamil Nadu District Police (Amendment) Act, 1865.

**The Tamil Nadu District Police Act, 1859.



1866: T.N. Act II]

1866: T.N. Act IV]

Enfranchised Inams

18. It shall be lawful for the ¹[State Government] ^{Power to make} by notice published in the ²[Official Gazette] to make ^{by-laws.} and prescribe such by-laws as may from time to time seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among animals; provided that such by-laws shall not be repugnant to the provisions of this or any other Act.

A breach of any such by-laws shall render the party ^{Penalty for} liable on conviction before a Magistrate, to a fine not ^{breach.} exceeding rupees ten, commutable to simple imprisonment for fifteen days.

³(TAMIL NADU) ACT NO. IV OF 1866⁴.

[THE ³(TAMIL NADU) ENFRANCHISED
INAMS ACT, 1866.]

(Received the assent of the Governor on the 30th August 1866, and of the Governor-General on the 24th September 1866).

An Act to exempt enfranchised village or other service inams, whether Revenue or Police, from the operation of Regulation VI of 1831⁵.

WHEREAS in the ⁶[State of Tamil Nadu] certain ^{Preamble.} inams attached to hereditary village or other officers in the Revenue and Police Departments—the claims connected with which are, under the provisions of

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

³ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

⁴ Short title, "The Madras Enfranchised Inams Act, 1866" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901). As to the true intent and meaning of this Act, see Tamil Nadu Act VIII of 1869.

⁵ Regulation VI of 1831 has been repealed by the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895), which Madras Act has since been repealed by Tamil Nadu Act 20 of 1968.

⁶ This expression was substituted for the expression "Madras Presidency" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

TAMIL NADU ACT No. 18 OF 1981. *

THE TAMIL NADU CATTLE-DISEASE
(AMENDMENT) ACT, 1981.

[Received the assent of the Governor on the 20th March 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 23rd March 1981 (Panguni 10, Rowthiri, 2012-Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Cattle-disease Act, 1866,

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Tamil Nadu Cattle-disease (Amendment) Act, 1981.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Substitution
of new
section for
section 1,
Tamil Nadu
Act II of
1866.

2. For section I of the Tamil Nadu Cattle-disease Act, 1866 (Tamil Nadu Act II of 1866) (hereinafter referred to as the principal Act) and the marginal note thereon, the following section shall be substituted, namely :—

“ 1. Act to be brought into force by notification, —
(a) The State Government or subject to their control, the Commissioner of Revenue Administration, may, from time to time, by a notification in the *Tamil Nadu Government Gazette*, bring this Act into force in such district or to any part of such district, or

(b) the Collector of a district, subject to the control of the State Government and the Commissioner of Revenue Administration, may, from time to time, by a notification in the *Tamil Nadu Government Gazette*, bring this Act into force in that district or any part of that district,

from such date and for such period as may be specified in the notification. ”.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 31st January 1981, Part IV—Section 1, page 68.

3. In the principal Act, for the words "Magistrate of the district, or, in the City of Madras, the Commissioner of the Corporation" wherever they occur, the words, "Collector of the district, or, in the City of Madras or in the City of Madurai, the Commissioner of the Municipal Corporation concerned" shall be substituted.

Substitution of references to certain authorities in Tamil Nadu Act II of 1866.

4. In section 3 of the principal Act,—

Amendment of section 3, Tamil Nadu Act II of 1866.

(1) in the first paragraph, for the words "the said Magistrate", the words "the said Collector" shall be substituted ;

(2) in the second paragraph, for the word "Magistrate", the words "said Collector or Commissioner, as the case may be" shall be substituted.

5. In section 10 of the principal Act, in the second paragraph, for the words "six feet", the figures and word "1.8 metres" shall be substituted.

Amendment of section 10, Tamil Nadu Act II of 1866.

6. For section 18 of the principal Act and the marginal note thereto, the following section shall be substituted, namely :—

Substitution of new section for section 18, Tamil Nadu Act II of 1866.

"18. *Power to make rules.*—(1) The State Government may make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(5) A breach of any such rule shall render the party liable on conviction before a Magistrate, to a fine not exceeding rupees fifty and in default to simple imprisonment for a term not exceeding one month .”.

Existing
by-laws
deemed to
be rules.

7. Any by-law made and prescribed by the State Government under the principal Act before the commencement of this Act and in force at such commencement, shall be deemed to be a rule made under the principal Act as amended by this Act and shall continue in force accordingly, unless and until rescinded, amended or varied under the principal Act as so amended.

