

THE JAMMU AND KASHMIR ANIMAL DISEASES (CONTROL) ACT,Svt.2006
(15 OF 2006)
(Published in the Government Gazette dated 1st of June,2006)

An Act to provide for the protection of Animals and matters concerned therewith or incident thereto.

1. **Short title and commencement** :- (1) This Act may be called the Jammu and Kashmir Animal Diseases (Control) ACT, 2006.

(2) It shall come into force from the date of its publication in the Government Gazette..

2. Definitions :-

(i) “Animals “ includes

- (a) all forms of animal life from the protozoan to the most evolved species;
- (b) amphibians, birds, mammals and reptiles, and their young ones;
- (c) in the case of amphibians, birds and reptiles, their eggs;
- (d) any domestic animal or bird or any animal or bird kept in confinement;

(ii) “Cattle” includes buffaloes, bulls, bullocks , camels, cows, domestic elephants, donkeys, dogs ,goats ,horses , mules, pigs and also includes their young ones;

(iii) “infective animal” means an animal which is affected with a scheduled or has recently been in contact with or in close proximity to an animal so infected;

(iv) “ Scheduled Diseases” means any diseases specified in the scheduled to this Act;

3. **Power to Prohibit or regulate import, export or transport of holding of markets, fairs,etc.,of and traffic in infective animals,etc.** :- (1) the Government may for the purpose of preventing the outbreak or spread of any scheduled disease by the notification in the Jammu and Kashmir, Government Gazette, prohibit, regulate or control in such manner and to such extent as they may think fit –

- (a) the import, export or transport of any animals or the carcasses thereof or of any part of animals or of carcasses thereof, or of a fodder bedding or other things used in connection with the animals, which may, in the opinion of the Government carry infection, or
- (b) the holding of animal markets, animal fairs, animal exhibitions or other concentration of animals in a specific area or
- (c) the sale or other dealings in infective animals or the carcasses of animals, which at the time of their death were infective, or any fodder, bedding or any other thing used in connection with the animals, which may, in the opinion of the Government may carry infection.

(2) The Government may by notification in the Government Gazette of Jammu and Kashmir specifies the season or seasons during which and the route or routes by which animals may be imported into any locality and no person shall import any animals in any locality otherwise than during the season and by the route so appointed.

4. **Establishment of Quarantine stations :-** (1) The Government may establish quarantine stations for the inspection and detention of animals under the rule appointed under sub-section(2) of rule 3.

(2) All animals inspected or detained at the quarantine station shall be liable to –

- (a) to be vaccinated under any scheduled disease if in the opinion of the officer in charge of such station it is necessary to do so; and
- (b) to be marked in the prescribed manner.

- (3) The period of detention of animals at a quarantine station for the purpose of Vaccination, inspection and marking shall be such as may prescribed.

- (4) The animals detained at the quarantine station shall remain under the care of the person in charge who shall be responsible for their upkeep and feeding and for the payment of such fees for their vaccination and marking as prescribed.

- (5) The officer in charge of the quarantine station shall , at the time of release of an animal from the station, grant in such form as may be prescribed a permit to the person in charge of the animal, produce it when ever required to do so by an Inspector or a Police Officer.

5. **Power to isolate infective animals and their examination :-** Where an inspector has reasons to believe that any animal is infective , he may by order in writing, direct the owner or person in charge of the animal to keep it where it is for the time being or remove it or allowed it to be removed at such place of isolation or segregation as may by order:

Provided that where there is no person in charge, of the animal and the owner is unknown or where the order cannot be communicated to the owner of the animal without undue delay or where the person in charge of the animal refuses to comply with the order under this sub-section the Inspector may seize the animal and remove it to a place of isolation or segregation.

6. **Power of veterinary surgeons to examine animals :-**

(1) If after such examination the Veterinary surgeon –

- (a) is of the opinion that any animal is not infective, the Inspector shall forthwith return it to the person who in his opinion entitled to his possession:

Provided that in the opinion of the Inspector, where such person cannot be found after reasonable inquiry, he shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed;

- (b) certifies in writing that any animal is infected to scheduled

disease, the Inspector may destroy the animal or deal with it in such other manner as may be prescribed;
Provided that nothing herein after contained shall authorize the Inspector to destroy an animal the killing of which is an offence under any law for the time being in force in the state;

- (c) certifies in writing that any animal is infected, though not diseased, the animal shall be dealt with in such manner as may be prescribed,
- (2) The decision of veterinary Doctor whether the animal has been in contact with or close proximity to an animal suspected to be affected with a scheduled disease shall be final.

7. **Compensation for animals destroyed :-** (1) The owner of an animal destroyed under sub-section(2) of section (9) may be paid such compensation as shall be determined in the manner prescribed :

Provided that no compensation shall be paid –

- (i) to any person convicted of any offence, prescribed under this Act, committed in respect of such animals; or
 - (ii) in respect of any animal which, it was imported, was affected with the scheduled diseases on account of which it was destroyed.
- (2) The decision under sub-section (1) regarding the right of a person to be paid any compensation or the amount of such compensation shall be final.

8. **Declaration of Private Infected Places and examination of such places by veterinary Surgeon :-** If an Inspector has reasons to believe that an infective animal is kept on any land, or in building or any other places, he shall forthwith by order in writing declare such land, building or place to be an infected place. The Inspector shall deliver a copy Of the order to the owner, occupier or person in charge of the infected place and report his action to the veterinary Surgeon.

9. **Declaration of Public Infected places :-** (1) Where the Veterinary Surgeon has reason to believe that an infective animal is or has been kept in place which is owned by or is under the control or management of any local authority or administration and in which animals are kept temporarily for purpose of sale or exhibition or while it transit, he may, by order in writing, declare such place to be an infected place.

(2) The Veterinary Surgeon shall forthwith report the action taken by him to the prescribed authority.

10. **Power of Government to Declare Infected Places :-** (1) On receipt of the report of the veterinary surgeon under section 11 or sub-section(2) of section 12, the prescribed authority shall, after making such further enquiry, as it thinks fit, submit such report with his remarks thereon to the Government.

(2) The Government on receipt of the report from the prescribed authority may –

- (a) confirm the declaration either with or without modification;
- (b) cancel such declaration;

11. Removal of animals or other things from infected area or place prohibited without license :-Where any area or place has been declared to be an infected area or place under the foregoing provisions, no person shall, while such a declaration remains in force remove any infected animal, alive or dead, or any part of animal or any food, bedding or other thing used in connection with an animal , save in accordance with the conditions of a license granted by the Inspector.

12. Power to require animals, etc., to be brought to Infected areas :- Where any animal or thing referred to in section 14 is removed from an infected area or place otherwise than in accordance with the conditions of a license granted under the said section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to take it back off to such area or place:

Provided that nothing in this section shall affect the power of an Inspector under section 8 to deal with the infective animals.

13. Cleansing and disinfection of boats and vehicles :- (1) Every boat or vehicle used for the transport of animals shall be cleaned and disinfected by him at such periods and in such manner as may be prescribed.

(2) The person in charge of every such boat or vehicle shall, when required to do so by an Inspector, cause the boat or vehicle to be taken to such place as the Inspector may direct and to stop or remain stationary for so long as may be reasonably necessary for the purpose of enabling the Inspector to inspect such boat or vehicle. The Inspector may after, such inspection, if in his opinion the boat or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

(3) Nothing in this section shall apply to the rolling stock.

14. Power to require disinfection of infected premises, boats or vehicles :- Subject to such rules as may be prescribed, the veterinary Surgeon, may by order in writing, require the owner, occupier or person in charge of any land, building or other place or of any boat or vehicle in which an infective animal has been kept to have such land, building, place, boat or vehicle disinfected or destroyed, in such manner and to such extent as may be specified in the order.

15. Power of Veterinary Surgeon to hold Post Mortem :- Subject to such rules as may be prescribed, the Veterinary Surgeon may make or cause to be made a post- mortem examination of any animal which at the time of its death was infective or suspected to have been infective, and for this purpose he may require the carcass of such animal to be exhumed.

16. Duty of certain persons to report scheduled diseases :- Every owner or person in charge of, and every veterinary Practitioner who has been called to treat, an animal which he has reason to believe to be affected with a scheduled disease shall forthwith report the fact to the Inspector having jurisdiction in the area.

17. **Keeping or grazing infective animals prohibited :-** No person shall keep or graze in open or unenclosed land to which other persons have a right for access of their animals, any animals which he known to be infective.
18. **Bringing of Infective animals in markets etc. has been prohibited :-** No person shall bring, or attempt to bring into any market, fair, exhibition or other concentration of animals, any animals which he knows to be infective.
19. **Placing of carcass of Infective animals, etc. prohibited :-** No person shall place , or cause or permit to be placed in any river, lake, canal or other water within such distances from the shore, as may be prescribed, any carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective.
20. **Disinterring without lawful authority carcass of animal prohibited :-** No person shall without lawful authority, disinter, or cause to be disinterred the carcass or any part of the carcass of any animal, which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.
21. **Power of entry and Inspection :-** Subject to such rule as may be prescribed, an Inspector may enter upon and inspect any land building or any other place or any boat or vehicle, for the purpose of exercising the powers and performing any duties conferred or imposed on him by or under this Act.
22. **Enforcement of Orders and recovery of expenses :-** (1) Where by any notice, requisition or order made under this Act or under any rule or notification issued there under, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice ,requisition or order within which such measures shall be taken or such things shall be done, as the case may be.
- (2) If such measures shall not be taken or such thing is not done with in time so specified, the authority shall issue the notice, requisition or the order may cause the measures to be taken or the things to be done at the cost of the person concerned.
- (3) The cost of any measures taken or things done under sub-section(2) shall be recoverable from the person concerned in the manner provided by the Jammu and Kashmir code of Criminal Procedure,1989, for the recovery of fines imposed by a court as if such costs were a fine imposed on him by court.
23. **Power of Veterinary surgeon to decide whether or not the animal is infective :-** If any question arises under this Act whether or not any animal is an infective animal, the question shall be decide by the veterinary surgeon and his decision shall be final.
24. **Penalties :-** Whoever :-
- (i) fails to carry out direction specified in, or contravenes the term, of any notification, issued under section 6 or imports any animal in contravention of the provisions of sub-section (2) thereof, or

- (ii) fails to feed or upkeep of the animal under sub-section(4) of section(7) or fails to produce the permit under sub-section (5) thereof; or
- (iii) fails to comply with an order made by an Inspector under sub-section(1) of section 8; or
- (iv) removes any animal or thing from an infective area or place in contravention of the provisions of section 14; or
- (v) fails to comply with any direction given by an Inspector or Police Officer under section 15; or
- (vi) fails to cleanse or disinfect any boat or vehicle used for removing animals in the manner prescribed as required under sub-section (2) of section 16;
- (vii) fails to comply with an order by a veterinary surgeon as under section 17;
- (viii) fails to report that an animal is infective as under section 19; or
- (ix) keeps or grazes any animal which he knows to be infective in contravention of the provisions of section 20; or
- (x) brings or attempts to bring any animal which he knows to be infective in contravention of the provisions of section 21; or
- (xi) disinters or causes to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective as under section 23;

25. **Bar of claim to compensation :-** No person shall, except as provided for in section 10, be entitled to any compensation on account of the destruction of any animal or thing under provisions of this Act, or any loss, injury or inconvenience caused to him by reasons of anything lawfully done under this Act;

26. **Protection for Action Taken under this Act :-** No suit, prosecution or any other legal proceedings shall lie against any person for anything which is in the good faith done or intended to be done under this Act or the rules made under the Act.

