

PART V

Miscellaneous

The Bihar Preservation And Improvement of Animals Act, 1955

[Bihar Act II of 1956]

[This Act received the assent of the Governor on the 8th December, 1955, and the assent was first published in the Bihar Gazette, of the 11th January, 1956]

An Act to provide for the preservation and improvement of certain animals in the State of Bihar.

Be it enacted by the Legislature of the State of Bihar in the Sixth Year of the Republic of India as follows :-

Chapter I

Introductory

1. Short title , extent and commencement –

- (1) This Act may be called the Bihar Preservation and Improvement of Animals Act, 1955.
- (2) It extends to the whole of the State of Bihar.
- (3) This section shall come into force at once and the remaining provisions of this Act, or any of them, shall come into force in any area on such date as the State Government may, by notification appoint and different dates may be appointed for different provisions and for different areas.

2. Definitions – In this Act unless there is anything repugnant in the subject or context –

- (a) “animal” means –
 - (i) bull, bullock, cow, heifer, buffalo, calf, sheep, goat and any other ruminatine animals;
 - (ii) poultry; and
 - (iii) elephant, horse, camel, ass, mule, dog, swine and such other domesticated animals as may be specified in this behalf by the State Government by notification in the official Gazette;
- (b) “a person is said to keep a bull” if he owns the bull or has the bull in his possession or custody;
- (c) “bull” means an uncastrated male above the age of three years belonging to the species of bovine cattle;
- (d) “bullock” means a castrated male above the age of three years belonging to the species specified in clause (c);
- (e) “calf” means a female or a castrated or uncastrated male, of the age of three years and below belonging in the species specified in clause (c);

- (f) “contagious disease” means rinderpest (that is to say, the disease commonly known as cattle plague, anthrax, haemorrhagic septicemia, blackquarter, head and mouth disease, rabies and include such other diseases as may be declared by the State Government by notification in the official Gazette to be contagious diseases for the purpose of this Act;
- (g) “cow” means a female above the age of three years belonging to the species specified in clause (c), but does not include a she buffalo;
- (h) “infected area” means an area in respect of which a notification under section 7 is in force;
- (i) “infective” used with reference to an animal means affected by a contagious disease;
- (j) “licence” means a licence granted under section 20;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “she-buffalo” means a female above the age of three years belonging to the species specified in clause (c), but it does not include a cow;
- (m) “veterinary officer” means a veterinary assistant surgeon of the Bihar Civil Veterinary Department acting as such within the local limits of his jurisdiction and includes any officer appointed by the State Government to discharge all or any of the functions of a veterinary officer under this Act;
- (n) “Director” means the Director of Animal Husbandry, Bihar and includes any officer not below the rank of Deputy Director, Animal Husbandry, authorized by the State Government to discharge all or any of the functions of Director under this Act;

CHAPTER II

Prohibition of slaughter of Cows, Calves, Bulls and Bullocks

3. **Prohibition of slaughter of cow, calf, bull, bullock or she-buffalo** – Notwithstanding anything contained in any law for the time being in force of in any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter a cow, calf, bull, bullock or she-buffalo;

Provided that the prescribed authority may, subject to such condition as may be prescribed, allow the slaughter of –

- (i) a bull or bullock which is over twenty five years of age or which has become permanently incapable of breeding or yielding milk, if the permanent incapability has been caused deliberately;

(ii) a she buffalo which is over twenty five years age or which has become permanently incapable of breeding or yielding milk, if the permanent incapability has not been caused deliberately ;

Provider further that the State Government may, by general or special order and subject to such conditions as it may think fit to impose, allow the slaughter of any such animal for any medicinal or research purpose.

Sec 4-5] Bihar Preservation & Improve of Animals Act 1955 Part V [3

4. **Penalties** – Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions contained under section 3 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

CHAPTER II A

- 4.A. **Ban on export** – No person shall export cows, she-buffaloes, calves, heifers, buffalo calves buffalo-heifers, buffalo, bulls and bullock from the State of Bihar.
- 4.B. **Penalty** – (1) Whoever acts or is found to have been acting in contravention of the provisions of this Chapter may be arrested without any warrant by a police officer not below the rank of Assistant Sub-Inspector.
- (2) Whosoever contravenes or attempts to contravene or abets the contravention of the provisions of this Chapter shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.
4. C. **Power to make rules** – The Government may, by notification in the Official Gazette, make rules necessary to carry out the provisions of this Chapter.
4. D. **Power to remove difficulties** – If any difficulty arises in giving effect to the provisions of this Chapter, the State Government may, when the occasion arises, by order do anything which appears necessary for the purposes of removing the difficulty.

CHAPTER III

Prevention and control, of contagious diseases affecting animals

5. **Report of contagious disease** – (1) Every village chaukidar or daffardar or President appointed or elected under the village Chaukidar Act, 1870 (Ben. Act VI of 1870) or the Bihar and Orissa Village Administration Act, 1922 (B. & O. Act III of 1922), every village police-man appointed under Chota Nagpur Rural Police Act, 1914 (B. & O. Act I of 1914), every mukhia elected under the Bihar

Panchayat Raj Act, 1947 (Bihar Act VII of 1948) and every veterinary practitioner attending any animal in the course of his veterinary practice or otherwise, who has reason to believe that such animal is infective, shall forthwith report, and every owner or person incharge or having control of an animal or any other person who has reason to believe that an animal is infective may report, the fact to the officer-in-charge of the nearest police station or the prescribed authority.

(2) On receiving a report under sub-section (1), the officer-in-charge of the police-station or the prescribed authority, as the case may be, shall, without delay, communicate such report to the nearest Veterinary Officer and forward a copy of the report to the District Officer-in-charge of the Veterinary Department. On receipt of the report the Veterinary Officer shall proceed to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case.

(3) Whenever a Veterinary Officer has reason to believe that the animal within his jurisdiction is infective, he shall proceed as soon as possible to the (Act 59 of 1982) place where the animal is and examine it and inquire into the circumstances of case, notwithstanding that no report under sub-section (2) in respect of such animal has been received by him.

(4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3), the Veterinary Officer is of the opinion that the animal is infective, he shall report the matter in the prescribed manner to the District Officer incharge of the Veterinary Department for such action as the latter may consider necessary and shall also take such further action including medical treatment of the animal concerned under the provisions of this Chapter as may be necessary or expedient and, at the same time, shall send a copy of such report to the Sub-divisional Magistrate.

6. Duty to segregate infective animals – Every owner or person in charge or having control of animal, who has reason to believe that such animal is infective, shall, as far as may be possible in the circumstances, segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching such animal.

7. Declaration of infected area – (1) The State Government may, by notification published in the prescribed manner, declare any area in which any contagious disease has broken out or any area within which, in the opinion of the State Government, there is a danger of the spread of any such disease, to be an infected area.

(2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious disease in respect of which the area is declared to be an infected area.

8. Preventive vaccination or inoculation in infected area – (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious disease in respect of which an area has been declared to be an infected area, the Veterinary Officer shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.

(2) When a Veterinary Officer vaccinates or inoculate any animal, he may for the purpose of identification also mark such animal in such manner as may be prescribed.

9. Prohibition of markets, fairs, etc. in infected areas – No person shall organize, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals, whether for the purpose of sport or trade, without the permission in writing of the State Government.

10. Compulsory segregation and treatment of animals – (1) Where a Veterinary Officer, after due examination of an animal and such inquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may by order in writing direct the owner in person in charge or having control of such animal.

(a) to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order.

(b) to subject it to such treatment as may be specified in the order: and such owner or person in charge of having control at such animal shall comply with such order:

Provided that where there is no person incharge or having control of the animal and the owner is either unknown and cannot be ascertained without undue delay or the order cannot be communicated to him without delay, or the owner or person in charge or having control of the animal fails to comply with the order within such time as in the opinion of the Veterinary Officer is responsible, the Veterinary Officer shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(2) If the owner of animal seized under the proviso to sub-section (1) or his authorized agent applies in the prescribed manner for the release of such animal, the animal shall be so released if such owner or his authorized agent pays any expense, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal, the owner or his authorized agent, as the case may be, shall comply with any order which the Veterinary Officer may deem fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso in sub-section (1) or his authorized agent does not apply for the release of the animal under sub-section (2) and the animal is in the opinion of the Veterinary Officer, no longer likely to infect any other animal with the contagious disease on account of which it was seized, the Veterinary Officer shall send the animal in the nearest cattle pound or deal with it in such other manner as may be prescribed.

Sec. 11–14] Bihar Preservation and Improvement of Animals Act, 1955 Part V [5

11. Disinfection of buildings, etc – Subject to such rules as may be prescribed, the Veterinary Officer may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept, to have such building, yard, vehicle or vessel disinfected or dealt with in such manner and in such extent as may be specified in the order, and such owner, occupier or person incharge shall comply with such order.

12. Power of Veterinary Officer to subject infective animal to tests – If the Veterinary Officer suspects that any animal is infective, he may subject it to such tests as may be prescribed and the owner or person incharge or having control of such animal shall render every facility and assistance to him in carrying out the tests.

Subject to such rules as may be prescribed, the Veterinary Officer 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

13. Power of Veterinary Officer to carry out post-mortem examination – Subject to such rules as may be prescribed, the Veterinary Officer 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 cause the carcass of any such animal to be exhumed.

14. Prohibition of sale or transfer of infective animals – Whoever sells or transfer, or attempts to sell or transfer, in any manner to another person any animal which he knows, or has reason to believe to be infective shall, be punished with time which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to construction to one hundred rupees.

(c) the bull dies or is certified by the Veterinary Officer to have been effectively castrated in the prescribed manner.

24. Inspection of bulls – The Veterinary Officer may, by order, require any person keeping a bull to submit it for inspection at any reasonable hour by himself or by any officer or person deputed by him for the purpose, either at the place where the bull is kept for the time being or at any other suitable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for

inspection accordingly and render all reasonable assistance in connection with such inspection to the officer or person concerned.

25. Power to order castration – (1) The Veterinary Officer may by order, require any person keeping a bull which, in his opinion, has attained the prescribed age and in respect of which there is no licence for the time being in future to have to it castrated in the manner specified in the order within one month from the date of the service of the order.

(2) Such castration shall be performed or caused to be performed by the Veterinary Officer free of charge, unless the person keeping the bull desires to make his own arrangement for complying with the order.

(8) If the person keeping the bull fails to comply with the order within the time allowed under sub-section (1), the Veterinary Officer shall get the bull castrated in the prescribed manner free of charge.

26. Production of Licence – A person who keeps a bull, in respect of which a licence has been granted and is in force, shall produce such licence within a reasonable time, at any place where the bull for the time being kept on demand made by the Veterinary Officer.

27. Power of Veterinary Officer to castrate bulls – (1) If the Veterinary Officer is unable to ascertain, after an inquiry in the prescribed manner or other wise, the person in whose ownership, possession or custody a bull is for the time being, he may seize the bull or caused it to be seized and, if he is of the opinion that the bull has attained the prescribed age and is unsuitable for breeding purpose on any of the grounds specified in sub-section (1) of section 21, may cause the bull to be castrated and marked free of charge in such manner and with such mark as may be prescribed.

(2) Every bull seized under sub-section (1) shall, after it has been castrated and marked, where necessary, be sent to a Pinjrapole or infirmary recognized by the State Government in this behalf or sold by public auction; and the proceeds of such sale, if any, shall be credited to the Consolidated Fund of the State in the prescribed manner after deduction the cost of maintenance and arrangement for sale of the bull to be calculated in the prescribed manner.

(3) If the owner of the bull seized under sub-section (1) appears before the Veterinary Officer within such time as may be prescribed in this behalf and proves in the satisfaction of the officer that the bull is owned by him.

(i) In case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deduction there from the costs of maintenance and arrangements for sale of the bull; and

(ii) In any other case, the bull shall be delivered to the owner on payment of the cost of its maintenance;

Provided that the owner shall not be entitled to anything. If the bull dies before the sale or as the case may be, before it is delivered to the owner.

28. Power of Veterinary Officer to inspect or mark bulls – For the purposes of this Chapter, a Veterinary Officer or any other officer or person authorized by him in this behalf shall have power at all reasonable times –

(a) to inspect any bull; and

(b) to mark any bull free of charge with a prescribed mark in the prescribed manner

29. Penalty for contravention of other provisions of this Chapter – If a person –

(a) keeps a bull in contravention of the provisions of this Chapter or of any rule made under this Act or of any terms or conditions of a licence;

(b) neglects or fails to submit a bull for inspection when required to do so under section 24;

(c) obstructs or resists castration of a bull as required under section 35; and

(d) neglects or fails to produce a licence when required to do so under section 26;

He shall be punishable with fine which may extend to twenty five rupees and, in the case of a second or any subsequent offence, with fine which may extend to fifty rupees.

Explanation – In this section – “person” includes the authorities of any institution keeping a bull.

30. Chapter not to apply to a bull dedicated to a religious purpose – (1) Nothing contained in this Chapter shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom; provided the bull belongs to the prescribed breed and is approved by the prescribed authority.

(2) The Veterinary Officer may, if he is of opinion that the provisions of clauses (a), (b) or (c) of sub-section (1) of section 21 apply to any bull, cause such bull to be castrated in the prescribed manner or removed to a prescribed place.

CHAPTER V

Miscellaneous

31. Duty of officers to report offence, etc. – It shall be the duty of all persons entrusted with the performance of any duty under the provisions of this Act and of such officers of the Veterinary, Agriculture, Co-operative and Revenue Departments, Gram Panchayats and Police Officers (including chaukidars and dafadars) as may be specified in the rules

(a) to give immediate information to the nearest Veterinary Officer or to the nearest police station of the commission of any offence or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;

(b) to take all pursuable measures in their power to prevent commission of any such offence which they may know or have person in believe is about or likely to be committed; and

(c) to assist any Veterinary Officer or any other officer or person in carrying out the provisions of this Act and the rules made there under.

32. Power to enter and inspect land, premises, etc. – (1) Subject to such rules as may be prescribed, a Veterinary Officer or any officer or person authorized by him in this behalf shall have power to enter into and inspect any land, premises, yard, building, or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

(2) Every person in occupation of any such land, premises, yard, building or vessel or vehicle shall allow the officer or person concerned such access as he may require for the aforesaid purposes and shall answer any question put to him by such officer or person to the best of his knowledge or belief.

33. Officers to be public servants – Every Veterinary Officers, every officer and person authorized by the Veterinary Officer and all persons entrusted with the performance of any duty under the provisions of this Act or the rules made there under shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

34. Delegation of functions – The State Government may, by notification, delegate to any officer of the State Government all or any of its powers or function under sections 5, 7, and 9.

35. Protection of persons acting in good faith – (1) No suit, prosecution or other legal proceeding shall be against any servant of the State Government or any person for anything which is in good faith done or intended to be done under this Act or the rules made there under.

(2) No suit, prosecution or other legal proceeding shall lie against any servant of the State Government or a local authority acting under this Act or the rules made there under without the previous sanction of the State Government or the local authority, as the case may be.

36. Offences to be cognizable – Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence under Chapter II shall be cognizable.

37. Cognizance of offences – No Court shall take cognizance of any offence under this Act, unless upon a complaint made by or under the order of the prescribed authority.

Sec. 38] Bihar Preservation & Improvement of Animals Act, 1955 Part V [1]

38. Power to make rules – (1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for –

(i) the manner in which a report required in sub-section (4) of section 5 shall be made;

(ii) the manner in which a notification issued under sub-section (1) of section 7 may be published;

(iii) the kinds or classes of animals which shall be vaccinated and inoculated in respect of each contagious disease referred to in sub-section (1) and the manner in which an animal may be marked under sub-section (2) of section 8.

(iv) the manner in which an application may be made under sub-section (2) of section 10;

(v) the manner in which the expense referred to in sub-section (2) of section 10 shall be calculated;

(vi) the issue of an order by a Veterinary Officer under section 11;

(vii) the tests to which an animal may be subject under section 12;

(viii) a post mortem examination of an animal under section 13;

(ix) the manner in which an animal may be dealt with under section 19;

(x) the enumeration of contagious diseases for the purposes of section 19;

- (xi) the manner in which and the authority to which an appeal may be preferred under section 22;
 - (xii) the procedure for, and other matters (including fees) incidental to, the disposal of appeals under section 22;
 - (xiii) prescribing the breed of the bull and the authority by whom it shall be approved under section 30;
 - (xiv) any section to be taken by a Veterinary Officer or any other officer or person authorized by him under section 32;
 - (xv) the circumstances in which duplicate of licence may be granted and the fee which may be charged for the grant of such duplicates;
 - (xvi) the powers to be exercised and the duties to be performed by officer appointed under this Act and the procedures to be followed by such officers in the discharge of their functions under this Act;
 - (xvii) the services of notices and orders issued under this Act; and
 - (xviii) all matters expressly required or allowed by this Act to be prescribed;
- (3) In making rules under sub-section (1) and (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.