

**STANDING COMMITTEE ON AGRICULTURE**  
**(2006-2007)**

FOURTEENTH LOK SABHA

**MINISTRY OF AGRICULTURE**

(DEPARTMENT OF ANIMAL HUSBANDRY, DAIRYING AND  
FISHERIES)

**THE PREVENTION AND CONTROL OF INFECTIOUS AND  
CONTAGIOUS DISEASES IN ANIMALS BILL, 2005**

THIRTY-FIRST REPORT



**LOK SABHA SECRETARIAT**  
***NEW DELHI***

MAY, 2007/ VAISAKHA, 1929 (Saka)

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Presented to Lok Sabha on 16.5.2007

Laid in Rajya Sabha on 16.5.2007



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## <CONTENTS>

	PAGE
<b>COMPOSITION OF THE COMMITTEE.....</b>	(iii)
<b>INTRODUCTION.....</b>	(v)
<b>PART I</b> An Overview	1
<b>PART II</b> Clause-wise Analysis	13

### APPENDICES

Appendix – I	Minutes of the Sitting of the Committee held on 3.5.2006	29
Appendix – II	Minutes of the Sitting of the Committee held on 18.10.2006	31
Appendix – III	Minutes of the Twelfth Sitting of the Committee held on 15 May, 2007	34

### ANNEXURE

The Prevention and Control of Infectious And Contagious Diseases in Animals Bill, 2005	36
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**Composition of the Standing Committee on Agriculture (2006-2007)**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS**  
**LOK SABHA**

2. Shri Ranen Barman
3. Shri Anil Basu
4. Shri Manoranjan Bhakta
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29. Shri Sharad Anantrao Joshi
30. Shri M. Rajasekara Murthy
31. ^Vacant

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| 4. | Shri N.S.Hooda    | - | Deputy Secretary           |
| 5. | Shri Sreekanth S  | - | Senior Executive Assistant |

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^ Shri Debabrata Biswas, who was a member of this Committee has been nominated to Committee on Chemicals & Fertilizers w.e.f. 3.5.2007 Vide LS Bulletin Part-II, Para No.3596, dated 7.5.2007.

## INTRODUCTION

I, the Chairman, Standing Committee on Agriculture, having been authorized by the Committee to submit the Report on their behalf, present this Thirty-First Report on 'The Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2005' pertaining to the Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries).

2. One of the functions of the Standing Committee on Agriculture as laid down in Rule 331 E (1) (b) of 'The Rules of Procedure and Conduct of Business in Lok Sabha' is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, as the case may be, and make Report thereon. In pursuance of this Rule, Honourable Speaker referred 'The Prevention And Control Of Infectious And Contagious Diseases In Animals Bill, 2005' to the Committee on 9th January, 2006 for examination and Report.

3. The Committee devoted three sittings viz. on 3<sup>rd</sup> May, 2006, 18<sup>th</sup> October, 2006 and 15<sup>th</sup> May, 2007 for detailed examination of the Bill. On 3<sup>rd</sup> May and 18<sup>th</sup> October, 2006, the Committee took evidence of the representatives of the Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries). The Committee considered and adopted the report at their sitting held on 15<sup>th</sup> May, 2007. The Committee express their thanks to the representatives of the Ministry for making available the material and other information desired by the Committee in connection with the examination of the Bill.

**NEW DELHI;**  
**15 May, 2007**  
**25 Vaisakha, 1929 (Saka)**

**PROF. RAM GOPAL YADAV**  
***Chairman,***  
***Standing Committee on Agriculture***

**REPORT**  
**PART I**  
**AN OVERVIEW**

1. India is the highest producer of milk and is also having the largest number of livestock population. In spite of India's position as the world's highest producer of milk, productivity per animal is very low. One of the major factors responsible for low productivity is susceptibility of animals to various diseases and inadequate availability of feed and fodder.

2. Increased trade in livestock and its products globally have also added to the risks of introduction of new and exotic diseases to our country. Prevention of loss due to various diseases require proper health care system, which can deal with the problems arising out of deficiencies of minerals, vitamins, etc. and infectious diseases – bacterial, viral and parasitic. To reduce morbidity and mortality amongst livestock, government is making efforts to provide better health care through polyclinics, veterinary hospitals, dispensaries and first-aid centers including mobile veterinary dispensaries which are supported by diagnostic laboratories for reliable diagnosis of diseases.

3. As infectious and contagious diseases are not restricted to specific State borders and can spread across the country, a Parliamentary legislation applicable to the length and breadth of the country alone can meet the needs of the situation. Some of these diseases have serious implications for public health also being zoonotic in nature. The movement and transportation of animals from one part of the country to another, having become faster and more commonly in vogue, the spread of contagious diseases has also become easier.

4. India is a member of the Office International Des Epizooties (OIE), Paris. It is the only inter-governmental world organisation, whose aim is international coordination in the matters of animal health and animal welfare. It was created by the International Agreement in 1924. In order for India to import/export animals and animal products (including milk, eggs, meat and other products/by-products) recognition by the OIE as regards freedom from particular disease/diseases in the country is necessary. This recognition is accorded by the OIE to the member countries, subject to the fulfilment of certain requirements, as

prescribed in the International Animal Health Code of OIE now called as Terrestrial Animal health Code. OIE has classified animal diseases according to their spreadability and adverse effects on livestock economy.

5. The aim of the Terrestrial Animal Health Code is to assure the sanitary safety of international trade in terrestrial animals and their products. This is achieved through the detailing of health measures to be used by the veterinary authorities of importing and exporting countries to avoid the transfer of agents pathogenic for animals or humans, while avoiding unjustified sanitary barriers.

6. OIE requires member countries to report incidence of specified Infectious and Contagious Animal Diseases within a specified period of time. The responsibility of sending correct information about such diseases vests with the veterinary administration of the Central Government.

7. Economic loss arising from contagious diseases such as Foot and Mouth Disease, Ranikhet disease, Haemorrhagic Septicaemia and Black Quarter are enormous. Some of the animal diseases such as Tuberculosis, Brucellosis, Avian Flu and Rabies are zoonotic in nature, i.e., these are communicable to human beings and, therefore, the effectiveness of the legal and other measures to control animal diseases also has, in many cases, a human health angle. While creation of awareness about the diseases and popularization of measures such as vaccination, to some extent, contribute to control the diseases, however, no appreciable results will be seen unless a law relating to prevention and control of animal diseases is in place, so as to enforce notification of infectious diseases and to implement control measures in the entire country. The absence of such a law is also hampering the efforts to augment export of livestock products including milk and milk products as the concerned international organizations and many importing countries regard it as an indication of the ineffectiveness of the ongoing efforts to make the country or at least zones within it, free from certain infectious diseases. Efforts to ensure better livestock health in the country include prevention of ingress of diseases from outside the country and prescribing and ensuring standards for veterinary drugs, vaccines and formulations.

8. The Department of Animal Husbandry, Dairying and Fisheries in the Ministry of Agriculture has formulated the proposal to enact a



Central legislation for Prevention of the Infectious and Contagious Animal Diseases under Article 253 of the Constitution to bring in a uniform law throughout the country to take care of outbreak of diseases in animals and for the effective control and containment of infectious and contagious diseases, including zoonotic diseases, and to prevent the spread thereof.

9. The Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2005 was introduced in the Rajya Sabha on December 21, 2005. The Bill was referred to the Standing Committee by Hon'ble Speaker, Lok Sabha on 09 January, 2006 for examination and Report.

10. The Bill has been brought to (a) prevent, control and eradicate infectious diseases affecting animals (b) prevent the spread of such diseases from one State to another, and (c) fulfill requirements of the International Animal Health Code.

11. The Bill seeks to repeal (i) Glanders and Farcy Act, 1899, (ii) The Dourine Act, 1910 and (iii) any other law of any State inconsistent with the provisions of the Bill.

The Bill, *inter-alia*, seeks to provide for:

- (i) monitoring, effective control and containment of infectious and contagious diseases which normally afflict animals so as to prevent the spread of the diseases and in due course eradicate them from the nation as a whole;
- (ii) spelling out the diseases and declare certain areas as "controlled area" vis-à-vis any particular disease;
- (iii) getting freedom from a specific disease in respect of the specified areas for facilitating the international trade of livestock and livestock products;
- (iv) effective control, containment and eradication of infectious diseases from the country, by declaring the controlled areas;
- (v) imposing of restrictions to regulate the movement of diseased animals;
- (vi) allowing free movement of vaccinated and marked animals within the specified area;
- (vii) ensuring protection from disease and eliminating the possibility of spreading of infection to healthy animals;
- (viii) facilitating the implementation of the regulatory measures by providing check posts and quarantine stations.

- (ix) Adoption of improved animal husbandry practices by the livestock owners coupled with timely immunizations and treatment of affected animals along with effective prevention of spread of disease pathogens.

12. With reference to areas declared as ‘controlled areas’, several restrictions are proposed to be imposed to regulate the movement of diseased animals, while vaccinated and marked animals would be allowed free movement within the area. The regulatory measures that are incorporated in the Bill are intended to ensure protection from disease and to eliminate the possibility of spreading of infection to healthy animals. The concept of check posts and quarantine stations provided in the Bill would facilitate the implementation of the regulatory measures.

13. A chapter in the Bill is also devoted to the declaration of the ‘infected areas’ by notice duly published. This power is to be exercised by the Veterinary Officer having jurisdiction in that area, since immediate action would be required to be initiated. Consequent upon such declaration, restrictions relating to ‘controlled area’ would, mutatis mutandis apply to ‘infected area’ as well. Once the area is free from infection, it can be declared as such and restrictions shall also stand relaxed.

14. It would be made obligatory on the part of the owner of the livestock which is suffering from or is suspected to be suffering from any disease to report the matter to the nearest Village Officer or wherever possible to the Veterinarian. Similarly, if any person comes to know or has reasons to believe that an animal is suffering from a scheduled disease, he would be obliged to report the matter to the Village Officer or the Veterinary Officer.

15. Entry and exit of animals duly immunized will not be hampered. The appointment of officers and authorities, the obligation to issue the vaccination certificate, the mandatory provisions to clean and disinfect vessels or vehicles carrying animals, the power of entry and inspection for the concerned authorities, etc., are all included and they are intended to facilitate the proper enforcement of the legislation. Euthanasiation of infected animals, disposal of carcass, post mortem examination of animals, etc. has also been provided for to ensure that the infectious or contagious diseases do not spread.

16. The detailed penal provisions have been included to ensure the effective and proper enforcement of various provisions contained in the Bill. A provision has also been made to safeguard against the escape of causative agent during the process of production or handling of vaccines. The Bill also contains provisions for tackling zoonotic diseases, which are communicable to human beings from livestock and vice versa.

**17. The Committee have gone through the Bill threadbare and clause-wise comments have been given in Part II of this Report. The clauses, which have not been covered/commented upon in the Report, are found to be in order, however, these clauses may be amended to the extent of their inconsistency with the amendments suggested by the Committee. Some of the important recommendations of the Committee which have far reaching effects on the implementation of this Bill have been summarized hereunder.**

**18. The Committee strongly recommend that Government should set up a Central Veterinary Research Institute on the line of Indian Council of Agricultural Research at their earliest so that the research work in all-round development of animal health and also zoonotic diseases can be coordinated and expedited.**

**19. The Committee note that some of the diseases, originate from animals and spread to human beings as communicable diseases. As was done in the recent outbreak of Avian Influenza, there should be a close coordination and cooperation between the medical and veterinary people for setting up an investigation system for communicable and zoonotic diseases, which is very important for the national security. There are more than 100 diseases, which are communicable from animal to man and some of these are very**

dangerous. The Government should incorporate a suitable clause in the Bill to help control these communicable diseases. There should be a network of disease investigation system in the country. For such a vast country, containment labs at regional levels should be set up on the line of the High Security Animal Diseases Laboratory at Bhopal which is one of the 10 such laboratories, ranking sixth in the world. The Committee are perturbed to know that there is no such lab for detecting/diagnosing human diseases which may be caused by any chemical or biological invasions in our country. When 'SARS' entered the country, there was no such lab to diagnose and treat the human beings suffering from the disease. Fortunately, it disappeared soon and we were safe. The Government have to be on alert and see what are the new diseases coming to our country through import of animals. When diseases enter, how quickly we can diagnose, detect and prevent their entry in our country, is the basic need to provide national security against the import of infectious diseases. There are 42 animal diseases which are not present in our country. The Animal Diseases Lab. at Bhopal is doing work on 8 to 10 such diseases, 5 of these are foreign e.g. African Swine Fever, Porcine Respiratory & Reproductive Syndrome, Arthritis & Encephalitis, Augeszky's disease and Rabbit Hemorrhagic Disease.

20. In KVKs, there should be awareness camps for farmers who own and rear cattle and buffaloes for disseminating information about the common diseases of the animals. The Committee have noted that 16 diseases entered India through import of superior germplasms. Therefore, they recommend that a Veterinarian should form part of KVKs.

**21. Local language and vernacular press should be used to inform the local people about the ‘infected’ and/or ‘controlled area’. The Panchayat of the area should be made responsible for bringing awareness among the people of its area, which may be done by chowkidar or through a drum-beater making announcement of the same by going through the length and breadth of the affected village/area.**

**22. The Committee recommend that farmers should also be made aware of the option of insuring their animals against life threatening diseases. Village officers/Panchayats should be made responsible for the animal insurance awareness programme.**

**23. In our country, we don’t have enough number of Veterinary hospitals or dispensaries and those in operation, are not fully equipped to deal with emergency situations and complications that may arise. The owners, mostly unaware of the causes of diseases, try to cure their animals with their local methods. The Government should conduct a survey of the availability of such veterinary hospitals/dispensaries and plan in such a way that there should be a veterinary dispensary in every village, whose economy is dependent on agriculture and milch animals or poultry etc. Till such time the permanent dispensaries are set up, mobile dispensaries should be put in use, so that the diseased animals can be treated in their place, instead of taking them to a distant hospital/dispensaries for treatment. Sufficient budgetary provisions should be made to set up such mobile and permanent dispensaries, as the owners cannot afford to take their diseased animals by a motor-vehicle to a distantly placed hospital/dispensaries. Moreover, in remote parts of**

our countryside, the motor vehicles are not even available to carry such animals.

24. The owner of the animal will first identify that the animal is not well and then he/she will inform the veterinarian and after that it is the duty of Veterinarian to identify the disease from which the animal is suffering. Government officers can't be exonerated for laxity in their duty/responsibility of taking care of diseased animal in any village. Once he is informed of the illness of an animal, it is his duty to arrange for its cure. Government should keep in mind that officers should not be given wide powers that they punish and impose penalty on the already suffering farmers.

25. Veterinary infrastructure is very poor in our country. We are not able to provide a veterinary surgeon per 5000 animals, which is said to be the minimum requirement. There is a need for mobile polyclinics. New research in medicines and vaccines are needed along with medicinal requirements and treatment of animal and zoonotic diseases.

26. Committee are of the view that the Union Government should help in setting up of Veterinary Universities' in every State and the test and research labs should be set up within the reach of poor farmers to diagnose the disease relating to poultry or animals immediately. Government of India should also provide funds to every State for setting up of test labs and one such test lab should be set up for 10-15 villages depending on the population of animals in that area and the staff for these labs could be trained at the Veterinary Universities.

27. Committee have been informed that the use of oxytocin injection is prohibited by the Government, but the problem is how to prevent its use, how to execute the existing law and for that, sufficient number of Village Officers/Veterinary officers need be appointed to execute the law and adequate funds should be provided for the same. There is no research laboratory in the country to deal with the effects of biological weapons. If the enemy releases some organism, there is no research facility to deal with such situation. We can design a laboratory; we have the competency but it needs to be utilized.

28. The Committee note that no qualifications has been prescribed for the Village Officer to be appointed for the purposes of this Bill. They therefore, recommend that the minimum qualification for appointment of a Village Officer should be given either in the Act itself or in the rules to be framed later on, so that it can uniformly be applied all over India to avoid arbitrary appointments by the State Government Authorities.

29. The Committee recommend that vaccination certificates should be issued in the vernacular language of the State so that the local people can easily understand the contents of the certificate.

30. The Veterinary Officer, after examining the animal may decide for euthanasia. The Committee recommend that he should also evaluate the animal's market price keeping in view its age, and usefulness to the owner and award compensation through state exchequer, which may be paid to him within 30 days of euthanasia of the animal. The Committee also recommend that since word Euthanasia is generally used for mercy killing with the consent of a

**person, and in case of animal, the consent of the animal cannot be obtained in a legally acceptable manner, so the advisability of using the word euthanasia, in this Bill, needs to be re-examined.**

**31. The Committee are of the opinion that in rural areas, where almost all our agrarian activities depend on the domestic animals, the Department of Animal Husbandry, Dairying and Fisheries of Ministry of Agriculture, should create a separate cell or division at the national level to specially deal with animal's health to implement the provisions of the Bill more effectively.**

**32. The Committee are of the strong opinion that the members of the governing body working as full time directors/managers or in any other capacity, of any company are in knowledge of and responsible for all actions of the company, and hence they should also be held responsible individually and collectively for the offences committed by the company. Therefore, they recommend that proviso to Clause 34 (1) should be deleted.**

**33. The Schedule of diseases attached to the Bill under Sections 2(o) and 38 may be replaced by species-wise diseases schedule.**



## PART – II

### CLAUSE-WISE ANALYSIS

#### Clause 2

1. Clause 2 deals with ‘Definitions’

Clause 2 (r) has been defined as under:

“Village Officer”, in relation to a village, means any person who is authorised or designated as such by the State Government.

2. **The Committee note that no qualification has been prescribed for the Village Officer to be appointed for the purposes of this Bill. They therefore, recommend that the minimum qualification for appointment to the post of Village Officer should be given either in the Act itself or in the rules to be framed later on, so that it can uniformly be applied all over India to avoid arbitrary appointments by the State Government Authorities.**

#### Clause 4

3. This clause makes Reporting of Scheduled diseases obligatory. The Committee note that under Clause 4, the concerned person, owner, non-governmental organization, public bodies or the Village Panchayat in charge of an animal, which he or it has reason to believe to be infective of a scheduled disease, shall compulsorily report the fact to the Village Officer, and, wherever possible, also report the same in writing to the nearest available veterinarian and the person reporting shall be given an acknowledgement thereof in writing.

4. **The Committee feel that in remote rural areas, the person in charge of a diseased animal may not have enough time at his disposal to go to a veterinarian, whose office may be situated at a distant place. Moreover, the person may not be literate enough to**

report the same in writing. So it is recommended that he may also be allowed to report orally to the Village Officer or the Village Panchayat, who may in turn report the same to the veterinarian, so that all necessary measures to prevent the outbreak or spread of any schedule disease can be resorted to.

5. The Committee also feel that the onus of reporting an infected animal to the Village Officer, should not be solely on the owner of the animal. The Village Officer/Veterinarian should be equally responsible for detection of the infected animals under his area of jurisdiction. The Committee therefore recommend that the owner and the Government authorities concerned should be held equally responsible insofar as detection/reporting of the disease is concerned. The Village Officer should periodically visit (say once a week) the area under his charge for detecting and reporting any outbreak of the disease.

**Clause 2 (m), 6 & 20**

6. Clause 2 (m) reads as under:

“Publication” includes propagation of information through the media or newspaper or any other mass media;

Clause 6 deals with Notification of controlled areas and free areas, and reads as under:

‘6(1) The State Government may, with the object of preventing, controlling or eradicating any scheduled disease, by notification, declare any area to be a controlled area in respect of any scheduled disease affecting any species of animal and

any other species that may be susceptible to the disease specified in the said notification.

- (2) The State Government shall also cause the substance of the notification issued under sub-section (1) to be published in a local newspaper in the vernacular language.'

7. Clause 20 deals with 'Declaration of infected areas' and reads as under:

'If the Veterinary Officer, upon receipt of a report from a Veterinarian or otherwise, is satisfied that, in any place or premises falling within his jurisdiction, an animal has been infected with any scheduled disease, or that an animal, which he has reason to believe, has been so infected, is kept, may, by notification and publication in at least one local newspaper in the vernacular language, declare such area as he may deem fit (including the place or premises aforesaid) to be an infected area.'

**8. The Committee note that as per Clause 2 (m) 'publication' includes propagation of information through the media or newspaper or any other mass media. The Committee are of the opinion that in far flung areas to declare any place as infected area, this kind of publication of notification needs to be expanded to include other effective means of local communication including chowkidar declaration in loud voice and by beating drums in every nook and corner of the village as this practice is prevalent in rural inhabitations or through Gram Panchayat.**

### **Clause 9**

9. Clause 9 deals with 'contents of vaccination certificate' and reads as under:

‘Every vaccination certificate issued under this Act shall be in such form and shall contain such particulars as may be prescribed by the Central Government’.

**10. The Committee recommend that such vaccination certificates should be issued in the vernacular language of the State so that the local people can easily understand the contents of the certificate.**

### **Clause 19**

11. Clause 19 which deals with powers of entry and inspection, reads as under:

‘Any Veterinary Officer or other Competent Officer may enter upon and inspect any land or building or place, vessel or vehicle, for the purpose of ensuring compliance of the provisions of this Act or the rules or orders made thereunder, by the persons responsible for such compliance’.

**12. The Committee recommend that this Clause may be read as 19 (1) and a new clause ‘19 (2)’ may be added as follows:**

**Any Veterinary Officer or other Competent Officer appointed under this Act, vexatiously and unnecessarily enters or searches a place, or detains any animal on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.**

### **Clause 23 & 24**

13. Clause 23 deals with ‘segregation, examination and treatment of infected animals’

Clause 23 (3) reads as under:

‘On receipt of a report from the Veterinarian, the Veterinary Officer shall, as soon as possible, examine that animal, as well as any other animal, which could have come in contact with it, and for that purpose, submit the animal to such test and medical examination as may be required under the circumstances’.

14. Clause 24 (1) (2) deal with ‘drawing samples from diseased animals’ and reads as under:

‘24 (1) Where the Veterinary Officer considers it necessary for the purpose of ascertaining whether the animal which is suspected to have been infected with any scheduled disease or susceptible to such infection, is actually infected, or for the purpose of ascertaining the nature of the scheduled disease with which an animal is infected, he may draw such samples, as may be required, from the animal for the purpose of carrying out such investigations as he may deem necessary under the circumstances.

- a. The Veterinary Officer or any other Competent Officer shall draw samples from any animal for the purposes of ascertaining whether the animal has been vaccinated against any disease, or whether the vaccination of the animal has been effective in conferring it immunity and have the sampled examined, in such manner as he may deem necessary.’

**15. The Committee note that under Clause 23 (3) and Clause 24 (1) and (2), the infected animal should be put to such test and medical examination as may be required and samples may be taken for investigation of the causes of that disease or to ascertain about the vaccination of any animal against any disease by the Veterinary Officer. Since the diagnostic facilities for animal disease are deficient in our country, the Committee recommend that fully equipped veterinary diagnostic laboratory with adequate staff should be set up in every district, which may be headed by**

**veterinary specialists on the lines of pathological labs for human beings and one veterinary aid centre and one mobile dispensary should be set up in each of the blocks in all the States and Union Territories for quick and reliable diagnosis of animal diseases and to keep them under control.**

**Clause 25**

16. Clause 25 gives power to the Veterinary Officer to resort to euthanasia for infected animals. It reads as under:

‘If the Veterinary Officer deems it necessary that an animal, which is infected with a scheduled disease, euthanasia has to be resorted to, for preventing the spread of the disease to other animals in the area, he may, notwithstanding anything contained in any other law for the time being in force, by an order in writing, direct euthanasia of the animal and the carcass disposed off immediately to his satisfaction’.

17. **The Committee feel that there are certain animals which are prohibited to be killed under certain Central/State Acts and therefore, a proviso needs to be added to this clause clearly stating as to which of the animals cannot be killed by euthanasia.**

18. **The Committee have noted that in case of castrating a horse or destroying a mare by a veterinary practitioner, there was a compensation clause in ‘The Dourine Act, 1910’ which is being repealed by the present Bill. However, no compensation clause has been added to this Bill, in case the animal’s death is caused by euthanasia. They, therefore, recommend that the owner of the animal should be adequately compensated for the animal whose**

death has been caused by euthanasia, as the owner may have been earning his livelihood through that animal only and in case of its death, he may not be in a position to buy a new animal due to his impoverishment or the value of the animal being high and hence beyond his means.

19. The Committee also recommend that the present Clause may be read as 25 (1) and a new Clause 25 (2) may be added as under:

‘The Veterinary Officer, after examining the animal, decides for euthanasia, should evaluate the animal’s market price keeping in view its age and usefulness to the owner and award compensation through state exchequer, which may be paid to him within 30 days of euthanasia of the animal’.

#### **Clause 28 & 29**

20. Clause 28 deals with ‘Seizure and removal of certain animals’ and reads as under:

‘Where any animal which is infected or suspected to have been infected is found without any person claiming to be its owner, or where a valid order or direction given in relation to any such animal, is not promptly complied with by the owner or other person in control of the animal, it shall be open to the Veterinary Officer or any other Competent Officer, to seize the animal and remove it to a place of isolation or segregation, as he may deem proper’.

21. Clause 29 deals with ‘Enforcement of orders and recovery of expenses’ and reads as under:

29 (1) Where by any rule, notification, notice, requisition, order or direction made under this Act, any person is required to take any measure or to do anything

- (a) in respect of any animal, carcass of any animal or other thing in his custody or charge, the same shall be promptly complied with by that person;
- (b) in case of any stray or ownerless animal, carcass of such animal or parts thereof, the same shall be promptly complied with by the municipality or Panchayat, as the case may be, at its cost.

(2) If the measures as referred to in sub-section (1) are not taken within such time as may be allowed for the purpose, the authority issuing the notice, requisition, order or direction, may cause the measures to be taken at the cost of the person or municipality or Panchayat, as the case may be, who or which was required to take the measures.

(3) The costs of any measures taken under sub-section (2), shall be recoverable from the person or the municipality or Panchayat, as the case may be, concerned in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of fines imposed by a Court, as if such costs were a fine imposed by a Court.

**22. The Committee have been informed that Veterinary Officer can resort to action concerning infected animals under Clause 25 or issue direction to the Municipality/Panchayat in case of stray or ownerless animals at its cost under the provisions of Clause 29 (1) (b) read with 29 (3). However, the field experience shows that most of the Village Panchayats or small municipalities do not have the facilities to look after the stray animals as directed under Clause 28. The Panchayats need extra budget to provide suitable accommodation for the diseased/infected stray animals which may be seized for removing it to a place of isolation or segregation from other animals. For this purpose the financial memorandum may have to be amended to accommodate this additional expenditure for**



**keeping the diseased/infected stray animals in a segregated/isolated place. All the Panchayats or Municipalities may be empowered to draw a budgeted amount from the State exchequer.**

**Clause 30**

23. Clause 30 deals with ‘Village Officers, etc; to assist’ and reads as under:

‘All Municipal, Panchayat or Village Officer and all officers of the rural and dairy development, revenue, agriculture, animal husbandry and veterinary departments of the State Government, shall be bound-

- (a) to give immediate information to the Veterinary Officer and to the Veterinarian having jurisdiction in the area regarding the prevalence of a scheduled disease amongst any animal or species of animals, in the area;
- (b) to take all necessary measures to prevent the outbreak or spread of any Scheduled disease; and
- (c) to assist the Veterinary Officer and the Veterinarian in the discharge of their duties or in the exercise of their powers under this Act.’

24. **The Committee note that under this Clause all Municipal, Panchayat or Village Officers of different departments of the State Government will assist the authorities in providing information about the prevalence of scheduled disease amongst any animal or species of animals, in a particular area. The Committee are of the opinion that in rural areas, where almost all our agrarian activities depend on the domestic animals, the Department of Animal Husbandry, Dairying and Fisheries of Ministry of Agriculture, should create a separate cell or division at the national level to**

**specially deal with animal's health instead of depending on the assistance of the abovementioned authorities to implement the provisions of the Bill more effectively.**

**Clause 31**

25. Clause 31 deals with 'penalty for issuing vaccination certificate without authority or administering defective vaccine'. It reads as under:

‘If any person issues a vaccination certificate –

- (a) without authority or competence in that behalf, or
- (b) after administering the vaccine which is known to be defective in any manner,

he shall be guilty of an offence punishable with a fine of two thousand five hundred rupees or in case of non-payment of fine with imprisonment which may extend to one month, and in the case of any subsequent offence, with fine of ten thousand rupees or with imprisonment which may extend to three months’.

**26. The Committee are of the opinion that a fine of rupees two thousand five hundred for issuance of a vaccination certificate without authority or competence or with the knowledge of defectiveness of the vaccine is too less as the penalties for such an offence committed by a government official/veterinarian should be severe and harsher than what's laid down at present so that it could serve as an effective deterrent. Hence, the Committee recommend that the fine should be raised to rupees five thousand and the words 'two thousand five hundred rupees' should be replaced with 'five thousand rupees' and the remaining clause may read as it is.**

### **Clause 32**

27. Clause 32 deals with 'penalties'. It reads as under:

'Any person who contravenes the provisions of this Act or obstructs the Competent Officer in performing his duties shall be guilty of an offence punishable with fine which may extend to five hundred rupees, and in case of failure to pay the penalty with imprisonment for a term which may extend to one month; and in the case of any subsequent offence (whether under the same provision or any other provision of this Act except in case of sections 31 and 33) with a fine of one thousand rupees, or with imprisonment for a term which may extend to two months in case of non-payment of the penalty.'

**28. The Committee note that the offence committed under this Act shall be punishable with fine which may extend to rupees five hundred and in case of failure to pay the penalty with imprisonment for a term which may extend to one month, and for subsequent offences, the fine will increase to rupees one thousand or with imprisonment which may extend to two months, in case of non-payment of penalty. It means that rupees five hundred has been equated with a term of one month imprisonment which does not seem to be commensurate with the fine. The Committee feel that the fine and imprisonment should act as a deterrent for obstructing a competent officer in performing his official duties. They, therefore, recommend that the fine for first offence should be raised to one thousand rupees and for subsequent offence the fine should be raised to two thousand rupees and the clause may be amended accordingly.**

### **Clause 33**

29. Clause 33 deals with ‘penalty for placing infected animals or carcass in river etc.’ It reads as under:

‘Whoever places or causes or permits to be placed in any river, lake, canal or any other water body, the carcass or any part of the carcass of any animal which at the time of its death was known to be infected, shall be guilty of an offence, and, on conviction, be punished in the case of a first offence with fine of one thousand rupees or with imprisonment of one month in case of non-payment of fine and in the case of subsequent conviction with a fine of two thousand rupees or imprisonment for a term which may extend to three months or with both.’

**30. The Committee feel that placing of infected animals or carcass in the river is a serious offence which leads to pollution and contamination of the river. The Committee are of the opinion that the penalty for first offence should be raised to rupees two thousand and for subsequent offences, the fine should be raised to rupees five thousand instead of rupees two thousand. The Clause may be amended accordingly.**

### **Clause 34**

31. Clause 34 deals with ‘offences by companies’ and reads as under:

‘34(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly:

Provided that nothing contained in this sub-section shall render such person liable to any punishment provided in this Act, if he proves

that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation – For the purposes of this section –

- (a) “company” means any body corporate and includes a co-operative society registered or deemed to be registered under any law for the time being in force, a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm’

**32. The Committee note that proviso to Clause 34 (1) excludes the person(s) in charge of and or responsible to the company for conduct of its business for being punished for offences under this Act, if they could prove that the offence was committed without his/their knowledge. The Committee are of the strong opinion that the members of the governing body working as full time directors/managers or in any other capacity of any company, are in the knowledge of and responsible for the functioning of the company and hence they should also be held responsible individually and collectively for the offences committed by the company. Therefore, they recommend that proviso to Clause 34 (1) should be deleted.**

### **Clause 35**

33. Clause 35 deals with 'Prevention of escape of causative organism'. It reads as under:

'35(1) In every institution, laboratory or clinic, engaged in the manufacture, testing or research, related to vaccines, sera, diagnostics or chemotherapeutic drugs and aimed at the prevention or treatment of any scheduled disease, adequate precautionary measures shall be taken –

- (a) to ensure that the causative organism of any scheduled disease does not escape or otherwise get released;
- (b) to guard against any such escape or release; and
- (c) to warn and to protect everyone concerned in the event of any escape.

(2) Notwithstanding anything contained in any other law for the time being in force, every animal –

- (a) used for the manufacture, testing or research as referred to sub-section (1), or
- (b) which is likely to carry or transmit any scheduled disease, shall be promptly administered euthanasia and disposed of by the person in charge of or having control of the institution, laboratory or clinic, as the case may be, referred to in that sub-section.

(3) Every person who is in charge of or having control of an institution, laboratory or clinic referred to in sub-section (1) comply with the provisions of sub-section (1) and sub-section (2); and in the event of non-compliance he shall be guilty of an offence punishable with fine which may extend to five thousand rupees or imprisonment for a term which extend to six months or with both.'

**34. The Committee are of the opinion that fine imposed under Clause 35 (3) is not commensurate with the period of imprisonment provided for escape of causative organism. They, therefore, recommend that in the event of non-compliance of precautionary measures, the fine should be a deterrent one and it should be minimum of rupees five thousand which may extend to rupees**

twenty thousand and the term of imprisonment should be a minimum of one month which may extend to six months.

**The Schedule**

35. The Schedule of disease attached to the Bill under Sections 2(0) and 38 should be replaced by species-wise diseases schedule.

**NEW DELHI;**  
**15 May, 2007**  
**25 Vaisakha, 1929 (Saka)**

**PROF. RAM GOPAL YADAV**  
*Chairman,*  
*Standing Committee on Agriculture*

**Appendix-I**

**MINUTES OF THE SIXTEENTH SITTING OF THE STANDING  
COMMITTEE ON AGRICULTURE HELD ON WEDNESDAY,  
THE 3<sup>RD</sup> MAY, 2006 AT 1230 HRS. IN ROOM, 'D', GROUND  
FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1230 hrs. to 1300 hrs.

**PRESENT**

Prof. Ram Gopal Yadav – Chairman

**MEMBERS**

**LOK SABHA**

2. Shri Manoranjan Bhakta
3. Shri Girdhari Lal Bhargava
4. Shri Khagen Das
5. Smt. Rupatai D. Patil Nilangekar

**RAJYA SABHA**

6. Smt. Mohsina Kidwai
7. Dr.M.S.Gill
8. Shri Sk. Khabir Uddin Ahmed

**SECRETARIAT**

- |    |                   |   |                  |
|----|-------------------|---|------------------|
| 1. | Shri A.K.Singh    | - | Joint Secretary  |
| 2. | Shri Hardev Singh | - | Deputy Secretary |
| 3. | Shri N.S.Hooda    | - | Under Secretary  |

**WITNESSES**

- |    |                          |                         |
|----|--------------------------|-------------------------|
| 1. | Shri P.M.A. Hakeem       | Secretary (ADF)         |
| 2. | Shri S. K. Bandyopadhyay | AHC                     |
| 3. | Smt. Neerja Rajkumar     | JS(C&DD)                |
| 4. | Smt. Upma Chawdhry       | (JS(A&LH))              |
| 5. | Dr. A.B. Negi            | Joint Commissioner (LH) |
| 6. | Shri M.K. Saha           | Deputy Commissioner(B)  |



At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members and representatives of the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture to the sitting of the Committee and read out the contents of Direction 55 (1) of directions by the Speaker. Thereafter, the Chairman requested the Secretary to introduce his colleagues to the Committee. After the introductions the Secretary gave a brief of the varieties, clauses and statements of objects and reasons of 'The Prevention and Control of the Infectious and Contagious Diseases in Animal Bill, 2005.' He desired that since this Bill is very important in view of the prevalent diseased amongst the animals in India this Bill should be expeditiously passed.

2. The Committee thereafter decided to take evidence of some experts on a later date.

3. A copy of the verbatim proceedings of the meeting has been kept.

*The witnesses then withdrew.*

*The Committee then adjourned.*

**Appendix-II**

**MINUTES OF THE THIRD SITTING OF THE STANDING  
COMMITTEE ON AGRICULTURE HELD ON WEDNESDAY,  
THE 18 OCTOBER, 2006 AT 1100 HRS. IN COMMITTEE  
ROOM 'B', GROUND FLOOR, PARLIAMENT HOUSE  
ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs to 1231 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS**

**LOK SABHA**

2. Shri Ranen Barman
3. Shri Girdhari Lal Bhargava
4. Shri Gadakh Tukaram Gangadhar
5. Shri Prabodh Panda
6. Smt. Rupatai D. Patil Nilangekar
7. Shri Baleshwar Yadav

**RAJYA SABHA**

8. Shri Harish Rawat
9. Dr.M.S.Gill
10. Smt. Mohsina Kidwai
11. Shri Vikram Verma
12. Shri Sk. Khabir Uddin Ahmed
13. Shri Debabrata Biswas
14. Shri Sharad Anantrao Joshi
15. Shri M. Rajasekara Murthy

**SECRETARIAT**

- |    |                   |   |                  |
|----|-------------------|---|------------------|
| 1. | Shri Hardev Singh | - | Deputy Secretary |
| 2  | Shri N.S.Hooda    | - | Under Secretary  |

## WITNESSES

- |     |                        |   |  |
|-----|------------------------|---|--|
| 1.  | Ms. Charusheela Sohoni | - | Secretary (DADF)                       |
| 2.  | Dr. S.K. Bandyopadhyay | - | Animal Husbandry Commissioner          |
| 3.  | Smt. Upma Chawdhry     | - | J.S. (Livestock Health)                |
| 4.  | Dr. A.B. Negi          | - | Joint Commissioner (Livestock Health)  |
| 5.  | Dr. M.K. Saha          | - | Deputy Commissioner (Livestock Health) |
| 6.  | Dr. M.P. Yadav         | - | Vice Chancellor, Meerut University     |
| 7.  | Shri G.K. Sharma       | - | NDDDB                                  |
| 8.  | Dr. H.K. Pradhan       | - | Joint Director (HSADL), Bhopal         |
| 9.  | Dr. Nem Singh          | - | Director, IVRI                         |
| 10. | Dr. R.K. Boyal         | - | General Manager, APEDA                 |

At the outset, the Chairman welcomed the representatives of the Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries), and read out contents of Direction 55 (1) of the 'Directions by the Speaker, Lok Sabha.

2. After the introduction, the Committee took oral evidence of the representatives of the Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries). The Secretary to the department explained various provisions of 'The Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2005' to the Committee viz. containing the diseased animal to specified State borders, transportation of animal from one part of the country to another, creating awareness about zoonotic diseases and obligations under the International Animal Health code etc. The

department officials expressed the need of legislation in order to put statutory responsibility on the owners, Village Panchayats and Municipal Committees/Corporation and to improve the situations of Veterinary dispensaries/ hospitals etc.

3. The Members of the Committee raised some clarificatory queries, some of the points were answered by the Government representatives who assured the Committee to send written replies to the queries which were not resolved during evidence.

4. A verbatim record of the proceeding of the sitting has been kept.

*The witnesses then withdrew.*

*The Committee then adjourned.*

**Appendix-III**

**MINUTES OF THE TWELFTH SITTING OF THE STANDING  
COMMITTEE ON AGRICULTURE HELD ON TUESDAY, THE  
15 MAY, 2007 AT 1500 HRS. IN COMMITTEE ROOM 'B',  
GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW  
DELHI**

The Committee sat from 1500 hrs to 1525 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS**

**LOK SABHA**

2. Shri Ranen Barman
3. Shri Anil Basu
4. Shri Prabodh Panda
5. Shri K.J.S.P. Reddy
6. Shri Chandra Bhushan Singh
7. Shri Baleshwar Yadav
8. Smt. Kalpana Ramesh Narhire

**RAJYA SABHA**

9. Shri Sk. Khabir Uddin Ahmed
10. Shri Sharad Anantrao Joshi

**SECRETARIAT**

- |    |                   |   |                  |
|----|-------------------|---|------------------|
| 1. | Shri S.K. Sharma  | - | Addl. Secretary  |
| 2. | Shri Hardev Singh | - | Director         |
| 3. | Shri N.S. Hooda   | - | Deputy Secretary |
| 4. | Ms. Amita Walia   | - | Under Secretary  |

At the outset, the Chairman, Standing Committee on Agriculture welcomed the members and apprised them that the Draft Report on ‘The Prevention & Control of Infectious and Contagious Diseases in Animals Bill, 2005’ is ready for their consideration and adoption. Then the Report was taken up for clause-by-clause consideration. The Report was unanimously adopted with minor modifications. The Committee then authorised the Chairman to finalise the Report and present to the House on a date and time convenient to him.

*The Committee then adjourned.*