

THE
UNREPEALED GENERAL ACTS
OF THE
GOVERNOR GENERAL IN COUNCIL.

ACT No. III OF 1910.¹

[18th February, 1910.]

An Act further to amend the Indian Penal Code.

WHEREAS it is expedient further to amend the Indian Penal Code ;
It is hereby enacted as follows :—

1. This Act may be called the Indian Penal Code Amendment Act, Short title-
1910.

2. For section 75 of the Indian Penal Code, the following shall be substituted, namely :—

Substitution
of new sec-
tion for sec-
tion 75,
Indian Penal
Code.

“ 75 Whoever, having been convicted,—

(a) by a Court in British India, of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description for a term of three years or upwards, or

(b) by a Court or tribunal in the territories of any Native Prince or State in India acting under the general or special authority of the Governor General in Council or of any Local Government, of an offence which would, if committed in British India, have been punishable under those Chapters of this Code with like imprisonment for the like term,

shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to transportation for life, or to imprisonment of either description for a term which may extend to ten years.”

¹ For Statement of Objects and Reasons, see Gazette of India, 1910, Pt. V, p. 1; and for Proceedings in Council, see *ibid.*, 1910, Pt. VI, pp. 13 and 91, dated 5th February, 1910, and 26th February, 1910, respectively.

ACT No. V OF 1910.

[25th February, 1910.]

An Act to provide for the prevention of the spread of Dourine.

WHEREAS it is expedient to provide for the prevention of the spread of dourine ; It is hereby enacted as follows : —

Short title
and extent.

1. (1) This Act may be called the Dourine Act, 1910.

(2) This section extends to the whole of British India : the rest of this Act extends only to such areas as the Local Government may, by notification² in the local official Gazette, direct.

Definitions.

2. (1) In this Act, the expressions " inspector " and " veterinary practitioner " mean, respectively, the officers appointed as such under this Act, acting within the local limits for which they are so appointed.

(2) The provisions of this Act in so far as they relate to entire horses shall, if the Local Government, by notification as aforesaid, so directs, apply also to entire asses used for mule-breeding purposes.

Registration
of horses.

3. The Local Government may, by notification as aforesaid, make such orders as it thinks fit directing and regulating the registration of entire horses maintained for breeding purposes.

Appoint-
ment of
inspectors
and veteri-
nary practi-
tioners.

4. (1) The Local Government may, by notification as aforesaid, appoint any persons it thinks fit to be inspectors, and any qualified veterinary surgeons to be veterinary practitioners, under this Act, and to exercise and perform, within any area prescribed by the notification, the powers conferred and duties imposed by this Act upon such officers respectively.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

¹ For Statement of Objects and Reasons, see Gazette of India, 1909, Pt. V, p. 96; for Report of Select Committee, see *ibid.*, 1910, Pt. V, p. 27; and for Proceedings in Council, see *ibid.*, 1909, Pt. VI, p. 157, and *ibid.*, 1910, Pt. VI, pp. 13, 90 and 121, dated 5th February, 1910, 26th February, 1910, and 12th March, 1910, respectively.

This Act has been declared in force in the Angul district by the Angul Laws Regulation, 1913 (III of 1913), sec. 3, B. & O. Code, Vol. I.

² The Act has been extended to Coorg, see Coorg Gazette, 1919, Part I, p. 118, to Bombay, see Bombay Gazette, 1919, Part I, p. 3001, to Central Provinces, see C. P. Gazette, dated 11th Nov. 1922, Part I, p. 1151.

5. An inspector may, subject to such rules as the Local Government may make in this behalf,— Powers of inspector.

(a) enter and search any building, field or other place for the purpose of ascertaining whether there is therein any horse which is affected with dourine;^{1*}

(b) prohibit, by order in writing, the owner or keeper of any horse, which in his opinion is affected with dourine, from using such horse for breeding purposes, pending examination by the veterinary practitioner;

²[(c) direct, by order in writing, the owner or keeper of any horse which, in the opinion of the Inspectors, is affected with dourine to remove it or permit it to be removed for the purpose of segregation to a place specified in the order, and such direction shall be sufficient authority for the detention of the horse in that place for that purpose.]

6. An inspector issuing an order under section 5, ³ shall forthwith forward a copy of such order to the veterinary practitioner. Duties of inspector.

7. A veterinary practitioner receiving a copy of an order forwarded under section 6 shall, as soon as possible after receipt of such copy, examine the horse mentioned therein, and may for such purpose enter any building, field or other place. Inspection of horses.

8. A veterinary practitioner may— Powers of veterinary practitioner.

(a) cancel any order issued under section 5, ⁴ ; or

(b) if on microscopical examination [or by other scientific test]⁵ he finds that any horse is affected with dourine,—

(i) in the case of an entire horse, cause it to be castrated,

⁶[(ii) in the case of a mare, with the previous sanction of such authority as the Local Government may appoint in this behalf, or, if so empowered by the Local Government, without such sanction, cause it to be destroyed.]

¹ The word "and" was omitted by s. 2 of the Dourine (Amendment) Act, 1920 (S of 1920).

² This clause was added by *ibid.*

³ The word and letter "clause (b)" were omitted by *ibid.*, s. 3.

⁴ The word and letter "clause (b)" were omitted by *ibid.*, s. 4.

⁵ These words were inserted by *ibid.*

⁶ This sub-clause was substituted by *ibid.*

Compensation for horse destroyed, etc.

9. When any horse is castrated or destroyed under section 8, the market-value of such horse immediately before it became affected with dourine shall be ascertained; and the Local Government shall pay as compensation to the owner thereof—

(a) in the case of a mare which has been destroyed, or of an entire horse which has died in consequence of castration, such market-value, and,

(b) in the case of an entire horse which survives castration, half the amount by which such value has been diminished owing to infection with dourine and castration.

Settlement of compensation.

10. (1) A veterinary practitioner may award, as compensation to be paid under section 9 in respect of each horse castrated or destroyed under section 8, a sum not exceeding two hundred and fifty rupees.

(2) If, in the opinion of the veterinary practitioner, the amount which should be paid as such compensation exceeds two hundred and fifty rupees, he shall report accordingly to the Collector, who shall decide the amount to be so paid.

Committees for hearing appeals.

11. (1) The Local Government shall, by rules published in the local official Gazette, make provision for the constitution of a committee or committees for the hearing of appeals from decisions under section 10.

(2) Such rules shall provide that not less than one member of any committee constituted thereunder shall be a person not in the employ of Government or of a local authority.

Appeals.

12. Any owner may, within two months from the date of a decision under section 10, appeal against such decision to the committee constituted in that behalf by rules made under section 11, and the decision of such committee shall be final.

Vexatious entries and searches.

13. (1) Whoever, being an inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Rules.

14. (1) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules as aforesaid may—

¹[(a) regulate the exercise of the powers conferred on Inspectors under section 5 ;]

(b) regulate the action to be taken by veterinary practitioners under section 8 ;^{2*}

3 * *

(3) All such rules shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted in this Act.

(4) In making any rule under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

15. Whoever uses or permits to be used for breeding purposes— Penalties,

(a) any horse which has not been registered in accordance with the requirements of a notification under section 3, or

⁴[(b) any horse in respect of which an order under clause (b) or clause (c) of section 5 is in force,]

shall be punishable with fine which may amount, in the case of a first conviction, to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act. Protection to persons acting under Act.

ACT No. VI OF 1910.⁵

[4th March, 1910.]

An Act further to amend the Indian Stamp Act, 1899.

WHEREAS it is expedient further to amend the Indian Stamp Act, I of 1899. 1899; It is hereby enacted as follows :—

1. This Act may be called the Indian Stamp (Amendment) Act, 1910. Short title.
- II of 1899. 2. In section 8, sub-section (1), of the Indian Stamp Act, 1899 (hereinafter referred to as " the said Act "), for the words " eight annas per centum " the words " one per centum " shall be substituted. Amendment of Act II, 1899, section 8.

¹ This clause was substituted by section 5 of the Dourine (Amendment) Act, 1920 (8 of 1920).

² The word " and " was omitted by *ibid.*

³ Clause (c) was omitted by *ibid.*

⁴ This clause was substituted for the original clauses (b) and (c) by s. 6 of *ibid.*

⁵ For Statement of Objects and Reasons, see Gazette of India, 1910, Pt. V, p. 33; and for Proceedings in Council, see *ibid.*, 1910, Pt. VI, pp. 115 and 159, dated 12th March, 1910, and 19th March, 1910, respectively.