

Jammu and Kashmir Cattle Trespass Act, 1977

JAMMU & KASHMIR

India

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Act 8 of 1977

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Jammu and Kashmir Cattle Trespass Act, 1977(Act No. 8 of 1977)[Dated 5th November, 1977]An Act to provide for the protection of Wild life and matters concerned therewith or incident thereto.

1. Short title and commencement.

(1)This Act may be called the Jammu and Kashmir Cattle Trespass Act, 1977.(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;(ii)"Cattle" includes buffaloes, bulls, bullocks, camels, cows, domestic elephants donkeys, dogs, goats, horses, mules, pigs and also includes their young ones;(iii)"Officer of Police" includes village watch man and also local area with respect to which a notification is for the time being in force, also any employee of the local authority referred to in that section.

3. Establishment of Pounds.

- Pounds shall be established at such places as the Deputy Inspector General of police of a Province, subject to the general control of the Government from time to time directs.

4. Controls of Pounds, rate of charge for feeding impounding cattle .

- The pounds shall be under the control of the Deputy Inspector General of Police of a province, and he shall fix, and may from time to time alter the rate of charges of feeding and watering impounding cattle.

5. Appointment of Pound Keepers.

- the Deputy Inspector General of Police of a Province shall also appoint for each pound a pound keeper.

6. To register Seizures.

- When a cattle brought to a Pound, the pound keeper shall enter in his register :-(i)The number and descriptions of the animal;(ii)The day and hour on which they brought;(iii)The name and residence of the seizure, and(iv)The name and residence of the owner if known.and shall give the seizure or the owner a copy of the entry.

7. To take charge of and feed cattle.

- The pound keeper shall take charge of, feed and water the cattle until they are disposed of as here in after directed.

8. Cattle damaging Fund.

- The cultivator or occupier of any land or any per son who has advanced cash for the cultivation of the crop or produce of any land, or the vendee or any mortgagee of such crop or produce, or any part thereof, may seize or caused to be seized any cattle trespassing on any land, and doing damage thereto or to any crop and produce thereon, and send them or caused them to be sent within twenty four hours to the pound established for the village in which the land is situated.

9. Cattle damaging Public Roads, Canals and Embankments.

- Persons in charge of public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like and officers of Police, may seize, or cause to be seized any cattle doing damage to such roads, grounds, plantations, canals, drainage works, embankments and the likes or slops of such roads, canals, embankments and shall send them or cause them to be sent within twenty four hours to the nearest pound.

10. Procedure when the owners claims the cattle and pays the fine.

- If the owner of the impounding cattle or his agents, appears and claims the cattle, the pound keeper shall deliver them to him on payment of fine and charges incurred in respect of such cattle.The owner or his agent on taking back the cattle, shall sign a receipt for them in the register kept by the pound keeper.

11. Procedure if cattle is not claimed with in a week.

- If the cattle are not claimed with in the seven days from the date their being impounded, the fact shall be reported back to a Magistrate whom the Magistrate of the District appoint in his behalf. Such Magistrate shall thereupon stick up in a conspicuous part of his office a notice stating (i) the number and description of the cattle, (ii) the place where they were seized, (iii) the place where they are impounded.

12. Delivery to owner disputing legality of seize but making deposits.

- If the owner or his agents appears and refuses to pay the said fine and expenses, on the ground that the seizure was illegal, and the owner is about to make a complaint under section 20, then upon deposits of the fine and charges incurred in respect of the cattle, the cattle shall be delivered to him.

13. Procedure when owner refuses or omit to pay the fine and expenses.

- If the owner or his agents appears and refuses or omits to pay or to deposit the said fines and expenses, the cattle, or as many of them as may be necessary shall be sold by public auction by such Magistrate, at such places and time subject to such conditions, as are referred to in section 14.

14. Deduction of Fines and Expenses.

- The fines livable and expenses of feeding and watering together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

15. Delivery of unsold cattle and balance of Proceeds.

- The remaining cattle and the balance of the purchase money, if any, shall be deliver to the owner or his agents, together with an account showing.

16. Receipts.

- The owner or his agent shall give a receipt for the cattle delivered and for the balance of the purchase money (if any) paid to him according to such account.

17. Officers and pound Keepers not to Purchase Cattle at Sale.

- No Magistrate, Officer of Police, or other Officer or Pound keeper appoint ed under the provisions herein after, shall directly or indirectly purchase any cattle at a sale under this Act.

18. Pound Keepers when not to release impounded Cattle.

- No Pound Keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this Chapter, unless such release or delivery is ordered by Magistrate or Civil Court.

19. Power to make Complaints.

- Any person whose cattle have been seized under this Act, or having been so seized have been detained in contravention of this Act may, at any time within ten days from the date of a seizure, make a complaint to a Judicial Magistrate having jurisdiction.

20. Compensation for illegal seizure or detention.

- If the seizure or detention be adjudged illegal, the Magistrate shall award to the complaint for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees to be paid, by the person who made seizure or detention, together with all the fines paid and expenses incurred by the complaint in procuring the release of the cattle.

21. Release of the Cattle.

- And if the cattle has not being released, the Magistrate shall, besides awarding such compensations order their release and direct that the fines and expenses livable under this Act, shall be paid by the person who made the seizure or detained the cattle.

22. Penalty for forcibly opposing the seizure of cattle or rescuing the same.

- Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever tries to rescues the same, either from the pounder or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred under this Act, shall on conviction before a judicial Magistrate, be punished with imprisonment for a period not exceeding one month, or with fine not exceeding fifty rupees.

23. Recovery of penalty for Mischief committed by causing cattle to trespass.

- Any fine imposed under the next following section or for the offences of Mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not and whether they are the property of a person convicted of the offences or were only in his charge when the trespass was committed.

24. Penalty for damage caused to land or crops or public roads by pigs.

- Any owner or keeper of pigs who through, neglect or otherwise, damages or causes or permits to be damaged any land, or any crop, or produce of land or any public road, by allowing such pigs to trespass thereon, shall on conviction before a judicial Magistrate, be punished with fine not exceeding ten rupees.

25. Penalty on Pound Keeper Failing to Perform a Duty.

- Any Pound keeper releasing or purchasing or delivering cattle contrary to the provisions of section 19 or omitting to provide any impounded cattle with sufficient food or water, or failing to perform any of his duty imposed upon him by this Act, shall, over and above any other penalty to which he may be liable, be punished on conviction before a Judicial Magistrate with fine not exceeding fifty rupees.

26. Saving of Rights to sue for compensation.

- Nothing herein contained prohibits any persons whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent court.

27. Powers of Deputy Inspector general of Police to fix and revise the scale of the Charges.

- The Deputy Inspector General of Police, within their respective jurisdiction, by notification in the Jammu and Kashmir Government Gazette, fix or from time to time revise the scale of charges for the upkeep of the impounded cattle for the purposes of this Act.

28. Pounds may be used for the unclaimed or attached cattle.

- The Pounds, established under this Act may, whenever necessary be utilized for the upkeep of cattle to which the provision of the law for the time being in force, relating to unclaimed or attached property is applied. The expenses of such cattle shall be paid according to the scale in force.