

The Punjab Cattle Fairs (Regulation) Act, 1967

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Act 6 of 1968

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The Punjab Cattle Fairs (Regulation) Act, 1967 Punjab Act 6 of 1968 Statement of Objects and Reasons. - The Bill seeks to :1. enable the State Government to hold and arrange cattle fairs and the complete exclusion of all private parties or persons;2. to introduce a uniform procedure for holding cattle fairs in Punjab; and3. to end the disputes between urban and rural local bodies over the holding of cattle fairs. Vide Punjab Government Extraordinary, dated the 21st November, 1967 P. 861. Received the assent of the President of India on the 19th February, 1968 and was first published in the Punjab Government Gazette Extraordinary, dated the 24th February, 1968. An Act to regulate the holding of cattle fairs Be it enacted by the Legislature of the State of Punjab in the Eighteenth Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Punjab Cattle Fairs (Regulation) Act, 1967.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)'broker' means a person who strikes a bargain between a seller and a purchaser of cattle, in any cattle fair, on payment of commission;(b)'cattle' includes a buffalo, camel, cow, donkey, elephant, goat, horse, mule, sheep and their young-ones and such other animals as the State Government may by notification specify;(bb)['cattle fair' means a gathering of more than twenty-five persons for the purpose of general sale, purchase or exhibition for general sale or purchase of cattle; [and includes cattle market] [Clause (bb) inserted by Act 18 of 1968, section 2.];(bbb)['cattle market' means a place where the business of sale or purchase of cattle is regularly conducted;] [Clause (bbb) inserted by Punjab Act 16 of 1973.](c)'Deputy Commissioner, includes an Additional Deputy Commissioner and such other officer as the State Government may by notification appoint for the purpose of exercising the powers and performing the functions of a Deputy Commissioner under this Act;(d)'fair area' means such areas within a district as may be specified by a fair officer for the purpose of holding a

cattle fair;(e)'fair officer' in relation to any fair area means an officer appointed under section 4 for such area;(f)'prescribed' means prescribed by rules made under this Act.

3. Bar on holding etc., of cattle fairs except by or under authority of State Government.

(1)The right to hold a cattle fair at any place in the State of Punjab and to control, manage and regulate such fair shall vest exclusively in the State Government and shall be exercisable by it, in accordance with the provisions of this Act and the rules made thereunder, through such persons or authorities as it may deem fit.(2)Notwithstanding anything contained in any other law for the time being in force and save as provided by sub-section (1), it shall be unlawful for any person or local authority to hold, control, manage or regulate a cattle fair at any place in the State of Punjab.

4. Fair Officers and their duties etc.

(1)There shall be appointed by the State Government or by the Deputy Commissioner, if so authorised by it, one or more fair officers for the purpose of holding, controlling, managing and regulating cattle fairs in a district.(2)Subject to the direction, control and supervision the State Government or of the Deputy Commissioner, if so authorised by it, a fair officer shall be responsible for making arrangements in respect of all matters connected with the holding of cattle fair and its proper control, management and regulation and shall also have the powers of -(i)defining the fair area;(ii)reservation of sites or places for latrines, urinals, baths, shops, exhibitions, shows, demonstrations, foot-baths for animals, water-supply for drinking purposes, shelters, green and dry fodder, entertainments and similar other purposes necessary in connection with the cattle fair;(iii)allotment of sites temporarily for commercial or other purposes in connection with the cattle fair, authorisation of raising of structures on such sites, and fixation of rents for such sites in the prescribed manner;(iv)arrangements for watch and ward, lighting, medical first-aid veterinary aid, sanitation, tentage and other facilities as may be necessary in connection with the cattle fair;(v)construction of temporary offices for the purpose of collecting taxes and fees imposed and levied in connection with the cattle fair.

5. Power of State Government to impose taxes in fair areas.

- The State Government may in such manner and at such rates as may be prescribed, impose in a fair area during the continuance of a cattle fair -(a)tolls on vehicles entering such area for business purposes; and(b)octroi duty on goods brought for sale within such area;Provided that no such duty shall be imposed if the goods have already been subjected to the levy of such duty at the time of their entry into the limits of the local authority in which the fair area is situate.

6. Exclusion of jurisdiction of local authorities to impose tax etc.

- Notwithstanding anything contained in any other law for the time being in force, no local authority shall be competent to impose any tax or fee in any fair area in connection with a cattle fair during

the continuance of the fair.

7. Duty of local authorities to assist fair officers.

- Every local authority, within whose jurisdictional limits a fair area or a part thereof is situated, shall render to the fair officer, for the purposes of holding, controlling, managing or regulating a cattle fair in such area such assistance as may be required of it by the fair officer in connection with the cattle fair.

8. Levy of fees.

(1) No person shall sell cattle at a fair unless he has obtained a registration certificate in respect of such cattle in such manner, on payment of such fee and from such authority, as may be prescribed. (2) Every person purchasing cattle at a cattle fair shall obtain in respect of such cattle a sale certificate in such manner, on payment of such fee and from such as may be prescribed.

9. Licensing of brokers.

(1) No person shall act as a broker in any fair area unless he is granted in respect of such area a licence on such terms and conditions as may be specified therein. (2) A licence referred to in sub-section (1) shall be in such form and shall be issued in such manner, on payment of such fee and by such authority, as may be prescribed. (3) No broker shall be entitled to claim from the seller or the purchaser or both a commission in respect of the sale or purchase of cattle at a cattle fair at a rate exceeding in the aggregate one percentum of the price of the cattle sold. (4) If the fair officer is satisfied that the holder of a broker's licence has violated any of the terms and conditions of licence or has contravened any of the provisions of this Act or the rules made thereunder, he may, after giving to the broker a reasonable opportunity of being heard, suspend or cancel his licence. (5) An order suspending or cancelling a brokers' licence shall be revisable by the Deputy Commissioner in such manner as may be prescribed.

10. Power to prohibit entry of certain persons and cattle in fair areas.

(1) No person shall (a) bring within a fair area any cattle suffering from any contagious or infectious disease; or (b) obstruct the sale or purchase of cattle or unduly interfere therewith or misguide brokers, sellers or purchasers within the fair area or cause loss to the income of the cattle fair by unfair means. (2) The fair officer shall have power - (a) to prohibit the entry in the fair of any cattle referred to in clause (a) of sub-section (1) or cause to be driven out of such area such cattle; (b) to get the cattle in the fair area immunised if necessary; (c) to isolate any diseased cattle; (d) to arrange for the disposal of dead cattle in fair area; and (e) in addition to any other penalty to which such person may be liable under this Act, to expel from the fair area any person contravening the provisions of clause (d) of sub-section (1). (3) For the purposes of complying with the provisions of sub-section (2), the fair officer may use such force as may be necessary.

11. Outbreak of fire.

- In the event of an outbreak of fire, the fair officer may order the demolition of any structure, if in his opinion its demolition is necessary or expedient for preventing the fire from spreading, and no suit or other proceeding shall lie for an act done or purporting to be done in good faith under this section.

12. Power to remove unauthorised construction.

- The fair officer may, in a fair area, remove any unauthorised construction and the cost of such removal may be recovered, from the person making the construction, as arrears of land revenue if such person fails to make payment of such cost on a written demand by the fair officer.

13. Ejectment of allottees.

(1)The fair officer may, in a fair area order the ejectment of any person from the site allotted to him if such person contravenes any of the provisions of this Act or the rules made thereunder.(2)If any person fails without reasonable cause to comply with an order made under sub-section (1), the fair officer may take possession of the site and may for that purpose use such force as may be necessary.

14. Summary proceedings against persons.

(1)If the fair officer shall at any time have reason to believe that any person, from whom any sum recoverable is due under the provisions of this Act, is about to remove himself from the fair area, the fair officer may cause a bill for the sum due to be presented to such person and demand immediate payment thereof.(2)If, on presentation of such bill, the said person does not forthwith pay the sum due, the amount shall be recovered by distress and sale in the prescribed manner of cattle or other moveable property in the possession of such person.(3)Where any sum due from any person cannot be recovered under sub-section (2) or has been recovered only partially, such sum or the balance thereof, as the case may be, may be recovered as arrears of land revenue if such person fails to make payment thereof on a written demand by the fair officer.

15.

[-] [Section 15 omitted by Punjab Act 16 of 1973, section 3.]

16. Cattle Fair Fund.

(1)There shall be constituted a Fund to be called "The Cattle Fair Fund" to which shall be credited to the following, namely:-(a)all fees, rents or other sums of money (not being tolls and taxes) received or realized under the provisions of this Act or the rules made thereunder; and(b)all donations or grants made to the Fund by the State Government, a local authority or any other person.(2)The Cattle Fair Fund shall be kept in such Government treasury or sub-treasury as may be specified by

the State Government.

17. Application of Cattle Fair Fund.

- The Cattle Fair Fund shall be operated in such manner and to such extent by such authority as the State Government or the Deputy Commissioner if so authorised by it, may, by order in writing direct and shall be applicable for the purposes of payment, in whole or in part, of all charges and expenses incidental to the matters specified in this Act and the rules made thereunder, including the following purposes, namely;-(a)all expenses necessary for the holding, controlling, managing or regulation of cattle fairs and for matters connected therewith or incidental thereto.(b)payment of salaries and allowances of persons employed in connection with the cattle fair;(c)payment of fees for the auditing of accounts of the Fund by such auditors and at such rate as the State Government may determine;(d)[* * *] [Substituted by Punjab Act 16 of 1973.];(e)allocation to local authorities in such proportion as the State Government may consider fit, for the development of cattle or animal husbandry or such other purposes as the State Government may think fit; or(f)such other purposes as the State Government may, be written order, direct.

18. Penalties.

(1)Any person who contravenes the provisions of sub-section (2) of section 3 shall-(a)for the first offence, be punishable with imprisonment which may extend to [three years or with fine which may extend to five thousand rupees] [Substituted by *ibid.*] or with both; and(b)for a second or subsequent offence, be punishable with imprisonment which may extend to [five years or with fine which may extend to ten thousand rupees] [Substituted by *ibid.*] or with both;Provided that in the case second or subsequent offence, in the absence of special and adequate reasons to be mentioned in the judgment of the court such imprisonment shall not be less than [two years and such fine shall not be less than five thousand rupees] [Substituted by Punjab Act 16 of 1973.].(2)Any person who contravenes the provisions of Section 8 or sub-section (1) or sub-section (3) of Section 9 or sub-section (1) of section 10 or of the rules made under this Act, shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

19. Cognizance of offences.

(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898) any offence punishable under sub-section (1) of section 18 shall be cognizable [and non-bailable] [Added at the end by Punjab Act 16 of 1973, section 5.].(2)No court shall take cognizance of an offence punishable under sub-section (2) of section 18 except on a complaint made in writing by the fair officer or any other officer not below the rank of a Gazetted Officer authorised by the Deputy Commissioner in this behalf.(3)An offence punishable under sub-section (2) of section 18 may be tried in a summary manner.

20. Composition.

- The fair officer may accept from any person charged with an offence punishable under sub-section (2) of section 18 by way of composition of the offence a sum of money not exceeding five hundred rupees and on such payment such person, if in custody, shall be set at liberty and the composition shall be deemed to amount to an acquittal and in no case any further proceedings be taken against such person in respect of the same offence.

21. Power to make regulations.

- The fair officer may, subject to the rules made under this Act and with the approval of the State Government, make regulations to provide generally against the outbreak or spread of fire and particularly for the following purposes, namely:-(i)safety of buildings and structures put up in the fair area;(ii)laying down conditions on which huts and other structures may be constructed including limits to the heights of such huts or structures and the areas on which they are to be built and distances between them;(iii)providing for the supply of water;(iv)restricting the use of fire for cooking or for any other purpose and taking precautions against spread of fire.

22. Power to make rules.

(1)The State Government may by notification make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the manner in which sites shall be allotted temporarily for commercial or other purposes in connection with the cattle fair and the rents thereof shall be fixed under clause (iii) of sub-section (2) of section 4;(b)the manner in which and the rate at which tolls and taxes shall be imposed, assessed and collected;(c)the manner in which, the fee on payment of which and the authority by which registration certificates and sale certificates shall be issued under section 8;(d)the form and manner in which, the payment of fee on which and the authority by which licences referred to in sub-section (2) of section 9 shall be issued;(e)the manner in which and the fee on payment of which the Deputy Commissioner shall revise an order of suspension or cancellation of a broker's licence under sub-section (5) of section 9;(f)the manner in which distress and sale of animals or moveable property shall be made under sub-section (2) of section 14;(g)the amount for the deposit of which direction may be given under section 15;(h)the manner in which the Cattle Fair Fund shall be constituted and matters connected with the proper administration of such Fund;(i)sanitation and control of diseases in a fair area; and(j)any other purpose for which rules are required to be or may be made.(3)Every rule made under this section shall be laid as soon as may be after it is made [- -] [The words 'either House of' omitted by the Adaptation of Punjab Laws Order, 1970.] before the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions; and if before the expiry of the session in which it is so laid or the session immediately following [the Legislature] [Substituted for the words 'both Houses' by Adaptation of Punjab Laws Order, 1970.] agree in making any modification in the rule or [the Legislature] [Substituted for the words 'both Houses' by Adaptation of Punjab Laws Order, 1970.] agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so

however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. Act to override other laws

. - The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

24. Repeal and Saving.

(1)The Punjab Cattle Fairs (Regulation) Ordinance, 1967 (Punjab Ordinance No. 14 of 1967), is hereby replaced.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 4th day of November, 1967.Repeal - "Repeal" connotes abrogation or obliteration of one statute by another, from the statute book as completely "as if it had never been passed"; when an Act is repealed, "it must be considered (except as to transactions past and closed) as if it had never existed".[Repeal is not a matter of mere form but one of substance, depending upon the intention of the Legislature. If the intention indicated expressly or by necessary implication in the subsequent statute was to abrogate or wipe off the former enactment, wholly or in part, then it would be a case of total or pro tanto repeal. If the intention was merely to modify the former enactment by engrafting an exception or granting an exemption, or by superadding conditions, or by restricting, intercepting or suspending its operation, such modification would not amount to a repeal.] [India Tobacco Co. Ltd. v. C.T.O., 1975 SCC (Tax) 49.]