

The Haryana Cattle Fairs Act, 1970

HARYANA

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Act 30 of 1970

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The Haryana Cattle Fairs Act, 1970 Haryana Act 30 of 1970 Statement of Objects and Reasons. - It is intended to extinguish the right of the private persons and others to hold such fairs and to vest it exclusively in the State Government so that in future such fairs are held by or under the authority of the State Government through the agency of such persons or authorities as the State Government may deem fit. The local authorities would of course render vital assistance to the State Government in the matter of holding such fairs and it is proposed that an appropriate portion of the income accruing to the State Government from such fairs be allocated to the local authorities in such proportion as the State Government may consider fit for the development of cattle or animal husbandry in areas from which the fund derives income or such other purposes connected therewith as the State Government may specify. Haryana Government Gazette (Extraordinary) 1969, page 45. Received the assent of the President of India on the 18th November, 1970 and was first published in Haryana Government Gazette (Extraordinary) of November 24, 1970. An Act to provide for the holding, control, management and regulation of cattle fairs in the State of Haryana and for matters connected therewith and incidental thereto. Be it enacted by the Legislature of the State of Haryana in the Twenty-first Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) The Act may be called the Haryana Cattle Fairs Act, 1970. (2) It extends to the whole of the State of Haryana. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "broker" means a person who strikes a bargain between a seller and purchaser of cattle in any cattle fair on payment of commission; (b) "cattle" includes a buffalo, camel, cow, donkey, elephant, horse, mule, and their young-ones and such other animals as the State Government may by notification specify; (c) "cattle fair" means a gathering of more than twenty persons for the purpose of sale or purchase or

exhibition for sale or purchase of cattle and includes cattle market].(cc)["cattle market" means a place where the business of sale or purchase of cattle is regularly conducted] [Inserted by Haryana Act 36 of 1971.];(d)"Deputy Commissioner" includes an Additional Deputy Commissioner and such other officers 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;(e)"fair area" means such area within a district as may be specified by a fair officer for the purpose of holding a cattle fair therein;(f)"fair officer" in relation to the fair area means an officer appointed under Section 4 for such area;(g)"prescribed" means prescribed by rules made under this Act.

3. Bar of 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 Haryana 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, society or local authority to hold, control, manage or regulate a cattle fair at any place in the State of Haryana.

4. Fair officers and their duties.

(1)There shall be appointed by the State Government one or more fair officers for the purpose of holding, controlling, managing and regulating cattle fairs in a district :Provided that a fair officer may be appointed for more than one district.(2)Subject to the direction and control of the Deputy Commissioner concerned the fair officer shall be responsible for making arrangements in respect of all matters connected with the holding of a cattle fair and its proper control, management and regulation and shall have the following powers, namely :-(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 and drinking purposes, shelters, green and dry fodder, entertainments for similar other purposes necessary in connection with the cattle fair;(iii)allotment of site temporarily for commercial or other purposes in connection with the cattle fair, authorisation of raising of structures thereon and fixation of rents for such sites in the prescribed manner;(iv)construction of temporary offices for the purpose of collecting taxes and fees imposed and levied in connection with the cattle fair; and(v)arrangements for watch and ward, lighting, medical first aid veterinary aid, sanitation, ventage and such other matters as may be necessary in connection with the cattle fair.

4A. [Scheme for cattle fair. [Inserted by Haryana Act No. 9 of 2017, dated 22.3.2017.]

- The State Government may frame a scheme for organizing and managing the cattle fair through an agency on such terms and conditions, as may be prescribed. The scheme shall specify the process for collection of fee and the manner in which the money realized shall be credited to the Cattle Fair Fund.]

5. Constitution of Committee.

- For the purpose of advising a fair officer in respect of all matters pertaining to the management and control of a cattle fair, the State Government shall, in the prescribed manner, constitute for each cattle fair a Committee consisting of not more than eleven persons, including the Chairman, from amongst the members of Parliament State Legislature and local authorities, including panchayats, in the district in which the cattle fair is held.

6. 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 in vehicles entering such area for business purpose; and(b)octroi duty on goods brought for sale within such area :Provided that no such duty shall be imposed on the goods which have already been subjected to the levy of such duty at the time of the entry into the limits of the local authority in which the fair area is situated.

7. Exclusion of jurisdiction of local authorities to impose taxes, 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.

8. 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.

9. Levy of fees.

- [(1) Every person selling cattle at a cattle fair shall obtain in respect of such cattle a registration certificate in such manner, on payment of such fee and from such authority, as may be prescribed.] [Sub-section (1) inserted by Haryana Act 41 of 1976.](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 authority, as may be prescribed.

10. 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 rate exceeding in the aggregate one per centum 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 the 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 broker's licence shall be revisable by the Deputy Commissioner concerned in such manner as may be prescribed.

11. 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 area of any cattle referred to in clause (a) of sub-section (1) or to cause to be driven out of such area such cattle;(b)to get the cattle in the cattle fair immunized if necessary;(c)to isolate any diseased cattle;(d)to arrange for the disposal of dead cattle in the 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 (b) of sub-section (1).(3)For the purpose of complying with the provisions of sub-section (2) the fair officer may use such force as may be necessary.

12. 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.

13. 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 written demand by the fair officer.

14. Ejectment of allottees.

(1)The fair officer may order the ejectment of any person from the site allotted to him in the fair area 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.

15. Summary proceedings against persons.

(1) If the fair officer has at any time reason to believe that any person from whom any sum recoverable under the provisions of this Act or the rules made thereunder is due, or is about to become due, is about to remove himself from the fair area the fair officer may cause a bill for the sum due or about to become 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 or about to become due, the amount shall be recovered by distress and sale in the prescribed manner of cattle or other movable property in the possession of such person. (3) Where any sum 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. [15A. Restriction on sale and purchase of cattle beyond fair area. - No person shall sell or purchase cattle in the area adjacent to, and within a distance of, one kilometre on all sides from the fair area.] [Inserted by Haryana Act 41 of 1976.]

16. Cattle fair fund.

(1) There shall be constituted in each district a Fund to be called "the Cattle Fair Fund" to which shall be credited the following, namely :- all fees, rents or other sums of money (not being tolls and taxes) received or realised under the provisions of this Act or the rules made thereunder; and (b) all donations or grants made to the Fund by the Government, a local authority or any other person or society. (2) All moneys referred to in sub-section (1) shall be deposited under the head "Cattle Fair Fund" which shall be kept in such Government treasury or sub-treasury in the district as may be specified by the Deputy Commissioner. (3) The Cattle Fair Fund shall be operated [***] [Omitted 'by the Deputy Commissioner' by Haryana Act No. 9 of 2017, dated 22.3.2017.] in the prescribed manner and shall be applicable for the purpose 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) reimbursement to any local authority of any expenditure incurred or of advances made by it for the purpose of holding a cattle fair. (4) [After payment of the charges and expenses referred to in subsection (3), the balance of the Cattle Fair Fund shall be utilized by such authority for the development of cattle or animal husbandry and purposes incidental thereto in such manner, as may be prescribed.] [Substituted by Haryana Act No. 9 of 2017, dated 22.3.2017.]

17. 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 six months or with fine which may extend to two thousand rupees or with both; and (b) for a second or subsequent offence, be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both : Provided that in the case of second or subsequent offence, in the

absence of special and adequate reasons to be recorded in writing, such imprisonment shall not be less than six months and such fine shall not be less than two thousand rupees.(2)Any person who contravenes the provisions of section 9 or sub-section (1) or sub-section (3) 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.

18. Cognizance of offences.

(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) of Section 17 shall be cognizable.(2)No court shall take cognizance of an offence punishable under sub-section (2) of Section 17 except on a complaint made in writing by the fair officer or by any other officer not below the rank of a Gazette Officer authorised by the Deputy Commissioner in this behalf.(3)An offence punishable under sub-section (2) of Section 17 may be tried in a summary manner.

19. Power of seizure and forfeiture of property.

(1)A police officer arresting any person for an offence punishable under sub-section (1) of section 17 shall seize all movable property used by such persons in the commission of the offence and all moneys collected by him in pursuance of such offence.(2)Whenever any offence punishable under sub-section (1) of Section 17 has been committed, the court shall direct that all movable property and all moneys seized under sub-section (1) shall be forfeited to the State Government.

20. Composition.

- The fair officer may accept from any person charged with an offence punishable under sub-section (2) of Section 17 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 shall any further proceedings be taken against such person in respect of the same offence.

21. Power to make regulation.

- 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; and(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 generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)the manner in which and the extent to which the fair officer or other persons or authorities under this Act shall exercise authority to hold, control, manage and regulate a cattle fair;(b)the manner in which the Committees referred to in Section 5 shall be constituted and matters connected therewith;(c)the manner in which sites shall be allotted temporarily for commercial or other purposes in connection with the cattle fair and the rents thereon;(d)the manner in which and the rate at which tolls and taxes shall be imposed, assessed and collected;(e)the manner in which, the fee on payment of which and the authorities by which sale certificates shall be issued under Section 9;(f)the forum and manner in which, the payment of fee on which and the authority by which licences referred to in sub-section (2) of Section 10 shall be issued.(g)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 10;(h)the manner in which distress and sale of animals or movable property shall be made under sub-section (2) of Section 15;(i)the manner in which the Cattle Fair Fund shall be constituted and operated in each district and matters connected with the proper administration of such Fund;(j)sanitation and control of diseases in fair area; and(k)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 before the House of 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 laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees 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 provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.