

[13<sup>th</sup> January 1871]

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## THE CATTLE-TRESPASS ACT, 1871

An Act to consolidate and amend the law relating to Trespasses by Cattle.

**Preamble.** -Whereas it is expedient to consolidate and amend the law relating to trespasses by cattle;

It is hereby enacted as follows: -

### CHAPTER I PRELIMINARY

#### 1. Title and extent. –

(1) This Act may be called the Cattle-trespass Act, 1871; and

(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B State and the Presidency-towns and such local areas as the State Government by notification in the Official Gazette, may from time to time exclude from its operation.

### STATE AMENDMENTS

#### Andhra Pradesh

In its application to the State of Andhra Pradesh in Section 1, sub-section (2) after the expression “the territories, which immediately before the 1<sup>st</sup> November, 1956 were comprised in Part B States” insert the expression “other than the territories, specified in sub-section (1) of Section 3 of the States Re-organisation Act, 1955 except the cities of Hyderabad and Secunderabad”.

## Gujarat

Same as in Maharashtra.

[Bom. Act 13 of 1959]

## Madhya Pradesh

In sub-section (2) of Section 1, after “in Part B States,” add the words “other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh”.

[M.P. Act 23 of 1958]

## Maharashtra

In its application to the State of Maharashtra in Section 1 the following proviso added:

“Provided that on the commencement of the Cattle-Trespass (Bombay Extension and Amendment) Act, 1959, it shall extend to those areas in which the Hyderabad Cattle-trespass Act, or as the case may be, the Cattle Trespass Act, 1871, as modified and applied to the Saurashtra area of the State of Bombay was in force immediately before such commencement.”

[Bom. Act 13 of 1959]

### 3. Interpretation-clause. - In this Act, -

“Officer of police” includes also village watchman, and “cattle” includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids, and

“Local fund” means any fund under the control or management of a local authority.

## STATE AMENDMENTS

### Andhra Pradesh

In its application to the State of Andhra Pradesh in Sections 3, for the expression ‘Officer of Police’ includes also village watchman and” substitute the expression “‘Officer of Police’ includes village watchman and the Police Patel or the person discharging the functions of the Police Patel in the local area concerned, and.”

[Andhra Pradesh Act 16 of 1959]

### Haryana

Same as in Punjab.

[Central Act 31 of 1966]

### Himachal Pradesh

Same as in Punjab

[H.P. Act 7 of 1974]

### Orissa

In its application to the State of Orissa in Section 3, at the end of the definition of ‘local authority’ add the words, “and entrusted by the State Government under Section 31 with any function under this Act in that area.”

[Orissa Acts 15 of 1948, 22 of 1950, and 23 of 1950]

### Punjab and Chandigarh

In Section 3, after the word “cattle” insert the words “does not include such bulls as are let loose for stud purposes and are specified by a notification in this behalf but.” [Punjab Act 24 of 1952, and Central Act 31 of 1966]

## **Tamil Nadu**

Same as in Andhra Pradesh

[Mad. (A.T.), A.L.O., 1961]

## **CHAPTER II**

### **POUNDS AND POUND-KEEPERS**

**4. Establishment of pounds.** -Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the State Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District

## **STATE AMENDMENTS**

### **Gujarat**

Same as in Maharashtra

### **Maharashtra**

In its application to the State of Maharashtra, in Section 4 for the words “State Government” substitutes the word “Commissioner”.

[Bom. Act 8 of 1958]



## Tamil Nadu

In Section 4, for the words “Magistrate of the District” substitutes the words “District Collector”.

[Madras Act 20 of 1957]

**5. Control of pounds. Rates of charge for feeding impounded cattle.** -The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

## STATE AMENDMENTS

## Tamil Nadu

In its application to the State of Tamil Nadu, in Section 5, for the words “Magistrate of the District” substitutes the words “District Collector”.

[Madras Act 20 of 1957]

**6. Appointment of pound-keepers.** -The State Government shall appoint a pound keeper for every pound.

**Pound-keepers may hold other offices.** -Any pound-keeper may hold simultaneously any other office under the Government.

**Pound-keepers to be public servants:** -Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

## STATE AMENDMENTS

## Orissa

In its application to the State of Orissa, for Section 6 substitute the following. -

**“6. The Magistrate of the District or any Officer not being below the rank of a Sub-Divisional Magistrate specially authorised by the Magistrate of the District in this behalf shall appoint for each pound a pound-keeper. Every pound-keeper appointed by the Magistrate of the District or by the officer so authorised may be suspended and removed by such Magistrate or Officer. Any pound-keeper may hold simultaneously any office under the Government. Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code.”**

[Orissa Acts 15 of 1948, 22 of 1950, 23 of 1950]

**7. To keep registers and furnish returns.** -Every pound-keeper shall keep such registers and furnish such returns as the State Government from time to time directs.

**8. To register seizures.** -When cattle are brought to a pound, the pound keeper shall enter in his register-

- (a) The number and description of the animals,
- (b) The day and hour on and at which they were so brought,
- (c) The name and residence of the seizure, and

[Bom. Act 8 of 1958]

(d) The name and residence of the owner, if known, and shall give the seizure or his agent a copy of the entry.

**9. 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 hereinafter directed.

## CHAPTER-III

### IMPOUNDING CATTLE

**10. Cattle damaging land.** -The cultivator or occupier of any land, or any person who has advanced cash for the cultivation of the crop or produce on any land,

Or the vendee or mortgagee of such crop or produce, or any part thereof, may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and send them or cause them to be sent within twenty four hours to the pound established for the village in which the land is situate.

**Police to aid seizures.** -All officers of police shall, when required, aid in preventing (a) resistances to such seizures and (b) rescues from persons making such seizures.

### STATE AMENDMENTS

#### **Gujarat**

Same as in Maharashtra, except that for the words “State of Maharashtra”, words “State of Gujarat” shall be substituted.

[A.L. (8 Amendment) Order, 1961)]

#### **Himachal Pradesh**

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In Section 10, after the words “or any part thereof”, words “or any person authorised in this behalf, either by name or by virtue of office, by (Government”, inserted.

[H.P. Act 7 of 1974]

#### **Maharashtra**

In its application to the State of Maharashtra, in Section 10, after the words “or any part thereof” insert

the following:-

“or a watch and ward and appointed by a panchayat established under Bombay Village Panchayats Act, 1933 or any corresponding law in force in any part of the State of Maharashtra, or any person authorised by State Government in this behalf, either by name or by virtue of office.

[Bom. Acts 34 of 1950 and 13 of 1959]

## Madhya Pradesh

In its application to the State Madhya Pradesh for Section 10, the following section shall be substituted, namely:-

**“10. Seizure of cattle trespassing on land doing damage and causing hurt, etc.-** The owner or occupier of any land or the person having interest in any land may seize or cause to be seized any cattle trespassing on such land and doing damage thereto or to any crop, produce or property thereon belonging to such owner, occupier or interested person, or causing hurt or injury or obstruction to any of them or to any person by leave or licence present on, or having charge of, such land or of any such crop, produce or property, and send them or cause to be sent within twenty-four hours to the pound established for the local area in which the land is situate.

[M.P. Act 23 of 1958]

All officers of police shall, when required, aid in preventing (a) resistance to such seizures and (b) rescues from persons making such seizures”.

**11. 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 like, or the sides or slopes of such roads, canals, drainage-works, or embankments, or found straying thereon, and shall send them or cause them to be sent within twenty-four hours to the nearest pound.

## STATE AMENDMENTS

### Andhra Pradesh

In Section 11, after the word “plantations” add the word “aerodromes” at both places; and after the words “or found staying thereon”, insert the words “or within the premises of such aerodromes”.

[A.P. Act 30 of 1961]

## **Madhya Pradesh**

In Section 11 after the words “and the like” insert the words “officers and servants of the local authorities”.

[M.P. Act 23 of 1958]

**12. Fines for cattle impounded.** -For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine in accordance with the scale for the time being prescribed by the State Government in this behalf by notification in the Official Gazette. Different scales may be prescribed for different local areas.

All fines so levied shall be sent to the Magistrate of the District through such officer as the State Government may direct.

**List of fines and charges for feeding.** -A list of the fines and of the rates of charge for feeding and watering cattle shall be posted in a conspicuous place on or near to every pound.

## **STATE AMENDMENTS**

### **Gujarat**

Same as in Maharashtra

[Guj. A.L. (8th Amendments) Order, 1961]

### **Maharashtra**

(1) In its application to the State of Maharashtra, in Section 12:-

(a) Delete the words “head of”;

(b) For the words “Different scales may be prescribed for different local areas” substitute the following namely:-

“Progressively increasing scales may be prescribed in respect of cattle belonging to or kept by the same persons according to the number of cattle impounded at a time and the number of times such cattle are impound and different scales may be prescribed for different local areas”.

[Bom. Act 34 of 1950]

(2) After Section 12, the following new section shall be inserted, namely:-

**“12-A. Security in respect of impounded Cattle: -**

(1) In any local area to which the State Government may by notification in the Official Gazette, apply this section every pound-keeper shall, before releasing any impounded cattle, require the power of the impounded cattle, or his agent to make, in the form to be prescribed by the State Government, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle.

(2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be directed by the State Government by rules in this behalf-shall stand forfeited to the State Government. If cattle are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

(3) On every occasion on which the release of the cattle impounded under this Act is claimed, the owner of the cattle shall deposit a fresh security.”

[Bom. Act 13 of 1959]

(3) After Section 12-A, the following section shall be inserted, namely,

**“12-A. Security in respect of impounded cattle: -**

(1) In any local area to which the State Government may by notification in the Official Gazette, apply this section every pound-keeper shall, before releasing any impounded cattle, require the power of the impounded cattle, or his agent to make, in the form to be prescribed by the State Government, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle.

(2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be directed by the State Government by rules in this behalf shall stand forfeited to the State Government. If cattle are not impounded as aforesaid, the amount of security deposit shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

(3) On every occasion on which the release of the cattle impounded under this Act is claimed, the owner of the cattle shall deposit a fresh security.”

[Bom. Act 13 of 1959]

(4) After Section 12-A, the following section shall be inserted, namely, -

**12-B. Removal of cattle to specified places. –**

(1) If in any local area to which the State Government may, by notification in the Official Gazette, apply this section, a Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied.-

(i) That the grazing land set apart for the use of cattle of one or more villages in the taluka, tahsil or mahal under his jurisdiction is insufficient for the cattle belonging to the permanent residents of such village; or

(ii) That the crops or grass standing on any agricultural land or grazing land so set apart are likely to be damaged by cattle belonging to persons who are not residents of such village or villages and who own more than twenty heads of cattle,

He may,

(a) In any case referred to in clause (i) direct any such resident owner, by special or general order, to remove or cause to be removed all or any dry or useless cattle belonging to him to such place or places within the State and within such period as may be specified in the order, and

(b) In any case referred to in clause (ii) direct any such non-resident owner, by special or general order, to remove or cause to be removed all or any of his cattle to such place or places within the State and within such period as may be specified in the order.

(2) If the owner of the cattle fails to remove the cattle as directed under sub-section (1), the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari as the case may be, may direct a police officer not below the rank of head constable to remove or cause to be removed such cattle to the place specified in the order.

(3) If the Mamlatdar, Tahsildar, Naib-Tahsildar or Mahalkari is satisfied that the order issued by him under sub-section (1), is contravened by any owner or keeper of cattle, he may impose a fine not exceeding one thousand rupees. Any fine so imposed may, on failure of such owner or keeper to pay the same within the specified time, be recovered by sale of all or any of the cattle ordered to be removed under sub-section (1).”

[Bom. Act 13 of 1959]

## **Orissa**

In Section 12,-

(a) For the words “the pound-keeper shall levy a fine, substitute the words “the Local Authority exercising jurisdiction within the area it) which the pound is situated shall impose a fine”;

(b) The second paragraph beginning with the words “All fines to levied” and ending with the words “may direct” shall be on dated.

[Orissa Acts 15 of 1948, 22 of 1950, and 23 of 1950]

## **Tamil Nadu**

In Section 12, for the words “Magistrate of the District” substitute the words “District Collector”.



## Madhya Pradesh

(a) After Section 12, the following section shall be inserted, namely:”

**12-A. Security in respect of cattle impounded-**In any local area to which the State Government may, by notification, apply this section, every pound-keeper shall, before releasing any cattle, require the owner or his agent to make, in the form to be prescribed by the State Government, a declaration regarding the ownership of such cattle and to deposit, by way of security such sum as the State Government may, by rule, prescribe. Different scales may be prescribed for different; areas or different classes of cattle.

If the cattle of such owner are impounded, within six months from the date of deposit, and if the seizure is not adjudged illegal, the amount of deposit or part thereof in accordance with the rules made by the State Government in this behalf shall stand forfeited to Government.

If the cattle of such owner are not impounded as aforesaid the amount of security shall, on application by or on behalf of the depositor, be refunded to him on the expiry of such period. A fresh security shall be required to be deposited on every occasion on which the release of cattle impounded under the Act is applied for.”

[C.P. and Barer Act 27 of 1949 Act 37 of 1956, and M.P. Act 23 of 1958].

(2) After Section 12-A, the following section shall be inserted, namely: -

**“12-B. Special provisions regarding cattle habitually allowed to go astray.-**

(1) If, on a report received from the Magistrate of the District or a local authority, it appears to the State Government that severe damage is being caused to crop, produce or other property in the local area under the jurisdiction of such Magistrate of the District or local authority by reason of the cattle being allowed to go astray, the State Government may, by notification, apply the provisions of this section to such local area generally or in respect of such cattle or class of cattle as may be specified therein.

(2) Every owner or keeper of cattle in respect of which the provisions of sub-section (1) have been

made applicable shall keep his cattle in confinement or in detention during the period between one hour after sun set and one hour after sun rise.

(3) It shall be lawful for any person to seize any such cattle found astray in such local area and to send it immediately to the nearest pound. All officers of police, shall, when required, aid in preventing resistance to such seizure and rescue from person making such seizure.

(4) Whoever contravenes the provisions of sub-section (2) on conviction for the first offence, be punished with fine, which may extend to one hundred rupees and in case of a second or subsequent offence with fine, which may extend to five hundred rupees or with imprisonment, which may extend to six months or with both.

(5) Any fine imposed under this section shall, without prejudice to any other mode of recovery provided by law, be realised by the sale of all or any of the cattle in respect of which the offence has been committed.

**Explanation.** -For the purposes of this section,-

(i) “To keep in confinement” shall mean to keep the cattle effectively confined within any fencing, wall or compound; and

(ii) “To keep in detention” shall mean to keep the cattle effectively detained by any rope or other sufficiently strong tie.”

[MP Act 11 of 1960]

## CHAPTER- IV

### DELIVERY OR SALE OF CATTLE

**13. Procedure when, owner claim the cattle and pays fines and charges.** -If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to, him on payment of the fines 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.

[Madras Act 20 of 1957, and Mad. Act 23 of 1960]

## STATE AMENDMENTS

### Gujarat

Same as in Maharashtra.

[Guj. A.L.O. 1960]

### Madhya Pradesh

To the first paragraph of section 13, add at the end of words and figures “and on deposit of the amount of Security prescribed under Section 12-A”

[M.P. Act 23 of 1958]

### Maharashtra

To the first paragraph of Section 13, add the following, namely,-

“And on depositing the amount of security prescribed under Section 12-A”.

[Bom. Act 13 of 1959]

**14. Procedure if cattle be not claimed within a week.** -If the cattle be not claimed within seven days from the date of their being impounded, the pound keeper shall report the fact to the officer in charge of the nearest police- station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating-

- (a) The number and description of the cattle,
- (b) The place where they were seized,
- (c) The place where they are impounded,

And shall cause proclamation of the same to be made by beat of drum in the village and at the marketplace nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs:

Provided that if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

## STATE AMENDMENTS

### Gujarat

Same as in Maharashtra.

[Act 11 of 1960]

### Haryana

Same as in Punjab.

[Central Act 31 of 1966]

### Himachal Pradesh

In its application to the State of Himachal Pradesh, in Section 14, for the word “seven” occurring for the first time, substitute the word, “three” and for “seven” occurring for the second time, substitute the word “four”.

[H.P. Act 7 of 1974]

## **Madhya Pradesh**

For the existing provisos, substitute the following provisions, namely: -

“Provided that the Magistrate of the district or an officer authorised by him in this behalf may notwithstanding anything hereinbefore contained, sell infirm and maimed cattle, pigs and asses at any time after the expiry of five days from the date of their being impounded, without the issue of a notice and proclamation:

Provided further that if no person offers to purchase at a reasonable price the cattle sold under this section, the Magistrate of the District or an officer authorised by him in this behalf may, in the manner prescribed under rules made under Section 32, dispose of such cattle, including in the case of pigs and asses destruction.”

[M.P. Act 23 of 1958]

## **Maharashtra**

In the proviso to Section 14, for the words “Magistrate of the District”, the words “officer authorised to sell them by public auction” shall be substituted.

[Bom. Act 5 of 1931]

## **Punjab and Chandigarh**

In Section 14, for the word “seven” where it occurs for the first time, substitute the word “three” and

where it occurs for the second time, substitute the word “four”.

Add the following after Section 14,-

**“14-A.Procedure for speedy disposal of certain unclaimed cattle. -**Notwithstanding anything contained in Section 14 where any unattached calf, kid or lamb or any decrepit, weak or maimed cattle is impound, the pound-keeper shall report the fact to the officer specified in that section within twenty-four hours of the impounding and such officer shall, within twenty-four hours of such report and if such unattached calf, kid or lamb or cattle has not been claimed within twenty-four hours of its impounding cause them to be disposed of by auction or otherwise after a proclamation of its disposal has been made by beat of drum in the village and at the market-place nearest to the place of seizure and in such other manner as may be prescribed:

Provided that if in the opinion of the Magistrate of the district the disposal of any such unattached calf, kid or lamb or cattle is not likely to fetch a fair price, he may send such cattle to any gosadan or pinjrapole.

**Explanation. -** For the purposes of this section the expression, -

(a) “Gosadan” or “pinjrapole” means a place or an institution where old, decrepit, wounded or otherwise non-productive or useless cattle are kept for the purpose of maintenance and not for any commercial purpose, whether such place or institution is managed by Government or by a private society or person; and

(b) “Unattached calf kid or lamb” means a calf, kid or lamb not attached to its mother.”

[Punjab Act 18 of 1959]

**Tamil Nadu**

In section 14, for the words 'Magistrate of the District substitute the words ‘District collector’

[Madras Act 20 of 1957]

**15. Delivery to owner disputing legality of seizure, but making deposit. -**If the owner or his agent

appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal, and that the owner is about to make a complaint under section 20, then upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

## STATE AMENDMENTS

### Gujarat

Same as in Maharashtra.

[Gujarat A.O. 1960]

### Madhya Pradesh

For Section 15, substitute the following section, namely: -

**“15. Delivery of cattle to owner disputing legality of seizure but making deposit.** -If the owner or his agent appears and refuses to pay the said fines and expenses, and to deposit the said amount of security and to make the said declaration, on the ground that the seizure was illegal and that the owner is about to make a complaint under Section 20, then upon deposit of the fines and charges incurred in respect of the cattle as well as the amount of security and upon making a declaration as required by Section 12-A, the cattle shall be delivered to him.”

[C.P. and Berar Act 27 of 1949 and M.P. Act 23 of 1958]

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### Maharashtra

Section 15 shall be renumbered as sub-section (1) of that section, and after sub-section (1), as, so renumbered, insert the following sub-section, namely: -

**“(2) If on any complaint referred to in sub-section (1) the seizure is declared to be lawful, or if the owner or his agent fails to make such complaint within period of four weeks from the date of delivery of the cattle to him, the pound-keeper shall require such owner or agent to make a declaration and to deposit the amount of security as required by Section 12-A. If the owner or his agent fails to make such declaration or to deposit such amount, the cattle delivered to him under sub-section (1) shall be seized again for the purpose of Section 16”.**

**16. Procedure when owner refuses or omits to pay the fines and expenses.** -If the owner or his agent appear and refuse or omit to pay or (in the case mentioned in Section 15) 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 officer, at such place and time and subject to such conditions as are referred to in Section 14.

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

**Delivery of unsold cattle and balance of proceeds.** -The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing, -

- (a) The number of cattle seized,
- (b) The time during which they have been impounded,
- (c) The amount of fines and charges incurred,
- (d) The number of cattle sold,
- (e) The proceeds of sale, and
- (f) The manner in which those proceeds have been disposed of.

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

## STATE AMENDMENTS

**Gujarat:**



Same as in the Maharashtra.

[Guj. A.L.O. 1960]

## **Madhya Pradesh**

Same as in Maharashtra.

[M.P. Act. 23 of 1958]

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## **Maharashtra**

In Section 16, for the first and second paragraphs substitute the following new paragraphs namely:-

“If the owner or his agent appears and refuses or omits to pay the said fines and expenses and to deposit the said amount of security or (in the case mentioned in Section 15) to deposit the said fines, expenses and amount of security or to make a declaration as required by Section 12-A, the cattle or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time, and subject to such conditions, as are referred to in Section 14, or disposed of in accordance with the provisions therein.

The fines leviable and the expenses of feeding and watering together with the expenses of sale, if any, and the amount of security prescribed under Section 12-A shall be deducted from the proceeds of the sale.”

[Bom. Act 13 of 1959]

**17. Disposal of fines, expenses and surplus proceeds of sale.** -The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

The charges for feeding and watering deducted under Section 16 shall be paid over to the pound-keeper who shall also retain and appropriate all sums received by him on account of such charges under Section 13.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who

shall hold them in deposit for three months, and, if no claim thereto be preferred and established within the period shall, at its expiry, be deemed to hold them as part of the revenues of the State.

## STATE AMENDMENTS

### Gujarat

Same as in Maharashtra.

[Bom. Act 13 of 1959]

### Haryana and Chandigarh

Same as in Punjab.

[Central Act 31 of 1966]

### Himachal Pradesh

Same as in Punjab.

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### Madhya Pradesh

In Section 17, after the second paragraph insert the following, namely: -

“The amount of security required under Section 12-A shall be deposited with the pound-keeper.”

[M.P. Act 23 of 1958]

### Maharashtra

In Section 17, after the second paragraph, insert the following, namely: -

“The amount of security required under Section 12-A shall be deposited with the pound-keeper.”

[Bom. Act 13 of 1959]

## **Orissa**

In Section 17, for the words “be deemed to hold them as part of the revenues of the State”, substitute the words “dispose of them as hereinafter provided.”

[Orissa Acts 15 of 1948 and 23 of 1950]

## **Punjab**

In Section 17, for the words “beginning with deposit for three months” and ending with “revenues of the State”, substitute the words” and if no claim thereto is preferred within six months from the date of deposit or if such claim having been preferred within this period is not established, such proceeds shall stand forfeited to the State.”

[Punjab Act 24 of 1952, and Central 31 of 1966]

## **Tamil Nadu**

In Section 17, for the words “Magistrate of the District”, substitute the words “District Collector”.

[Madras Act 20 of 1957]

**18.** [Application of fines and unclaimed proceeds of sales.] Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.

## **STATE AMENDMENTS**

### **Andaman and Nicobar Islands**

After Section 17, insert the following:-

**“18. Application of fines.** -Notwithstanding anything contained in Section 12 or Section 17, the fines levied in respect of every head of cattle impounded in any pound within the local limits of the jurisdiction of any local authority shall be sent to that local authority and the local authority shall utilise the sums so received for, -

(a) Paying the remuneration of the pound keeper; and

(b) Meeting the expenses incurred for any of the purposes connected with the execution of this Act, other than the construction and maintenance of pounds; and credit the balance, if any, to its fund.”

[Regulation 3 of 1975]

## **Orissa**

After Section 17, the following section inserted.

**“18.** All sums received on account of fines and the unclaimed proceeds of the sale of cattle shall be sent to the Local Authority concerned and out of those sums there shall be paid,

(a) The remuneration of the pound-keepers;

(b) The expenses incurred for the construction and maintenance of pounds, or for any other purposes connected with the execution of this Act and the surplus, if any, shall be credited to the fund of the said Local Authority.”

[Orissa Acts 15 of 1948; 22 of 1950 and 23 of 1950]

**19. Officers and pound-keepers not to purchase cattle at sales under Act.** -No officer of police, or other officer or pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Act.

**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 a Magistrate or Civil Court.

## CHAPTER V

### COMPLAINTS OF ILLEGAL SEIZURE OF DETENTION

**20. 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 the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

### STATE AMENDMENTS

#### **Punjab, Haryana and Chandigarh**

In Section 20, for the words “a magistrate of the District or any Magistrate authorised to receive and try charges without reference by the Magistrate of the District”, substitute the-words “the Chief Judicial Magistrate or any other Judicial Magistrate authorised to receive and try charges without reference by the Chief Judicial Magistrate”.

[Punjab Act 25 of 1964, and Central Act 31 of 1966]

**21. Procedure on complaint.** -The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an inquiry into the case,

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

**Release of cattle.** -And, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

## STATE AMENDMENTS

### Madhya Pradesh

After Section 22, the following section 22-A inserted-

**“22-A. Refund of security deposit and cancellation of forfeiture if any.** -Where the seizure of any cattle has been adjudged illegal, the security deposit made in respect of such seizure shall be refunded and the forfeiture of any security deposit made in consequence of such seizure shall be cancelled.”

[M.P. Act 23 of 1958]

### Tamil Nadu

After Section 22, the following Section 22-A shall be inserted, -

**“22-A. Appeal against order of compensation.**-Any person who has been ordered by a Magistrate under Section 22 to pay compensation may appeal from the order as if such person had been convicted on a trial held by such Magistrate.

(2) When an order for payment of compensation to a complainant is made in a case which is subject to appeal under sub-section (1), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and where such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.”

[Madras Act 20 of 1957]

**1[23. Recovery of compensation.** -The compensation, fines and expenses mentioned in Section 22 may be recovered as if they were fines imposed by the Magistrate.]

**1. See Sections 63 to 70 of the Indian Penal Code (Act 45 of 1860) and Section 421 of the Code of Criminal Procedure, 1973 (2 of 1974), also Section 25 of the General clauses Act, 1897 (10 of 1897).**

## **CHAPTER VI**

### **PENALTIES**

**24. 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 rescues the same after seizure, either from a pound, 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 by this Act,

Shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

### **STATE AMENDMENTS**

#### **Punjab, Haryana & Chandigarh**

In Section 24 omit the words “before a Magistrate”.

[Punjab Act 25 of 1964, and Central Act 31 of 1966]

#### **West Bengal**

Section 24, Section shall be renumbered as sub-section (1) and following added as sub-section (2); “(2) offences under this section shall be cognizable and bailable.”

[West Bengal Act 4 of 1956]

#### **Uttar Pradesh**

After Section 24, the following section 24-A inserted, -

**“24-A. Compounding of offences under Section 24. -**The offences punishable under Section 24 may, with the permission of the Court before which any prosecution for such offence is pending, be compounded, -

(a) Where the cattle is rescued after seizure from a pound, by the local authority owning or maintaining the pound or, if such local authority has nominated any person in that behalf, by such person; and

(b) In other cases by the person who was opposed in seizing the cattle or, as the case may be, from whom the cattle was rescued.”

[U.P. Act 12 of 1957]

**25. Recovery of penalty for mischief committed by causing cattle to trespass. -**Any fine imposed under the next following section or for the offence 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 the person convicted of the offence, or were only in his charge when the trespass was committed.

## STATE AMENDMENTS

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**Maharashtra & Gujarat**

In Section 26, -

(a) Number the first paragraph as sub-section (1) of Section 26;

(b) After sub-section (1) so numbered, insert the following, -

“(2) Magistrate trying the offence under sub-section (1) may order, -

(a) Number the first paragraph as sub-section (1) of Section 26;



(b) After sub-section (1) so numbered, insert the following, -

“(2) Magistrate trying the offence under subsection (1) may order, -

(a) That the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers responsible, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence;

(b) That the pigs in respect of which the offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it was a fine imposed under this section”.

(c) Number the second paragraph as sub-section (4) of Section 26 and in sub-section (4) so numbered delete the words “the foregoing portion of”.

[Bom. Act 34 of 1950, and Mah. Act 2 of 1960]

### **Punjab, Chandigarh, Haryana & Himachal Pradesh**

(i) Re-number Section 26 as sub-section (1) thereof and add the following sub-section:-

“(2) While convicting such person, the Magistrate may also, -

(a) Require him to pay to the person whose land, crop or produce has been damaged such compensation, not exceeding two hundred and fifty rupees, as may be considered reasonable, and

(b) Order that the cattle in respect of which the offence has been committed shall, in addition to any other penalty imposed, be forfeited to the state.”

[Punjab Act 24 of 1952 Central Act 31 of 1966, and H.P. Act 7 of 1974]

(ii) Omit the words “before a Magistrate”.

[Punjab Act 25 of 1964]

## Uttar Pradesh

For section 26, substitute the following, -

**“26. Penalty for damage caused to land by cattle. -**Any owner, keeper or attendant of cattle, who through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land by allowing such cattle to trespass thereon, shall, on conviction before the Magistrate, be liable to a fine not less than Rs. 10 but not exceeding Rs. 250 or to imprisonment for a term not exceeding three months or to both.”

[U.P. Act 7 of 1954]

## Madhya Pradesh

After Section 26, insert the following section 26A, -

**“26-A.Cognizance of offence.-**No court shall take cognizance of any offence punishable under Section 26 except on a report in writing of the facts constituting such offence made by the person aggrieved by such offence or by a person who is a public servant as defined in Section 21 of the Indian Penal Code, 1860.”

[M.P. Act 23 of 1958]

**26. 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 Magistrate, be punished with fine not exceeding ten rupees.

The State Government, by notification in the Official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs

only, or as if the words “fifty rupees” were substituted for the words “ten rupees” or as if there were both such reference and such substitution.

**27. Penalty on pound-keeper failing to perform duties.** -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 and water, or failing to perform any of the other duties 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 Magistrate, with fine not exceeding fifty rupees.

Such fines may be recovered by deductions from the pound-keeper's salary.

## STATE AMENDMENTS

### **Punjab, Chandigarh and Haryana**

In Section 27, -omit the words 'before a Magistrate'.

[Punjab Act 25 of 1964 & Central Act 37 of 1966]

**28. Application of fines recovered under Sections 25, 26 or 27.** -All fines recovered under Section 25, Section 26 or Section 27 may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

## STATE AMENDMENTS

### **Uttar Pradesh**

For Section 28 as may be substituted in its application to Uttar Pradesh. See amendments under Section 26.

### **Maharashtra & Gujarat**

After Section 28, insert the following section, -

**“28-A Offence under Section 26 to be cognizable. -**The offence under Section 26 shall be cognizable.”

[Bom. Act 34 of 1950, and Gujarat A.L. (Statements) order 1961]

## **CHAPTER VII**

### **SUITS FOR COMPENSATION**

**29. Saving of right to sue for compensation. -** Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle from suing for compensation in any competent Court.

### **STATE AMENDMENTS**

#### **Gujarat**

Same as in Maharashtra.

[Guj. A.L. (8th Amendment order, 1961)]

#### **Madhya Pradesh**

In Section 29 for the words “whose crops or other produce of land have been damaged” substitute the words “whose property, crops or other produce of land have been damaged or to whom any hurt or injury or obstruction has been caused.”

[M.P. Act 23 of 1958]

#### **Maharashtra**

For Section 29 of the principal Act, substitute the following namely, -

**“29. Saving of right to sue for compensation.** -Nothing herein contained prohibits any person whose property, crops or other produce of land have been damaged or to whom any hurt or injury or obstruction has been caused by trespass of cattle from suing for compensation in any competent Court.”

[Bom. Act 13 of 1959]

**30. Set-off.** -Any compensation paid to such person under this Act by order of the convicting Magistrate shall be set-off and deducted from any sum claimed by or awarded to him as compensation in such suit.

## **CHAPTER VIII**

### **SUPPLEMENTAL**

**31. Power for State Government to transfer certain functions to local authority and direct credit of surplus receipts to local fund.** -The State Government may, from time to time, by notification in the Official Gazette, -

(a) Transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the State Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority.

## **STATE AMENDMENTS**

### **Madhya Pradesh**

In Section 31, add the following proviso to clause (a), -

“Provided that if in any area any of the functions of the State Government or the Magistrate of the District under this Act were, immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958, being performed by a local authority, then on such commencement all such functions shall be deemed to have been transferred to such local authority under this section.”

[M.P. Act 23 of 1958]

After Section 31, insert the following section, -

**“32. Power to make rules. -**The State Government may make rules, -

- (a) Prescribing the form of, and the procedure relating to the making of, the declaration and the scales of deposit to be made under Section 12-A;
- (b) Prescribing the procedure regulating the making of security deposit, custody and refund thereof;
- (c) The manner in which any cattle may be disposed of.”

[M.P. Act 23 of 1958]

### **Tamil Nadu**

In Section 31, for the words “Magistrate of District”, substitute the words “District Collector”.

[Madras Act 20 of 1957]

### **Andhra Pradesh**

After Section 31, add the following section, -

**“32. Power to make rules. –**

- (1) The State Government may, by notification published in the Andhra Pradesh Gazette, make rules to carry out the purpose of this Act.
- (2) All rules made under this section shall, as soon as they are made, be placed on the table of the Legislative Assembly and shall be subject to such modifications, whether by way of repeal or amendment as the Legislative Assembly may make within fourteen days thereafter during the session in which they are so placed.”

[A.P. Act 1 of 1959]

## Gujarat

Same as in Maharashtra.

[(Guj. A.L. (Eight Amendment) Order, 1961]

## Maharashtra

After Section 31, insert the following section,-

### **“32. Power to make rules. –**

- (1) The State Government may, by notification in the Official Gazette, make rules for carrying into effect the purpose of this Act.
- (2) In particular but without prejudice to the generality of the foregoing provision, such rules may provide for the following matters, namely,-
  - (i) The form of, and the procedure relating to the declaration, and the scales of deposits to be made, under Section 12-A;
  - (ii) The procedure regulating the making of security deposits, custody and refund thereof;
  - (iii) The manner in which any cattle may be disposed of;
  - (iv) Any other matter which is to be or may be prescribed.
- (3) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazettee.

(4) All rules made under this section shall be laid before each House of the Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.”

[Bom. Act 13 of 1959]

## West Bengal

For Section 31 insert the following sessions, -

### **“32. Power for Magistrate of the District to appoint Chairman of Municipalities or President of Union Boards to discharge the functions of an officer under Section 14. -**

(1) The Magistrate of the District may appoint for the purposes of, this Act, a Chairman of a Municipality constituted under the Bengal Municipal Act, 1932, or a President of Union Board constituted under the Bengal Village Self- Government Act, 1919, to discharge the functions of an officer appointed under Section 14, in respect of cattle impounded with the area included within that municipality or within the area subject to the jurisdiction of that Union Board as the case may be:

Provided that a Chairman or President so appointed may, by general or special order, delegate to the Vice-Chairman of such municipality or the Vice-President of such Union Board, as the case may be, all, or any of the functions of an officer appointed under Section 14 which such Chairman or President is entitled to discharge and may at any time withdraw the same.

(2) A Chairman or President so appointed, or a Vice-Chairman or Vice-President to whom the Chairman or the President, as the case may be, may have delegated all or any of the functions referred to in sub-section (1), shall not, directly or indirectly, purchase any cattle at a sale under this Act.”

### **“33. Delegation of certain powers of the Magistrate of this District. -**This Magistrate of the District may, by an order in writing, delegate the powers specified below to any Magistrate subordinate to him,

(1) The determination of the manner of disposal of unclaimed impounded cattle under the proviso to Section 14; and



(2) The settlement of claims in respect of surplus unclaimed proceeds of the sale of cattle held in deposit under Section 17.”

[Bengal Act 4 of 1947]

**[SCHEDULE].** -Rep. by the Repealing Act, 1938 (1 of 1938), Sec. 2 and Sch.