THE CATTLE-TRESPASS ACT, 1871

(21 a[trq', 1996 aT uniterHt).

निदेशक पशुपालन विभाग, हरियाणा, चढीगढ द्वारा प्रकाशित
सम्पादक मण्डल

प्रधान सम्पादक
गाँधी जय लाल वर्मा,
निदेशक

सम्पादक
afo to ~ o gjiit
~o~0~10 (~ 'ff)

सहायक सम्पादक
xfo ~ o mo ~ tttt
(vfto ~ o_mo)

श्री मदन लाल शर्मा
श्री बेद प्रकाश शर्मा
पशु अतिचार अधिनियम, 1871
(21 अगस्त 1996 को यथाविधमान).

पारम्परिक कः

अध्याय-1

प्रारम्भक

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1. ".,fr m fflir,
2. [errpm']
3. निर्यातन खण्ड

अध्याय-2

टॉमे होन और कांटे होस रखखाले

4. कांटे होसों की स्थापना

5. ~I ~W dir M~
   ammr ~ .fl wtr// ~ fuj firr dir~

6. ~ M ~cnm :fl f~
   ~ M~ ~ ~crf df dmxr ~ 64ir
   flPr ; ~ m dir mfr-fl fl t,

   विनिमय ~T'f 1.5frr ~ ~

7. — — M', ——fr ;,r
8. arf—f f —
9. —fl mfr: — mfr frR fr: f—1,ff

(iii)
अध्याय-3

पशुओं को परिवर्तन कराना

10. जब रथ में गुजरते हैं, तो रथ स्थापित करते हैं।

11. साधनों के तौर पर, सीधे दान प्रकार से नहीं किया जाता।

12. बुध को बुध में सारी चीजें ले जाते हैं।

अध्याय-4

पशुओं का परिवर्तन या विकास

13. जब स्वामी पशुओं का दान करते हैं, तो स्वामी गोर होते हैं और प्रथम में सदास्य करते हैं।

14. यदि पशुओं के दान के बजाय दान नहीं किया जाता, तो पशुओं का परिवर्तन नहीं होता।

15. अभिप्राप्त गुण जैसे विवाह उत्पन्न होते हैं और विवाह करते हैं।

16. जब न्यायी गुनों का प्रयोग नहीं किया जाता है तब पशुओं का परिवर्तन होता है।

17. जुगनों, ब्याह को विकास करने के बजाय योग का विपक्ष होता है।

18. [कोंकण]

19. अधिनियम के अधीन विकास के बजाय, जो भी अन्य विकास नहीं रहता है।
(V)

20. निर्धार करने की अवधि

21. निर्धार पर अवधि

23. प्रशिक्षण की बस्ती

अनुपाद-6

तत्त्व 7

24. — अर्थात् जैसे — निर्धार निर्धार

25. के अनुसार स्वरूप निर्धार का निर्धार

अनुपाद-7

प्रशिक्षण के लिए बाद

29. प्रशिक्षण के लिये व. २ त. ने के अधिकार की बातचीत

30. मुखर करता

अनुपाद-8

अनुपूरक
पशु अतिवार अधिनियम, 1871

(1871 मई 21 को आधिनियम, 1996 मई 8 को सहभागिता)

प्रारम्भः

1. (1) जबति शोधकर्त तथा फार्म, आर्म, अर्थात रजिस्टर, जिन्हें आर्म देखते हुए, जबति अधिनियम अनुसार हेतु गृह और कृषि क्षेत्र में राज्य के संकेतात्मक हेतु प्रदर्शित किया जाना चाहिए।

(2) जबति आर्म अधिनियम के हेतु गृह और कृषि क्षेत्र में राज्य के संकेतात्मक हेतु प्रदर्शित किया जाना चाहिए।

2. रजिस्टर अधिनियम के हेतु गृह और कृषि क्षेत्र में राज्य के संकेतात्मक हेतु प्रदर्शित किया जाना चाहिए।

3. रजिस्टर हेतु प्रदर्शित किया जाना चाहिए।

नाम भोज विस्तारः

निर्यात वंडः
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s—10

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m'rif'm ~ f'i rif'm => "

f" ir're ~ c'fr f'~ c'ir' ef 'fr; — ~ s'i rif'm ~ ~m.'

m'rif'm ~ f'i rif'm ~ f'f'f'

3. "f'rfr ~ f'fr ~ ~

m'rif'm ~ f'i rif'm ~ ~

f" ir're ~ c'fr f'~ c'ir' ef 'fr; — ~ s'i rif'm ~ ~m.'

2. भारत शासन (भरतविचि अशोकन) अध्ययन, 1937 द्वारा प्रकाशित।
7. — 1 मैंने तुम्हें ध्यान दिया था। मैंने वहाँ गया था।

8. यदि तू वैदिक है तो हृदय से। तुम्हे इस लिये। इस लिये।

9. उत्तर में — तुम्हें इतना मिले हैं। अदि यहाँ दे।

अथवा 3

नशुओं का परिहार करना

10. धर्म का क्रम या अभिनवमानों —

एक अलग अलग विषयों की जाति है।

अभिविपत्ति करने के बावजूद कुछ नहीं लागता।
पुस्तक के संबंध घोषणा,

(५) यह स्थान जहाँ है अधिकृत फिर मुझे दे,

(४) यह स्थान जहाँ है परिषद किया का है,

यहाँ, M फिर मुझे मूल निर्देश दे एवं जैसे ही निर्देश मिले, तो फिर मुझे निर्देश करें।

राज: यहाँ है निर्देश देकर मुझे कौनसा है?

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THE CATTLE TRFSPASS ACT, 1871
As on the 21 August 1996
ARRANGEMENT OF SECTIONS

PREAMBLE

CHAPTER I
PRELIMINARY

Sections

1. Title and extent.
2. [Repealed.]
3. Interpretation clause.

CHAPTER II
POUNDS AND POUND-KEEPERS

4. Establishment of pounds.
5. Control of pounds.
   Rates of charge for feeding impounded cattle.
   Pound-keepers may hold other offices.
   Pound-keepers to be public servants.

   Duties of Pound-keepers

7. To keep registers and furnish returns.
8. To register seizures.
9. To charge for and feed cattle.

CHAPTER III
JMPOUNDING CATIE


   Police to aid seizures.

11. Cattle damaging public roads, canals and embankments.
12. Fines for cattle impounded.

List of fines and charges for feeding.

CHAPTER IV.

DELIVERY OF SALE OF CATTLE

1. Procedure when owner claims the cattle and pays fines and charges.

4

14. Procedure if cattle be not claimed within 11 weeks.

4

15. Delivery to owner disputing legality of seizure, but making deposit.

4

16. Procedure when owner refuses or omits to pay the fines and expenses.

4

Deduction of fines and expenses.

5

Delivery of unsold cattle and balance of proceeds.

5

Receipt.

5

17. Disposal of fines, expenses and surplus proceeds of sale.

5

18. [Repealed.]

5

19. Officers and pound-keepers not to purchase cattle at sales under Act.

Pound-keepers when not to release impounded cattle.

5

CHAPTER V

COMPLAINTS OF LEGAL SEIZURE OR DETENTION

6

20. Power to make complaints.

6

II. Procedure on complaint.

5

11. Compensation for illegal seizure or detention.

6

Release of Cattle.


6

CHAPTER VI

PENALTIES

24. Penalty for falsely opposing the seizure of cattle or rescuing the same.

6
25. Recovery or penalty for mischief committed by causing cattle to trespass.

Penalty for damage caused in land or crops or public ruminants by

27. Penalty on pound-keeper Jailing to perform duties.

28. Application of fines recovered under section 25 to 26 or 27.

CHAPTER VII

SUITES FOR COMPENSATION

29. Saving of right to sue for compensation.

30. Set-off.

CHAPTER VII

SUPPLEMENTAL

31. Power for State Government to transfer certain functions to local authority and direct credit of surplus receipts to local fund.

THE SCHEDULE—[Repealed]
I'HC ('Ar' I') r. TRE:-l'ASS ACT, [X71

As on the 21 August 1996

'ACT Nn. 1 OF [871)

[131t, Jrlllary 1871)

An Act to l.,n.,lidute and am ·11d the law, reluting to pas by
Callie.

WHEREAS it is expen .,nt lo th· n8,.1 lidic and ·inle, d the law
relating to respasscs by cutt·c;

fl is hereby enacted a! l. follows :-

CHAPTER

PHELIMINAHY

'l. (l) Thi- act may h.: called thc Cntrlc-trexpass Act. 1871; and
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1! l, cxr.n ds l., the whole ,1 l·d il except th. crentories which
unmediately before the 1., t November. 1956, were comprin:.d in Part fl
Smr.cs), and thc Presidenciy-iowns and such local arcus ;;, thc Si::,l Government, by notification in thc Ollit:iil Gazette, ijuy t'rom time
~o time exclude Pr, till its ,p-rarilll.

2. (Repca! of'Acts. R,fr(lII/1 h . repealed Art: t, Ut\ by /u Repealing Act, /938 (J of E/38).

3. In this Act,

"officer of police" inc: udes ulse village-wuichman, and "c:iltle" i.,cll,de ilen cleph-ulv, carnelv, huffak:cs, horses, mares, geldings,
ponies, colts, fillies, mules, assess, pigs, rams, ewes, sheep, lambs,
oat- and kids, "\[tindl

"local authority" means any bndy ef persons for the time being
invested by law with the control and adniinistration of any matters
within a specified local area, und

1. Subs. by Act, 1co ( 1891,s. 1, to, thoorikiinins. 1.
2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "Purl n Stmes".
3. Sub:;tin Ol re. -, by vet t) ,tf l, s. 3 a nd Sch. H.
4. Ins. by Act I of 1891". f
5. Ol. definition ins. 3(28) of thc General Clauses Act. 15-7 (10 o1 1897) which
applies to ll Act» passed after the 14th Januaiy, 1887.
"kicul fund" means any fund under the control or management of a local authority.]

CHAPTER II

POUNDS AND POUND KEEPERS

4. 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.

5. The pound shall be under the control of the Magistrate of the District: all which shall lie and may from time to time alter the rates of charge for feeding and watering impounded cattle.

6. The State Government shall appoint a pound-keeper for every pound.

Any pound-keeper may hold simultaneously any other office under the Government.

Every pound-keeper shall be deemed to be a public servant within the meaning of the Indian Penal Code, 45 of 1860.

DUTIES OF POUND KEEPERS

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

When cattle are brought to a pound, the pound-keeper shall enter in his register—

(a) the number and description of the animal,

(b) the day and hour on and at which they were brought,
(c) the name and residence of the seizure, and
(d) the name and residence of the owners, if known, and shall \[en the case] or his 
\[give] a copy of the entry.

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

CHAPTER II

M POUNDING CATTLE

10. 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 shall send them or cause them to be sent within twenty-four hours to the pound established for the village in which the land is situated.

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

11. 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.

12. 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.

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1. Subs. by Act 1 of 1891, s. 3 for "take them or cause them to be taken without unnecessary delay."

2. As to the application of s. 11 to forests see the Indian Forest Act, 1867 (Act 1 of 1897), s. 70; to railways see the Indian Railways Act, 1890 (Act 6 of 1890), s. 125(4).

3. Subs. by Act 17 of 1921, s. 1, for "take them without unnecessary delay..."

4. Subs. by Act 7 of 1921, s. 7, for the \[Hirn.\] \[c.\] see also s. 7 of the Indian Forest Act, 1867.
All fines so levied shall be sent to the Magistrate of the district through such officer as the State Government may direct.

A list of all fines and of the name of the und watering cattle shall be posted in a conspicuous place on or near to every pound.

CHAPTER IV

FLIVFRY OR SALE OF CATTLE

13. If the owner or 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.

14. 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 or the District appoints in that behalf.

Such officer thereupon shall 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 market-place nearest to the place of seizures.

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 or 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.

15. If the owner or his agent appears and refuses to pay the said fines and charges on the ground that the seizure was ill-cast, 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.

16. If the owner or his agent appears and refuses or omits to pay or deposit the said fines and charges, the cattle, or as many of them as may be necessary, shall be sold by public auction by the officer at such place and time, and subject to such conditions, as aforesaid in section 14.
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, showing—:

(o) the number of cattle seized;

(b) the time during which they have been impounded;

(c) the number of cattle sold;

(d) the proceeds of sale; and

(e) the number in which those proceeds have been disposed of.

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

17 The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

The changes for feeding and watering deducted under section 16 shall be paid over to the pound-keeper, who shall 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 that period, shall at its expiry be deemed to hold them as part of the revenues of the State.

19 No officer of police, or other officer appointed to carry the provisions of this Act, shall order any cattle at a sale under this Act, other than in accordance with the forms prescribed by the Magistrate or Civil Court.

Subs. by the A.O. 1937, for "dispose of them as hereinafter provided".
COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION

Procedure of complaint.

21. If any person believing himself to be aggrieved by the acts of the person seizing or detaining cattle, 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 authorised to receive and try charges without reference by the Magistrate of the District.

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

Compensation for illegal seizure or detention;

22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant (or the loss caused by) the seizure or detention, reasonable compensation, not exceeding the value of the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the 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 payable under this Act be paid by the person who made the seizure or detained the cattle.

Release of cattle,

23. The compensation, fines and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate.

Penalties

24. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

....and whoever resues the same after seizure, either from a pound, or from any rier, 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 be punished with imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both,

1. Subs. for the original Cl. by Act I of 1891, s. 6.
26. Any owner or keeper of pigs who neglect or otherwise damages or causes or permits to be done to any crop or any article of produce of land or any public road, by allowing such pigs to trespass thereon shall, on conviction before a Magistrate, be punished with fine no less than ten rupees.

27. 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 other 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 Magistrate, with fine not exceeding fifty rupees.

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

28. All fines recovered under sections 26 or 27 may be appropriated in whole or in part to a compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

CHAPTER VII

SUITES FOR COMPENSATION

29. 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.

1. Act to the application of s. 25 in the case of Cattle trespassing on a railway, Act 19 of 1891, s. 128(3).
2. Ini. by Act 1 of 1891, s. 7.
3. Ins. by s. 8 ibid.
4. Tho last paragraph of a. 26 rep. by Act 10 or 1914.
30. 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. 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.

* * * * *

[SCHEDULE]—Added by the Repealing Act, 1938 (1 of 1938).

1. Ch. VIM was added by Act 1 of 1891, s. 9.
2. Cl. (b) rep. ordinarily by Act 10 of 1914 and partion by the A.O. 1937.