

ACT No. I OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 30th
January, 1891.)

An Act to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883.

of 1871. WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883 (to amend the Cattle-trespass Act, 1871); It is hereby enacted as follows:—

of 1871. 1. For section 1 of the Cattle-trespass Act, 1871, the following shall be substituted, namely:—

Substitution of new section for section 1, Act I, 1871.

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

Title and extent.

(2) It extends to the whole of British India except the Presidency-towns and such local areas as the Local Government, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2).”

2. To section 3 of the said Act the following shall be added, namely:—

Additions to section 3, Act I, 1871.

“, and

“ ‘Local authority’ means any body of persons for the time being invested by law with the control and administration

administration of any matters within a specified local area, and

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

Amendment
of section 10,
Act I, 1871.

3. In section 10 of the said Act, for the words “take them or cause them to be taken without unnecessary delay” the words “send them or cause them to be sent within twenty-four hours” shall be substituted.

Amendment
of section 11,
Act I, 1871.

4. In section 11 of the said Act, for the words “take them without unnecessary delay” the words “send them or cause them to be sent within twenty-four hours” shall be substituted.

Additions to
section 12,
Act I, 1871.

5. (1) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely :—

“ Provided that, when it appears to the Local Government from the report of a Magistrate of a District, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Local Government may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale, as may be prescribed in the notification.”

(2) After the third paragraph of the same section the following shall be added, namely :—

“ The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section.”

6. For

6. For Chapter V of the said Act the following shall be substituted, namely :—

Substitution of new Chapter for Chapter V, Act I, 1871.

“CHAPTER V.

“COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

“20. 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.

Power to make complaints.

“21. 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.

Procedure on complaint.

“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 enquiry into the case.

“22. 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 ;

Compensation for illegal seizure or detention.

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.

Release of cattle.

“23. The compensation, fines and expenses mentioned in section twenty-two may be recovered as if they were fines imposed by the Magistrate.”

Recovery of compensation.

7. In section 25 of the said Act the words “under the next following section or” shall be inserted between

Amendment of section 25, Act I, 1871.

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the words "Any fine imposed" and the words "for the offence of mischief."

Addition to section 26, Act I, 1871.

8. To section 26 of the said Act the following shall be added, namely:—

"The Local 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.

"The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

Addition of new Chapter after Chapter VII, Act I, 1871.

9. After Chapter VII the following shall be added, namely:—

"CHAPTER VIII.

"SUPPLEMENTAL.

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

"31. The Local 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 Local Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

(b) direct that the whole or any part of the surplus accruing in any district under section eighteen of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section."

10. Act

- I of 1871. 10. Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*) is hereby repealed: Repeal of Act XVIII, 1883.
- Provided that orders which have been made and notified under that Act by the Local Government and are in force immediately before the commencement of this Act shall be deemed to have been made under the Cattle-trespass Act, 1871, as amended by this Act.
- XIII of 1889. 11. In section 6, sub-section (3), of the Cantonments Act, 1889, for the words and figures "Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*)," the Amendment of section 6 (3), Act XIII, 1889.
- I of 1871. words and figures "the Cattle-trespass Act, 1871," shall be substituted.
- I of 1871. 12. Any enactment or document referring to the Cattle-trespass Act, 1871, or to Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*), shall be construed to refer to the Cattle-trespass Act, 1871, as amended by this Act. Saving of references.
13. This Act shall come into force on the first day of April, 1891. Commencement.