

## **Cattle Trespass Act, 1966**

### **Chapter IV - Delivery or Sale of Cattle**

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(1) If the owner of the impounded cattle, or his agent, appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the fines fixed and the charges payable in respect of such cattle.

(2) The owner or his agent on taking back his cattle, shall sign in the register maintained by the pound-keeper, acknowledging the receipt of the cattle.

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### **Section 13 - Security in respect of impounded cattle**

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(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 owner 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 made in this behalf, shall stand forfeited to the State Government. If cattle are not impounded as aforesaid, the amount of security 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.

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### **Section 14 - Removal of cattle to specified places**

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(1) If in any local area to which the State Government may, by notification in the official Gazette, apply this section, the Tahsildar, is satisfied,-

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

(ii) that the crops or grass standing on any agricultural land so set apart are likely to be damaged by cattle belonging to persons who are not residents of such 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 Tahsildar may direct a police officer not below the rank of a head constable to remove or cause to be removed such cattle to the place or places specified in the order.

(3) If the Tahsildar 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).

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### **Section 15 - Procedure if cattle be not claimed within seven days**

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(1) 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 officer as the District Magistrate appoints in this behalf:

Provided that in the case of asses or sheep the claim shall be made within three days from the date of their impounding.

(2) On receipt of a report under sub-section (1), the officer concerned shall display 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 were impounded;

and shall cause proclamation of the same to be made by beat of drum in the village or area and at the market place near the place of seizure.

(3) If the cattle be not claimed within seven days, or within three days in the case of asses or sheep, from the date of notice under sub-section (2), 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 District Magistrate by general or special order from time to time directs:

Provided that if the bid of any person for any cattle at a public auction is, in the opinion of the officer authorised to sell them, not a fair price, he may reject the bid, and may dispose of the cattle in such manner as he thinks fit.

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### **Section 16 - Delivery to owner disputing legality of seizure but making deposit**

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(1) If the owner of the impounded cattle or his agent appears before the pound-keeper and refuses to pay the fines and charges payable in respect of the cattle under sub-section (1) of section 12, on the ground that the seizure was illegal and that the owner is about to make a complaint under section 20, then, upon the deposit of the fines and charges payable in respect of the cattle, the cattle shall be delivered to him.

(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 a 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 13. 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 purposes of section 17.

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### **Section 17 - Procedure when owner refuses or omits to pay the fines and charges**

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(1) If the owner or his agent appears before the pound-keeper and refuses or omits to pay the said fines and charges and to deposit the said amount of security under sub-section (1) of section 16 (or in the case mentioned in sub-section (2) of section 16) to deposit the said fines, expenses and amount of security or to make a declaration as required by section 13, the cattle, or as many of them as may be necessary, shall be sold by such officer, at such place and time, and subject to such conditions as are referred to in section 15.

(2) 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 13 shall be deducted from the proceeds of the sale.

(3) 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 fine and charges payable;
- (d) the number of cattle sold;
- (e) the proceeds of sale; and
- (f) the manner in which the said proceeds have been disposed of.

(4) 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.

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### **Section 18 - Disposal of fines, expenses and surplus proceeds of sale**

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(1) The officer by whom the sale is held shall send to the District Magistrate the fines deducted under sub-section (2) of section 17.

(2) The fines levied under sub-section (1) of section 10 and the fines deducted under sub-section (2) of section 17 shall be credited to the local fund of the local authority within the jurisdiction of which the pound is located.

(3) The charges for feeding and watering deducted under section 17 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 12.

(4) The amount of security required under section 13 shall be deposited with the pound-keeper.

(5) The surplus unclaimed proceeds of sale of cattle shall be sent to the District Magistrate who shall hold them in deposit for a period of six months and, if no claim thereto is preferred and established within that period such proceeds shall be credited to the local fund of the local authority within the jurisdiction of which the pound is located and no suit shall lie for the recovery of any sum so credited.

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### **Section 19 - Officers and pound-keepers not to purchase cattle at sales under the Act**

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(1) No officer of police, or other officer or pound-keeper appointed or authorised to perform any function under this Act shall directly or indirectly, purchase any cattle at a sale under this Act.

(2) No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the provisions of this Chapter unless such release or delivery is ordered by a competent court of law.

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