

# The Cattle-trespass Act, 1871

( ACT NO. I OF 1871 )

**<sup>2</sup>♣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 trespass by cattle; It is enacted hereby follows:-

## CHAPTER I PRELIMINARY

### Title and extent

1. (1) This Act may be called the Cattle-trespass Act, 1871; and<sup>3</sup>[(2) It extends to the whole of Bangladesh.]

### Repeal of Acts References to repealed Acts

2. [Repealed by the Repealing Act, 1938 (Act No. I of 1938).]

### Interpretation- clause

3. In this Act,-

"officer of police" includes also village-watchmen, 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 authority" means anybody of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

"local fund" means any fund under the control or management of a local authority.

## CHAPTER II POUNDS AND POUND-KEEPERS

**Establishment of pounds**

4. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the 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.

**Control of pounds  
Rates of charge for feeding impounded cattle**

5. 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.

**Appointment of pound-keepers**

6. The 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 4[\* \* \*] Penal Code.

**To keep registers and furnish returns**

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

**To register seizures**

8. 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
- (d) the name and residence of the owner, if known,

**To take  
charge of  
and feed  
cattle**

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

**CHAPTER III  
IMPOUNDING CATTLE**

**Cattle  
damaging  
land**

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 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) resistance to such seizures, and (b) rescues from persons making such seizures.

**Cattle  
damaging  
public  
roads,  
canals and  
embankments**

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.

**Fines for  
cattle  
impounded**

12. For every head of cattle impounded as aforesaid, the pound-keepers shall levy a fine in accordance with the scale for the time being prescribed by the 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 officers as the 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.

## **CHAPTER IV DELIVERY OR SALE OF CATTLE**

**Procedure when owner claims the cattle and pays fines and charges**

13. 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.

**Procedure if cattle be not claimed within a week**

14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report to 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 market-place 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

**Delivery to owner disputing legality of seizure but making deposit**

15. 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.

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

16. 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.

**Disposal of fines, expenses and surplus**

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