



THE CATTLE-TRESPASS ACT, 1871



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THE CATTLE-TRESPASS ACT, 1871

¹Act No. I OF 1871

[13th January, 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 trespass by cattle; It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

²[**Title and Extent.**— (1) This Act may be called the Cattle-trespass Act, 1871] ; and

(2) It extends to ³[the whole of Pakistan], ⁴except ⁵* * * such local areas as the ⁶[Provincial Government], by notification in the official Gazette, may from time to time exclude from its operation.]

⁷* * * * *

2. [*Repeal of Acts. References to repealed Acts.*] *Rep. by the Repealing Act, 1938 (I of 1938).*

3. Interpretation-clause. 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, ⁸[and ⁹" local authority" means any body 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.]

¹For Statement of Objects and Reasons, see Gazette of India, 1870, Pt. V P. 310, for Proceedings in Council, see *ibid.*, Supplement, pp. 1150, 1200, 1290. and Supplement, 1871, P. 178. The Act, has been repealed in its application to the Province of Punjab by Punjab Act XXXIV of 1975, s. 233.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified—see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, P. 1499.

²Subs. by the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891),s. 1, for original s. 1.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for" all the Provinces and the Capital of the Federation" which was subs. for " the whole of British India" by A. O., 1949, Arts. 3(2) and 4.

⁴This Act has been declared in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s. 3.

⁵The words" the presidency-towns and" omitted by A. O., 1949, Sch.

⁶subs. by A.O., 1937, for "L.G."

⁷Sub-section (3) of s. 1 rep. by the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and 2nd Sch.

⁸Ins. by Act 1 of 1891, s. 2.

⁹Cf. definition in section 3 (28) of the General Clauses Act, 1897 (10 of 1897), which read with s. 4 (2) of that Act applies, to all Acts passed after the 14th January, 1887.

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 ¹[Provincial 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. 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.

6. Appointment of Pound keepers. ²[The ³Provincial 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 ⁴[Government].

Pound-keepers to be public servants. Every pound-keeper shall be deemed to be a public servant within the meaning of the Pakistan Penal Code ([XLV of 1860](#)).]

Duties of Pound-Keepers

7. To keep registers and furnish returns. Every pound-keeper shall keep such registers and furnish such returns as the ¹[Provincial 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 seizer, and
- (d) the name and residence of the owner, if known,

and shall give the seizer 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 advance cash for the cultivation of the crop or produce on any land,

¹Subs. by A. O. 1937, for "L. G".

²Subs. by the Suppl. A.O., 1937, for the original section 6.

³This expression includes also such person as the Provincial Government may direct under s. 241 (1) (b) of the G. of I Act, 1935, see, the General Clauses Act, 1897, s. 4A (2).

⁴Subs. by A.O., 1961, Art. 2, for "Crown" (with effect from the 23rd March. 1956).

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 ¹[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.

²**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 ³[send them or cause them to be sent within twenty four-hours] to the nearest pound.

⁴**[12 . Fines for cattle impounded:** 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 ⁵ [Provincial 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 ⁵[Provincial 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

13. Procedure when owner claims 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.

14. Procedure if cattle be not claimed within a week. If the cattle be not claimed within seven

¹Subs. by the Cattle-trespass Act (1871) Amendment Act, 1891 (1 of 1891) s. 3. for "take them or cause them to be taken without unnecessary delay".

²As to the application of s. 11 to forests, see the Forest Act, 1927 (16 of 1927), s. 70; and to railways, see the Railways Act, 1890 (9 of 1890), s. 125(4).

³Subs. by Act 1 of 1891, s. 4, for "take them without unnecessary delay".

⁴Subs. by the Cattle-trespass (Amendment) Act, 1921 (17 of 1921), s. 2, for the originals. 12. See s. 71 of the Forest Act, 1927 (16 of 1927) under which the Provincial Government may fix a different scale of fines for cattle impounded under s. 70 of that Act.

⁵Subs. by A. O., 1937, for " L.G.".