



The Punjab Cattle Fairs (Regulation) Act, 1967

Act 6 of 1968

Keyword(s):

Broker, Cattle Fair, Cattle Market, Fair Area, Fair Officer

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THE PUNJAB CATTLE FAIRS (REGULATION) ACT, 1967.

(PUNJAB ACT NO. 6 OF 1968)

Arrangement of Sections

SECTIONS.

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THE PUNJAB CATTLE FAIRS (REGULATION)
ACT, 1967

(PUNJAB ACT 6 OF 1968)

[Received the assent of the President of India on the 19th February, 1968 and was first published for general information in the Punjab Government Gazette (Extraordinary), dated the 24th February, 1968.]

1	2	3	4
Year	No.	Short title	Whether affected by Legislation
1968	6	The Punjab Cattle Fairs (Regulation) Act, 1967	Amended by Punjab Act 18 of 1968 ² . Amended by the Adaptation of Punjab Laws Order, 1970. Amended by Punjab Act 16 of 1973 ³ .

AN

ACT

to regulate the holding of cattle fairs.

BE it enacted by the Legislature of the State of Punjab in the Eighteenth Year of the Republic of India as follows :—

1. This Act may be called the Punjab Cattle Fairs (Regulation) Act, 1967. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) 'broker' means a person who strikes a bargain between a seller and a purchaser of cattle, in any cattle fair, on payment of commission;

(b) 'cattle' includes a buffalo, camel, cow, donkey, elephant, goat, horse, mule, sheep and their young-ones and such other animals as the

¹For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1967, page 861.

²For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1968, page 535.

³For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1972, page 1196.

State Government may by notification specify ;

¹[(bb) 'cattle fair' means a gathering of more than twenty-five persons for the purpose of general sale, purchase or exhibition for general sale or purchase of cattle;] ²[and includes cattle market];

³[(bbb) 'cattle market' means a place where the business of sale or purchase of cattle is regularly conducted;]

(c) 'Deputy Commissioner' includes an Additional Deputy Commissioner and such other officer as the State Government may by notification appoint for the purpose of exercising the powers and performing the functions of a Deputy Commissioner under this Act ;

(d) 'fair area' means such area within a district as may be specified by a fair officer for the purpose of holding a cattle fair ;

(e) 'fair officer' in relation to any fair area means an officer appointed under section 4 for such area ;

(f) 'prescribed' means prescribed by rules made under this Act.

Bar on holding, etc., of cattle fairs except by or under authority of State Government.

3. (1) The right to hold a cattle fair at any place in the State of Punjab and to control, manage and regulate such fair shall vest exclusively in the State Government and shall be exerciseable by it, in accordance with the provisions of this Act and the rules made thereunder, through such persons or authorities as it may deem fit.

(2) Notwithstanding anything' contained in any other law for the time being in force and save as provided by sub-section (1), it shall be unlawful for any person or local authority to hold, control, manage or regulate a cattle fair at any place in the State of Punjab.

¹Clause (bb) inserted by Act 18 of 1968, section 2.

²Added at the end by Punjab Act 16 of 1973.

³Clause (bbb) inserted by *ibid.*

(4) If the fair officer is satisfied that the holder of a broker's licence has violated any of the terms and conditions of the licence or has contravened any of the provisions of this Act or the rules made thereunder, he may, after giving to the broker a reasonable opportunity of being heard, suspend or cancel his licence.

(5) An order suspending or canceling a broker's licence shall be revisable by the Deputy Commissioner in such manner as may be prescribed.

10. (1) No person shall—

- (a) bring within a fair area any cattle suffering from any contagious or infectious disease; or
- (b) obstruct the sale or purchase of cattle or unduly interfere therewith or misguide brokers, sellers or purchasers within the fair area or cause loss to the income of the cattle fair by unfair means.

Power to prohibit entry of certain persons and cattle in fair areas.

(2) The fair officer shall have power—

- (a) to prohibit the entry in the fair area of any cattle referred to in clause (a) of sub-section (1) or cause to be driven out of such area such cattle ;
- (b) to get the cattle in the fair area immunised, if necessary ;
- (c) to isolate any diseased cattle ;
- (d) to arrange for the disposal of dead cattle in fair area ; and
- (e) in addition to any other penalty to which such person may be liable under this Act to expel from the fair area any person contravening the provisions of clause (d) of sub-section (1).

(3) For the purposes of complying with the provisions of sub-section (2), the fair officer may use such force as may be necessary.

Outbreak of fire.

11. In the event of an outbreak of fire, the fair officer may order the demolition of any structure, if in his opinion its demolition is necessary or expedient for preventing the fire from spreading, and no suit or other proceeding shall lie for an act done or purporting to be done in good faith under this section.

Power to remove unauthorised construction.

12. The fair officer may, in a fair area, remove any unauthorised construction and the cost of such removal may be recovered, from the person making the construction, as arrears of land revenue if such person fails to make payment of such cost on a written demand by the fair officer.

Ejectment of allottees.

13. (1) The fair officer may, in a fair area order the ejectment of any person from the site allotted to him if such person contravenes any of the provisions of this Act or the rules made thereunder.

(2) If any person fails without reasonable cause to comply with an order made under sub-section (1), the fair officer may take possession of the site and may for that purpose use such force as may be necessary.

Summary proceedings against persons.

14. (1) If the fair officer shall at any time have reason to believe that any person, from whom any sum recoverable is due under the provisions of this Act, is about to remove himself from the fair area, the fair officer may cause a bill for the sum due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due, the amount shall be recovered by distress and sale in the prescribed manner of cattle or other moveable property in the possession of such person.

(3) Where any sum due from any person cannot be recovered under sub-section (2) or has been recovered only partially, such sum or the balance thereof, as the case may be, may be recovered as arrears of land revenue if such person fails to make payment thereof on a written demand by the fair officer.

[15. * * * *]

16. (1) There shall be constituted a Fund to be called "The Cattle Fair Fund" to which shall be credited the following, namely :—

- (a) all fees, rents or other sums of money (not being tolls and taxes) received or realized under the provisions of this Act or the rules made thereunder ; and
- (b) all donations or grants made to the Fund by the State Government, a local authority or any other person.

(2) The Cattle Fair Fund shall be kept in such Government treasury or sub-treasury as may be specified by the State Government.

17. The Cattle Fair Fund shall be operated in such manner and to such extent by such authority as the State Government or the Deputy Commissioner if so authorised by it, may, by order in writing direct and shall be applicable for the purposes of payment, in whole or in part, of all charges and expenses incidental to the matters specified in this Act and the rules made thereunder, including the following purposes, namely :—

- (a) all expenses necessary for the holding, controlling, managing or regulation of cattle fairs and for matters connected therewith or incidental thereto;
- (b) payment of salaries and allowances of persons employed in connection with the cattle fair ;
- (c) payment of fees for the auditing of accounts of the Fund by such auditors and at such rate as the State Government may determine;

¹[(d) * * *];

- (e) allocation to local authorities in such proportion as the State Government may consider fit, for the development of cattle or animal husbandry or such other purposes as the State Government may think fit; or
- (f) such other purposes as the State Government may, by written order, direct.

Penalties.

18. (1) Any person who contravenes the provisions of sub-section (2) of section 3 shall—

- (a) for the first offence, be punishable with imprisonment which may extend to ²[three years or with fine which may extend to five thousand rupees] or with both; and
- (b) for a second or subsequent offence, be punishable with imprisonment which may extend to ³[five years or with fine which may extend to ten thousand rupees] or with both :

Provided that in the case of second or subsequent offence, in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than ⁴[two years and such fine shall not be less than five thousand rupees.]

(2) Any person who contravenes the provisions of section 8 or sub-section (1) or sub-section (3) of section 9 or sub-section (1) of section 10 or of the rules made under this Act, shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

¹Clause (d) omitted by Punjab Act 16 of 1973.

²Substituted by *ibid.*

³Substituted by *ibid.*

⁴Substituted by *ibid.*

5 of
1898.

19. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) of section 18 shall be cognizable [and non-bailable].

Cognizance of
offences.

(2) No court shall take cognizance of an offence punishable under sub-section (2) of section 18 except on a complaint made in writing by the fair officer or any other officer not below the rank of a Gazetted officer authorised by the Deputy Commissioner in this behalf.

(3) An offence punishable under sub-section (2) of section 18 may be tried in a summary manner.

20. The fair officer may accept from any person charged with an offence punishable under sub-section (2) of section 18 by way of composition of the offence a sum of money not exceeding five hundred rupees and on such payment such person, if in custody, shall be set at liberty and the composition shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person in respect of the same offence.

Composition.

21. The fair officer may, subject to the rules made under this Act and with the approval of the State Government, make regulations to provide generally against the outbreak or spread of fire and particularly for the following purposes, namely :—

Power to make
regulations.

- (i) safety of buildings and structures put up in the fair area ;
- (ii) laying down conditions on which huts and other structures may be constructed including limits to the heights of such huts or structures and the areas on which they are to be built and distances between them ;
- (iii) providing for the supply of water ;

- (iv) restricting the use of fire for cooking or for any other purpose and taking precautions against spread of fire.

Power to make rules.

22. (1) The State Government may by notification make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which sites shall be allotted temporarily for commercial or other purposes in connection with the cattle fair and the rents thereof shall be fixed under clause (iii) of sub-section (2) of section 4 ;
- (b) the manner in which and the rate at which tolls and taxes shall be imposed, assessed and collected ;
- (c) the manner in which, the fee on payment of which and the authority by which registration certificates and sale certificates shall be issued under section 8 ;
- (d) the form and manner in which, the payment of fee on which and the authority by which licences referred to in sub-section (2) of section 9 shall be issued ;
- (e) the manner in which and the fee on payment of which the Deputy Commissioner shall revise an order of suspension or cancellation of a broker's licence under sub-section (5) of section 9 ;
- (f) the manner in which distress and sale of animals or moveable property shall be made under sub-section (2) of section 14 ;
- (g) the amount for the deposit of which direction may be given under section 15 ;

- (h) the manner in which the Cattle Fair Fund shall be constituted and matters connected with the proper administration of such Fund ;
- (i) sanitation and control of diseases in a fair area ; and
- (j) any other purpose for which rules are required to be or may be made.

(3) Every rule made under this section shall be laid as soon as may be after it is made before ¹[* * * *] the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions ; and if before the expiry of the session in which it is so laid or the session immediately following, ²[the Legislature] agree in making any modification in the rule or ²[the Legislature] agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to override other laws.

24. (1) The Punjab Cattle Fairs (Regulation) Ordinance, 1967 (Punjab Ordinance No. 14 of 1967), is hereby replaced. Repeal and Saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 4th day of November, 1967.

¹The words "either House of" omitted by the Adaptation of Punjab Laws Order, 1970.

²Substituted for the words "both Houses" by *ibid.*