

## **GUJARAT PANCHAYAT (CATTLE POUNDS) RULES, 1963**

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## **GUJARAT PANCHAYAT (CATTLE POUNDS) RULES, 1963**

No.PRR.16/63-H-In exercise of the powers conferred by section 323 of the Gujarat Panchayats Acts, 1961 (Quj. VI of 1962) read with section 160 164 and 167 of the said Act, and in supersession of all notifications order and rules made or issued under the Cattle-Trespass Act, 1871 or any law corresponding to that Act, in so far as to relate the matters provide in these rules, the Government of Gujarat hereby makes the following rules, namely :-

### **1. Short title :-**

These rules may be called the Gujarat Panchayats (Cattle Pounds) Rules, 1963.

### **2. Definitions :-**

In these rules, unless the context otherwise requires:-

- (a) "the Act" means the Gujarat Paachayats Act, 1961.

(b) "form" means a form appended to these rules.

(c) "Section" means a section of the Act.

(d) "panchayatt" means a pram panchnyat or nagnr panchayat, as the case may be.

(e) "pound keeper" means a person appointed as the keeper of a pound under section 160.

### **3. Register of seizers :-**

(1) The pound keeper shall maintain a register in Form A.

(2) When cattle are brought to a pound, the pound keeper shall enter in such register-

(a) description of each cattle,

(b) the day and hour on and at which they were 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.

### **4. Other registers and returns :-**

(1) The pound keeper shall maintain an account of cattle pound receipt and expenditure in Form B.

(2) The pound keeper shall also maintain such other register and furnish such returns as the State Government may, from time to time, by notification in the Official Gazette, direct.

### **5. Taking charge of and feeding cattle :-**

The pound keeper shall take charge of the cattle brought to the pound and feed water them as and when necessary until they are delivered over to the owner under sub-section (1) of section 163 or sold under sub-section (1) of section 164.

### **6. Levy of pound fees and charging of other expenses :-**

For every cattle impounded, the pound keeper shall:-

(a) Levy a pound fee in accordance with the scale fixed for the time being by the State Government under sub-section (1) of section 165, and

(b) charge expenses for feeding and watering the cattle, at such

rate as the case may be fixed by the panchayat under sub-sec. (2) of section 165.

(2) The pound keeper shall exhibit a list of pound fees and the expenses, chargeable for feeding and watering cattle in a conspicuous part of- the pound and of the gram or nagar, as the case may be, in which the pound is situated.

(3) A receipt for payment of the pound fee and charges for feeding and watering cattle shall be given by the pound keeper. The pound keeper shall be given a blank receipt book in such form as may be determined by Panchayat, with pages numbered in consecutive order, sealed and signed by the Secretary of the- panchaynt and containing a foil and counterfoil of the blank receipt.

#### **7. Procedure if cattle not claimed within seven days or run away or die :-**

If within seven days after any cattle has been impounded no person appearing to be the owner of such cattle offers to pay the pound fee and expenses chargeable under section 165, \*or if any of such cattle runs away or dies while under his charge the pound keeper shall report the fact to the Sarpanch or the Chairman, as the case may be in Form C.

#### **8. Maintenance of account of advances :-**

The pound keeper shall be given an advance not exceeding Rs. 20 by a gram panchayat and Rs. 30 by a nagar panchayat to meet the charges for feeding and watering impounded cattle. The pound keeper shall keep an account (if such advance in a register in Form D. When a pound keeper hands over charge of his office to a successor and his successor shall jointly report to the Sarpanch or the Chairman as the case may be, about their having respectively delivered over and received charge of the money received as an advance.

#### **9. Remittance of pound fees and the amount of security deposits :-**

All pound fees and the amount of security and\* shall be remitted by him to the Secretary of the panchayat with a duplicate memorandum in Form E showing the amount remitted, on the last day of every month and also at any time during a month when the total sum so collected and retained is equal to or exceeds Rs. 50. The secretary after crediting the amount received shall return one copy of the memorandum duly received to the cattle pound keeper

and retain the duplicate as a copy of the receipt.

**10. Notice of auction sale :-**

On receipt of a report from the pound keeper made under rule 7, the Sarpanch or the Chairman, as the case may be, shall cause a notice in Form F to be affixed in the office of the panchayat and at a conspicuous part of pound and also at a conspicuous place in the gram or nagar, as the case may be, in which the pound is situated stating.-

(a) the number and description of the cattle.

(b) the place where they were seized.

(c) the place where they were impounded.

(d) the date, time and place of the auction sale to be held and the conditions subject to which it shall be held.

The Sarpanch or the Chairman as the case may be, shall also cause a proclamation of the notice to be made by beat of drum or cause the notice to be published in a local Gujarati news paper circulating in the gram or nagar.

**11. Holding of auction and disposal of sale proceeds :-**

The auction sale shall be held on the date and at the time and place specified in the notice under rule 10. The pound fee and the expenses chargeable under section 165 shall be deducted from the proceeds of the sale and the surplus amount shall be disposed of according to section 164.

**12. Impounded cattle to be made over to panjarapole or to any other institution in the case of no bid at the auction :-**

If no bidder shall come forward to bid at the auction, the cattle shall be made over to a nearly panjarapole or to any other similar institution. The expenses incurred by the pound keeper for feeding and holding the cattle and also the fees chargeable for impounded cattle shall be borne by the gram panchayat, or as the case may be, the nagar panchayat.

**13. Auction sale when not to be held :-**

If at any time before the auction sale begins, the person appearing to be the owner of the cattle, pays to the Sarpanch or the Chairman as the case be, the pound fees and expenses under section 165 in respect of such cattle, the auction sale shall not be held and the cattle shall be delivered over to him.

**14. Register of cattle received for auction :-**

The secretary to the panchayat shall keep a register in Form G of the cases of the cattle received by the Sarpanch or the Chairman, as the case may be, for holding auction under sub-section (1) of section 164.

**15. Declaration of ownership required to be made under section 167 :-**

The declaration required to be made by the owner of the impounded cattle or his agent under sub-section (1) of section 167 shall be in Form H.

**16. The sum to be deposited by way of security under section 167 :-**

The sum to be deposited by way of security under sub-section (1) of section 167 shall be according to the following scales, namely.-  
In case of a cattle pound in a gram or nagar:-

(a) in the event of the first seizure, ten percent of the total value of the impounded cattle, and

(b) in the event of every subsequent seizure, in addition to the amount specified in clause (a), five per cent of that amount;

'Provided that if any seizure is adjudged illegal it shall be ignored for the purpose of counting its numbers.

**16A. 16A :-**

The extent of the amount of deposit which shall stand forfeited to the State Government under sub-section (2) of section 167, shall be as follows, namely.-

(i) 50 percent of the amount deposited under rule 16, in the case of the first seizure of the cattle, and

(ii) 100 percent of the amount deposited in the case of the second or any subsequent seizure within the period specified in the said sub-section:

Provided that if any seizure is adjudged illegal, it shall be ignored for the purpose of counting its number.

**17. Inspection of register and accounts :-**

The Sarpanch or the Chairman as the case may be, or a member of the panchayat authorised by the Sarpanch or the Chairman as the case may be, shall inspect the register and the accounts

maintained by the pound keeper and shall also check the cash balance with him atleast once in every three months and shall sign in token such inspection.