

The Chhattisgarh Goseva Ayog Act, 2004

CHHATTISGARH

India

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Act 23 of 2004

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The Chhattisgarh Goseva Ayog Act, 2004No. 23 of 2004An Act to establish a Goseva Ayog for the preservation and welfare of cattle in the State, for supervision and control of institutions and to provide for matters connected therewith and incidental thereto.Be it enacted by the Chhattisgarh Legislature in the fifty-fifth Year of the Republic of India as follows :

1. Short title and commencement.

(1)This Act may be called the Chhattisgarh Goseva Ayog Act, 2004.(2)It extends to the whole of the State of Chhattisgarh.(3)It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In this Act unless the context otherwise requires :-(a)"Ayog" means the Chhattisgarh Goseva Ayog established under Section 3;(b)"Agriculture Cattle" means cows of all ages, calves of cows and of she buffaloes, bulls, bullocks, male and female buffaloes;(c)"Chairperson" means the Chairperson of the Ayog;(d)"Institution" means any charitable institution engaged in cattle welfare and established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cattle and includes Gosadhan, Goshala, Pinjrapole, Gorakshan Sansthan and their Federation or Union registered under any enactment for the time being in force or otherwise;(e)"Member" means a member of the Ayog or its committee and includes the Chairperson.

3. Constitution of Ayog.

- The State Government shall constitute a body to be known as the Goseva Ayog. The Ayog shall consists of the Chairperson and the following members :

1. Ex-officio members.-

(i)Agriculture Production Commissioner;(ii)Secretary, Rural Development Department;(iii)Director, Veterinary Services;(iv)Director, Agriculture;(v)Registrar, Co-operative Societies;(vi)Secretary/Additional Secretary, Agriculture (Veterinary);(vii)Director General of Police;(viii)An Officer to be nominated by Finance Department not below the rank of Deputy Secretary;(ix)An Officer of State Bank of India not below the rank of Asstt. General Manager;(x)Additional Director/Joint Director of Veterinary Services, who shall also be the Secretary of the Ayog;(xi)Five non-official members to be nominated by the State Government preferably from persons having interest in cattle welfare;

2. The Ayog may invite officers or expert as special invitees as and when necessary.

3. The State Government may constitute district and block level committees as may be prescribed under rules.

4. Members to be nominated by the State Government.

(1)The State Government shall appoint Chairperson and Members of the Ayog.(2)Chairperson and non-official members of the Ayog shall hold office for a period of three years from the date of the appointment.

5. Disqualification.

- No person shall be eligible for appointment as a non-official member if he-(a)is not a citizen of India;(b)has not attained the age of twenty one years;(c)has been adjudged by a Competent Court to be of unsound mind;(d)has been sentenced by any Court to imprisonment for an offence involving moral turpitude;(e)has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in public service, and(f)is an undischarged insolvent.

6. Terms and conditions of appointment of members of the Ayog.

(1)There shall be paid to the non-official members such allowances as may be prescribed.(2)A non-official member may resign his office in writing under his hand addressed to the State Government.(3)The State Government shall remove a member from the office of non-official member if he :(a)becomes an undischarged insolvent;(b)is convicted for an offence, which, involves moral turpitude;(c)is declared unsound mind by Competent Court;(d)remains without obtaining leave of absence from the Ayog, remains absent from three consecutive meetings; or(e)has, in the opinion of the State Government so abused the position of Chairperson or Members as to render that person to continue in office being detrimental to the interests of cattle or the public interest.

7. Casual vacancy.

- In the event of death, resignation or disqualification of a non-official member or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as early as possible by appointment of a person thereto as member who shall hold office for the unexpired term.

8. Headquarter and meetings of the Ayog.

(1)The Headquarter of the Ayog shall be at Raipur.(2)The Ayog shall hold meetings at least twice in a year and shall keep record of its proceedings.(3)The meetings of the Ayog shall be convened by the Chairperson who shall, preside the meeting and in the absence of the Chairperson, the members present shall elect one from amongst themselves to preside.

9. Vacancy not to invalidated proceedings.

- No act or proceeding of the Ayog shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Ayog.

10. Appointment of officers and others employees.

- Subject to such rules as may be made in this behalf, the State Government may, for the purpose of enabling the Ayog to efficiently discharge its functions under this Act, provide such number of officers and other employees as may be considered necessary.

11. Registration of Institutions and audit of their accounts.

(1)On the commencement of this Act every Institution shall within 3 months thereof submit an application for registration under this Act in such manner as may be prescribed.(2)The application shall be accompanied by such fees as may be prescribed.(3)The Ayog shall after such enquiry as it deems fit issue a certificate of registration in such form as may be prescribed.(4)The Ayog shall maintain a register of institution registered with it in such forms as may be prescribed.(5)Whenever any change occurs in any of the particulars relating to any institution recorded in the register as prescribed under sub-section (4), the person entrusted to act on behalf of the institution shall report the change to the Ayog which shall after such enquiry as it deems fit make the necessary changes in the register.(6)The accounts of every institution which has been registered under this Act, shall, be prepared each year on the thirty-first day of March and its accounts shall be audited annually in the prescribed manner.

12. Functions of the Ayog.

- The Ayog shall perform the following functions ;(a)To ensure the protection afforded to cattle under any law for the time being in force including seizure and custody of the cattle being carried for

slaughtering or likely to be slaughtered in contravention of any law in force and to initiate criminal action against accused persons;(b)To ensure-(i)Proper and timely implementation of the laws referred to in clause (a) and to propose remedial measures regarding the implementation of programmes of the State Government under Goshala Development Schemes;(c)to ensure active participation of the institutions in the development of indigenous breeds of cattle;(d)to promote health care of cattle;(e)to ensure care and management of cattle seized in violation of any enactment for the time being in force;(f)to ensure proper management and care of infirm and aged cattle maintained by any institution.(g)to supervise and inspect the institutions;(h)to promote cultivation of improved variety of fodder-seed production programmes and pasture development activities;(i)to co-ordinate with Agriculture Universities and other Research Institutions dealing with cattle and fodder development programmes and to ensure active participation of the institutions to adopt new scientific technology;(j)to suggest such measures which may be helpful in strengthening of the institutions which are economically weak;(k)to give financial assistance to the institutions;(l)to enquire into complaints in the functioning of any institution;(m)to perform such other functions as may be assigned by the State Government;(n)to appoint such Agricultural Cattle Welfare Officers who shall work for implementation of newly formed Chhattisgarh Agricultural Cattle Preservation Act, 2001, to take action including detention and search of agricultural cattle, detention and search of vehicles, seizure of agricultural cattle and to take cattle into custody and initiate prosecution;(o)to take custody of the agricultural cattle seized and to entrust them to the nearest Goshala, Gosadan or any Cattle Protection institution or to any person pending the disposal of the prosecution proceedings.

13. Funds of the Ayog.

- The funds of the Ayog shall consist of grants made by the Government, fees raised, and penalties imposed by it, donations, gifts.

14. Banker of the Ayog.

- All funds of the Ayog shall be kept in a Nationalised Bank and shall be operated by the official as may be authorised by the Ayog.

15. Power of the Ayog to call for records.

- In order to enable the Ayog to perform the functions under this Act, the Ayog may call for information or report from any department of the State Government or any body or authority or any Institution and the department or body or authority or the institution.

16. Accounts and audit.

(1)The Ayog shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.(2)The accounts of the Ayog shall be audited by the Accountant-General at such intervals as may be specified by him and any expenditure

in connection with such audit shall be payable by the Ayog to the Accountant-General.(3)The Accountant-General and any person appointed by him in connection with the audit of the accounts of the Ayog under this Act shall have the same rights and privileges and authority in connection with such audit as the Accountant-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Ayog.

17. Annual report.

- The Ayog shall prepare, in such form for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

18. Action on Ayog's report.

(1)Upon receipt of annual report made under Section 17, the State Government may take such action as deemed fit.(2)A copy of the report made to the State Government together with a report of the action taken thereon by the State Government under sub-section (1) shall be laid on the table of the Legislative Assembly.

19. Power of the State Government to call for reports, returns, etc.

- The State Government may call for such reports, returns and statements from the Ayog from time to time as it considers necessary.

20. Directions of the State Government.

(1)In the discharge of its functions under this Act, Ayog shall be guided by such directions on the question of policy as may be given by the State Government.(2)If any dispute arises between the State Government and the Ayog as to whether a question or is not a question of policy, the decision of the State Government shall be final.

21. Members of the Ayog to be public servants.

- All members and officers of the Ayog shall be deemed, while acting or purporting to act, in pursuance of any provisions of this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

22. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any member, officer or servant of the Ayog for anything which is done or intended to be done in good faith under this Act.

23. Power to make rules.

(1)The State Government may make rules generally for carrying out the provisions of this Act.(2)and in particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :-(a)terms and conditions of service of employees of the Ayog;(b)allowances which may be paid to members of the Ayog;(c)the manner in which the institutions shall be registered;(d)the manner in which and the authority which shall operate the funds of the Ayog;(e)the manner in which complaints shall be entertained by the Ayog and mode of enquiry;(f)the form and manner in which and the time within which the reports are to be submitted by the Ayog;(g)the fee on the payment of which the registration shall be made and the form in which registration certificate shall be issued;(h)to constitute district and block level committee;(i)any other matter not specifically covered under this section.(3)All rules made under this Act shall be laid on the table of the Legislative Assembly.