

The Orissa Goshala Rules, 1985

ODISHA

India

The Orissa Goshala Rules, 1985

Rule THE-ORISSA-GOSHALA-RULES-1985 of 1985

- Published on 2 January 1986
- Commenced on 2 January 1986
- [This is the version of this document from 2 January 1986.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Goshala Rules, 1985 Published vide Notification Orissa Gazette Extraordinary No. 1028/6.8.1986-Notification No. SRO 443/86/2.1.1986 Notification No. S.R.O. 443/86, dated 2nd January, 1986. - Whereas the draft of the Orissa Goshals Rules, 1985, was published as required under Subsection (1) of Section 13 of the Orissa Goshala Act, 1961 (Orissa Act 1 of 1962), in the extraordinary issue of Orissa Gazette No. 1211, dated the 2nd September, 1985 under S.R.O. No. 395/85, in the notification of the Government, of Orissa in the Forest, Fisheries and A.H. Department No. 9157/FYAH, dated the 8th May, 1985 inviting objections and suggestions from all persons likely to be affected thereby within a period of thirty days from the date of publication of the said notification in the Official Gazette; And whereas no objection or suggestion has been received on the said draft within the stipulated period by the State Government ; Now, therefore, in exercise of the powers conferred by Section 18 of the said Act. the State Government do hereby make the following rules, namely :

1. Short title and commencement.

- These rules may be called the Orissa Goshala Rules, 1985.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Orissa Goshala Act, 1961 (Orissa Act 1 of 1962);(b)"Chairman", "Vice-Chairman", "Secretary" and "Treasurer" shall mean the Chairman, Vice-Chairman, Secretary and Treasurer, respectively of the Federation elected under Sub-rule (11) of Rule 4;(c)"Collector" means the Chief Officer-in-charge of the revenue administration of a district;(d)"Committee" means the committee constituted under Sub-rule (1) of Rule 17;(e)"Form" means a form appended to these rules;(f)"Government" means the State Government of Orissa;(g)"Section" means a section of the Act;(h)All other words and expressions used herein but not defined shall have the meaning as has been respectively assigned to them in the Act.

3. Constitution of the Federation.

- The Federation shall consist of eleven members as follows ;(i)Five members to be elected by the trustees of Goshalas from among themselves in the manner provided in Rule 4;(ii)five members to be nominated by the Government ; and(iii)the Registrar in the ex officio capacity as provided in Clause (c) of Sub-section (2) of Section 3.

4. Election of the members of the Federation.

(1)Within three months from the date of preparation of the register of Goshalas and submission of copies thereof to the Director and the Federation under Section 3, the Registrar shall issue notice by registered post to every trustee :(a)intimating the date, time and place of meeting for election of members of the Federation at least fifteen days before the date of such meeting; and(b)inviting nomination so as to reach the Registrar at least ten days before the date notified for holding the meeting of such election.(2)Every nomination shall be in writing proposed and seconded by a trustee other than the candidate and the nomination paper shall be presented by the candidate under his signature duly attested by any other trustee or by a Gazetted Government Officer.(3)As soon as the nomination paper is received, the receiving officer shall acknowledge the receipt thereof by a letter stating therein the date, time and place fixed for scrutiny of the nomination paper.(4)All the nomination papers shall be scrutinised by the Registrar or any other officer authorised by him in this behalf at the place and on the date and hour appointed for that purpose and the concerned candidates or their representatives shall be entitled to remain present at the time of scrutiny. Nomination papers which are not in accordance with the provisions of this rule shall be rejected by the Registrar or such authorised officer, as the case may be, and a list of validly nominated candidates shall be published immediately after the scrutiny is over in the notice board of the office of the Registrar and a copy of such list shall be sent to the Director.(5)On the date notified for election, a meeting of the trustees shall be called at the appointed time and place. The Director or any other officer authorised by him in this behalf shall preside over the meeting. The director or such authorised officer, as the case may be, shall announce the names of contesting candidates except those who have withdrawn their nominations, after which the election shall be held by secret ballot. It shall be open to any candidate to withdraw his nomination by notice in writing delivered to the Director or such authorised officer at least one hour before the time fixed for the meeting.(6)Each Goshala shall have one vote which shall be exercised by its trustee, if there are more than one trustee in a Goshala, the right of voting shall be exercised by the trustee nominated by the Goshala in that behalf.(7)The quorum in a meeting for election shall be equivalent to half the total number of Goshalas in the State or fifteen trustees each representing one Goshala, whichever is less. If in any such meeting there is no quorum present the Director or the officer authorised by him to preside over the meeting shall adjourn the meeting to the same date of the succeeding month at the same place and time. Notice of such adjourned meeting shall be issued in the same manner as provided in Sub-rule (1). No quorum shall be required in such adjourned meeting.(8)The trustees shall record their votes in person and by secret ballot.(9)The counting of votes shall be done immediately after the voting is over and the candidates securing the largest number of votes or found to be uncontested shall be declared elected. In case of equality of votes the result shall be declared by drawing of lots in such manner as the officer presiding over the meeting thinks best and

the name of the candidates drawn in the lot shall be declared elected.(10)Simultaneously with the issue of notice for election under Sub-rule (1) of Rule 4, the Registrar shall, on consultation with the Director, move the Government to nominate five members to the Federation as required under Clause (ii) of Rule 3.(11)On receipt of names of nominated members from the Government and after the election of members, the Registrar shall convene a meeting of all the members of the Federation for election of the Chairman, Vice-Chairman, Secretary and Treasurer thereof. The Chairman and the Vice-chairman shall be elected only by the elected members from among themselves and Secretary and Treasurer shall be elected by all the members from among themselves. Election of the said office bearers shall be conducted by the Director or an officer authorised by him and the candidate securing majority of votes Shall be declared elected. Election of these office bearers shall be completed within one month from the date of completion of election of members to the Federation.(12)The members of the Federation including the Chairman and other office bearers, other than the ex officio members, shall hold office for a term of three years from the date of election of the said office bearers:Provided that such members shall continue to hold office even after the expiry of its term till the newly constituted body including the office bearers assume office :Provided further that the Registrar may, in consultation with the Director, under any special circumstances to be recorded in writing extend the term of office of the members of the Federation including office bearers for a period not exceeding one year.(13)Three months before the expiry of the term referred to in Sub-rule (1), the election of members of the Federation and office bearers shall commence so that the newly elected members including the office bearers can take over charge as soon as possible after the expiry of the term of the previous body.(14)Whenever any vacancy arises among the members of the Federation including its office bearers, other than the ex officio member due to death, resignation or otherwise, it shall be filled up by fresh election or nomination, as the case may be, in the same manner by which such member was elected or nominated.(15)Proceedings of every election meeting of the Federation shall be recorded in a register called the Minutes Book by the person presiding over the meeting. Proceedings of all other meetings of the Federation shall be recorded by the Secretary in a separate register called the proceedings book.

5. Duty of the Federation.

- It shall be the duty of the Federation to take all possible measures to-(a)check and prevent untimely death of cattle due to negligence;(b)bring about development of cattle and increase in milk production;(c)improve cattle breeding;(d)co-ordinate the activities of all Goshalas and other allied institutions working for similar aims and objects;(e)propagate amongst the people scientific dairy management practices;(f)arrange seminars, exhibitions and symposium, publish literatures for popularisation and dissemination of scientific knowledge relating to keeping, rearing and maintenance of cattle;(g)establish ideal Goshalas on modern scientific basis;(h)promote and popularise fodder cultivation in the State;(i)prevent cruelty to cattle;(j)improve dairy industries in the State ; and(k)raise fund, avail of loans and receive donations for carrying out the aforesaid objects.

6. Submission of statement under Section 5.

(1)The trustee of every Goshala shall submit to the Registrar the statement required under Subsection (1) of Section 5 in Form 1 which shall be signed by every trustee or his agent as provided in Sub-section (3) of the said section and verified by the person signing the statement in the manner prescribed for verification of a plaint under the Code of Civil Procedure, 1908.(2)Where any statement required to be delivered to the Registrar under the Act for registration is found to be incomplete or defective in any manner, the Registrar shall return it for rectification and shall not register or file it unless all the requirements of the Act have been complied with. When the Registrar is satisfied that the provisions for submission of the statement have been duly complied with, he shall record an entry of the statement in the register of Goshalas.

7. Register of Goshalas.

- The register of Goshalas to be maintained by the Registrar under Section 6, shall be in Form II. The Registrar shall grant a certificate of registration in Form III to the trustee or his agent in every case of registration.

8. Manner of verification under Section 8.

- Verification of the report under Section 8 shall be made in the same manner as in case of a plaint under Code of Civil Procedure, 1908.

9. Notice of enquiry under Section 7.

- The notice of enquiry, under Sub-section (2) of Section 7 shall be in Form IV. The notice shall also be published in one issue of a local newspaper.

10. Fixation of area of Goshalas.

- The Director while assigning the local area to the Goshala under Sub-section (1) of Section 9 shall send a notice to the trustee of the Goshala and the Registrar and shall publish the said notice in a local newspaper.

11. Payment of money realised by the traders and fees by the Goshalas.

(1)All realisations made by the traders within the meaning of Sub-section (1) of Section 9 shall be paid at the end of each financial year to the trustee of the Goshala to which their areas have been assigned by the Director.(2)On failure of a trader to make such payment and on application of the trustee of the Goshala which is entitled to such payment. The Registrar shall issue a notice in Form VI to the defaulting trader to produce all the account books relating to the collections made by the trader for his inspection within sixty days from the date of receipt of the notice. The Registrar shall, after careful inspection of the accounts produced and after such other enquiry as he may deem fit,

determine the account payable by the trader and direct him in Form VII to pay the same to the applicant trustee within two months from the date to be fixed by him in this respect.

12. Manner of payment of fees under Section 10.

- Fees payable by the trustee of every Goshala under Section 10 shall be intimated to him by the Registrar in Form VIII. The trustee shall remit such fees to the Registrar in the shape of bank draft to be credited in the Goshala fund within the time specified for the purpose in the intimation.

13. Mode of application of the moneys held by the Goshalas.

- The money held by the trustee of a Goshala for the use of benefit of the Goshala shall be invested or disposed of in consultation with the Registrar and after prior approval of the Director for the purpose of furthering the objectives for which the Goshala is established and acquiring properties besides payment of fees payable to the Registrar under Section 10.

14. Maintenance and submission of accounts.

- The accounts of receipt and expenditure of every Goshala shall be maintained in Form IX by the trustee who shall submit to the Registrar a statement of accounts as required under Sub-section (3) of Section 12 in Form X.

15. Mode of service of notice.

- Every notice under these rules shall be served by delivering or tendering it to the person concerned obtaining his signature on the back of the duplicate copy of the notice in acknowledgement of service thereof. Where the person concerned cannot be found the service of the notice may be made on any adult male member of the family or such person residing with him. Where such person concerned, or, as the case may be, the adult member of his family refuses to sign the acknowledgement service may be made by affixing a copy of such notice on the outer door or some other conspicuous part of the house in which the person concerned ordinarily resides or carries on business or personally works for gain. The office serving the notice in all such cases shall endorse on the original notice a return duly affirmed by him stating the date on which and the manner in which the notice was served and names and addresses of two persons witnessing such service.

16. Limitation for filing appeal under Section 11.

- Any person aggrieved by an order passed by the Registrar under Sub-section (1) of Section 11 may prefer an appeal under Sub-section (2) thereof within sixty days from the date of receipt of such order before the Collector of the district within which the Goshala concerned is situated.

17. Conduct of business of the Federation.

- The business of the Federation shall be conducted in the manner hereinafter provided : (1) The general management and control of the Federation shall vest in a committee called the Executive Committee consisting of the Chairman, Vice-Chairman, Secretary, Treasurer and Registrar of the Federation. (2) (i) The Executive Committee shall have and exercise all such powers as may be necessary for the proper management of the Federation for carrying out the objectives for which the Federation is established and for securing and furthering its interests subject to the provisions of the Act, and these rules and without prejudice to the generality of the foregoing powers, it shall also have the authority to- (a) create, acquire and manage the properties of the Federation; (b) institute, conduct, defend, compound or abandon any legal proceedings by or against the Federation or otherwise concerning the affairs of the Federation; (c) approve the proceedings of the previous meetings; (d) receive audit notices from the Registrar and place the same in the general meetings with due compliance and rectifications where necessary; (e) approve annual accounts and annual reports; (f) prepare agenda for every general meeting and fix the time, place and date of such meeting; (g) appoint sub-committees for works ; and (h) submit all reports and returns to the Director, Registrar and Government from time to time as and when required. (ii) The committee shall meet at least once every month to conduct the business of the Federation. The Secretary shall convene the meeting with the approval of the Chairman. Notice of the meeting along with the agenda to be discussed therein shall be sent clear seven days before the date of the meeting to all the members of the committee and decision in the meeting shall be taken by majority of votes. (iii) An emergency meeting of the committee may be called on the urgent matters. Notice for such meeting shall be sent clear three days before the date of the meeting.

18. Powers and functions of office bearers of the Federation.

- Office bearers of the Federation shall exercise and perform the following powers and functions, namely : (a) Chairman - The Chairman shall preside over the general meetings of the Federation and the meetings of the committee. In case of a tie in the voting in the executive committee meeting the Chairman shall have a casting vote in addition to the vote he is entitled to as a member. (b) Vice-Chairman - The Vice-Chairman shall perform all the duties of the Chairman in his absence. In the absence of both Chairman and Vice-Chairman the elected members of the Federation present in the meeting shall choose one from among themselves as Chairman who shall conduct the said meeting. (c) Secretary - The executive functions of the Federation shall be carried on by the Secretary according to the decisions and directions of the Executive Committee. He will be responsible for smooth running of the office and general administration of the federation apart from conducting the daily business and convening the meetings of the committee with the approval of the Chairman. He shall record the minutes in the minutes book except as provided in Sub-rule (15) of Rule 4 and keep all the books and records of the Federation in the custody except in the books of accounts. (d) Treasurer - The Treasurer shall be responsible for proper keeping of accounts of the Federation subject to the general control of the Registrar. He shall be the custodian of all books of accounts. He shall collect the subscriptions and receive donations and shall sign the cash books, all the expenditure vouchers and income receipts. He shall be the custodian of cash, securities, cheques and cheque books of the Federation and shall be responsible for their safe maintenance.

19. Removal of the executive committee and its members in certain cases.

(1) If in the opinion of the Director, the executive committee persistently makes default or is negligent in the performance of the duties imposed on it by the Act or this rule or commits any act which is prejudicial to the interests of the Federation or affiliated Goshalas or otherwise fails to function properly, the Director, may after giving the executive committee an opportunity to state its objection, if any, by order in writing, stating reasons therefor remove the committee, and appoint one or more Administrators to manage the affairs of the Federation for a period not exceeding two years as may be specified in the order. (2) The Administrator or the Administrators so appointed shall, subject to the control of the Director and such instructions as the Director may from time to time issue, be competent to exercise and perform all or any of the powers, or, as the case may be, functions of the executive committee in the interest of the Federation. (3) If, in the opinion of Director, any member of the executive committee except the Registrar is responsible for mismanagement of the Federation or has failed to perform any duty lawfully assigned to him or commits any act which is prejudicial to the interest of the Federation he may, by an order in writing and after giving such member an opportunity to state his objection, if any, disqualify him from being a member of such committee for a period not exceeding three years as may be specified in the order and every such order shall state the reasons for which it is made and shall be communicated to the federation and the member concerned.

20. Meetings of the Federation.

(1) The annual general meeting of the Federation shall be held within six months after the end of each financial year. Notice for such meeting shall be issued by the Secretary twenty-one clear days before the date of such meeting. (2) The annual general meeting shall, among other things deal with the following matters, namely : (a) confirmation of the proceeding of the previous general meeting; (b) approval of the expenditure over the sanctioned budget; (c) approval of the budget and works programme of the Federation for the ensuing financial year as recommended by the executive committee; (d) review of the audit report and rectification report received from the executive committee; (e) holding of the election of members; (f) any other matter with the consent of the Chairman. (3) The quorum for such meeting shall be two-thirds of the total membership of the Federation. If in any such meeting there is no quorum the Chairman shall adjourn the meeting to the same date of the succeeding month at the same place and time. Notice of such adjourned meeting shall be issued seven clear days before the date fixed for the same. (4) A special meeting of the Federation may be convened on the application of one-third of the total number of members or under the direction of the Director. Such application shall clearly specify the purpose for which the meeting is proposed. The meeting shall be convened by the Secretary. If the Secretary for any reason fails to convene the meeting within twenty-one days from the date of receipt of such application, the Chairman shall call the meeting within fifteen days thereafter. If both the Chairman and the Secretary fail to convene the meeting, the Director may convene the said meeting within seven days of the failure of the Chairman convene the meeting. The quorum for such meeting shall be two-thirds of the total membership.

21. Funds and properties of the Federation.

(1)The funds of the Federation shall be kept in Scheduled Bank and shall be operated by the Registrar according to the direction of the executive committee.(2)The property of the Federation shall include all subscription, grants and aid, donations, fees and free gifts, etc. received and all movable and immovable assets acquired.

22. Establishment of regional offices.

- The Federation may, subject to the approval of the Government, establish regional offices according to requirements.

23. Financial year of the Federation.

- The financial year of the Federation shall be the year commencing on the first day of April.

24. Audit of accounts of the Federation.

(1)The accounts of the Federation shall be audited by the auditor or auditors as may be appointed by the Government under this rule.(2)The State Government shall appoint auditors to audit the accounts of the Federation each year soon after the financial year ends. The auditor or auditors so appointed shall submit the audit report to the Federation, the Director and the Government. The auditor or auditors shall have access to all the books of accounts and records of the Federation and shall have powers to verify and examine the assets and liabilities of the Federation. All information required by them for the purpose of audit, touching the business of the Federation, shall be furnished by the committee and office bearers and persons concerned with the working of the Federation.

25. Inspection by Director.

- The Director or any officer authorised by him by order in writing shall inspect the office of the Federation each year. The inspection report shall be communicated to the Federation and the Government.

26. Headquarters of the Federation.

- The headquarters of the Federation shall be located at Cuttack :Provided that the Government may at any time by order notified in the Official Gazette change the location of the headquarters of the Federation. Form - I[See Rule 6(1)]Statement of particulars of Goshalas under Section 5(1) of Orissa Goshala Act, 1961

Name and location of	The date and, the manner of	Name and address of the trustee of the Goshalaand	The mode of succession to	Particulars of Goshala's property
----------------------	-----------------------------	---	---------------------------	-----------------------------------

Goshala	establishment of the Goshala	where the trustee is a body of persons the names and addresses of all such persons	trusteeship	(Both movables and immovables)
1	2	3	4	5
The gross annual income, if any of the Goshala during three years immediately preceding the year in which on the statement is furnished (year-wise) or for the period which has elapsed from the establishment of the Goshala, whichever is less		The source of such income		The expenditure if any, incurred in connection with the Goshala during the period referred to in Column 6 (yearwise)
6		7	8	9
				Remarks

Notes - (i) The statement shall be signed by the trustee or his agent or all the trustees or their authorised agents, as the case may be. (ii) Each person signing the statement shall verify in the manner prescribed under Sub-rule (1) of Rule 6 of the Orissa Goshala Rules, 1985. Form - II [See Rule 7] Register of Goshala

Date	Sl. No.	Name and address of the trustee or trustees	Name and address of the Goshala	Total Valuation						
Mode of succession to trusteeship	Details of Property									
Immovable	Value	Movable								
Land	Value	Building	In security deposit	In cash	Articles appliances, etc.					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11) (12)
Gross income for three years preceding the year or for the period which has elapsed since the establishment of such Goshala, as the case may be		Source of income	The expenditure during the period referred to in Col. 13 (year-wise)		Whether filed under Section 5 (1) or ascertained on inquiry under Section 7	Remarks		Signature of the Registrar		
(13)		(14)	(15)		(16)	(17)		(18)		

Form-III [See Rule 7] Certificate of Registration Office of the Registrar of Goshala In the matter of.....I do hereby certify that upon filing of a statement of particulars the above named Goshala

has been duly registered in my office this day of Two thousand and.....

Dated the..... Registrar of Goshala, Orissa

Seal

Form - IV[See Rule 9]Notice of enquiryWhereas I have reasons to believe or have received a report that you have established a Goshala to which the provisions of Orissa Goshala Act, 1961 applies;Now, therefore, you are hereby directed to appear before the undersigned with all relevant documents in person or through your authorised agent on.....at.....in the office of the undersigned at.....for the purpose of an inquiry on the following, namely :(a)details of movable and immovable properties belonging to the Goshala;(b)the names and addresses of the trustees of the Goshala;(c)the mode of succession to the office of the trustee of the Goshala;(d)the income and expenditure of the Goshala; and(e)the sources of income of the Goshala.

Dated the..... Registrar of Goshala, Orissa

Form - V[See Rule 10]Fixation of local areas of GoshalaToIn pursuance of Sub-section (1) of Section 9 of the Orissa Goshala Act, 1961 read with Rule 10 of the Orissa Goshala Rules, 1985, the local area for the Goshala is hereby fixed as described below :

Dated the..... DirectorAnimal Husbandry, Dairy andVeterinary Services, Orissa,
Cuttack

Seal

Form -VI[See Rule 11 (2)]Notice to tradersWhereas you have your place of business within the local limits of.....Goshala;And whereas it has been reported that you have not paid the money realised from your customers in the name of the said Goshala to the trustee/trustees for the financial year/years ;Now, therefore, you are hereby called upon to produce all your account books before the undersigned on.....at.....without fail.

Dated the..... Registrar of Goshala, Orissa

Form-VII[Section 15 (3) read with Rule 11 (2)]Demand notice to tradersWhereas you are required to pay a sum of Rs.....(Rupees.....) representing the amount collected by you from your customers in the name of the said Goshala for the financial year/years.....And whereas you have failed to pay the aforesaid amount to.....Goshala till now;Now, therefore, you are hereby directed to pay the said amount within sixty days from the date of issue of this notice to the trustee of the Goshala, failing which you will be liable for prosecution under Sub-section (1) of Section 15 of the Orissa Goshala Act, 1961.

Dated the..... Registrar of Goshala, Orissa

Form-VIII[See Rule 12]Intimation to trusteeToYou are hereby intimated that a sum of Rs(Rupees.....only) has been assessed towards fees required to be paid by you under Section 10 of the Orissa Goshala Act, 1961 for the period to the Goshala Fund.

2. You are therefore, directed to deposit the amount within.....of the date of receipt of this intimation in the office of the undersigned in shape of bank draft drawn in favour of the Registrar.

Dated the..... Registrar of Goshala, Orissa

Form IX[See Rule 14]

Month and date	Book and serial number of receipt granted	Particulars of receipt (full details of type and source of each item of receipt should be given)	Amount	Month and date	Number of voucher	Particulars of payment (full details of type of payment and name of person of institutions to whom the payment is made should be given)	Amount	Balance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Form X[See Section 12(3) read with Rule 14]Statement of accounts of receipt and expenditure

Name of Goshala.....

Date of establishment..... Statement of account for the

Place..... Year.....

Sl. No.	Particulars	Amount	Sl. No.	Particulars	Amount
		Rs.			Rs.
1.	Donation, Gift, subscription, etc.		1.	Rent and tax	
2.	By sale of milk livestock implements, etc.		2.	Purchase of fodder,	
3.	By sale of livestock		3.	Establishment and miscellaneous expenditure	
4.	By rent, revenue, and sale of produce		4.	Contingency	
5.	Income from other sources				
	Total.....			Total.....	