

Rajasthan Go-Seva Ayog Act, 1995

RAJASTHAN

India

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Act 21 of 1995

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Rajasthan Go-Seva Ayog Act, 1995 Act No. 21 of 1995 [Received the assent of the Governor dated 23-05-1995]. An Act to provide for setting up of a state level commission to supervise and ensure proper implementation of law with respect of prohibition of slaughter of all species of bovine animals and to look after the preservation, conservation and improvement of breeds and general welfare of such animals as also to create necessary infra-structure for upliftment of the standard of living of the 'Gopalaks' and to coordinate and assist in organising animal husbandry of bovine animals on modern and scientific lines alongwith use of bio-products generated by the bovine animals, maximising the use of organic manure in the agricultural activities including household use of biogas and also through establishment of 'Gopalak' colonies with necessary facilities and development of pasture including fodder banks and matters incidental thereto. Be it enacted by the Rajasthan State Legislature in the Forty- sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Goseva Ayog Act, 1995: (2) It extends to the whole of the State of Rajasthan, (3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the subject or context otherwise requires, - (i) "commission" means the Rajasthan Goseva Ayog established and incorporated under section 3 and constituted under section 4. (ii) "member" means a member of the commission and includes the chairman and the vice chairman nominated under section 4.

3. Establishment and incorporation.

(1)As soon as may be after the coming into force of this Act, the State Government may, by notification in the Official Gazette, establish a commission to be called the Rajasthan Goseva Ayog.(2)The commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable to contract and do all things necessary for furthering the objects of the commission and shall by the said name sue and be sued through its Secretary.

4. Constitution of the commission.

(1)The commission shall consist of fifteen members including the chairman and the vice chairman as follows:-(a)a chairman who shall be a non-official to be nominated by the State Government,(b)a vice chairman who shall be a non-official to be nominated by the State Government,(c)thirteen other members, out of which seven members shall be official and six shall be non-official.(2)The official members shall be as follows:-(i)Secretaries to the State Government in the following Department or their representatives not below the rank of Deputy Secretary: -(a)Revenue,(b)Forest,(c)Animal Husbandry/Dairy,(d)Finance,(e)Special Schemes and integrated Rural Development Department,(f)Relief.(ii)Director General of Police, Rajasthan or his representative not below the rank of an Inspector General of Police.(3)The non-official members shall be nominated by the State Government from amongst the individuals or non-governmental organisations engaged in the welfare activities of the bovine animals, as follows:-(a)one representative chosen by the Rajasthan Gaushala Federation governed by the Rajasthan Gaushala Act, 1960 (Rajasthan Act No. 24 of 1960);(b)two representative of Bhartiya Govansha Sanrakshan-Sam-varadhan Parishad chosen by the Rajasthan State unit of the said Parishad;(c)one representative of Rajasthan Co-operative Dairy Federation;(d)vice-chancellor of the Rajasthan Agriculture University Bikaner or his representative not below the rank of a Dean, and(e)three individuals working selflessly for the welfare of all-species of bovine animals and committed to the cause of preservation of said animals:Provided that out of the individuals to be nominated under clause (e), two shall be nominated out of the voluntary organisations engaged in the task of welfare, preservation and protecting of all species of bovine animals in the State.

5. Term of office.

(1)The members including chairman and vice chairman of the commission shall hold office for a period of three years from the date of first meeting of the commission and shall vacate office on the expiry of the term of three years and the retiring members shall be eligible for fresh nomination if it is so desired by the State Government.(2)On every reconstitution of the commission, the term of office of members including chairman and vice chairman shall be three years from the date of first meeting after reconstitution.(3)The term of office of members including chairman and vice chairman who are nominated owing to any casual vacancy or replacement during the currency of the term of office specified in sub-section (1) or sub-section (2), as the case may be, shall also expire at the close of the term.

6. Secretary.

(1)The State Government shall appoint a Secretary to the commission who shall exercise such powers and perform such duties as may be prescribed.(2)The Secretary shall be a whole time officer of the commission.

7. Treasurer.

- The commission shall have a Treasurer to be appointed by the State Government and shall hold office for a period of three years unless replaced or removed earlier by the State Government:Provided that no person other than a person belonging to Rajasthan Accounts Service shall be as a Treasurer of the commission.

8. Allowances to chairman, vice chairman and non-official members.

- The chairman, vice chairman and non-official members of the commission shall be paid such allowances out of the fund of the commission, as may be prescribed from time to time.

9. Resignation.

- Any non-official member of the commission may, at any time, resign his office by giving notice thereof in writing to the State Government and on such resignation being accepted by the State Government, he shall be deemed to have vacated his office.

10. Disqualification for appointment as chairman, vice chairman and members of the commission.

- A person shall be disqualified for being nominated as, and for being a chairman, vice-chairman or a non-official member of the commission, if he-(a)holds office or place of profit under the commission; or(b)is of unsound mind and stands so declared by a competent court; or(c)is, or at any time, has been adjudged insolvent or has suspended payment of his debts or has compounded with creditors; or(d)has directly or indirectly by himself or members of his family or by any partner, any share or interest in any subsisting contract or employment with, by or on behalf of the commission; or(e)is a Director or Secretary or a member or other salaried officer of any incorporated company or any cooperative society which has any share or interest in any contract or employment with, by or on behalf of the commission; or(f)has been convicted of an offence involving moral turpitude:Provided that a person shall not, however, be disqualified under clause (a) by reason only of his being a member receiving allowance as provided under section 8.

11. Removal of chairman, vice chairman or members.

(1)The State Government may remove from the commission the chairman, vice chairman or any member, who in its opinion,-(a)refuses to act: or(b)has become incapable of acting: or(c)has abused

his position as a chairman, vice chairman or as a member as to render his continuance in the commission detrimental to the interest of the public; or(d)in the case of a non-official member, if he remains absent without previous permission of the chairman from three consecutive meetings of commission: or(e)is otherwise suitable to continue as chairman, vice chairman or member of the commission.(2)The State Government may suspend the chairman, vice chairman or any member of the commission pending an enquiry against him in connection with his proposed removal.(3)No order of removal under sub-section (1) shall be made unless the chairman, vice chairman or member concerned has been given an opportunity to submit his explanation to the State Government with reference to the grounds of his proposed removal.(4)A chairman, vice chairman or a member who has been removed under sub-section (1) shall not be eligible for further nomination as chairman, vice chairman or a member of the commission.

12. Casual vacancies.

- Whenever the chairman, vice-chairman or any member of the commission dies, or his resignation is accepted under section 9 or is removed under section 11 or whenever the chairman, vice-chairman or any member suffers from any disqualification specified in section 10. he shall cease to be the chairman, vice chairman or a member of the commission and any such vacancy so occurring shall be filled by the State Government as early as possible:Provided that during any such vacancy the continuing members may act as if no vacancy had occurred.

13. Vacancy or defect not to invalidate proceedings.

- No act or proceedings of the commission under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the nomination of chairman, vice chairman or of a member or in the constitution of the commission:Provided that the commission shall not act or take any proceedings at any time when, by reason of any vacancy occurring, the number is less than one-half of the total number of non- official members in the commission.

14. Meetings of the commission.

(1)The commission shall from time to time make such arrangements with respect to date, time, place notice and management of its meetings as may be determined by regulations made by the commission with the prior approval of the State Government subject to the following provisions, namely:-(a)normally meetings shall be held once at least in every three months:(b)the chairman may, whenever he thinks fit, call a meeting:(c)the proceedings of the meetings of the commission shall be forwarded to the State Government in the Administrative Department concerned.(2)The attendance and presence of atleast nine members shall be necessary to constitute quorum of the meeting.

15. Functions of the commission.

- The commission shall perform the following functions, namely:-(i)supervise and ensure proper

implementation of the law with respect to prohibition of slaughter of all species of bovine animals as in force in the State:(ii)work for the welfare of all species of bovine animals in the State:(iii)work for the scientific use of dung and urine of bovine animals so as to enhance their utility in the sphere of agriculture (including soil fertility) and domestic use:(iv)work for promotion of and assistance to Gaushalas or Gosadans established under the Rajasthan Gaushala Act, 1960 (Rajasthan Act No. 24 of 1960):(v)in addition to, and not in derogation of, the provisions of the Rajasthan Gaushala Act, 1960 (Rajasthan Act No. 24 of 1960), supervise and assist in the working and functioning of the Gaushalas and Gosadans, established and run by the voluntary organisations under the aforesaid law, for the purposes of providing financial assistance, training in the field of scientific rearing of various breeds of bovine animals as also for the proper utilisation of dung and urine of the bovine animals in the sphere of agriculture and house hold use, including propagation and use of bio-gas plants based on the dung of bovine animals;(vi)exercise supervision over Gaushalas and Gosadans to check malafide diversion of funds provided by the commission as also of the lands or properties belonging to the Goushalas or Gosadans and other voluntary organisations, and bring to the notice of the State Government specific instances for appropriate action:(vii)develop pastures or grazing lands and to associate with other institutions, bodies whether private or public, for the purposes of developing pastures, 'Gochars' within the State:(viii)apply for and obtain tracts of waste or barren lands from the State Government or other persons by way of allotment, gift, lease or purchase for the purposes of developing pastures or growing fodder, establishing fodder banks thereon and establishment of 'Gopalak basties';(ix)provide financial assistance to deserving Goushalas, Gosadans governed by the provisions of the Rajasthan Goushala Act, 1960 (Rajasthan Act 24 of 1960) or other non-governmental organisations, individuals which in the opinion of the commission are engaged in the welfare of bovine animals, as also for propagation of non conventional energy like bio-gas from dung and urine of bovine animals and other gainful uses through scientific tests or experiments:(x)educate, campaign and to make people aware about the economic benefits which can be derived out of bovine animals as also to preach compassion for these species of animals:(xi)procure fodder and make available for use of cattle in the areas affected by famine, drought or other natural calamities and to set up camps for the aforesaid purposes in the affected areas:(xii)work in collaboration with Rajasthan Agricultural University, Bikaner or Departments or Organisations of the State Government engaged in the task of research in the field of breeding and rearing of bovine animals, organic manure, bio-gas etc. as also to collaborate with such of the research projects of Indian System of Medicine conducted by various public or private organisations for conducting research on the biogenic products of the bovine animals for medicinal purposes;(xiii)assist Goushalas and Gosadans in their efforts for procuring fodder as also to assist in relocation of existing Goushalas at places where plenty of fodder and water is easily available.(xiv)promote schemes to encourage more and more use of organic manure and recommend to the Government suitable measures including incentive schemes for use of dung or urine of bovine animals in organic manure by farmers to minimise the use of chemical fertilizers:(xv)undertake fodder development schemes:(xvi)take into custody the abandoned stray, confiscated or seized bovine animals from the concerned local bodies, other competent authorities or courts after due authorisation under any law for the time being in force and to maintain them properly, and(xvii)formulate and submit schemes for consideration of the Government for the establishment of cottage industries in the rural areas, based on biogas product of bovine animals as also based on skins, hides or bones of the naturally dead bovine animals for the purposes of

manufacture of various products.

16. Functions of chairman and vice-chairman.

(1)The chairman shall exercise such powers and discharge such duties as may be conferred on him by this Act or as may be prescribed.(2)The Vice chairman shall exercise such of the powers and discharge such of the duties of the chairman, as may be prescribed or as may be delegated to him by the commission.

17. Office.

- The commission shall as soon as may be after his establishment and incorporation have an office at the Headquarters of the State Government.

18. Officers and other servants.

- The commission may subject to general or special directions of the State Government appoint such officers and other servants as it may consider necessary for the efficient performance of its functions.

19. Pay and conditions of service of Secretary, and other officers and servants.

(1)The pay and other conditions of service of the Secretary shall be such as may be fixed by the State Government.(2)The pay and other conditions of service of the other officers and servants of the commission shall be such as may be determined by the commission by regulations.

20. Fund of the commission.

(1)The commission shall have its own fund and all receipts of the commission shall be credited thereto and all payments by the commission shall be made therefrom.(2)The commission may-(a)accept grants, subventions, donations and gifts from the Government or a local authority, and private body, whether incorporated or not, or any private individuals:(b)receive loans from the Government or commercial banks or any other financial institutions for all or any of the purposes of this Act.(3)All moneys belonging to the fund of the commission shall be deposited in such manner as may be prescribed.(4)Accounts in the banks shall be operated upon by such officers or functionary of the commission jointly or individually as may be authorised by the commission.

21. Application of fund and property of the commission.

(1)All properties, funds and other assets of the commission shall be held and applied by it subject to the provisions and for the purposes of the Act.(2)No proposal involving financial implications shall be approved, sanctioned or implemented by the commission unless such proposal is first examined

by a Finance Committee duly constituted in the manner as may be prescribed.

22. Budget.

(1)The commission shall, on such date as may be prescribed, prepare and submit to the State Government in the prescribed form the budget of the next financial year, showing the estimated receipts and expenditure.(2)The State Government may sanction the budget submitted to it with such modifications, if any, as it deems proper.(3)As and when the budget is sanctioned by the State Government, the commission shall be competent to appropriate the amounts out of the fund for the purposes for which the provision is made in the budget.

23. Annual Reports.

- The commission shall prepare and forward to the State Government, in such manner as may be prescribed, an annual report within three months after the end of the financial year, giving complete account of its activities during the financial year.

24. Accounts, audits and statistics.

(1)The accounts of the commission shall be maintained and annual statement of accounts shall be prepared, in such manner as may be prescribed.(2)The accounts of the commission shall be audited by a Chartered Accountant appointed by the commission with the prior approval of the State Government or by such persons as the State Government may direct.(3)As soon as the accounts of the commission are audited, the commission shall send a copy thereof, together with the copy of the report of audit thereto, to the State Government.(4)The commission shall, before such date and at such intervals and in such manner as the State Government may from time to time direct, submit to the State Government reports on such matters and statistics and returns as the State Government may require.(5)The State Government shall, as soon as may be. after the receipt of the said statement and report under sub-section (3), cause them to be laid on the table of the House of the State Legislature.

25. Directions by the State Government.

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

26. Power to State Government to dissolve the commission and to appoint an Administrator.

(1)If at any time the State Government is satisfied that the commission is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or

has exceeded or abused its powers, the State Government may by an order published, alongwith the reasons thereof, in the Official Gazette declare the commission to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and may dissolve the commission on and from a date to be specified in the order of dissolution: Provided that no action shall be taken under this sub-section unless the commission has been afforded a reasonable opportunity of submitting an explanation and of being heard if the Commission so desired. (2) When the Commission is dissolved under sub-section (1), or whenever its term-expires. the following consequences shall ensue:-(a) all the members of the commission including the chairman and vice chairman shall, on the date of dissolution vacate their respective offices but without prejudice to their eligibility for re-nomination; (b) all powers and duties of the commission shall, during the period of dissolution, be exercised and performed by such administrator as the State Government may appoint in this behalf; and (c) all property vested in the commission shall, during the period of dissolution, vest in the State Government. (3) The commission shall be reconstituted in accordance with the provisions of this Act before the expiration of a period of six months from the date of its dissolution or from the date of expiry of its term, as the case may be.

27. Power to make regulations.

- The commission may with the previous sanction of the State Government, make regulations consistent with this Act and the rules made thereunder.

28. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) All rules made under this section shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the session or of the sessions immediately following, the House of the State Legislature makes any modification, if any, of such rules or resolves that any such rule should not be made, such 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 thereunder.