

# The U.P. Go-Seva Ayog Adhiniyam, 1999

UTTAR PRADESH

India

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### Act 15 of 1999

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The U.P. Go-Seva Ayog Adhiniyam, 1999(U.P. Act No. 15 of 1999)[Dated 24th March, 1999]Received the assent of the Governor on March 24, 1999 and published in the U.P. Gazette, Extraordinary, Part 1, Section (Ka), dated 24th March, 1999, at 7-13.An Act to establish a Go-Sewa Ayog for preservation, development and welfare of the cow and its progeny and for matters connected therewith or incidental theretoIt is hereby enacted in the Fiftieth Year of the Republic of India as follows:

### 1. Short title, extent and commencement.

(1)The Act may be called the Uttar Pradesh Go-Sewa Ayog Adhiniyam, 1999.(2)It extends to the whole of Uttar Pradesh.(3)It [shall come into force] [Enforced on 20th April, 1999, vide Notification No. 2738/XII-I-P-99-8 (113-97), dated 5th May, 1999, published in the U.P. Gazette, (Extraordinary), Part 4, Section (Kha), dated 5th May, 1999.] on such date as the Government may, by notification, appoint in this behalf.

### 2. Definitions.

- In this Adhiniyam,-(a)"Ayog" means the Uttar Pradesh Go-Sewa Ayog established under Section 3;(b)"cow" means cow and its progeny;(c)"Government" means the State Government of Uttar Pradesh;(d)"member" means a member of the Ayog and includes the Chairperson and Vice-Chairperson of the Ayog;(e)words and expressions used and not defined in this Adhiniyam but defined in the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 or, as the case may be, the Uttar Pradesh Goshala Adhiniyam, 1964 shall have the meaning assigned to them therein.

### 3. Establishment of the Ayog.

(1)The Government may, by notification, establish at Lucknow a body to be known as the Uttar Pradesh Go-Sewa Ayog to exercise the powers conferred on, and to perform the functions assigned

to it under this Adhiniyam.(2)The Ayog shall be a body corporate.

#### **4. Constitution of the Ayog.**

(1)The Ayog shall consist of the following members:

- (a) Secretary to the Government in the Animal Husbandry Department, Ex officio member
- (b) Secretary to the Government in the Finance Department, “
- (c) Secretary to the Government in the Agriculture Department, “
- (d) Secretary to the Government in the Forest Department, “
- (e) Secretary to the Government in the Dairy Development Department, “
- (f) Secretary to the Government in the Revenue Department, “
- (g) Director-General of Police, Uttar Pradesh “
- (h) Director, Animal Husbandry Department, Uttar Pradesh, “
- (i)Fifteen non-official members nominated by the Government from amongst the following persons, namely:(i)one representative of the Uttar Pradesh Goshala Sangh established under the Uttar Pradesh Goshala Adhiniyam, 1964;(ii)one representative of national level institutions working in the State for the preservation, development and welfare of cow;(iii)one representative of Agricultural Universities in the State who shall be the Dean or the Head of the Department of Veterinary Science and Animal Husbandry or the Department of Agriculture Science;(iv)twelve persons, belonging to voluntary organisations engaged in the welfare, preservation and protection of cow in the State;(j)Ayog may co-opt five members from amongst persons having done outstanding service for the welfare of cow who shall have no right to vote.(2)The Chairperson and the Vice-Chairperson of the Ayog shall be nominated by the Government from amongst the non-official members.(3)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, a vacancy shall be deemed to have occurred in such office and such vacancy shall be filled by nomination of a person thereto as member who shall hold office for the remainder of the term of his predecessor.

#### **5. Term of office and allowances of members.**

(1)Every non-official member shall hold office for a term of three years and shall be eligible for renomination.(2)There shall be paid to the non-official members, Chairperson and Vice-Chairperson such allowances as may be prescribed.(3)A non-official member may, by writing under his hand addressed to the Government, resign his office at any time and on such resignation being accepted, he shall be deemed to have vacated his office.(4)The Government shall remove a non-official member from office if he-(a)becomes an undischarged insolvent;(b)is convicted for an offence which, in the opinion of the Government, involves moral turpitude;(c)becomes of unsound mind and stands so declared by a competent court;(d)refuses to act or becomes incapable of acting;(e)is, without obtaining leave of absence from the Ayog, absent from three consecutive meetings of the Ayog; or(f)has, in the opinion of the Government, so abused his position as to render his continuance in office detrimental to the interest of cow or the public interest:Provided

that no person shall be removed under this clause until he has been given an opportunity of being heard in the matter.

## **6. Disqualifications for being non-official member.**

- A person shall be disqualified for being nominated as, and for being a non-official member, if he-(a)holds any office of profit under the Ayog;(b)is of unsound mind and stands so declared by a competent court; or(c)is an undischarged insolvent; or(d)has directly or indirectly by himself or by any member of his family or by any partner, employer or employee acquired any interest whether pecuniary or of any other nature, in any contract or employment with, by or on behalf of, the Ayog; or(e)is a Director or a Secretary or a member or other salaried officer of any corporate body or any cooperative society, which has any share or interest in any contract or employment with, by or on behalf of the Ayog; or(f)has been convicted of an offence involving moral turpitude :Provided that a person shall not be disqualified under clause (a) by reason only of his being a member and receiving any allowance under sub-section (2) of Section 5.

## **7. Officers and other employees of the Ayog.**

(1)The Government shall provide the Ayog with a Secretary and such officers and employees as may be necessary for the efficient performance of the functions of the Ayog.(2)The salaries and allowances payable to, and the other terms and conditions of the service of, the Secretary and the other officers and employees appointed for the purposes of the Ayog shall be such as may be prescribed.

## **8. Salaries and allowances to be paid out of the Fund of the Ayog.**

- The allowances payable to non-official members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in Section 7, shall be paid out of the Fund referred to in Section 12.

## **9. Vacancies etc. not to invalidate proceedings of the Ayog.**

- No act or proceeding of the Ayog shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Ayog.

## **10. Procedure of the Ayog.**

(1)The Ayog shall meet as and when necessary at such time and place as the Chairperson may think fit.(2)The Ayog itself shall regulate its procedure.(3)All orders and decisions of the Ayog shall be authenticated by the Secretary or any other officer of the Ayog duly authorized by the Secretary in this behalf.

## 11. Functions and powers of the Ayog.

(1)The Ayog shall perform all or any of the following functions, namely : (i)enquire into, suo motu or on complaint an alleged violation of any provision of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and the laws governing the Goshalas, cattle pounds, cattle fairs and cattle market by whatever name called and to submit its report to the Government; (ii)work for the welfare of cow in the State; (iii)work for the scientific use of dung and urine of cow 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 Goshalas; (v)activate defunct Goshalas; (vi)in addition to, and not in derogation of, the provisions of the Uttar Pradesh Goshala Adhiniyam, 1964; assist in the working and functioning of the Goshalas, established and run by the voluntary organisations, for the purposes of providing financial assistance, training in the field of scientific rearing of various breeds of cow as also for the proper utilisation of dung and urine of the cow for agriculture and domestic use, including propagation and use of biogas plant based on the dung of cow; (vii)exercise supervision over Goshalas to check mala fide diversions of fund provided by the Ayog or the Government and the property belonging to the Goshalas and other voluntary organisations and bring to the notice of the Government specific instances for appropriate action; (viii)develop pastures and associate with other institutions and bodies, whether private or public, for the said purposes; (ix)apply for and obtain tracts of land from the Government or other persons by way of allotment, gift, lease or purchase for the purposes of developing pastures or growing fodder, establishing fodder banks, Goshalas and such other constructions thereon as may be necessary for the purposes of this Adhyadesh; (x)educate, campaign and make people aware about the economic benefits which can be derived out of cow; (xi)procure fodder and make it available for the cow in the areas affected by famine, drought or other natural calamities and set up camps for the aforesaid purpose in such affected arrears; (xii)work in collaboration with Agricultural Universities or the organisations of the Government engaged in the task or research in the fields of breeding and rearing cow and the organic manure or biogas and collaborate with research projects of Indian System of Medicine conducted by various public or private organisations for conducting research on the biogenic products of the cow for medicinal purposes; (xiii)assist Goshalas in their efforts in producing pedigreed bulls of indigenous species of cow and for procuring fodder and assist in relocation of existing Goshalas, at places where plenty of fodder and water are easily available; (xiv)promote schemes to encourage use of organic manure and recommend to the Government suitable measures including incentive schemes for use of dung or urine of cow as organic manure and pesticides by farmers to minimise the use of chemical fertilizers and pesticides and encourage manufacturing and use of recently developed bullock-driven agricultural implements and carts; (xv)undertake fodder development schemes; (xvi)take into custody the abandoned, stray, rescued, confiscated or seized cows from the concerned local bodies, other competent authorities or courts after due authorisation in accordance with law for the time being in force and maintain them or get them maintained properly; (xvii)formulate and submit schemes for consideration of the Government for the establishment of cottage industries in the rural areas, based on cow milk, cow-dung, cow-urine, energy generation by draught power of bullocks and biogas product of cow as also based on hides or bones of the naturally dead cow for the purposes of manufacturing various products; (xviii)organise demonstrations, meetings and seminars pertaining to development of indigenous species of cow, organic farming developed bullock-driven agricultural implement and carts and arrange for

publicity and extension programmes regarding benefits from cow through Television, Radio, seminars, meetings and demonstrations and publish and distribute their video-audio cassettes and literature;(xix)make available training facilities regarding cattle-rearing and their management to the managers and staff of Goshalas or other non-governmental organisation; and(xx)examine any other matter that may be referred to it by the Government and submit its report thereon.(2)In order to enable the Ayog to perform the functions under this Adhiniyam, the Ayog-(a)shall have the same powers which a court has under the Code of Civil Procedure to compel any person to be present and give statement on oath, to compel any person to produce records or books of accounts, to issue commission to record statement of any person and to inspect any records or books of account;(b)may constitute committees at different levels consisting of official and non-official members and may issue directions from time to time to them and supervise their work;(c)may, with the prior approval of the Government, issue identity card to a person designating him as an Honorary Gorakshak in such form and for such period and for the purposes of pursuing such part-time activities relating to cow as may be prescribed;(d)shall review various Act in force in the State pertaining to cow and the rules made thereunder and may recommend amendments therein.(3)The Government may provide adequate force to the Commission if so required by it for efficient discharge of its functions under this Adhiniyam.

## **12. Grants by the State Government.**

(1)The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Adhiniyam.(2)The Commission may spend such sums as it thinks fit for performing the functions under this Adhiniyam and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

## **13. Accounts and Audit.**

(1)The Ayog shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed.(2)The accounts of the Ayog shall be audited by such auditor and at such intervals as may be prescribed.(3)The auditor shall have such powers of requiring the production of books, accounts, vouchers and other documents and papers for inspecting any of the offices of the Ayog as may be prescribed.

## **14. Annual report.**

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

## **15. Annual report and audit report to be laid before the State Legislature.**

- The Government shall cause the annual report, together with a memorandum of action taken on

the advice tendered by the Ayog under Section 11, and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid, as soon as may be, after they are received, before both the Houses of the State Legislature.

## **16. Chairperson, Members and employees of the Ayog to be public servants.**

- The Chairperson, Members and employees of the Ayog shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

## **17. Fund of the Ayog.**

(1)The Ayog shall have its own fund and all receipts of the Ayog shall be credited thereto and all payments by the Ayog shall be made therefrom.(2)The Ayog may-(a)accept grants, subventions, donations and gifts from the Government or a local authority and private or public trusts and individuals; and(b)receive loans from the commercial banks or any other financial institutions for all or any of the purposes of this Adhiniyam.(3)All monies belonging to the fund of the Ayog shall be deposited in such manner as may be prescribed.(4)Accounts of the Ayog in the banks shall be operated by such officers or functionaries of the Ayog jointly or individually as may be authorised by the Ayog.

## **18. Application of Fund and property of the Ayog.**

(1)All properties, funds and other assets of the Ayog shall be held and applied by it for the purposes of this Adhiniyam.(2)No proposal involving financial implication shall be approved, sanctioned or implemented by the Ayog unless such proposal is first examined by a Finance Committee duly constituted in the manner as may be prescribed.

## **19. Directions by the Government.**

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

## **20. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Adhiniyam or the rules made thereunder.

## **21. Power to remove difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Adhiniyam, the Government may, by a notified order, make provisions, not inconsistent with the provisions of this Adhiniyam as appear to it to be necessary or expedient, for removing the difficulty. (2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Adhiniyam. (3) Every order made under sub-section (1) shall be laid, as soon as may be, before both the Houses of the State Legislature and the provisions of sub-section (1) of Section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the Government under any Uttar Pradesh Act.

## **22. Power to make regulations.**

- The Ayog may, with the prior approval of the Government, make regulations consistent with this Adhiniyam and the rules made thereunder.

## **23. Power to make rules.**

- The Government may, by notification, make rules for carrying out the purposes of this Adhiniyam.

## **24. Repeal and savings.**

(1) The Uttar Pradesh Go-Sewa Ayog Adhyadesh, 1998 (U.P. Ordinance No. 20 of 1998) and the Uttar Pradesh Go-Sewa Ayog (Sanshodhan) Adhyadesh, 1999 (U.P. Ordinance No. 3 of 1999) are hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the Ordinances referred to in sub-section (1) shall be deemed to have been done or taken under this Act, as if the provisions of this Act were in force at all material times.