

THE BIHAR GOSHALA ACT, 1950

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Act 28 of 1950

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An Act to provide for better management and control of Goshalas in the State of Bihar Whereas it is expedient to provide for the better management and control of goshalas in the State of Bihar;It is hereby enacted as follows:

1. Short title, extent and commencement — (1) This Act may be called the Bihar Goshala Act, 1950.

(2)It extends to the whole of the State of Bihar.(3)It shall come into force on such 2[date and in such areas as the State Government may, from time to time, by notification, appoint and different dates may be appointed for different areas.

2. Definitions — In this Act, unless there is anything repugnant in the subject or context,

(a)“cattle” includes any domestic animal of the bovine species;(b)“Director” means the Director of Animal Husbandry Department, Bihar and includes any officer appointed by the State Government to perform the functions of the Director of Animal Husbandry Department under this Act;(c)“Federation” means the Bihar State Goshala Pinjrapole Federation constituted under section 3:Provided that the Bihar Provincial Goshala Pinjrapole Federation registered under the Societies Registration Act, 1860, shall be the Federation for the purposes of this Act until the establishment of a Federation under the aforesaid section;(d)“goshala” means a charitable institution established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and includes a “Pinjrapole”, where such cattle are kept;(e)“goshala fund” means the goshala fund formed under section 14;(f)“prescribed” means prescribed by rules made by the State Government under this Act;(g)“Registrar” means the Registrar of goshalas appointed by the State Government out of a panel of three names submitted by the Federation;(h)“regulation” means a regulation made by the Director under section 17; and(i)“trustee” means a person or a body of persons, by whatever designation known, in whom the administration of a goshala is vested and includes any person who is liable as if he were a trustee.

3. Establishment of the Federation — As soon as possible after this Act comes into force, there shall be established in the State of Bihar a Federation to be called the Bihar State Goshala Pinjrapole Federation. The Federation shall consist of the prescribed number of members elected by the trustees of the goshalas of the State in the prescribed manner at a meeting specially held for the purpose.

4. Office of the Registrar and conditions of service of the Registrar and persons employed in his establishment — (1) The Registrar may be either a paid or an honorary officer as the State Government may, from time to time, determine.

(2)The Registrar shall hold office for a term of five years and shall be eligible for re- appointment for a further period of not more than five years.(3)The Registrar shall draw such salary or allowances, if any, and shall be subject to such conditions of service as the State Government may, from time to time, determine.(4)The State Government may remove the Registrar from office if he refuses to act or becomes incapable of acting or acts in a manner which the State Government, after hearing any explanation that he may offer, consider to be prejudicial to the interest of the goshalas in the State.(5)Subject to the approval of the State Government, the Registrar may, from time to time, determine the number, designation, grades and scales of salary and other conditions of service of persons employed in his establishment.(6)The powers of appointing, promoting and granting leave to such persons and of reducing their rank or dismissing them and dispensing with their services shall vest in the Registrar.

5. Trustees to furnish particulars relating to Goshalas — (1) The trustee of every goshala shall, in the case of -

(i)a goshala established before the commencement of this Act, within six months of the commencement of this Act; and(ii)a goshala established after the commencement of this Act, within six months of the vesting in or assumption by him of the administration of the property of such goshala, submit to the Registrar, a statement containing the following particulars, namely—(a)the name and address of the trustee and the mode of succession to the office of trustee relating to such goshala;(b)the details of the property of such goshala;(c)in the case of a goshala established before the commencement of this Act, the gross annual income of such goshala for three years immediately preceding the year in which the statement is submitted or in the case of a goshala established after the commencement of this Act, for the period which has elapsed since the establishment of such goshala;(d)sources of such income;(e)the amount of the annual expenditure of such goshala for the period referred to in clause (c); and(f)any other particulars that may be prescribed.(2)Such statement shall be accompanied by a copy of the deed or instrument establishing the goshala or such extract thereof as in the opinion of the Registrar sufficiently shows the origin, nature and object of such goshala or, if no such deed or instrument has been executed or if a copy thereof cannot be obtained, such statement shall contain full particulars of the origin, nature and object of the goshala

so far as they are known to the trustee.(3)The statement shall be signed by every trustee by his agent specially authorised in this behalf.(4)Every person signing the statement shall verify it in the prescribed manner.(5)The Registrar may, for sufficient reasons, extend the period for furnishing such statement.

6. Register of goshalas — The Registrar shall maintain a register (hereinafter called the Register of Goshala) in such form and containing such particulars as may be prescribed and copies thereof shall be forwarded to the Director and to the Federation.

7. Power of Registrar to hold inquiry — (1) The Registrar may, at any time, either of his own motion or on the application of the Director or any person claiming to have an interest in a goshala, hold an inquiry to ascertain -

(a)if the goshala is a goshala to which this Act applies;(b)the details of the property appertaining to such goshala;(c)the name and address of the trustee of such goshala;(d)the mode of succession to the office of the trustee of such goshala;(e)the income and expenditure of such goshala; and(f)the sources of income of such goshala.(2)In every inquiry under this section, the Registrar shall cause notice of such inquiry to be served on the Director and to the trustee of the goshala and permit them to appear through agents.(3)On the conclusion of the inquiry, the Registrar may pass such order as he may deem fit as to matters to which the inquiry related.

8. Amendment of Entries in Register of Goshalas — (1) Whenever any change occurs in any of the particulars relating to any goshala recorded in the register of goshalas the trustee of such goshala shall within three months of the occurrence of such change, report the fact to the Registrar. Such report shall be signed by every trustee or by his agent specially authorized in this behalf. Every person signing the report shall verify it in the prescribed manner.

(2)The Registrar may, after such inquiry as he may deem fit, amend the register if he considers it necessary. In that case, he shall forward copies of the amended entry of the register to the Director and to the Federation.

9. Fixation of area of goshala and payment by the traders of the area of certain moneys to the goshala — (1) The Director shall fix the area within which a goshala shall function and it shall be the duty of all traders of that area to pay at the end of each financial year to the trustee of the goshala functioning in that area all the moneys that they may have realised from their customers in the name of the goshala and fifty per centum of the money that

he may have realised in the name of any other charitable objects like dharmadan, punyakhata, katauti and lag.

(2)The Registrar may, on the application of a trustee, call for the account book of a trader to ascertain whether such trader has paid the moneys payable by him to the trustee of the goshala under sub-section (1), but no inspection of such account book by any other person shall be allowed.(3)No person shall collect any money or accept any subscription for a goshala which is not registered under this Act.

10. Fees to be paid by trustee of every goshala — (1) For the purpose of defraying the expenses incurred in the administration of this Act, the trustee of every goshala shall in each financial year, pay to the Registrar such fee, not exceeding five per centum of this gross income in the last preceding financial year, as the Registrar may, from time to time, in consultation with the Federation and with the previous sanction of the State Government, determine.

(2)Such fee shall be payable in the prescribed manner on such date or dates as may, from time to time, be fixed by the Registrar.

11. Decision on disputes regarding sums payable under sub-section (1) of section 9 or section 10 and the manner of recovery of those sums — (1) If there be any dispute regarding any sum payable under sub-section (1) of section 9 or section 10, the matter may be referred to the Registrar for orders. From an order passed by the Registrar under this sub- section an appeal shall lie to the District Magistrate of the district within which the goshala concerned is situated. No appeal shall lie from an order passed in an appeal under this sub- section.

(2)Any sum payable by a trader or a trustee under this section, as the case may be, shall be recoverable as a public demand payable to the Registrar.

12. Maintenance of Account and their Audit — (1) The accounts of every goshala which has been registered under section 6 shall be balanced each year on the thirty-first day of March. The accounts shall be audited annually by a person appointed by the State Government in this behalf and the auditor shall furnish copies of his audit note to the trustee of the goshala and to the Registrar within four months of the thirty-first day of March or within such further time as the Registrar may for sufficient reasons grant.

(2) Every auditor acting under sub-section (1) shall have access to the accounts and to all books, vouchers and other documents and records in the possession or under the control of the trustee. (3) Within six months of the thirty-first day of March of the year for which the accounts are balanced, or within such further time as the Registrar may for sufficient reasons grant, the trustee of every goshala shall furnish to the Registrar a statement of the accounts in such form and containing such particulars as may be prescribed.

13. Inspection of goshala after reasonable notice — The Director or any person authorised by him in this behalf may enter into and inspect any goshala or any place appertaining to such goshala for the purpose of satisfying himself whether the provisions of this Act and rules or regulations made thereunder are complied with.

14. Goshala fund, its application and audit — (1) There shall be formed a fund to be called the goshala fund and there shall be placed to the credit thereof -

(a) all sums received by the Registrar as fees under section 10 and donations and grants for the management and control of goshala; and (b) all sums received or recovered as fines under the provisions of this Act. (2) The goshala fund shall be vested in the Registrar and the balance standing to the credit of the fund shall be kept in such custody as the State Government may, from time to time, direct. (3) The goshala fund shall be applicable to the following objects and in the following order, namely – (a) to the payment of the salaries and allowances of the Registrar and persons employed in his establishment and cost of auditing of the accounts of goshala under section 12; and (b) to the payment of any other expense incurred by the Registrar for carrying out the provisions of this Act. (4) The State Government shall every year appoint an auditor to audit the accounts of the goshala fund and fix his remuneration which shall be paid from the said fund. The auditor shall submit his report to the Registrar and forward a copy of it to the State Government which may issue such directions thereon as it may deem fit and the Registrar shall carry out such directions.

15. Penalties — (1) If the trustee of a goshala fails or neglects to submit to the Registrar a statement as required under section 5, or report any change in the particulars of the goshala as required under section 8 or submits a statement or reports any change in the particulars as the case may be, which he knows or has reason to believe to be false in any material, particulars, such trustee shall, on conviction, be punishable with fine not exceeding fifty rupees.

(2) If the trustee of a goshala fails or neglects to keep accounts or to furnish a statement of accounts as required under section 12, or furnishes a statement which he knows or has reason to believe to be false in any material particulars, such trustee shall, on conviction, be punishable with fine not exceeding five hundred rupees. (3) If any trader fails to comply with the provisions contained in

section 9 within a period of two months from the date fixed by the Registrar under sub-section (2) of section 10, he shall, on conviction, be punishable with, fine not exceeding five hundred rupees.(4)If any person contravenes any other provision of this Act or any rule or regulation made thereunder or fails to comply with any order made in pursuance of such provision, rule or regulation, he shall, if no other penalty is provided elsewhere in this Act, for such contravention, on conviction, be punishable with fine which may extend to one hundred rupees.(5)Any Court may, while passing an order of conviction and sentence under sub-section (1) , (2), (3) or (4), specify a period within which the person convicted shall comply with the provisions of the Act, or the rules or regulations made thereunder which may be found to have been contravened by him and may also impose a fine not exceeding twenty rupees for every day for the period during which the default continues after the expiry of the period so specified.Provided that if such person satisfies the Court that there was good reason for his failure to comply with the order of the Court within the period specified, the Court may, if it thinks fit, extend the period and may remit the whole or any part of the fine.

16. Cognizance of Offences — (1) No prosecution under this Act shall be instituted except on the complaint of the Registrar.

(2)No Court inferior to that of a Magistrate of the second class shall try any offence under this Act.

17. Power to make regulations — (1) The Director may with the previous sanction of the State Government, make regulations for the following matters, namely –

(a)the manner in which a goshala shall be managed;(b)skilled technical management of breeding work; and segregation of such work from other activities of the goshala and the transfer of such work from urban to rural areas;(c)transport of breeding bulls from a goshala to any other place for breeding purpose;(d)the medical treatment and inspection of cattle at goshala;(e)the setting aside of cattle both male and female, for breeding purpose; and(f)any other matter which may be prescribed;(2)Regulations made under this section shall be subject to the condition of previous publication.

18. Power to make rules — (1) The State Government may make rules¹ for the purpose of carrying into effect the provisions of this Act.

(2)Without any prejudice to the generality of the foregoing power, the State Government may make rules¹ for the following matters, namely —(a)the number of members of the Federation and the manner of electing such members under section 3;(b)the particulars to be prescribed under clause (f) of sub-section (1) of section 5 and the manner of verifying the statement to be submitted under that sub-section;(c)the form of register of goshalas and the particulars to be entered therein under section 6;(d)the manner of verifying the report regarding any change in any of the particulars recorded in the register of goshalas under sub-section (1) of section 8;(e)the manner in which fees shall be paid by the trustee to the Registrar under section 10;(f)the form in which the accounts shall be kept by the trustee under sub-section (3) of section 12 and the particulars to be entered in such

form;(g)any matter which may be prescribed to be made by regulations under section 17; and (h) the manner in which the moneys held by the trustees of a goshala for the use or benefit of such goshala shall be invested or disposed of.(3)Rules made under this section shall be subject to the condition of previous publication.

19. Bar of application of the Charitable and Religious Trusts Act, 1920 — The provisions of the Charitable and Religious Trusts Act, 1920, shall not apply to any goshala registered under this Act.