

The Orissa Goshala Act, 1961

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Act 1 of 1962

- Published on 20 November 1961
- Commenced on 20 November 1961
- [This is the version of this document from 20 November 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Goshala Act, 1961 O.A. No. 1 of 1962 Statement of Objects and Reasons. - The Goshalas in this State are privately managed institutions and are dependent on public contributions, though neither the general public nor the State Government have any control over their management. These institutions have however potentialities for the implementation of various cattle development schemes and programmes. For the smooth and efficient running of these institutions, it is necessary to regulate by law their financial resources and pattern of working. With this end in view it is proposed to undertake a legislative measure in this regard as otherwise it is not possible to achieve the desired results. The Bill seeks to achieve the above purpose. Published vide Orissa Gazette Extraordinary/24.2.1962. For Statement of Objects and Reasons, see Orissa Gazette Extraordinary No. 799 the 20th November, 1961. An Act to provide for better management and control of Goshalas in the State of Orissa. Be it enacted by the Legislature of the State of Orissa in the Twelfth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Goshala Act, 1961. (2) It extends to the whole of the State of Orissa. (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definition.

- In this Act, unless the context otherwise requires- (a) "Cattle" includes any domestic animal of the bovine species; (b) "Director" means the Director of Animal Husbandry and Veterinary Services, Orissa and includes any officer appointed by the State Government to perform the functions of the Director under this Act; (c) "Federation" means the Orissa State Goshala Pinjrapole Federation established under Section 3, known as "Utkal Prantiya Goshala and Pinjrapole Sangh" : Provided that the Orissa Provincial Goshala Pinjrapole Federation registered under the Societies Registration Act, 1860 (21 of 1860) shall be deemed to be the Federation for the purposes of this Act until the

establishment of a Federation under Section 3;(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 mentioned in Section 4;(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.

(1)As soon as may be after this Act comes into force there shall be established in the State a Federation to be called the Utkal Prantiya Goshala and Pinjrapole Sangh.(2)The Federation shall consist of the following members, namely :(a)members to be elected by the trustees from amongst such persons, in such number and in such manner as may be prescribed;(b)such number of members to be nominated by the State Government as they deem fit ; and(c)the Registrar-Ex officio.(3)The members elected under Clause (a) of Sub-section (2) shall elect the Chairman of the Federation from amongst themselves.(4)The business of the Federation shall be conducted in the prescribed manner.

4. Office of the Registrar and conditions of service of the Registrar and persons employed in his establishment.

(1)The Goshala Development Officer appointed by the State Government shall be the Registrar under this Act.(2)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.(3)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. Trustee to furnish particulars relating to Goshala.

(1)The trustee of every Goshala, within six months of the commencement of this Act 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)the gross annual income of the Goshala, derived during the period of three years immediately preceding the year in which the statement is submitted or for the period which has elapsed since the establishment of such Goshala, whichever is less;(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)such other particulars as may be prescribed :Provided that in respect of a Goshala established after the commencement of this Act such statement shall be submitted within six months from the date of its establishment.(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 or 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 Goshala.

- The Registrar shall maintain a register (hereinafter called the register of Goshalas) 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.

- The Registrar may, on his own motion or on the application of any person interested in a Goshala or when so ordered by the Director hold an enquiry to ascertain-(a)if any establishment in a Goshala to which this Act applies;(b)the details of the property appertaining to any Goshala;(c)the name and address of the trustee of any Goshala;(d)the mode of succession to the office of the trustee of any Goshala;(e)the income and expenditure of any Goshala; and(f)the sources of income of any Goshala.(2)In every inquiry under this section, the Registrar shall cause notice of such enquiry to be served on the trustee of the Goshala and permit such trustee to appear before him either personally or through agents.(3)On the conclusion of the inquiry, the Registrar may pass such order as he may deem fit.

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 and every such report shall be signed by every trustee or by his agent specially authorised in this behalf and the person signing such report shall verify it in the prescribed manner.(2)The Registrar may, after making such inquiry as he may deem fit, amend the register if he considers it necessary and 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 assign to each Goshala such local area as he deems fit and it shall be the duty of all traders having their place of business in such local area, to pay at the end of each financial year to the trustee of the Goshala to which the said Goshala has been assigned-(a)all the moneys that they may have realised from their customers in the name of the Goshala ; and(b)fifty per centum of the

money that they may have realised in the name of any other charitable object like dharmadan, punyakhata, katauti or lag.(2)The Registrar may, on the application of a trustee, call for the account book of any such trader to ascertain whether he 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 trustees of every Goshala shall in each financial year, pay to the Registrar such fee, not exceeding five per centum of his 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 fees 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 of 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.(2)Any person aggrieved by an order passed by the Registrar under Sub-section (1) may, within such period as may be prescribed, prefer an appeal before the Collector of the district within which the Goshala concerned is situated.(3)Any sum payable by a trader or a trustee under Section 9 or Section 10, as the case may be, shall be recoverable as an arrear of land revenue payable to the Registrar.

12. Maintenance of accounts and 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 and 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 trustees 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 the 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 accounts in such form and containing such particulars as may be prescribed.

13. Inspection of Goshalas.

- The Director or any person authorised by him in this behalf or the Registrar 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 the rules or regulations made thereunder are duly complied with.

14. Goshala fund, its application and audit.

(1) There shall be formed to be called the Goshalas 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 Goshalas; and (b) all sums received or recovered as fines under the provisions of this Act. (2) The Goshal 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 the accounts of Goshalas 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. (5) The auditor shall submit his report to the Registrar and forward a copy of it to the State Government who may issue such direction thereof as they may deem fit and the Registrar shall carry out such directions.

15. Offence.

(1) If the trustee of a Goshala fails or neglects to submit to the Registrar a statement as required under Section 5 or to report any change in the particulars of the Goshala as required under Section 8 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 which may extend to fifty rupees. (2) If the trustee of any Goshala fails or neglects to keep accounts or to furnish 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 which may extend to 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 which may extend to 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, rules or regulations, 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 persons convicted shall comply with the provisions of this 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 so 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 offence.

(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 the 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 a 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, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of 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 the 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 Subsection (1) of Section 8;(e)the manner in which the fees shall be paid by the trustee to the Registrar under Section 10;(f)the period within which an appeal may be filed under Section 11;(g)the form in which the accounts shall be kept by the trustees the form of the statement of accounts required to be furnished under Sub-section (3) of Section 12 and the particulars to be entered therein;(h)any matter which may be prescribed to be made by regulations under Section 17;(i)the manner in which the moneys held by the trustee of a Goshala for the use or benefit of such Goshala shall be invested or disposed of ; and(j)any other matter which is required to be or may be prescribed.

19. Bar of application of the Charitable and Religious Trusts Act, 1920.

- The provisions of the Charitable and Religious Trusts Act, 1920 (14 of 1920) shall not apply to any Goshala registered under this Act.