

# The U.P. Goshala Adhiniyam, 1964

UTTAR PRADESH

India

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### Act 10 of 1964

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The U.P. Goshala Adhiniyam, 1964(U.P. Act No. 10 of 1964)[Dated 7th April, 1964]Received the assent of the President on April 7, 1964 and published in the U.P. Gazette, (Extraordinary), dated April 15,1964. For Statement of Objects and Reasons see U.P. Gazette dated November 23, 1963.An Act to provide for better administration and control of Goshalas in Uttar PradeshIt is hereby enacted in the Fifteenth Year of the Republic of India as follows:

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

(1)This Act may be called the Uttar Pradesh Goshala Adhiniyam, 1964.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force on such date as the State Government may, by notification in the Gazette, appoint, and different dates may be appointed for different areas of Uttar Pradesh.

### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(a)"cattle" means a cow, or its progeny;(b)"Director" means the Director of Animal Husbandry, Uttar Pradesh, and includes any other officer appointed by the State Government to perform all or any of the functions of Director under this Act;(c)"Federation" means the Uttar Pradesh Goshala Sangh constituted under Section 3, and until the Sangh is so constituted, the U.P. State Federation of Gaushalas and Pinjrapoles registered under the Societies Registration Act, 1860;(d)"Goshala" means a charitable institution established for the purpose of keeping, breeding, rearing or maintenance of cattle or for the purpose of reception, production and treatment of infirm, aged, decrepit or diseased cattle;(e)"Goshala property" means the property vesting in or held in trust for the use and benefit of the Goshala and includes any money payable to the Goshala under Section 11, and also includes the cattle kept in the Goshala;(f)"prescribed" means prescribed by rules made under this Act;(g)"Registrar" means the Registrar of Goshalas appointed by the State Government;(h)"regulations" means the regulations made under this Act;(i)"rules" means rules made under this Act;(j)"State Government" means the Government of Uttar Pradesh; and(k)"trustee" in relation to a Goshala means a person or body of

persons by whatever designation known, in whom the administration of the Goshala or its property vests and includes any person who is liable as if he were a trustee.

### **3. Federation.**

(1)As soon as may be after the commencement of this Act there shall be established in the State of Uttar Pradesh a Federation to be called the Uttar Pradesh Goshala Sangh.(2)The Federation shall consist of such number of persons elected by the trustee of Goshalas in such manner as may be prescribed.(3)For the purposes of this section no person shall be deemed to be a trustee whose name is not entered as such in the Pradesh Goshala Register on a date appointed in this behalf by the State Government by notification in the Gazette.

### **4. Obligation to furnish particulars relating to Goshalas.**

(1)The trustee of a Goshala shall furnish to the Registrar a statement setting out-(a)the name and location of the Goshala;(b)the date and the manner of establishment of the Goshala;(c)the name and address of the trustee of the Goshala and where the trustee is a body of persons the names and addresses of all such persons;(d)the mode of succession to the trusteeship;(e)particulars of Goshala property;(f)the gross annual income, if any, of the Goshala during the three years immediately preceding the year in which the statement is furnished;(g)the source of such income;(h)the expenditure, if any, incurred in connection with the Goshala during the period referred to in clause (f); and(i)such other particulars as may be prescribed.(2)The statement shall be signed and verified in the prescribed manner and shall be accompanied by,-(a)a copy of the document, if any, by which the Goshala was established;(b)a copy of the document regulating the administration of the Goshala and succession to the trusteeship, and in case of nonavailability of such document, a memorandum giving the objects of the Goshala and the manner of administration of its property; and(c)in case the accounts of the Goshala have been audited, a copy of the last balance-sheet certified by the auditor.(3)The statement shall be furnished within three months of the establishment of the Goshala or of the coming into force of this Act in that area whichever is later, provided that the Registrar may, for reasons to be recorded in writing, extend the period for furnishing the statement.

### **5. Registration of Goshalas.**

- The particulars of every Goshala in respect of which a statement is furnished in accordance with the provisions of Section 4 shall be entered in a register, in this Act called the Pradesh Goshala Register, and a registration certificate in the prescribed form shall be issued in respect of every such Goshala.

### **6. The Pradesh Goshala Register.**

(1)The Pradesh Goshala Register shall be maintained by the Registrar in the prescribed form.(2)Copies or extracts of the Pradesh Goshala Register shall be furnished on such terms and in such manner as may be prescribed

## **7. Amendment of entries in Pradesh Goshala Register.**

(1)Whenever a change occurs in any of the particulars relating to a Goshala registered under Section 5, the trustee of the Goshala shall, within three months of the occurrence of such change, report the same to the Registrar.(2)The report shall be signed and verified in the prescribed manner.(3)The Registrar may on a report under sub-section (1) or on the facts coming to his notice otherwise, and after such enquiry, if any, as he may consider necessary, amend an entry in the Pradesh Goshala Register.

## **8. Enquiry by Registrar.**

(1)The Registrar may, at any time, either on his own motion or on application of a person claiming to have interest in the Goshala or of an officer of the Animal Husbandry Department of the State Government not below the rank of District Livestock Officer, hold an enquiry in the prescribed manner to ascertain in respect of the Goshala-(a)the name and address of the trustee, and where the trustee is a body of persons the name and address of every such person;(b)the mode of succession to trusteeship;(c)the particulars of the Goshala property; and(d)the income and expenditure and the source of such income.(2)In every enquiry under this section the Registrar shall cause a notice of the enquiry to be served on the Director of Animal Husbandry, Uttar Pradesh and also on the person entered in the Pradesh Goshala Register as trustee of the Goshala and allow them an opportunity of being heard. The notice may be served on such other person and may also be published in such manner as may be prescribed.(3)For the purposes of an enquiry under this section the Registrar shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters-(a)enforcing attendance of any person and examining a person on oath or affirmation;(b)compelling the production of any document;(c)issuing commission for the examination of any witness or accounts; and(d)passing such interim orders as may be necessary in the ends of justice.(4)On the conclusion of the enquiry the Registrar may pass such order as he may deem proper as to any matter to which the enquiry related, and subject to determination by a court of competent jurisdiction, the order so passed shall be final and binding.

## **9. Fees to be paid by the trustee of every Goshala.**

(1)For the purpose of defraying the expenses in the administration of this Act, the trustee of every Goshala registered under Section 5 shall in each financial year pay to the Registrar such fee not exceeding 5 per cent of the gross income of the Goshala during the preceding financial year, as the Registrar may, in consultation with the Federation and with the previous sanction of the State Government fix.(2)Such fee shall be payable in such manner and on such date or dates as may, from time to time, be fixed by the Registrar.(3)All receipts on accounts of fees shall be credited to a fund to be called the Pradesh Goshala Nidhi.

## **10. Maintenance of accounts and their audit.**

(1)The trustee of a Goshala registered under Section 5 shall keep regular accounts of all the assets

and liabilities and the receipts and expenditure of the Goshala.(2)The account shall be in such form and shall contain such particulars as may be prescribed.(3)The account shall be balanced each year at the close of the 31st day of March and shall be examined and audited annually by such person and in such manner as may be prescribed.(4)Every auditor shall for the purposes of audit under sub-section (3) have access to all the accounts, books, vouchers and documents relating to the Goshala, which are in the possession of or under the control of its trustee.(5)Within three months of the date on which the accounts are balanced or within such further time as the Registrar may, for reasons to be recorded, grant, the trustee or every Goshala shall furnish to the Registrar a statement of the account in such form and containing such particulars as may be prescribed.

## **11. Area of Goshala and obligations of traders and merchants.**

(1)The Federation shall make recommendations to the Director with regard to the area in which a Goshala or Goshalas shall function, and the Director shall either accept the recommendation and fix the area accordingly or refer the matter to the State Government and fix the area in accordance with its decision.(2)No merchant or trader shall realise or collect from his customers any charges or donations purporting to be for the benefit of a Goshala other than the Goshala, or if there are more than one, all the Goshalas, functioning in the area in which his place of business lies.(3)Every merchant or trader realising or collecting from his customers any charges or donations purporting to be for the benefit of-(a)Goshala or Goshalas, shall pay the whole;(b)an unspecified charitable purpose, such as in the name of 'Dharmada' or 'Punya Khata', shall pay one-half of the realizations and collections, at such intervals and in such manner as may be prescribed, to the trustees of the Goshala functioning in that area :Provided that he may, before payment, deduct as collection expenses such percentage, not exceeding twenty, as may be prescribed, of the amount payable by him under this sub-section.Explanation. - Where more than one Goshala functions in an area the Director shall fix the proportions in which the realisations and collections shall be divided between them.

## **12. Return to be furnished by traders and merchants.**

- Each trader or merchant making collections or realisations referred to in sub-section (3) of Section 11 shall, at such intervals of not less than six months as may be prescribed, furnish to the District Livestock Officer or such Gazetted Officer of the State Government as may be prescribed a return in the prescribed form giving an account of such collections or realisations made by him.

## **13. Calling for account books for inspection.**

(1)The Registrar may, on the application of a trustee or on information received otherwise, call for the account books of any merchant or traders to ascertain whether the merchant or trader has paid the moneys payable by him to the trustee of a Goshala, but no inspection of such account books by any other person shall be allowed.(2)The Registrar may in any particular case delegate his power under sub-section (1) to the officer to whom the trader or merchant has furnished a return under Section 12.

## **14. Inspection of Goshala.**

- An officer of the Animal Husbandry Department, not below the rank of District Livestock Officer, or any other person duly empowered in this behalf by the State Government may enter into and inspect any Goshala or any place appertaining to a Goshala for the purpose of satisfying himself that the provisions of this Act and the rules and regulations are duly complied with.

## **15. Ban on raising subscription for unregistered Goshala.**

- No person shall collect any money or accept any subscription for a Goshala which is not registered under this Act.

## **16. Penalties.**

(1) If a trustee of a Goshala fails to furnish a return, report or information required by or under this Act within the time allowed therefor or furnishes a return, a report or information which he knows or has reason to believe to be false in any material particular, he shall, on conviction, be liable to a fine not exceeding one thousand rupees. (2) If a merchant or trader fails to pay the moneys in accordance with the provisions of Section 11 and the rules in this behalf or fails to furnish within the prescribed time the return under Section 12 he shall, on conviction, be liable to a fine not exceeding five hundred rupees. (3) If a person contravenes any other provisions of this Act or of a rule, regulation or order made thereunder, he shall, on conviction, be liable to a fine not exceeding three hundred rupees. (4) A court shall, while passing a sentence under any of the foregoing sub-sections, specify the period within which the person so convicted shall comply with the relevant provisions of this Act or the rule, regulation or order made thereunder and shall also impose an additional fine not exceeding twenty-five rupees for every day during which the default continues after 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 extend the period for the compliance and may also remit the whole or any part of the additional fine.

## **17. Offences by companies.**

(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be

proceeded against and punished accordingly. Explanation. - For the purposes of this section-(a)"company" means anybody corporate and includes a firm or other association of individuals, and(b)"director" in relation to a firm, means a partner in the firm.

## **18. Cognizance of offence.**

(1)No prosecution for an offence punishable under this Act shall be instituted except on a complaint of the Registrar.(2)No court inferior to that of a Magistrate of first class shall try any such offence.

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

- No suit, prosecution or other legal proceeding 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 Act or any rule, regulation or order made thereunder.

## **20. Rules.**

(1)The State Government may, by notification in the Gazette, make rules for the purposes of carrying into effect the provisions of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for-(a)the constitution and re-constitution of the federation;(b)the particulars to be set out in a statement under Section 4 and the manner or signing and verifying such statement;(c)the form of registration certificate to be issued to a Goshala;(d)the form of Pradesh Goshala Register;(e)the terms on which and the manner in which copies or extract of the Pradesh Goshala Register shall be furnished(f)the officers to whom and the intervals at which copies or extracts the Pradesh Goshala Register shall be submitted;(g)the manner of signing and verifying a report under Section 7;(h)the manner of enquiry under Section 8;(i)persons on whom the notice of such enquiry shall be served and the manner of publication of such notice;(j)the form of and the particulars to be contained in the accounts to be maintained by the trustee of a Goshala;(k)the administration and maintenance of accounts of the Pradesh Goshala Nidhi;(l)the form of and the particulars to be contained in a statement of account to be furnished under sub-section (5) of Section 10;(m)the intervals at which and the manner in which a merchant or trader shall pay moneys to the trustees of Goshalas;(n)the percentage that may be deducted by a merchant or trader as collection expenses;(o)the intervals at which and the form in which and the officer to whom a return may be furnished under Section 12;(p)the procedure to be followed by any officer or authority performing functions under this Act;(q)the manner of service of notices and orders under this Act; and(r)any other matter which is to be or may be prescribed.(3)The power to make rules under this section shall be subject to the conditions of the rules being made after previous publication.(4)All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days, extending in its one session or more than one successive sessions, and shall, unless one later date is appointed by the State Government, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make, so however that any such modifications or annulments shall be without prejudice to the validity of anything previously done thereunder.

## **21. Regulations.**

- The Director may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules for the following matters : (1) provision of skilled technical management of breeding at a Goshala and supervision thereof; (2) segregation of breeding at a Goshala from other activities thereof and transfer of such work from urban to rural areas; (3) transport of bulls from a Goshala to any other place for purposes of breeding; (4) maintenance and management of records relating to breeding at a Goshala; (5) setting apart of cattle both male and female for breeding purposes; and (6) medical treatment and inspection of cattle at a Goshala.

## **22. Act No. XIV of 1920 not to apply to a Goshala.**

- The provisions of the Charitable and Religious Trusts Act, 1920 shall not apply to a Goshala registered under this Act. Notifications Notification No. 2874/XXII-27-(6)-76-(378), dated December 29, 1980, published in U.P. Gazette Part I, dated 18-4-1981. - In exercise of the powers under sub-section (7) of Section 2 of the U.P. Goshala Adhiniyam, 1964 (U.P. Act No. X of 1964), the Governor is pleased to appoint the Goshala Vikas Adhikari as the Registrar of Goshalas, in addition to his own duties.