The Maharashtra Goseva Ayog Act, 2023

Act No. 23 of 2023

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MAHARASHTRA ACT No. XXIII OF 2023.

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An Act to constitute Goseva Ayog for the preservation, protection and welfare of cattle, and for supervision of Institutions engaged therein, in the State of Maharashtra and to provide for the matters connected therewith or incidental thereto.

WHEREAS it is expedient to constitute Goseva Ayog for the preservation, protection and welfare of cattle, and for supervision of Institutions engaged therein, in the State of Maharashtra and for the matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :-

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Maharashtra Goseva Ayog Act, 2023.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—

(a) “cattle” means cows, cow-bulls, bullocks and cow-calves of indigenous (Desi) breed and also includes the non-descript breed;

(b) “Chairperson” means the Chairperson of the Ayog;

(c) “Goseva Ayog” or “Ayog” means the Maharashtra Goseva Ayog constituted under section 3;

(d) “Institution” means any charitable institution registered under the Maharashtra Public Trusts Act, or a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 2013, engaged in cattle keeping, breeding, rearing and maintaining and reception, protection, care, management and treatment of infirm, aged and diseased cattle for the purposes of preservation, protection and welfare thereof and includes Gosadan, Goshala, Panjarpol, Gorakshan Sanstha, etc. and their Federation or Union registered under any enactment for the time being in force or otherwise;

(e) “member” means a member of the Goseva Ayog and includes the Chairperson;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “regulations” means regulations made by the Goseva Ayog under this Act;

(h) “rules” means rules made under this Act;

(i) “State Government” or “Government” means the Government of Maharashtra.

CHAPTER II

GOSEVA AYOG

3. (1) The State Government shall, by notification in the Official Gazette, constitute a body to be known as “the Maharashtra Goseva Ayog” to exercise the powers conferred upon and to perform the functions assigned to it, under this Act.

(2) The Goseva Ayog 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, and to contract, and may by the said name sue or be sued.

(3) The head office of the Goseva Ayog shall be at such place, as may be prescribed.

(4) The Goseva Ayog shall consist of the following members, namely:­

(a) one non-official member from the members specified in clause (p) to be nominated by the Government

(b) the Commissioner, Animal Husbandry ex officio member;

(c) the Commissioner, Agriculture ex officio member;
(d) the Commissioner, Dairy Development  
ex officio  member;

(e) the Commissioner, Transport  
ex officio  member;

(f) an officer to be nominated by the Director  
General of Police, not below the rank of the  
Deputy Inspector General of Police  
ex officio  member;

(g) the Joint Secretary or Deputy Secretary,  
Animal Husbandry  
ex officio  member;

(h) an officer to be nominated by the Charity  
Commissioner, not below the rank of the  
Deputy Charity Commissioner  
ex officio  member;

(i) an officer to be nominated by the Rural  
Development Department, not below the  
rank of the Deputy Secretary  
ex officio  member;

(j) an officer to be nominated by the Finance  
Department, not below the rank of the  
Deputy Secretary  
ex officio  member;

(k) an officer to be nominated by the  
Urban Development Department, not  
below the rank of the Deputy Secretary  
ex officio  member;

(l) an officer to be nominated by the Home  
Department, not below the rank of the  
Deputy Secretary  
ex officio  member;

(m) an officer to be nominated by the Forests  
Department, not below the rank of the  
Deputy Secretary  
ex officio  member;

(n) the Director (Extension) of the Maharashtra  
Animal and Fishery Sciences University,  
Nagpur  
ex officio  member;

(o) the Director (Extension) of the Mahatma  
Phule Agricultural University, Rahuri or  
an officer to be nominated by the Director  
(Extension) having expertise in the  
field of Fodder Development  
ex officio  member;

(p) nine non-official persons or representa- 
tives of the Non-Governmental Organiza- 
tions (NGOs) or Gosadan, Goshala, Panjarpol  
and Gorakshan Sanstha, etc. or their federation  
or union, who, in the opinion of the  
Government have experience of the  
following fields, to be nominated by the  
State Government:-

(i) cattle welfare;

(ii) animal management;

(iii) veterinary science;

(iv) dairy development or dairy technology;
(v) biotechnology and biodiversity;
(vi) marketing;
(vii) law;
(viii) social work; or
(ix) modern technology, processing industry and treatment under various modern as well as indigenous pathies.

(q) an officer to be nominated by the Government not below the rank of secretary.

(5) The appointment of the non-official members shall take effect from the date on which their names are published in the Official Gazette.

(6) The post of the Joint Commissioner of Animal Husbandry shall be created, who shall discharge his duty as a member secretary of the Goseva Ayog.

(7) If the office of the Chairperson is vacant or if the Chairperson is absent, then the Commissioner, Animal Husbandry shall discharge the functions of the Chairperson.

4. (1) Subject to the pleasure of the Government, the Chairperson and non-official members of the Goseva Ayog, shall hold office for a term of three years from the date of their appointments are notified in the Official Gazette, unless terminated earlier by the State Government.

(2) The non-official members shall receive such allowances as may be prescribed.

(3) A non-official member may resign from his office in writing addressed to the State Government.

5. A person shall be disqualified for being appointed as, or for being continued as, the Chairperson or member, as the case may be, if he,-

(a) is not a citizen of India;
(b) has not attained the age of twenty-one years;
(c) is of unsound mind and stand so declared by a competent court;
(d) is convicted for an offence involving moral turpitude;
(e) has been removed or dismissed from the service of the Government; and
(f) is an undischarged insolvent.

6. (1) The State Government may remove any non-official member, who,-

(a) has been disqualified under section 5;
(b) refuses to act or becomes incapable of acting;
(c) is, without obtaining leave of absence from the Goseva Ayog, remains absent for three consecutive meetings of the Goseva Ayog; or
(d) has, in the opinion of the State Government so abused the position of the Chairperson or member, so as to render his continuance in the office detrimental to the interests of the Goseva Ayog.

(2) No order of removal under sub-section (1) shall be made, unless the non-official member has been given reasonable opportunity of being heard; and when such order is passed, the office of the member so removed shall be deemed to be vacant.

(3) A member who has been so removed under sub-section (1) shall not be eligible for reappointment as a member or on any other post of the Goseva Aayog.

7. (1) Any casual vacancy occurred due to death, resignation, disqualification or removal of a non-official member shall be filled as early as possible.

(2) A member appointed under sub-section (1) shall hold office so long as the member in whose place he has been appointed would have held office if the vacancy had not occurred.

8. (1) The Goseva Ayog shall hold meetings at least four times in a year and shall keep record of its proceedings in a minute book.

(2) The meetings of the Goseva Ayog shall be convened and presided over by the Chairperson.

(3) Subject to the provisions of this Act and the rules made thereunder, the Goseva Ayog may observe such procedure in regard to the transaction of business at its meetings (including the quorum there at) as may be specified by regulations.

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

10. Subject to such rules as may be made in this behalf, the State Government may, for the purpose of enabling the Goseva Ayog to efficiently discharge its functions under this Act, provide such number of officers and other employees as may be considered necessary.

11. The Goseva Ayog shall perform the following functions, namely:

(a) to register Institutions under this Act;

(b) to ensure protection given to cattle under any law for the time being in force;

(c) to ensure proper and timely implementation of programs and schemes of the State Government for development of Gosadan, Goshala, Panjarpol and Gorakshan Sanstha;

(d) to ensure active participation of the Institutions in the development of indigenous breed of cattle specially of the State of Maharashtra;

(e) to promote health care of cattle;

(f) to ensure care and management of cattle seized for violation of any enactment for the time being in force;

(g) to ensure proper management, care and treatment of infirm, aged and diseased cattle maintained by the Institutions;
(h) to ensure implementation of awareness and training programme for farmers and other stakeholders regarding cattle management;

(i) to ensure active co-operation of Institutions in the conservation and development of indigenous breed of cattle;

(j) to ensure and monitor the implementation of bovine breeding policy of the State of Maharashtra;

(k) to supervise and inspect the Institutions;

(l) to promote cultivation and production of improved variety of fodder, fodder-seed and pasture development activities;

(m) to co-ordinate with the Maharashtra Animal and Fishery Sciences University, Nagpur and other Research Institutions dealing with cattle and fodder development programs and to ensure active participation of the Institutions to adopt new scientific technology;

(n) to co-ordinate with universities and other Research Institutes to develop and get their support to adopt new scientific technologies for breed improvement, fodder development and industries based on dung, urine, biogas, etc.;

(o) to suggest such measures which may be helpful in strengthening of the Institutions which are economically weak;

(p) to give financial assistance to the Institutions;

(q) to enquire into complaints in the functioning of any Institution;

(r) to review the activities of prevention of cruelty to cattle;

(s) to review the activities of District Society for the Prevention of Cruelty to Animals;

(t) to ensure implementation of the provisions of this Act and rules made thereunder; and

(u) to perform such other functions as may be prescribed.

CHAPTER III
REGISTRATION OF INSTITUTIONS

12. (1) Every Institution shall submit to the Goseva Ayog an application for registration under this Act, in such form and manner and containing such particulars as may be prescribed, duly signed by the person authorized in this behalf by such Institution,-

(a) within a period of six months from the date of commencement of this Act, in case of the Institutions in existence on such date; and

(b) within a period of three months from the date on which the Institutions are established, after the date of commencement of this Act.

(2) The application shall be accompanied by such fees as may be prescribed.

(3) The Goseva Ayog shall after such enquiry as it deems fit, issue a certificate of registration in such form as may be prescribed.

(4) The Goseva Ayog shall maintain a Register of Institutions registered with it, in such form, as may be prescribed.
(5) If there is any change in any of the particulars relating to the Institution recorded in the Register as prescribed under sub-section (4), the person entrusted to act on behalf of the Institution shall report the change to the Goseva Ayog. The Ayog shall, after such enquiry (if any) as it deems fit, make the necessary change in the Register.

(6) The accounts of every Institution which has been registered under this Act, shall be balanced each year on the thirty-first day of March and its accounts shall be audited annually in the prescribed manner.

13. The Goseva Ayog or any of its officers duly authorized in this behalf may inspect any premises of the Institutions or any records thereof for the purposes of ensuring implementation of this Act or rules made thereunder.

CHAPTER IV
FINANCE, ACCOUNTS AND AUDIT

14. (1) There shall be a fund of the Goseva Ayog to be called “the Goseva Ayog Fund”, to which shall be credited all moneys received by the Ayog, including grants made by the Government, fees received, donations, gifts and bequests made to it by any person or institution.

(2) All funds of the Goseva Ayog shall be kept in a Nationalized Bank and shall be operated by the person as may be authorized by the Ayog in this behalf, in writing.

15. (1) The Goseva Ayog shall maintain proper accounts and other relevant records and prepare a report on accounts in such form as may be prescribed in consultation with the Accountant General, Maharashtra.

(2) The accounts of the Goseva Ayog shall be audited by the Accountant General at such intervals as may be specified by the Accountant General and any expenditure in connection with such audit shall be borne by the Ayog.

(3) The Accountant General or any person appointed by the Accountant General in connection with the audit of the accounts of the Goseva Ayog under this Act shall have the same rights and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Goseva Ayog.

16. The Goseva Ayog shall prepare, in such form and by such date, as may be prescribed, for each financial year, an annual report, giving a full account of its activities during the previous financial year; and submit a copy of it to the Government within one month from the prescribed date.

17. (1) Upon receipt of the annual report submitted under section 16, the Government may take such action thereon as it may consider necessary.

(2) A copy of the report submitted to the Government, together with a report of the action taken thereon by the Government under subsection (1), shall be laid before each House of the State Legislature.
CHAPTER V

MISCELLANEOUS

18. The Government may call for such reports, returns or statements from the Goseva Ayog, from time to time, as it considers necessary.

19. In order to enable the Goseva Ayog to perform the functions under this Act, the Ayog may call for information or report from any Department of the Government or any body or authority or any Institution and the Department or body or authority or the Institution, as the case may be, shall, as early as practicable, comply with such request of the Ayog.

20. The Government may, from time to time, in the public interest and for better and effective administration of the Goseva Ayog, give such directions to Ayog as deemed necessary; and the Goseva Ayog shall comply with such directions.

21. (1) Any person aggrieved by an order passed by the Goseva Ayog under section 22 or any other order passed under this Act, may, within sixty days from the date of its communication, file an appeal to the Government.

(2) On receipt of such appeal, the Government shall, after giving a reasonable opportunity of being heard to the appellant, pass such order as it may think fit.

(3) Every order made under this section by the Government shall be final.

22. (1) If any person or Institution contravenes any of the provisions of this Act or any rules made thereunder, or fails to comply with any order made in pursuance of such provisions, the Goseva Ayog may, after such enquiry as it may deem necessary, and after giving the person or Institution an opportunity of being heard, impose upon him penalty which may extend upto ten thousand rupees.

(2) The amount of penalty if not paid, it shall be recoverable as an arrears of land revenue.

23. All members and officers of the Goseva Ayog shall, when acting or purporting to act in pursuance of any of the provisions of this Act or rules made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

24. No suit, prosecution or other legal proceedings shall lie against any member, officer or employee of the Goseva Ayog for anything which is in good faith done or intended to be done under this Act.

25. The Goseva Ayog may, with the previous approval of the State Government, make regulations, from time to time, by notification published in the Official Gazette, not inconsistent with the provisions of this Act and rules made thereunder, for all or any of the matters provided under this Act by regulations.
26. (1) The State Government may, by notification published in the Official Gazette, make rules, subject to the condition of previous publication, to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall, from the date of publication of a notification in the Official Gazette, 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 or omitted to be done under that rule.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.