The Orissa Goshala Act, 1961

Act 1 of 1962

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ORISSA ACT 1 OF 1962

[THE ORISSA GOSHALA ACT, 1961]

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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. (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. 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 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,

1. For the Statement of Objects and Reasons, see Orissa Gazette, Extraordi-
mary, dated the 20th November 1961, (No. 799).
3. (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. (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. (1) The trustee of every Goshala shall, 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. 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. (1) 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 inquiry to ascertain—

(a) if any establishment is 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 the section, the Registrar shall cause notice of such inquiry 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 seem fit.
8. (1) Whenever any change occurs in any of the particulars relating to any Goshala recorded in the register of Gosalas, 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. (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 percentum 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. (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 percentum of his gross income in the last preceding financial year, as the Registrar may, from time to
(Secs. 11—13)

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. (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. (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 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 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 parti-
culars as may be prescribed.

13. 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. (1) There shall be formed a fund to be called the Goshala Fund and there shall be placed to its 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 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 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. (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 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 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.

Cognizance of offence.

16. (1) No prosecution under this Act shall be instituted except on the complaint of the Registrar.
(Secs. 17-18)

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

17. (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. (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 sub-section (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 trustee; 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.