

Madhya Pradesh Goseva Ayog Adhiniyam, 2007

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Madhya Pradesh Goseva Ayog Adhiniyam, 2007

An Act to establish a Goseva Ayog for the protection, preservation, care and welfare of cow progeny in the State and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Fifty-eighth Year of the Republic of India as follows:-- * Published in M.P. Rajpatra (Asadharan) dated 19-4-2007 Pages 422 (8-14).

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Madhya Pradesh Goseva Ayog Adhiniyam, 2007.
- (2) It extends to the whole of the State of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

(1) In this Act unless the context otherwise requires--

(a) "Chairman" means the Chairman of the district committee;

(b) "Chairperson" means the Chairperson of the Commission;

(c) "Commission" means the Madhya Pradesh Goseva Ayog established under Section 3;

(d) "cow progeny" shall have the same meaning as assigned to it in clause (b) of Section 2 of the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 (No. 6 of 2004);

(e) "district committee" means the Zila Gopalan Avam Pashudhan Samvardhan Samiti constituted under Section 4;

(f) "institution" means any institution whether in the Government or in the private sector, engaged in protection, preservation, care and welfare of cow progeny whether registered or not, having any name;

(g) "non-official member" means a non-official member of the Commission specified as nominated member in sub-section (2) or section 3 or a non-official member of the district committee specified in Section 4, as the case may be;

(h) "organic farming" means used of organic manure, wormiculture, crop protection medicines, for agricultural purposes, generated from cow dung, cow urine and remnants of dead cow progeny;

(i) "Registrar" means the Registrar of the Commission;

(j) "Secretary" means the Secretary of the Commission.

(2) The words and expressions used but not defined in this Act shall have the meanings assigned to them in the Madhya Pradesh Krishik Pashu Parirakshan Adhiniyam, 1959 (No. 18 of 1959) and the Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 (No. 6 of 2004).

3. Establishment And Constitution Of Commission :-

(1) The State Government; shall establish and constitute a body to be known as the Madhya Pradesh Gosewa Ayog which shall be a body corporate with perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract, and shall by the said name sue or be sued.

(2) The Commission shall consist of the Chairperson and the

following members, namely :--

A. Ex-officio members

- (i) the Agriculture Production Commissioner, Madhya Pradesh;
- (ii) the Principal Secretary/ Secretary, Animal Husbandry Department, Government of Madhya Pradesh;
- (iii) the Principal Secretary/ Secretary, Home Department, Government of Madhya Pradesh
- (iv) the Principal Secretary/ Secretary, Forest Department, Government of Madhya Pradesh;
- (v) the Principal Secretary/ Secretary, Rural Development Department, Government of Madhya Pradesh;
- (vi) the Principal Secretary/ Secretary, Finance Department, Government of Madhya Pradesh or his nominee not below the rank of Deputy Secretary,

B. Nominated members

- (vii) Four non-official members, having interest in cow progeny welfare, to be nominated by the State Government.
- (3) The State Government shall appoint one of the non-official members to be the Chairperson of the Commission.
- (4) Every appointment under sub-section (2) shall take effect from the date on which it is notified in the official Gazette.

4. Constitution Of District Committees :-

A district committee shall be constituted in every district in such manner as may be prescribed and the number of non-official members and functions of the district committee shall be such as may be prescribed.

5. Terms And Conditions Of Appointment Of Non-Official Members :-

- (1) Every non-official member of the Commission and district committee shall hold office for a period of three years.
- (2) A non-official member of the Commission or the district committee may resign from his office in writing under his hand addressed to the State Government or to the Commission, as the case may be.
- (3) There shall be paid to the non-official members of the Commission and the district committee such allowance as may be prescribed.
- (4) The State Government shall, after consultation with the Commission, remove a person from the office of non-official

member of the Commission or the district committee if that person-

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- (a) becomes a undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence, which in the opinion of the State Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuse to discharge or becomes incapable of discharging duties;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) has, in the opinion of the State Government so abused the position of Chairperson or member as to render that persons continuance in office detrimental to cow progeny or the public interest:

Provided that no person shall be removed under this sub-section until that person has been given a reasonable opportunity of being heard in the matter.

6. Disqualifications :-

No person shall be eligible for appointment as a non-official member of the Commission or the district committee, 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) has been adjudged by a competent court to be of unsound mind;
- (d) has been sentenced by any court to imprisonment for an offence involving moral turpitude;
- (e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in public service; and
- (f) is an undischarged insolvent.

7. Casual Vacancy :-

In the event of death, resignation or disqualification of a non-official member or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as early as possible by appointment of a person thereto as non-official member who shall hold office for the unexpired term of his

predecessor.

8. Headquarter And Meetings Of Commission :-

- (1) The headquarter of the Commission shall be at Bhopal.
- (2) The Commission shall hold meetings at least twice in a year and shall keep record of its proceedings in a minute book and the Commission shall convene a special meeting during the last three months of the current financial year for consideration of the next years budget.
- (3) The meetings of the Commission shall be convened by the Chairperson who shall, when present preside at such meetings and in the absence of the Chairperson, the members present shall elect one from amongst themselves to preside as Chairperson.

9. Vacancy Not To Invalidate Proceedings :-

No act or proceeding of the Commission shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Commission.

10. Appointment Of Officers And Other Employees :-

- (1) Subject to such rules as may be prescribed in this behalf, the State Government may, for the purpose of enabling the Commission to efficiently discharge its functions under this Act, provide such number of officers and other employees as may be considered necessary :

Provided that Secretary of the Commission shall not be below the rank of Director, Veterinary Services and the Registrar shall not be below the rank of Joint Director of Veterinary Services, and the appointment of the above officers shall be made on the date of issue of the notification under sub-section (3) of Section 1.

- (2) The Secretary of the Commission shall be head of the general administration and financial administration of the Commission and shall exercise general supervision and control over the officers and employees and affairs of the Commission

11. Power Of Commission To Co-Opt :-

The Commission shall have powers to co-opt for any meeting the subject specialists so that the Commission may be able to discharge its functions efficiently under this Act and the Co-opted person shall be entitled to receive such honourarium or allowances as may be

prescribed by the Commission in this behalf.

12. Registration Of Institutions And Audit Of Their Accounts

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(1) On the commencement of this Act every Institution shall submit an application for registration under this Act in such manner and containing such particulars as may be prescribed and the institutions which have already been registered under the Madhya Pradesh Goseva Ayog Adhiniyam, 1995 (No. 18 of 1995) (Repealed Act) or the institution registered by the Madhya Pradesh Gopalan Avam Pashudhan Samvardhan Board shall be deemed to have been registered under this Act.

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

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

(4) The Commission shall maintain a register of institutions registered with it in such forms as may be prescribed.

(5) 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 such manner as may be prescribed.

13. Functions Of The Commission :-

The functions of the Commission shall be--

(a) to ensure the protection afforded to cow progeny under article 48 of the Constitution and any law for the time being in force and to advise the State Government for their effective implementation;

(b) to ensure proper and timely implementation and evaluation of programmes of the State Government under cow progeny welfare schemes and to advise ways and means for their effective implementation and to make recommendations thereof to the State Government;

(c) to coordinate with the agriculture Universities and other research institutions dealing with welfare of cow progeny and fodder development programmes and to ensure active participation of the institution to adopt new scientific technology;

(d) to extend the programme of fodder seed production, organic farming by using cow dung compost, non-conventional energy production such as biogas to the interested institutions engaged in cow progeny welfare and to encourage them to become model

institutions;

- (e) to ensure active participation of the institutions for the protection, preservation and development of cow progeny;
- (f) to give financial assistance to the institutions for development in such manner as may be prescribed;
- (g) to encourage collective farming by adopting methods of cultivation of fodder seed production, pasture development and organic on community land;
- (h) to encourage production of medicines made of Cow urine used for human beings and crop protection;
- (i) to provide special assistance for maintenance of the cow progeny received from police or judicial custody in such manner as may be prescribed;
- (j) to organise training programmes, seminars etc. to adopt new practices for the benefit of workers of the institutions engaged with the cow welfare in coordination with Government/non Government organisations in such manner as may be prescribed;
- (k) to deregister the registration of defunct institutions in such manner as may be prescribed; and
- (l) to perform such other functions as may be assigned to it by the State Government.

14. Powers Of Commission :-

The Commission shall, while performing its functions under section 13, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely :--

- (a) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examinations of witnesses and documents; and
- (f) any other matter which may be prescribed.

15. Funds Of The Commission :-

(1) The funds of the Commission shall consist of--

- (i) grants made by the Central Government or State Government;
- (ii) all fees and charges received by the Commission;
- (iii) contribution of the market committee fund as may be ordered

to be contributed by the State Government under sub-clause (d) of clause (viii) of Section 39 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973);

(iv) all moneys received by the Commission by way of grants, donations, gifts and bequeath made to it by any person;

(v) all moneys received by the Commission in any other manner or from any other source.

(2) All funds of the Commission shall be kept in any bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), as a corresponding new bank shall be operated by the person as may be authorized by the Commission.

(3) The Commission may spend such sums as it thinks fit in such manner as may be prescribed for performing its functions under this Act.

16. Accounts And Audit :-

(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government.

(2) The accounts of the Commission shall be audited annually by the Chartered Accountant appointed by the State Government and any expenditure in connection with such audit shall be payable by the Commission to the Chartered Accountant.

(3) The Commission shall provide all books, accounts, connected vouchers and other documents and papers as are required for audit and the Commission shall also remove the objections raised during the audit at once, the Chartered Accountant shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Commission.

17. Annual Report :-

The Commission shall prepare, in such form and by such date for each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

18. Action On Commissions Report :-

(1) Upon receipt of a report made under section 17, the State

Government may take such action thereon as it considers fit.

(2) A copy of the report made to the State Government together with a report of the action taken thereon by the State Government under sub-section (1) shall be laid on the table of the Legislative Assembly.

19. Power Of The State Government To Call For Reports, Returns Etc. :-

The State Government may call for such reports, returns, statements from the Commission from time to time as it considers necessary.

20. Directions Of The State Government :-

In the discharge of its function under this Act, the Commission shall be guided by such directions on the question of policy as may be given to it by the State Government.

21. Members Of The Commission To Be Public Servants :-

All members and officers of the Commission shall be deemed, while acting or purporting to act in pursuance of any provision of this Act and the rules made thereunder, to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

22. Protection Of Action Taken In Good Faith :-

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

23. Power To Make Rules :-

(1) The State Government may make rules generally for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :--

(a) terms and conditions of service of employees of the Commission;

(b) allowances which may be paid to members of the Commission;

- (c) the manner in which the institutions shall be registered;
 - (d) the fee on the payment of which the registration shall be made and the form in which registration certificate shall be issued;
 - (e) the manner in which and the authority which shall operate the funds of the Commission;
 - (f) the form and manner in which and the time within which the reports are to be submitted by the commission;
 - (g) the manner of constitution of district committees, its functions and the number of its non-official members.
- (3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

24. Power To Remove Difficulty :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty :

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