

L. A. BILL No. XVII OF 2023.

A BILL

5 *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.*

(As Passed by the Legislative Assembly on the 24th March, 2023.)

10 **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

- 15 Act, 2023. 1. (1) This Act may be called the Maharashtra *Goseva Ayog* Short title
and
commencement.
- (2) It shall come into force on such date as the State Government
may, by notification in the *Official Gazette*, appoint.

Definitions.

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* 5 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; 10 XXIX of 1950. 21 of 1860. Mah. XXIV of 1961. 18 of 2013.

(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* 20 under this Act;

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

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

CHAPTER II

25

GOSEVA AYO

Constitution
and
incorporation
of *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. 30

(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 35 may be prescribed.

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

(a) one *non-official* member from the Chairperson; 40
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;
- 5 (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;
- 10 (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;
- 15 (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;
- 20 (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;
- 25 (n) the Director (Extension) of the Maharashtra Animal and Fishery Sciences University, Nagpur *ex officio* member;
- 30 (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;
- 35 (p) nine non-official persons or representatives of the Non-Governmental Organizations (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:—
- 40 (i) cattle welfare;
- 45 (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. 5

(q) an officer to be nominated by the Government not below the rank of Joint Commissioner of Animal Husbandry member-secretary. 10

(5) The appointment of the non-official members shall take effect from the date on which their names are published in the *Official Gazette*. 15

(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. 20

Term and allowances of non-official members. 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. 25

(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.

Disqualification. 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, - 30

(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; 35

(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. 40

Removal of non-official members. 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 45

(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
5 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
10 *Goseva Aayog*.

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

(2) A member appointed under sub-section (1) shall hold office so long
15 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 Meetings of
year and shall keep record of its proceedings in a minute book. *Goseva Ayog*.

(2) The meetings of the *Goseva Ayog* shall be convened and presided
20 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
25 on the ground of the existence of any vacancy, or any defect, in the constitution of the *Goseva Ayog*. Vacancy not to invalidate proceedings.

10. Subject to such rules as may be made in this behalf, the State
30 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. Appointment of officers and other employees.

11. The *Goseva Ayog* shall perform the following functions, namely :- Functions of
Goseva Ayog.

(a) to register Institutions under this Act;

(b) to ensure protection given to cattle under any law for the time
35 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
40 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,
45 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; 5

(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; 10

(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.; 15

(o) to suggest such measures which may be helpful in strengthening of the Institutions which are economically weak; 20

(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; 25

(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 30

Registration of Institutions and audit of their accounts. 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 35

(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. 40

(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. 45

(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.

10 **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. Inspection.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

15 **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. *Goseva Ayog* Fund.

(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. Accounts and audit.

25 (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*.

30 (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
35 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
40 a copy of it to the Government within one month from the prescribed date. Annual report.

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

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

CHAPTER V
MISCELLANEOUS

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

Power of *Ayog* to call for records. **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*. 5 10

Power to give directions. **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.

Appeal. **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. 15

(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. 20

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

Penalty. **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. 25

(2) The amount of penalty if not paid, it shall be recoverable as an arrears of land revenue. 30

Members of *Goseva Ayog* to be public servants. **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. 35 45 of 1860.

Protection of action taken in good faith. **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.

Power to make regulations. **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. 40

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. Power to make rules.

(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 : Power to remove difficulties.

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.

STATEMENT OF OBJECTS AND REASONS

The issue of preservation, protection and welfare of the cattle and developing indigenous breed of cattle specially of the State of Maharashtra has been brought before the State Government, from time to time.

2. The Government considers it necessary to encourage Institutions such as Gosadan, Goshala, Panjarpol, Gorakshan Sanstha, etc., which are engaged in the work of cattle breeding and conservation of local breeds, genetic improvement, fodder development, and also to ensure active co-operation of such Institutions in increasing the productivity of cattle. For the above purposes, the Government considers it expedient to enact a new law to provide for establishment of “the Maharashtra *Goseva Ayog*” in the State for the preservation, protection and welfare of cattle, and for supervision of such Institutions engaged therein and to provide for the matters connected therewith and incidental thereto.

3. The salient features of the Bill are as follows, namely:—

(a) to constitute ‘the Maharashtra *Goseva Ayog*’ for the preservation, protection and welfare of cattle, and for supervision of Institutions engaged therein in the State;

(b) to register Institutions engaged in cattle preservation, protection and welfare of cattle in the State;

(c) to encourage the breeding of indigenous cattle including non-descript cattle;

(d) to promote health care of cattle;

(e) to supervise the functioning of Gosadan, Goshalas, Panjarpol, Gorakshan Sansthas, etc., in the State;

(f) to promote the cultivation and production of improved varieties of fodder, fodder-seed and pasture development activities;

(g) to create awareness and conduct training programs for farmers and other stakeholders regarding cattle management;

(h) 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, etc.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 21st March, 2023.

RADHAKRISHNA VIKHE-PATIL,
Minister for Animal Husbandry
and Dairy Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:—

Clause 1(2).— Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 3.— Under this clause, power is taken to the State Government,—

(a) under sub-clause (1), to constitute, by notification in the *Official Gazette*, a body to be known as “the Maharashtra Goseva Ayog” to exercise the powers conferred and to perform the functions assigned to it under the proposed law;

(b) under sub-clause (3), to prescribe by rules, the place of head office of the *Goseva Ayog*;

(c) under sub-clause (5), to publish in the *Official Gazette*, the names of the non-official members.

Clause 4(2).— Under this clause, power is taken to the State Government to prescribe by rules, the allowances to be received by the non-official members of the *Goseva Ayog*.

Clause 10.— Under this clause, power is taken to the State Government to prescribe by rules, to provide such number of officers and other employees of the *Goseva Ayog* as may be considered necessary.

Clause 11(u).— Under this clause, power is taken to the State Government to prescribe by rules, such other functions of the *Goseva Ayog*.

Clause 12.— Under this clause, power is taken to the State Government,—

(a) under sub-clause (1), to prescribe by rules, application for registration under this Act, in such form, manner and containing such particulars, by the Institution;

(b) under sub-clause (2), to prescribe by rules, fees to be accompanied with the application for registration;

(c) under sub-clause (3), to prescribe by rules, form in which a certificate of registration is to be issued to Institution;

(d) under sub-clause (4), to prescribe by rules, form in which a Register of the Institution is to be maintained;

(e) under sub-clause (6), to prescribe by rules, the manner of audit of annual accounts of the registered Institution.

Clause 15.— Under this clause, power is taken to the State Government, to prescribe by rules the form in which the *Goseva Ayog* shall prepare relevant records and prepare a report on accounts in consultation with the Accountant General of the State of Maharashtra.

Clause 16.—Under this clause, power is taken to the State Government, to prescribe by rules the form in which the *Goseva Ayog* shall prepare an annual report, giving a full account of its activities during the previous financial year and submit a copy to the State Government within one month.

Clause 25.—Under this clause, power is taken to the *Goseva Ayog* to make regulations, by notification in the *Official Gazette*, to carry out the purposes of this Act.

Clause 26.—Under this clause, power is taken to the State Government, to make rules, by notification in the *Official Gazette*, to carry out the purposes of this Act.

Clause 27.—Under this clause, power is taken to the State Government to issue an order in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of this Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution and incorporation of the *Goseva Ayog*. Clause 4 of the Bill provides for allowances payable to the *non-official* members of the *Goseva Ayog*. Clause 10 of the Bill provides for appointment of the officers and employees of the *Goseva Ayog*.

The Bill upon its enactment as an Act of the State Legislature would involve recurring and non-recurring expenditure from the Consolidated Fund of the State towards administrative expenses of the *Goseva Ayog* including salaries, allowances, etc. Non-recurring expenditure of rupees ten crores approximately would be incurred, but it is not possible to give an estimate of the actual recurring expenditure that may have to be incurred in this behalf at this stage.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary
Department)

In exercise of the power conferred upon him by clause (3) of Article 207 of the Consitution of India, the Governor of Maharashtra is pleased to recommend to both Houses of the State Legislature, the Consideration of the Maharashtra Goseva Ayog Bill, 2023.

MAHARASHTRA LEGISLATURE

SECRETARIAT

[L. A. BILL No. XVII OF 2023.]

[A Bill 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.]

**[SHRI RADHAKRISHNA VIKHE-PATIL,
Minister for Animal Husbandry and Dairy
Development.]**

**[As Passed by the Legislative Assembly
on the 24th March, 2023.]**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**