

THE BIHAR GOSHALA RULES, 1953¹

1. **Short title** — These rules may be called the Bihar Goshala Rules, 1953.
2. **Definition** — In these rules unless there is anything repugnant in the subject or context –
 - (a) ‘form’ means a form appended to these rules;
 - (b) ‘section’ means a section of the Act;
 - (c) ‘the Act’ means the Bihar Goshala Act, 1950; and
 - (d) all other words and expressions used herein but not defined shall have the meanings respectively assigned to them under the Act.
3. **Federation and its constitution** — (1) The Federation shall consist of twenty-five members including a Chairman, a Secretary, a Joint Secretary and a Treasurer.
 - (2) The members of the Federation shall be elected by the trustees of the goshalas of the State in the following manner, namely –
 - (i) within three months of the preparation of the register of goshalas a notice specifying the date, place and time of the meeting for election of the members and office-bearers of the first Federation shall be sent by the Registrar under postal certificate to each trustee of the registered goshalas at least fifteen days before the date of meeting.
 - (ii) the Registrar shall preside at the meeting until the trustees present in the meeting have elected a President from amongst themselves to preside over the meeting;
 - (iii) the President so elected shall then preside over the meeting for the election of members and office-bearers of the Federation;
 - (iv) at least one half of the total number of goshalas or fifty trustees, whichever is less, shall form the quorum for the meeting:

Provided that if at any meeting the quorum is not present, the Registrar or the President, as the case may be, may adjourn the meeting to some and the notice of such meeting shall be issued in the manner as is prescribed in clause (i) and no quorum shall be required for an adjourned meeting.
 - (v) all votes shall be recorded by the trustees in person in such manner as may be determined by the Registrar or the President, as the case may be; and
 - (vi) the election of each member or officer bearer shall be by a majority votes and in the case of an equality of votes the President shall have a second or casting vote.
 - (3) The President, office-bearers and other members of the Federation shall continue to hold office until they cease to be members by reason of death, resignation or otherwise, but as nearly as possible one fourth of the members shall retire as soon as may be on the expiration of every second year in accordance with the procedure laid down in sub-rules (1) and (5):

Provided that the term of a person elected as a member or office-bearers to fill a casual vacancy shall be the unexpired term of the members or office bearer in whose place he has been elected.
 - (4) The members shall be divided into four categories and the members to be placed in each category shall be determined by the President by drawing lots in public in such manner as he may deem fit after notifying in the Bihar Gazette the time at which lots will be drawn; and the term of office of a member shall expire at the expiration of the second, fourth, sixth and eighth year from the date of the constitution of the Federation according as he is placed in the first, second, third or fourth category.
 - (5) The President shall cause to be published at the office of the Federation a statement showing the term of office of members as determined under sub-rule (4).

1. Framed under section 18 of the Bihar Goshalas Act, 1950 (Bihar Act 28 of 1950) and published in the Bihar Gazette, 1955, notification no. 6694-D, dated 22nd/24th October, 1953.

4. **Procedure for the conduct of other business** — The Federation shall determine the procedure for the conduct of its business in respect of other matters;
Provided that –
 - (i) *all decision shall be taken by a majority of votes and in the case of an equality of votes the President shall have a second or casting vote; and*
 - (ii) *every proposal in a meeting shall be duly seconded.*
5. **Proceedings to be recorded** – Proceedings of the meetings of the Federation shall be recorded in a Minute Book signed by Chairman and the Secretary of the Federation.
6. **Submission of statement by trustee** — (1) The trustee of every goshala shall submit the statement required under sub-section (1) of section 5 in Form I which shall be signed by the trustee or his authorised agent and verified by the person signing the statement in the manner prescribed at the bottom of the Form.
 - (2) When a trustee does not submit the statement within the period specified in sub-section (1) of section 5, the Registrar may issue a notice to such trustee in Form II requiring him to submit the statement.
 - (3) After the submission of the statement under sub-rule (1) the Registrar shall grant a receipt in Form III to the trustee or his agent.
7. **Maintenance of register** — The register of goshalas maintained by the Registrar under section 6 shall be in Form IV and the Registrar shall grant a *Certificate of Registration* in Form V.
8. **Change in particulars of goshala to be reported** — A trustee of a goshala or his authorised agent shall report any change in the particulars of the goshala in Form VI duly verified at the bottom.
9. **Notice of inquiry** — The notice of inquiry under section 7 to be served on the Director and on the trustee of a goshala shall be in Form VII.
10. **Notice to be sent to trustee of goshala** — After fixing the area of a goshala under sub-section (i) of section 9, the Director shall send a notice in Form VIII to the trustee of that goshala and a copy of that notice to the Registrar.
11. **Issue of notice by Registrar** — On the application of a trustee of goshala under sub-section (2) of section 9 against a trader the Registrar may for the purpose of ascertaining the moneys payable by the trader to the trustee, issue a notice in Form IX.
12. **Manner of payment of fees to the trustees** — (1) The fees paid by the trustees of goshala under section 10 shall be deposited in a lump sum or in installments as may be determined by the Registrar, in the Goshala Fund by means of a bank draft or by crossed postal order in favour of the Registrar.
 - (2) The Goshala Fund shall be treated as a local fund under rule 573 of the Bihar Treasury Code, Volume 1, and the Registrar shall operate the fund through Banking account at the Patna Treasury under rule 576 of the Bihar Treasury Code, Volume I under the head detailed below —
Deposits and advances—Deposit not bearing interest—Other deposit account—Accounts of local funds—Other miscellaneous fund—Goshala Fund
13. **Issue of notice of demand for failure to pay fees** — On the failure of a trustee to pay the fee required under section 10, the Registrar shall issue a notice of demand to the trustee in Form X.
14. **Issue of notice of demand by Registrar** — When any order is passed by the Registrar under sub-section (1) section 11 he shall in the case of money payable by the trader issue a notice of demand in Form XI and in the case of money payable by a trustee in Form XII.
15. **Statement of accounts to be furnished by trustee** — The trustee of every goshala shall submit to the Registrar a statement of account required under sub-section (3) of section 12 in Form XIII.

16. **Money to be deposited in the name of Treasurer and Secretary** — Money held by the trustees of goshala for day to day expenses shall be deposited in the joint name of the Treasurer and the Secretary of the goshala either with reliable firms in consultation with the Registrar or in the Postal Savings Sank at the nearest Post Office and the money not required for day-to-day expenditure shall be invested in the Government Securities or Debentures or with reliable firms with the approval of the Registrar.
17. **Regulations** — The regulations made under section 17 may provide for
 - (a) a committee of management for a goshala the number and manner of election of members of such committee and the term of office of the members; and
 - (b) the conditions of service of the servants of goshala.
18. **Service of notices** — The notice required to be issued under the Act or these rules shall be served either by the Sub-divisional Magistrate of the area or by registered post with acknowledgement due.
19. **Preparation of audit note** — The auditor appointed under section 12 shall prepare an audit note in Form XIV.

