

## THE BIHAR GOSHALA ACT, 1950<sup>1</sup>

(Bihar Act 28 of 1950)

(President's assent published in the Bihar Gazette of the 27th September, 1950)

### **An Act to provide for better management and control of Goshalas in the State of Bihar**

Whereas it is expedient to provide for the better management and control of goshalas in the State of Bihar;

It is hereby enacted as follows:

1. **Short title, extent and commencement** — (1) This Act may be called the Bihar Goshala Act, 1950.
  - (2) It extends to the whole of the State of Bihar.
  - (3) It shall come into force on such <sup>2</sup>[date and in such areas as the State Government may, from time to time, by notification, appoint and different dates may be appointed for different areas.
2. **Definitions** — In this Act, unless there is anything repugnant in the subject or context,
  - (a) "cattle" includes any domestic animal of the bovine species;
  - (b) "Director" means the Director of Animal Husbandry Department, Bihar and includes any officer appointed by the State Government to perform the functions of the Director of Animal Husbandry Department under this Act;
  - (c) "Federation" means the Bihar State Goshala Pinjrapole Federation constituted under section 3:

*Provided that the Bihar Provincial Goshala Pinjrapole Federation registered under the Societies Registration Act, 1860, shall be the Federation for the purposes of this Act until the establishment of a Federation under the aforesaid section;*
  - (d) "goshala" means a charitable institution established for the purpose of keeping, breeding, rearing and maintaining cattle or for the purpose of reception, protection and treatment of infirm, aged or diseased cattle and includes a "Pinjrapole", where such cattle are kept;
  - (e) "goshala fund" means the goshala fund formed under section 14;
  - (f) "prescribed" means prescribed by rules made by the State Government under this Act;
  - (g) "Registrar" means the Registrar of goshalas appointed by the State Government out of a panel of three names submitted by the Federation;
  - (h) "regulation" means a regulation made by the Director under section 17; and
  - (i) "trustee" means a person or a body of persons, by whatever designation known, in whom the administration of a goshala is vested and includes any person who is liable as if he were a trustee.
3. **Establishment of the Federation** — As soon as possible after this Act comes into force, there shall be established in the State of Bihar a Federation to be called the Bihar State Goshala Pinjrapole Federation. The Federation shall consist of the prescribed number of members elected by the trustees of the goshalas of the State in the prescribed manner at a meeting specially held for the purpose.
4. **Office of the Registrar and conditions of service of the Registrar and persons employed in his establishment** — (1) The Registrar may be either a paid or an honorary officer as the State Government may, from time to time, determine.
  - (2) The Registrar shall hold office for a term of five years and shall be eligible for re-appointment for a further period of not more than five years.

1. For Statement of Objects and Reasons, please see the Bihar Gazette of the 26 March, 1947.

2. The Act came into force on the 1st February, 1951, vide notification No. 235. D., dated the 10th January, 1951.



- (3) The Registrar shall draw such salary or allowances, if any, and shall be subject to such conditions of service as the State Government may, from time to time, determine.
  - (4) The State Government may remove the Registrar from office if he refuses to act or becomes incapable of acting or acts in a manner which the State Government, after hearing any explanation that he may offer, consider to be prejudicial to the interest of the goshalas in the State.
  - (5) 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.
  - (6) 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. **Trustees to furnish particulars relating to Goshalas** — (1) The trustee of every goshala shall, in the case of -
- (i) a goshala established before the commencement of this Act, within six months of the commencement of this Act; and
  - (ii) a goshala established after the commencement of this Act, within six months of the vesting in or assumption by him of the administration of the property of such goshala,
- 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) in the case of a goshala established before the commencement of this Act, the gross annual income of such goshala for three years immediately preceding the year in which the statement is submitted or in the case of a goshala established after the commencement of this Act, for the period which has elapsed since the establishment of such goshala;
  - (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) any other particulars that may be prescribed.
- (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 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. **Register of goshalas** — The Registrar shall maintain a register (hereinafter called the Register of Goshala) 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. **Power of Registrar to hold inquiry** — (1) The Registrar may, at any time, either of his own motion or on the application of the Director or any person claiming to have an interest in a goshala, hold an inquiry to ascertain -
- (a) if the goshala is a goshala to which this Act applies;



- (b) the details of the property appertaining to such goshala;
  - (c) the name and address of the trustee of such goshala;
  - (d) the mode of succession to the office of the trustee of such goshala;
  - (e) the income and expenditure of such goshala; and
  - (f) the sources of income of such goshala.
- (2) In every inquiry under this section, the Registrar shall cause notice of such inquiry to be served on the Director and to the trustee of the goshala and permit them to appear through agents.
- (3) On the conclusion of the inquiry, the Registrar may pass such order as he may deem fit as to matters to which the inquiry related.
8. **Amendment of Entries in Register of Goshalas** — (1) Whenever any change occurs in any of the particulars relating to any goshala recorded in the register of goshalas the trustee of such goshala shall within three months of the occurrence of such change, report the fact to the Registrar. Such report shall be signed by every trustee or by his agent specially authorized in this behalf. Every person signing the report shall verify it in the prescribed manner.
- (2) The Registrar may, after such inquiry as he may deem fit, amend the register if he considers it necessary. In that case, he shall forward copies of the amended entry of the register to the Director and to the Federation.
9. **Fixation of area of goshala and payment by the traders of the area of certain moneys to the goshala** — (1) The Director shall fix the area within which a goshala shall function and it shall be the duty of all traders of that area to pay at the end of each financial year to the trustee of the goshala functioning in that area all the moneys that they may have realised from their customers in the name of the goshala and fifty per centum of the money that he may have realised in the name of any other charitable objects like dharmadan, punyakhata, katauti and lag.
- (2) The Registrar may, on the application of a trustee, call for the account book of a trader to ascertain whether such trader 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. **Fees to be paid by trustee of every goshala** — (1) For the purpose of defraying the expenses incurred in the administration of this Act, the trustee of every goshala shall in each financial year, pay to the Registrar such fee, not exceeding five per centum of this gross income in the last preceding financial year, as the Registrar may, from time to time, in consultation with the Federation and with the previous sanction of the State Government, determine.
- (2) Such fee shall be payable in the prescribed manner on such date or dates as may, from time to time, be fixed by the Registrar.
11. **Decision on disputes regarding sums payable under sub-section (1) of section 9 or section 10 and the manner of recovery of those sums** — (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. From an order passed by the Registrar under this sub-section an appeal shall lie to the District Magistrate of the district within which the goshala concerned is situated. No appeal shall lie from an order passed in an appeal under this sub-section.
- (2) Any sum payable by a trader or a trustee under this section, as the case may be, shall be recoverable as a public demand payable to the Registrar.
12. **Maintenance of Account and their Audit** — (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. The accounts 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 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 the accounts in such form and containing such particulars as may be prescribed.
13. **Inspection of goshala after reasonable notice** — The Director or any person authorised by him in this behalf 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 rules or regulations made thereunder are complied with.
14. **Goshala fund, its application and audit** — (1) There shall be formed a fund to be called the goshala fund and there shall be placed to the credit thereof -
- (a) all sums received by the Registrar as fees under section 10 and donations and grants for the management and control of goshala; 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 of the accounts of goshala 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. The auditor shall submit his report to the Registrar and forward a copy of it to the State Government which may issue such directions thereon as it may deem fit and the Registrar shall carry out such directions.
15. **Penalties** — (1) If the trustee of a goshala fails or neglects to submit to the Registrar a statement as required under section 5, or 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 not exceeding fifty rupees.
- (2) If the trustee of a goshala fails or neglects to keep accounts or to furnish a 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 not exceeding 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 not exceeding 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, rule or regulation, 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 person convicted shall comply with the provisions of the 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 specified, the Court may, if it thinks fit, extend the period and may remit the whole or any part of the fine.*

16. **Cognizance of Offences** — (1) No prosecution under this Act shall be instituted except on the complaint of the Registrar.
- (2) No Court inferior to that of a Magistrate of the second class shall try any offence under this Act.
17. **Power to make regulations** — (1) The Director may with the previous sanction of the State Government, make regulations for the following matters, namely —
- (a) the manner in which a 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 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. **Power to make rules** — (1) The State Government may make rules<sup>1</sup> for the purpose of carrying into effect the provisions of this Act.
- (2) Without any prejudice to the generality of the foregoing power, the State Government may make rules<sup>1</sup> for the following matters, namely —
- (a) the number of members of the Fediation 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 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 fees shall be paid by the trustee to the Registrar under section 10;
  - (f) the form in which the accounts shall be kept by the trustee under sub-section (3) of section 12 and the particulars to be entered in such form;
  - (g) any matter which may be prescribed to be made by regulations under section 17; and
  - (h) the manner in which the moneys held by the trustees of a goshala for the use or benefit of such goshala shall be invested or disposed of.
- (3) Rules made under this section shall be subject to the condition of previous publication.
19. **Bar of application of the Charitable and Religious Trusts Act, 1920** — The provisions of the Charitable and Religious Trusts Act, 1920, shall not apply to any goshala registered under this Act.

1. For Rules, see BORO, Vol. 1, Pt. VIII.



## THE BIHAR GOSHALA RULES, 1953<sup>1</sup>

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.