THE HIMACHAL PRADESH GAUVANSH SANRAKSHAN AND SAMVARDHAN ACT, 2018

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THE HIMACHAL PRADESH GAUVANSH SANRAKSHAN AND SAMVARDHAN ACT, 2018

(ACT NO. 2 of 2019)[1]

(Received the assent of the Governor on the 24th January 2019 and was published in Rajpatra, Himachal Pradesh (Extra-Ordinary), dated 1st February 2019, pp. 7913-7925)

An Act to establish the Himachal Pradesh Gauseva Aayog for the preservation, conservation and welfare of cows in the State; and for

supervision and control of the institutions established for the purpose and to provide for matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-ninth Year of the Republic of India, as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Gauvansh Sanrakshan and Samvardhan Act, 2018.

(2) It shall come into force on such date as the State Government may, by notification,[2] in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Aayog" means the Himachal Pradesh Gauseva Aayog constituted under section 3 of this Act;

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

(c) "Cow " includes a bull, bullock, ox, heifer or calf besides the cow itself;

(d) "Gauvansh"means cow or its progeny;

(e) "Gausamvardhan" means conservation and development of indigenous breeds of cow;

(f) "Gausanrakshan" means protection and conservation of Gauvansh;

1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh, (Extra-Ordinary), dated 15th December, 2018 p. 6719-6720 and 6726.

2. Act came into force from 1st December 2019 vide Notification No. AHY-A(3)-3/2018 dated, 22th November, 2019 published in the Rajpatra, Himachal Pradesh, dated 22th November, 2019 p.8103.

(g) "Government" or "State Government" means the Government of Himachal Pradesh;

(h) "Indigenous breed" means the indigenous cow population which is recognized as a breed by Breed Registration Committee of Indian Council of Agricultural Research, New Delhi, from time to time;

(i) "Institution" means any charitable institution or Non-Government Organization engaged in the welfare of cows and established for the purpose of keeping, breeding, rearing and maintaining cow or for the purpose of reception, protection, care, management and treatment of infirm, aged and diseased cows and includes Gausadan, Gaushala, Gauvigyan Kendra, Cow Sanctuary, Community Animal Rearing Center, or by whatever name such institutions exist including Gauraksha sanstha and their federation, society or union registered under any enactment for the time being in force or otherwise;

(j) "member" means a member of the Aayog and includes the Chairperson, Vice Chairperson and the Member Secretary;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "section" means a section of this Act;

(m) "State" means the State of Himachal Pradesh; and

(n) "Vice-Chairperson" means a Vice-Chairperson of the Aayog.

3. Constitution of the Aayog.—(1) The Government shall, by notification in the Rajpatra (e-Gazette), Himachal Pradesh constitute a body to be known as the Himachal Pradesh Gauseva Aayog.

(2) Consequent upon the constitution of the Himachal Pradesh Gauseva Aayog, all properties, movable or immovable shall vest with the Himachal Pradesh Gauseva Aayog and all the debts and liabilities of the Himachal Pradesh Gosamvardhan Board shall be transferred to the Aayog and the officers and servants of the said Board shall be the officers and servants of the Aayog.

(3) The Aayog shall consist of,—

a. Ex-officio members:—

(i) Animal Husbandry Minister, Himachal Pradesh — *Chairperson;*

(ii) Secretary (Animal Husbandry), Government of Himachal Pradesh — *Member;*

(iii) Secretary (Finance), Government of Himachal Pradesh — *Member;*

(iv) Secretary (Language, Art and Culture), Government of Himachal Pradesh — *Member;*

(v) Secretary (Excise and Taxation), Government of Himachal Pradesh — *Member;*

(vi) Secretary (Revenue), Government of Himachal Pradesh — *Member;*

(vii) Secretary (Rural Development and Panchayati Raj), Government of Himachal Pradesh — *Member;*

(viii) Secretary (Forests), Government of Himachal Pradesh — *Member;*

(ix) Dean, Dr. G. C. Negi College of Veterinary Animal Sciences, Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishva-vidyalya, Palampur, District Kangra — *Member;*

(x) The Director General of Police, Himachal Pradesh — *Member; and*

(xi) The Director, Animal Husbandry, Himachal Pradesh — *Member Secretary.*

b. Non-official members:—

There shall be not more than ten non-official members to be nominated by the Government. One Vice-Chairperson shall also be nominated in addition thereto. The non-official members of the Aayog shall be appointed from amongst the persons having interest in the field of Gausanrakshan and Gausamvardhan.

4. Terms and conditions of appointment of non-official members.—(1) A non-official member of the Aayog shall hold office for a period of three years from the date of his appointment.

(2) The terms and conditions of service of non-official members shall be such, as may be prescribed.

5. Resignation.—A non-official member may, by way of notice in writing under his hand addressed to the Government of Himachal Pradesh, resign from his office.

6. Disqualifications.—No person shall be eligible for appointment as a non official member, if he,—

(a) is not a citizen of India; or

(b) has not attained the age of 21 years; or

(c) is of unsound mind and stands so declared by a competent authority; or

(d) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government, involves moral turpitude; or

(e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in public service; or

(f) is adjudged insolvent.

7. Casual vacancy.—In the event of vacancy of a non-official member due to death, resignation, removal or otherwise before the expiry of his term of office, a casual vacancy shall be deemed to have occurred and such vacancy shall be filled as early as possible by nomination for the remaining term.

8. Salary, honorarium and allowances of the members.—The salary, honorarium, and allowances etc. if any, payable to the Vice-Chairperson and members shall be such as may be prescribed.

9. Headquarter.—The headquarter of the Aayog shall be at Shimla.

10. Meetings of the Aayog.—(1) The Aayog shall hold one meeting quarterly and at least four meetings annually and shall keep a record of its proceedings.

(2) The meeting of the Aayog shall be convened and presided over by the Chairperson and in his absence thereof, the Vice-Chairperson shall preside over the meeting. In the absence of both the

Chairperson and the Vice-Chairperson, the members present shall elect one from amongst them to preside over the meeting.

(3) The quorum of the meeting shall be of a minimum of eleven members.

(4) The proceedings of the meetings shall be forwarded to the Secretary (Animal Husbandry) to the Government of Himachal Pradesh, for necessary action.

(5) An ex-officio member may depute his representative to attend meeting on his behalf in the event of his inability to attend a particular meeting.

11. Vacancies not to invalidate proceedings of the Aayog.— No act or proceedings of the Aayog shall be questioned or shall be invalid merely on the ground of existence of any vacancy in or defect in the constitution of the Aayog or any defect in the appointment of a person acting as a member or any irregularity in the procedure of the Aayog, including issuance of notice for holding of a meeting, not affecting merits of the matter.

12. Terms and conditions of service of officers and employees.—Terms and conditions of service of officers and employees of the Aayog and salaries and allowances payable to them, shall be such as may be prescribed.

13. Registration of institutions and audit of their accounts.— (1) Once the Aayog is established, all institutions shall have to get them registered with Aayog on the payment of such fee and in the manner as may be prescribed.

(2) The Aayog shall, issue a certificate of registration in such form, as may be prescribed.

(3) The Aayog shall maintain register of institutions registered with it in such form, as may be prescribed.

(4) Whenever any change occurs in any of the particulars submitted to the Aayog by an institution, the person entrusted to act on behalf of institution shall report the change to the Aayog, for further updation of record.

(5) The accounts of every institution, which has been registered under this Act, shall be prepared in each financial year and its accounts shall be audited annually as may be prescribed.

14. Powers and functions of the Aayog.—The Aayog shall perform all or any of the following functions, namely:—

(a) to make provisions for solutions to the problems related to abandoned cow in the State by providing technical and financial assistance to Gausadans, Gaushalas, Gauvigyan Kendras, Cow Sanctuaries or any other scheme approved by the Government in the manner as may be prescribed;

(b) to promote research on various aspects of indigenous cows and make budgetary provisions for the same in the manner as may be prescribed;

(c) to make provisions for awareness programs on cow welfare and breed conservation;

(d) to ensure the protection afforded to cow under any law for the time being in force including seizure and custody of the cow being carried for slaughtering or likely to be slaughtered in contravention of any law in force;

(e) to ensure proper and timely implementation of the laws referred to in clause (a) and to propose remedial measures regarding the implementation of programs of Government for the development of institutions;

(f) to draft policies and design projects for the conservation and promotion of cow and make recommendations thereof to the Government for implementation;

(g) to receive budget and make expenditure for the purpose of cow welfare and conservation of indigenous breeds of cow, in the manner as may be prescribed;

(h) to supervise and inspect the institutions and to ensure that such institutions provide for proper management and care to cows conserved by them; and

(i) to perform such other functions as may be assigned by the Government.

15. Grants and funds of the Aayog.—(1) The State Government may pay to the Aayog by way of grants from the Consolidated Fund of the State, income from the Temple trusts, cess levied on sale of liquor or such sums of money as the State Government may provide to be utilized for the purpose of this Act.

(2) The Aayog may spend such sums as it deems fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grants referred to in sub-section (1).

16. Budget of the Aayog.—(1) The Aayog shall on such date, as may be prescribed, prepare and approve the budget of the next financial year, showing the estimated receipts and expenditure.

(2) When the budget is approved by the Aayog, it shall be competent to appropriate the amounts out of the funds for the purpose for which provisions have been made. Re- appropriation, if any shall be subject to the approval of the Aayog.

17. Bankers of the Aayog.—All funds of the Aayog shall be kept in a Scheduled Bank.

18. Power of the Aayog to call for records.—In order to enable the Aayog to perform the functions under this Act, the Aayog may call for information, records or reports from any institution.

19. Annual Report.—(1) The Aayog shall prepare, in such form for each financial year as may be prescribed, its annual report, giving full account of its activities during the previous financial year and forward a copy thereof to the Government.

(2) Upon receipt of a report made under section 18, the Government may take such action thereon, as it may consider appropriate.

20. Power of the Government to call for reports and returns etc.—The Government may call for such reports, returns and statements from the Aayog from time to time, as it may consider necessary.

21. Directions from the Government.—(1) In the discharge of its functions under this Act, the Aayog shall be guided by such directions on the question of policy as may be given by the Government.

(2) If any dispute arises between the Government and the Aayog as to whether a question is or is not a question of policy, the decision of the Government shall be final.

22. Members, officers and employees of the Aayog to be public servant.—All members, officers and employees of the Aayog shall be deemed, while acting or purporting to act in pursuance of any provision of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code, 1860, (45 of 1860).

23. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any member or any officer or other employees of the Aayog or any person acting under the direction either of the Government or of the Aayog, in respect of anything, which is done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.

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24. Power to make rules.—(1) The Government may, by notification in the Rajpatra (e Gazette), Himachal Pradesh make rules for carrying out the purposes of this Act.

(2) All the rules made under this Act, shall be laid, as soon as may be, after they are so made, before the Legislative Assembly while it is in session, for a period of not less than ten 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 they are so laid or the successive sessions immediately following, the Legislative Assembly makes any modification(s) in any of such rules or decides that the rule should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.