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HARYANA VIDHAN SABHA SECRETARIAT

Notification

The 3rd September, 2010

No. 24—ffi,A of 2010/SS.—Haryana Gau-Seva Aayog Bill, 2010, is hereby published for general information under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly :—

Bill No. 24—HLA of 2010

THE HARYANA GAU-SEVA AAYOG BILL, 2010

A

BILL

to establish Gau-Seva Aayog for the preservation and welfare of cows in the State, for supervision and control of institutions established for the purpose and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Haryana Gau-Seva Aayog Act, 2010. Short title and commencement.

(2) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

Price : Rs. 5.00

(6767)

Definitions.

2. In this Act, unless the context otherwise requires,—
- (a) "Aayog" means the Haryana Gau-Seva Aayog established under section 3;
 - (b) "cow" includes bull, bullock, ox, heifer and calf;
 - (c) "Government" means the Government of the State of Haryana in the Administrative Department;
 - (d) "institution" means any charitable institution or Non-Government Organisation **engaged** in cow welfare 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 cow and includes Gausadan, Gaushala, Pinjrapole, Gau Anusandhan-Vigyan-Samvardhan Kendra, Gauraksha Sanstha and their federation or union registered under any enactment for the time being in force or otherwise;
 - (e) "member" means a member of the Aayog and includes the Chairman and Vice-Chairman;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - (g) "State" means the State of Haryana.

Establishment
and incorporation.

3. (1) The Government shall, after coming into force of this Act, by notification in the Official Gazette, establish a body to be known as the Haryana Gau-Seva Aayog.

(2) The Aayog shall have perpetual succession and a common seal with power to purchase, hold and dispose of property, both movable and immovable and to contract and may by said name sue and be sued.

Constitution.

4. (1) The Aayog shall consist of the following members, namely:-

L Official members>

- (a) Financial Commissioner and Principal Secretary to Government, Haryana, Revenue and Disaster Management Department or his representative not below the rank of Joint Secretary;
- (b) Financial Commissioner and Principal Secretary to Government, Haryana, Urban Local Bodies Department or his representative not below the rank of Joint Secretary;
- (c) Financial Commissioner and Principal Secretary to Government, Haryana, Agriculture Department or his representative not below the rank of Joint Secretary;

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(d) Financial Commissioner and Principal Secretary to Government, Haryana. Finance Department or his representative not below the rank of Joint Secretary;

(e) Financial Commissioner and Principal Secretary to Government Haryana, Animal Husbandry and Dairying Department or his representative not below the rank of Joint Secretary;

(f) Financial Commissioner and Principal Secretary to Government, Haryana, Development and Panchayats Department or his representative not below the rank of Joint Secretary;

(g) Director General of Police or his representative not below the rank of Inspector General of Police;

(h) Director General of Animal Husbandry and Dairying Department;

(i) One representative from the Animal Welfare Board of India.

U. Non-official members>

There shall be twelve non-official members including Chairman and Vice-Chairman to be nominated by the Government.

(2) The non-official members shall be nominated by the Government from amongst the persons engaged in the welfare of cow, namely:-

(i) six non-official members representing registered Haryana Rajya Gaushala Sangh in the State;

(ii) six eminent humanitarians working selflessly for the welfare, protection and preservation of cow.

(3) Every appointment shall take effect from the date on which it is published in the Official Gazette.

5. (1) The Government shall appoint a Secretary of Aayog having Secretary. such qualifications, as may be prescribed

(2) The Secretary shall exercise such powers and perform such duties, as may be prescribed.

6. (1) Every non-official member shall hold office for a period of Terms and conditions of appointments of non-official members. three years from the date on which he is appointed.

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

Resignation.

7. A non-official member may resign from his office by giving a notice in writing under his hand addressed to the Government.

Removal of DOD-official members.

8. (1) The Government may remove a non-official member from his office who in its opinion,—

- (a) refuses to act or becomes incapable of acting; or
- (b) is convicted by a Court for an offence, involving moral turpitude; or
- (c) has directly or indirectly any share or interest in any subsisting contract or employment with, by or on behalf of the Aayog himself or through member of his family or any partner; or
- (d) is a Director, Secretary, Member or a salaried officer of any incorporated company or any cooperative society which has any share or interest in any contract or employment with, by or on behalf of the Aayog; or
- (e) becomes of unsound mind and stands so declared by a competent Court; or
- (f) without obtaining leave remains absent from three consecutive meetings of the Aayog; or
- (g) has abused his position as to render his continuance in office detrimental to the interest of the Aayog; or
- (h) has become an un-discharged insolvent.

(2) The Government may suspend any non-official member pending any inquiry against him:

Provided that no member shall be removed under sub-section (1) unless he has been given a reasonable opportunity of being heard.

Disqualification.

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

- (a) is not a citizen of India;
- (b) has not attained the age of twenty-one years;
- (c) has been declared by a competent Court to be of unsound mind;
- (d) has been convicted by any Court 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; or

(f) is an un discharged insolvent.

10. 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 a member, who shall hold office for the unexpired term of his predecessor.

Casual vacancy

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

Vacancy not to invalidate proceedings.

12. The non-official members of the Aayog shall be paid such allowances, as may be prescribed.

Allowances to non-official members

13. (1) The Aayog shall hold meeting at least once in every three months.

Meetings.

(2) The Chairman may, whenever he thinks fit, call a meeting.

(3) The proceedings of the meetings shall be forwarded to the Government.

(4) Seven members, comprising minimum three official and maximum three non-official members, shall form quorum of the meeting.

14. The functions of the Aayog shall be to—

Functions.

(i) work for proper implementation of laws with respect to prohibition of slaughter and/or cruelty to cow and to suggest improvement in the existing laws for making them more meaningful;

(ii) work for the welfare of cow in the State;

(iii) supervise work of the institutions for the scientific use of dung and urine of cow so as to enhance their utility in the sphere of agriculture including soil fertility, bio-energy, bio-gas, bio-fertilizer, bio-pesticide and domestic use;

(iv) supervise and assist in the working and functioning of the institutions for the purpose of providing financial assistance, training in the field of scientific rearing of various breeds of cow;

(v) exercise supervision over institutions regarding utilization of funds and properties provided by Aayog and to bring to the notice of the Government specific instances for appropriate action;

- (vi) develop pastures or grazing lands and to associate with institutions or other bodies whether private or public, for the purpose of developing pastures and Gauchars;
- (vii) provide financial assistance to deserving institutions, which in the opinion of the Aayog are engaged in the welfare of cow, as also for propagation of non-conventional energy like bio-gas from dung and urine of cow and other gainful uses through scientific tests or experiments;
- (viii) educate, campaign and to make people aware about the economic benefits which can be derived out of cow and arrange competitions to promote such awareness as also to preach compassion for cow and take steps for inclusion in school syllabi such information;
- (ix) procure fodder and make available for use of cow in the area affected by famine, drought or other natural calamities and to set up camps for the aforesaid purposes in the affected area and to take steps for prevention of migration or export of cow from such affected area and to suggest action against persons indulging in or attempting export for slaughter from such area;
- (x) work in collaboration with any Veterinary, Animal Sciences or Agriculture University or departments or organizations of the State /Central Government engaged in the task of research in the field of breeding and rearing of cow, organic manure, bio-gas etc. as also to collaborate with such of the research projects of Indian system of medicine conducted by various public or private organizations for conducting research on the biogeaic products of the cow for medicinal purposes;
- (xi) assist institutions for procuring fodder and in relocation of existing institutions at places where plenty of fodder and water is easily available;
- (xii) promote schemes to encourage use of organic manure and recommend suitable measures including incentive schemes for use of dung or urine of cow in organic manure by farmers to minimize the use of chemical fertilizers;
- (xiii) undertake fodder development schemes and to provide straw reapers free of cost;
- (xiv) take into custody the abandoned, stray, confiscated or seized cow from the concerned local bodies, other competent authorities or courts after due authorization under any law for the time being in force and to maintain them,

- (xv) formulate and submit schemes for the establishment of cottage/artisan industries in the rural areas based on biogas product of cow as also based on skins, hides, bones of the naturally dead cow for the purpose of manufacture of various products;
- (xvi) to create awareness about the significance of indigenous breeds of cow, its milk and allied dairy products and use of bullock energy;
- (xvii) to promote healthy competition amongst institution engaged in breed development of cow for enhancing milk yield by organizing various competitions/events/fairs and suitably rewarding the winners financially.

15. The Chairman shall exercise such powers, discharge such duties and perform such functions, as may be prescribed. Powers, duties and functions of Chairman.

16. The Vice-Chairman, in the absence of Chairman, shall exercise such powers, discharge such duties and perform such functions, as may be prescribed. Powers, duties and functions of Vice-Chairman.

17. The Aayog shall, as soon as may be, after its establishment and incorporation have its headquarters at such place, as may be specified by the Government.

18. The Aayog may subject to general or special directions of the Government, appoint such officers and other employees, as it may consider necessary for the efficient performance of its functions. Officers and other employees.

19. The pay and other conditions of service of the officers and employees of the Aayog shall be such, as may be prescribed. Pay and conditions of service.

20. The fund of the Aayog shall consist of grants made by the Government, donations, gifts and bequests made to it. Fund.

21. (1) All properties, funds and other assets of the Aayog shall be held and applied by it for the purposes, as may be prescribed. Application of property.

(2) No proposal involving financial implications shall be approved, sanctioned or implemented by the Aayog unless such proposal is examined by a Finance Committee duly constituted in such manner, as may be prescribed.

22. (1) The Aayog shall on such date, as may be prescribed, prepare and submit to the Government, in the prescribed form, the budget of the next financial year, showing the estimated receipts and expenditure. Budget.

(2) The Government may sanction the budget submitted to it with such modifications, if any, as it deems proper.

(3) When the budget is sanctioned by the Government, the Aayog shall be competent to appropriate the amounts out of the fund for the purpose for which the provision is made in the budget.

- Power to call for records. 23. The Aayog may call for any record or report of any institution to perform the functions under this Act.
- Accounts and audit 24. (1) The Aayog shall maintain proper accounts and other relevant records and prepare a report on accounts in such form, as may be prescribed.
(2) The accounts of the Aayog shall be audited by the Accountant General at such intervals, as may be specified by him and any expenditure in connection with such audit shall be payable by the Aayog to the Accountant General.
- Annual report. 25. The Aayog 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 of the previous financial year and forward it to the Government.
- Action on report 26. Upon receipt of a report made under section 25, the Government may take such action thereon, as it considers appropriate.
- Power of Government to call for reports, returns etc. 27. The Government may call for such reports, returns and statements of accounts from the Aayog, as it considers necessary.
- Directions of Government. 28. (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 to it 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.
- Members, officers and employees to be public servants. 29. All members, officers and employees of the Aayog shall be deemed while acting or purporting to act in pursuance of any provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).
- Power to remove difficulties. 30. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order do anything not inconsistent with such provision which appears to it to be necessary or expedient for the purpose of removing the difficulty.
- Protection of action taken in good faith. 31. No suit, prosecution or other legal proceedings shall lie against any member, officer or employee of the Aayog for anything which is in good faith done or intended to be done under this Act.
- Power to make rules. 32. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.

STATEMENT OF OBJECTS AND REASONS

The State Government has decided to establish and constitute "The Haryana Gau Seva Aayog" for the purpose of the preservation, welfare and development of Cow species in the State. It will assist in organising animal husbandry of cattle on modern and scientific lines alongwith use of bio-products generated by the cattle animals maximizing the use of organic manure in the agricultural activities.

The Haryana Gau Seva Aayog Bill, 2010. will be meant for following

objects:—

1. to work for proper implementation of the law with respect to prohibition of slaughter and/or cruelty to cow and to suggest improvement in the existing laws for making them more meaningful.
2. to supervise work of the institutions for the scientific use of dung and urine of cow so as to enhance their utility in the sphere of agriculture including soil fertility, bio-energy, bio-gas, bio-fertilizer, bio-pesticide and domestic use.
3. to supervise and assist in the working and functioning of the institutions for the purpose of providing financial assistance, training in the field of scientific rearing of various breeds of cow.
4. to educate, campaign and to create awareness about the significance of indigenous breeds of cow, its milk and allied dairy products and use of bullock energy.
5. to work in collaboration with Agricultural Veterinary University or other Organizations of the State arranged in the task of research in the field of breeding/rearing of cow and other research projects of Indian system of medicine pertaining to biogenic products of cow.
6. to take into custody the abandoned, stray, confiscated or seized cow from the concerned local bodies, other competent authorities or courts after due authorization under any law for the time being in force and to maintain them properly.
7. to formulate and submit schemes for consideration of the Government for the establishment of cottage industries in the rural areas, based on bio-gas product of cow as also based on skins, hides or bones of the naturally dead cow for the purposes of manufacture of various products.

PARAMVIR SINGH,

Animal Husbandry Minister, Haryana.

SUMIT KUMAR,

Secretary.

Chandigarh :

The 3rd September, 2010.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 of the Bill provides for making some provision by way of rules. To carryout the purposes of the Act, this power has been delegated to the Government to make new or additional rules. This delegated power to Government is of normal character and nowhere overrides the scope of delegation of legislative power. Hence, this memorandum is annexed as required under the provisions of rule 126 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

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