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LEGISLATIVE SUPPLEMENT

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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 23rd September, 2014

No. 28-Leg./2014.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 5th Day of September, 2014, is hereby published for general information:—

THE PUNJAB GAU-SEWA COMMISSION ACT, 2014

(Punjab Act No. 27 of 2014)

AN

ACT

to establish the Punjab Gau-Sewa Commission for the preservation and welfare of Cows in the State, for the supervision and control of institutions established for the purpose and to provide for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fifth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Punjab Gau-Sewa Commission Act, 2014. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

- (a) "Chairperson" means a Chairperson of the Commission;
- (b) "Commission" means a Commission constituted under section 3;
- (c) "Cow" includes a bull, bullock, ox, heifer or calf;
- (d) "Government" means the Government of the State of Punjab in the Department of Animal Husbandry, Fisheries and Dairy Development;
- (e) "institution" means any charitable institution or Non-Government Organization 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, Gauraksha Sanstha and their federation or union registered under any enactment for the time being in force or otherwise;

- (f) "member" means a member of the Commission and includes the Chairperson and the Member Secretary;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "section" means a section of this Act; and
- (i) "State" means the State of Punjab.

Constitution of
the Commission.

3. (1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Punjab Gau-Sewa Commission to exercise the powers conferred upon and perform the functions assigned to it under this Act.

(2) The Commission shall consist of-

(a) Ex-officio members:-

- (i) the Financial Commissioner and the Principal Secretary to Government of Punjab, Department of Animal Husbandry, Dairy Development and Fisheries or his representative not below the rank of Joint Secretary;
- (ii) the Principal Secretary to Government of Punjab, Department of Finance or his representative not below the rank of Joint Secretary;
- (iii) the Financial Commissioner and Principal Secretary to Government of Punjab, Department of Local Government or his representative not below the rank of Joint Secretary;
- (iv) the Financial Commissioner and Principal Secretary to Government of Punjab, Department of Rural Development and Panchayats or his representative not below the rank of Joint Secretary;
- (v) the Vice Chancellor, Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana or his representative;
- (vi) the Director General of Police, Punjab or his representative not below the rank of Deputy Inspector General of Police;
- (vii) the Director, Animal Husbandry, Punjab; Member Secretary;

(b) Non-official members:-

There shall be seven non official members, including the

Chairperson.

(3) The Commission may associate officers or experts as special invitees, as and when necessary.

4. The headquarter of the Commission shall be located at Chandigarh or S.A.S.Nagar, Mohali. Headquarter of the Commission.

5. The Government shall appoint the non-official members of the Commission having interest in animal welfare. Appointment of the non-official Members of the Commission.

6. The non-official members of the Commission shall hold office for a period of three years from the date of their appointment. Term of office of non-official members.

7. The allowances payable to and other terms and conditions of service of non-official members shall be such, as may be prescribed. Terms and conditions of appointment of non-official members.

8. (1) A non-official member may, by way of notice in writing under his hand addressed to the Government, resign from his office. Resignation and removal of non-official members.

(2) Notwithstanding anything contained in sub-section (1), the Government may, by order remove from the office, the non-official member, if he—

(a) is adjudged insolvent; or

(b) is of unsound mind and stands so declared by a competent court; or

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

(d) remains absent without obtaining leave of absence from the Commission for three consecutive meetings; or

(e) has in the opinion of the Government so abused the position of non-official member as to render that person to continue in office being detrimental to the interest to the Commission or public interest.

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

(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 court; 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.

Casual vacancy.

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 there to as member who shall hold office for the unexpired term of his predecessor.

Meetings of the Commission.

11. (1) The Commission shall hold one meeting quarterly and at least four meetings annually and shall keep a record of its proceedings.

(2) The meetings of the Commission shall be convened by the Chairperson who shall preside over the meeting and in the absence of Chairperson, the members present shall elect one from amongst them to preside over such meeting.

(3) Six members comprising three *ex-officio* and three non-official members, shall form quorum of the meeting.

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

Vacancies not to invalidate proceedings of the Commission.

12. No act or proceedings of the Commission shall be questioned or shall be invalid merely on the ground of existence of any vacancy in, or defect in the constitution of the Commission or any defect in the appointment of a person acting as Chairperson or a member or any irregularity in the procedure of the Commission, including issuing of notice for holding of a meeting, not affecting merits of the matter.

Appointment of officers and other employees.

13. Subject to such rules as may be made in this behalf, the Government may, appoint for the purpose of enabling the Commission to efficiently discharge its functions under this Act, such number of officers and other employees, as may be necessary.

14. (1) On the commencement of this Act, every institution shall within a period of three months, submit an application for registration under this Act in such manner, as may be prescribed.

Registration of institutions and audit of their accounts.

(2) The Commission shall, after such enquiry as it deems fit, issue a certificate of registration in such form, as may be prescribed.

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

(4) Whenever any change occurs in any of the particulars relating to any institution recorded in the register as provided in sub-section (3), the person entrusted to act on behalf of institution shall report the change to the Commission, which shall after such enquiry, as it deems fit, make necessary changes in the register.

(5) The accounts of every institution, which has been registered under this Act, shall be prepared each year up to 31st day of March and its accounts shall be audited annually in the prescribed manner.

15. The Commission shall perform the following functions, namely:—

Powers and functions of the Commission.

- (a) 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;
- (b) to ensure proper and timely implementation of the laws referred to in clause (a) and to propose remedial measures regarding the implementation of programmes of Government under Gaushala Development Schemes;
- (c) to ensure active participation of the institutions in the development of indigenous breeds of Cow;
- (d) to promote health care of Cow;
- (e) to ensure care and management of Cow seized in violation of any enactment for the time being in force;
- (f) to ensure proper management and care of infirm and aged Cow maintained by any institution;
- (g) to supervise and inspect the institutions;
- (h) to suggest such measures which may be helpful in strengthening of the institutions which are economically weak;

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- (i) to give financial assistance to the institutions;
- (j) to perform such other functions as may be assigned by the Government;
- (k) to appoint such Cow Welfare Officers who shall work for the implementation of the Act to take action including detention and search of Cow, vehicles, seizure of Cow and to take Cow into custody and initiate prosecution; and
- (l) to take custody of the Cow seized and to entrust them to the nearest Gaushala, Gausadan or any Cow protection institution or to any willing person pending the disposal of the prosecution proceedings.
- 16.** The non-official members shall exercise such powers, discharge such duties and perform such functions, as may be prescribed.
- 17.** The funds of the Commission shall consist of the grants made by the Government, donations, gifts and bequests made to it.
- 18.** (1) The Commission 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.
- (2) The Government may sanction the budget submitted to it with such modifications, if any, as it deems fit.
- (3) When the budget is sanctioned by the Government, the Commission shall be competent to appropriate the amounts out of the funds for the purpose for which the provision is made in the budget.
- 19.** All funds of the Commission shall be kept in a nationalized bank and shall be operated by an official as may be authorized by the Commission.
- 20.** In order to enable the Commission to perform the functions under this Act, the Commission may call for information or report from any institution.
- 21.** (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form, as may be prescribed.
- (2) The accounts of the Commission shall be audited by the Accountant General at such intervals as he may consider appropriate and any expenditure in connection with such audit, shall be payable by the Commission to the Accountant General.

Powers, duties and functions of the non-official members.

Funds of the Commission.

Budget of the Commission.

Bankers of the Commission.

Power of the Commission to call for records.

Accounts and audit.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts of Commission 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 account and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

22. The Commission shall prepare, in such form for each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government.

Annual Report.

23. Upon receipt of a report made under section 22, the Government may take such action thereon, as it may consider appropriate.

Action on Commission's reports.

24. The Government may call for such reports, returns and statements from the Commission from time to time, as it may consider necessary.

Power of the Government to call for reports, returns etc.

25. (1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on the question of policy as may be given by the Government.

Directions of the Government.

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

26. All members and officers of the Commission shall be deemed, while acting or purporting to act in pursuance of any provision of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

Members of the Commission to be public servants.

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

Protection of action taken in good faith.

28. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the

foregoing power; such rules may provide for all or any of the following matters, namely:-

- (a) terms and conditions of service of officers or officials of the Commission;
- (b) allowances which may be paid to the members of the Commission;
- (c) the manner in which the institutions shall be registered;
- (d) the manner in which and the authority which shall operate the funds of the Commission;
- (e) the manner in which complaints shall be entertained by the Commission and mode of enquiry;
- (f) the form and manner in which and the time within which the report are to be submitted by Commission; and
- (g) any other matter not specifically covered under this section.

(3) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of 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 it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule 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 or omitted to be done under that rule.

H.P.S. MAHAL,

Secretary to Government of Punjab,
Department of Legal and legislative Affairs.