

Haryana Murrah Buffalo and other Milch Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Act, 2001

HARYANA

India

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Act 6 of 2001

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Haryana Murrah Buffalo and other Milch Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Act, 2001 Haryana Act No. 6 of 2001 Last Updated 23rd January, 2020 Statement of Objects and Reasons - Haryana Act 16 2002. - Section 6(1) of the Haryana Murrah Buffalo and Other Milch Animal Breed (Preservation and Development of Animal Husbandry & Dairy Development Sector) Act, 2001 empowering the State Government to impose cess on the registered capacity of milk of a Milk Plant, was totally silent on the following issues. Keeping in view, the general interest of the Dairy Plants as well as furthering scope of Dairy Development and also in view of several writ petitions filed by the various milk plants against the imposition of cess on milk, it was considered necessary that the Act *ibid* should be amended immediately to the required extent to make it more liberal, viable and free from encumbrances. But, the Haryana Vidhan Sabha was not in Session at that time, therefore, keeping in view the immediate urgency, Section 6 of the Act *ibid* was substituted by issuing an Ordinance vide Notification No. Leg-II/2002 dated 8.7.2002 as follows :-(1) For the purpose of this Act and subject to the rules made thereunder, a cess not exceeding fifteen paise per litre shall be imposed on the licensed capacity of a milk plant : Provided that during the lean period the cess at the above rate shall be imposed on the seventy five per cent of the licensed capacity of a milk plant : Provided further that no cess shall be levied on the day(s) when a milk plant remains closed for the reasons beyond the control of its management." Since the said Ordinance shall lapse with the passage of six months' period rendering the above amendments ineffective, therefore, in view of the urgencies stated above, it is expedient to make regular provisions in Section 6 of the Act *ibid* by carrying out amendments. Hence, the amendment Bill. Published vide Haryana Government Gazetted (Extra.), dated 31 August, 2002, page 1813. Received the assent of the Governor of Haryana on the 3rd April, 2001 and

was published in the Haryana Gazette, (Extra), Legislative Supplement, Part I, dated April 12, 2001/Chaitra, 22, 1923An Act to provide for improvement of the genetic stock of the milch animals specifically the prime breed 'Murrah' and local breeds like 'Sahiwal' and 'Hariana', to improve the skills and technology in the dairy farming and for taking steps for the development of Animal Husbandry and Dairy Development Sectors and to constitute the Haryana Livestock Development Board to achieve his objective.Be it enacted by the Legislature of the State of Haryana in the Fifty-second year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Haryana Murrah Buffalo and other Milch Animal Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Act, 2001(2)It extends to the whole of the State of Haryana.(3)It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

2. Definitions.

- In This Act, Unless The Context Otherwise Requires, -(a)"animal" includes a heifer;(b)"Board" means the Haryana Livestock Development Board constituted under Section 4 of this Act;(c)"custodian" means the person who is in possession of the animal and shall include the consignee/owner and his representative accompanying the animal. It will also include the driver and conductor in case the animal which is being transported through public transport;(d)"export" means to take out of the limits of the State of Haryana to any place in India;(e)"Fund" means the fund of the Board;(f)"Government" means the Government of the State of Haryana in the Department of Animal Husbandry/Dairy Development;(ff)["lean period" means the period commencing from 1st April and ending on 30th June of every year when milk production gets reduced due to climatic and biological reasons ;] [Added by Haryana Act No. 16 of 2002.](g)"licensed capacity" means the maximum production capacity with reference to milk for which the unit is registered under the Milk and Milk Product Order, 1992 of the Central Government;(h)[`milk plant' means a plant owned by any person or manufacturer registered under the Milk and Milk Product Order, 1992, or any other regulations formulated in this regard, from time to time, of the Central Government and operating within the limits of the State of Haryana but excluding milk chilling centres supplying milk to the milk plants within the State of Haryana and paying cess on the quantity of milk supplied by them to the said plants subject to the production of authentic proof of such payment: and a plant owned by the Government or Central Government engaged in imparting research and educational facilities to the students of any Research Institution/University.] [Substituted by Haryana Act No. 5 of 2012, dated 4.4.2012.](i)"prescribed" means prescribed by rules made under this Act.

3. Application of Act.

- This Act shall apply to -(i)Murrah-buffalo breed of animal;(ii)such other animal breed which the Government may, by notification, specify; and(iii)milk plants.

4. Constitution of Board and its powers and functions.

(1) With effect from such date as the Government may, by notification, appoint in this behalf, there shall be constituted for carrying out the purposes of this Act a Board to be known as "The Haryana Livestock Development Board", with headquarters at such place as the Government may, by notification, specify. (2) The Board shall be a body corporate having perpetual succession and a common seal, and, subject to any restriction by or under this Act or the rules made thereunder, shall have the power to acquire, hold, administer and transfer property, movable or immovable, and to enter into contracts, and shall by the said name sue or be sued and do all such things as are necessary for carrying out the objectives for which it is constituted. (3) The Board shall consist of Chairman, a Vice Chairman, a Managing Director, a Member Secretary and the following other members, namely :-(a) ex officio members -(i) The Secretary, Animal Husbandry Department, Haryana; (ii) The Joint Secretary, Animal Husbandry, Haryana; (iii) The Director, Animal Husbandry, Haryana; (iv) Dean, College of Veterinary Sciences, Chaudhary Charan Singh Haryana Agriculture University, Hisar; (v) Dean College of Animal Sciences, Chaudhary Charan Singh Haryana Agriculture University, Hisar; Provided that in the case of alteration of any designation, the person holding for the time being the altered designation shall be deemed to be the ex officio member. (b) nominated members -(i) Two Experts of the Department of Animal Husbandry, Haryana from the fields of Animal Breeding and Gynecology and Obstetrics; (ii) One nominee of the Department of Animal Husbandry and Dairying, Government of India, New Delhi, not below the rank of Joint Commissioner (Animal Husbandry); (iii) One officer of Finance Department, Haryana. (4) The Chairman, the Vice Chairman, the Managing Director and the Member Secretary shall be appointed by the Government upon such terms and conditions as it may think fit : Provided that the members specified under Clauses (a) and (b) of sub-section (3) may also be appointed as Chairman, Vice Chairman, Managing Director or Member Secretary : Provided further that the Managing Director and the Member Secretary shall only be an officer of the State Government not below the rank of the Joint Secretary or the Director of Animal Husbandry. (5) The Members referred to in Clause (b) of sub-section (3) shall be nominated by the Government : Provided that in case of member referred to in sub-clause (ii) of that clause the nomination shall be made in consultation with the Government of India. (6) The objectives of the Board shall be :-(i) to improve the genetic stock of the animals in the State of Haryana and to promote breeding activities with special emphasis to preserve and multiply the murrah germplasm; (ii) to promote, organise and nurture institutions to generate quality breeding inputs and for delivery of breeding services at the farmers' door step on progressively self-generating and economically viable basis; (iii) to modernize and upgrade the existing training facilities and to obtain new technologies and upgrade skills on all aspects of livestock production, products processing, storage, transport, merchandising and research work; and (iv) such other objectives as may be prescribed. (7) The Board shall be the nodal agency for coordinating, planning, organising and implementing programmes relating to animal husbandry and dairy development sectors. (8) The powers and functions of the Board and the procedure to conduct its business shall be such as may be prescribed. (9) The Board may receive grants, subsidies and financial assistance from the Government, Central Government or any other source and it may raise loans from Banks/International bodies/any other financing agencies and generate funds by sale of semen/embryos or by providing/generating funds by sale of genetic material like frozen semen/embryos and live breeding animals and all such receipts shall be credited

to the fund.(10)The procedure to generate, maintain and operate the Fund of the Board shall be such as may be prescribed.

5. Levy of fee.

(1)For the purposes of this Act and subject to the rules made thereunder, a fee shall be levied in such manner and at such rate as may be prescribed for each animal exported.(2)The fee levied under sub-section (1) shall be paid by the purchaser of the animal in such manner and to such persons or officers as may be prescribed.Provided that in case the owner of the animal himself shifts the animal out of the limits of State of Haryana to any other place, such fee shall be paid by the owner of the animal himself.(3)In case, the animal is exported by any person without paying the fee as prescribed under sub-section (1), a penalty, which may extend to five times for fee, shall imposed upon him in the manner as may be prescribed.(4)The arrears of such fee levied under sub-section (1) along with penalty imposed under sub-section (3), shall be recoverable as arrears of land revenue.(5)The amount of fee levied under sub-section (1) and the penalty imposed under sub-section (3), shall be credited to the Fund under a separate head within such period as may be prescribed.

6. Imposition of cess.

- [(1) For the purposes of this Act and subject to the rules made thereunder, a cess not exceeding fifteen paise per litre shall be imposed on the licensed capacity of a milk plant :Provided that during the lean period the cess at the above rate shall be imposed on the seventy-five percent of the licensed capacity of a milk plant :Provided further that no cess shall be levied on the day(s) when a milk plant remains closed for the reasons beyond the control of its management.] [Sub section (1) substituted by Haryana Act No. 16 of 2002.](2)The cess imposed under sub-section (1) shall be paid by the owner of the milk plant in such manner and to such persons or officers as may be prescribed.(3)In case the cess is not paid by the owner of the milk plant by the due date, a penalty, which may extend to five times of the cess, shall be levied upon him in the manner as may be prescribed.(4)The arrears of cess imposed under sub-section (1) and penalty levied under sub-section (3) shall be recoverable as arrears of land revenue.(5)The amount of cess imposed under sub-section (1) and the penalty levied under sub-section (3), shall be credited to the Fund under a separate head within such period as may be prescribed.

7. Utilisation of Fund.

- The amount credited to the fund will be utilised by the Board for the furtherance of the objectives of the Act, including those of the Board which will also include the administrative expenses of the Board.

8. Audit of account.

- The authority as may be prescribed by the Government shall audit the accounts of the Fund annually.

9. Interest on delayed payment of fee or cess.

(1) In case the fee or cess, including the penalty, if any, under Sections 5 and 6 are not paid on the due date, the interest on due payment will be recovered from the same person who is liable to pay the fee or cess, including the penalty, if any, at such rate and in such manner as may be prescribed. (2) The arrears of interest to be paid under sub-section (1) shall be recoverable as arrears of land revenue. (3) The amount of interest recoverable shall be credited to the Fund under a separate head within such period as may be prescribed.

10. Conditions on movement of animals, confiscation and compounding of offences.

(1) The Government may prescribe conditions on the movement of such animals as it may, by notification, specify within the State of Haryana and/or the movement of such animals as the Government may, by notification, specify for being exported. (2) It shall be obligatory on the part of the custodian to comply with such conditions as have been prescribed under sub-section (1). (3) In case any animal is found to be moving in a manner otherwise than prescribed under sub-section (1), the authorities, as may be designated by the Government by notification, shall confiscate the animal along with the property deployed for such movement : Provided that the authorities so designated may compound the offence and release the animal for movement on charging composition fee in the manner as may be prescribed. However, before doing so the authorities shall ensure that the provisions under sub-section (1) have been complied with : Provided further that in case the animal and/or the property deployed remains unclaimed or abandoned, the authority so designated may dispose it off in the manner as may be prescribed. Explanation. - Property deployed includes any means of transport.

11. Offence and penalty.

- Whoever contravenes the provisions of Section 10 shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to five thousand rupees or with both.

12. Appeal.

- An appeal from every order with reference to fee or cess passed under this Act or the rules made thereunder shall lie to the Government in the manner as may be prescribed.

13. Delegation of Powers.

- The Government may, by notification, direct that all or any of the powers exercisable by it under this Act, may also be exercised by such person or persons as may be specified in the notification.

14. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employee of the Government or the Board in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, rules or regulations made or any directions issued thereunder.

15. Power to make regulations.

- The Board may, with the previous approval of the Government, make regulations not inconsistent with the provisions of this Act and the rules framed thereunder for the purposes of giving effect to the provisions of this Act.

16. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act or by reasons of anything contained in this Act, the Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

17. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for, -(a)the powers, functions, procedure of conduct of business of the Board and the procedure to generate, maintain and operate the Fund under Section 4;(b)the rate of fee to be levied under Section 5(1), the manner of payment of fee and the persons or officers to whom the same shall be paid under Section 5(2);(c)the period within which the fee levied under Section 5(1) and the penalty imposed under Section 5(3) shall be credited to the Fund;(d)the manner of payment of cess and the persons or officers to whom the same shall be paid under Section 6(2);(e)the period within which the cess levied under Section 6(1) and the penalty imposed under Section 6(3) shall be credited to the Fund;(f)the authority under Section 8 to audit the accounts of the Fund;(g)the rate and the manner of payment of interest on delayed payment of fee, cess and penalty;(h)conditions on movement of animals within the limits of the State or movement of animals exported, under Section 10(1) and composition fee and disposal of animals and/or property deployed under Section 10(3);(i)the manner in which the appeal shall lie; and(j)any other matter which is to be or may be prescribed.(3)Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of four 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 session immediately following, the Legislative Assembly agrees that the rules should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.