

Himachal Pradesh Bovine Breeding Act, 2019

HIMACHAL PRADESH

India

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Act 7 of 2019

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Himachal Pradesh Bovine Breeding Act, 2019(Act No. 7 of 2019)(As Assented to by the Hon'ble Governor On 10th April, 2019)An Act to provide for improvement of bovines by regulating bovine breeding activities including use of bovine breeding bulls for production of bovine semen, processing, storage, sale and distribution of bovine semen, and artificial insemination and any other breeding activity in bovines in the State of Himachal Pradesh and for the matters connected therewith or incidental thereto.Be it enacted by the Legislative Assembly of Himachal Pradesh in the Seventieth Year of the Republic of India as follows: -Chapter-I Preliminary

1. Short title and commencement.

(1)This Act may be called the Himachal Pradesh Bovine Breeding Act, 2019.(2)It shall come into force on such date as the State Government may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"artificial insemination" means the technique and procedure used for depositing bovine semen into the mature female reproductive tract by artificial means;(b)"Authority" means the Bovine Breeding Authority constituted under section 3;(c)"authorized inseminator" means a Veterinarian or Para Veterinarian or trained artificial insemination worker to be certified by the Authority in such manner, as may be prescribed;(d)"bovine" means a cow, cow-bull, cow-heifer, buffalo, buffalo-bull and buffalo heifer;(e)"bovine breeder" means any person or organization or firm or agency engaged in bovine breeding activities;(f)"bovine breeding" means breeding activities in bovines that includes the use of bovine bulls, semen or embryos;(g)"Breeding Policy" means the Livestock Breeding Policy, duly notified by the Government to promote breeding and development of livestock, especially of bovines in the State;(h)"certified bull" means a bovine bull certified by the Authority, which is kept for semen production for a particular bovine breed and meets the standards, as may be

prescribed;(i)"Chairperson" means the Chairperson of the Authority;(j)"embryo" means a structure developed as a result of fusion of bovine male and female gametes;(k)"expert" means an expert who fulfills the requirements, as may be specified by the Authority;(l)"Government" or "State Government" means the Government of Himachal Pradesh;(m)"misbranded semen" means a semen whose Deoxyribonucleic Acid profile does not match with Deoxyribonucleic Acid profile of the bull, mentioned in the record of semen bank or semen straw;(n)"Para-Veterinarian" means Chief Veterinary Pharmacist, Animal Husbandry Assistant, Veterinary Pharmacist or Gram Panchayat Veterinary Assistant;(o)"pedigree" means genealogical information showing the ancestral line of the bull /dam;(p)"person" means any Firm, Limited Liability Partnership (LLP), Company, Institution, Non Governmental Organization, Breeder's Association, Trust, Department of Central or State Government, Co-operative Society or any other agency/artificial juridical person;(q)"premises" means any place, land, yard, building or any other site that is used for semen production, processing, storage, transport, distribution, trade or utilization;(r)"prescribed" means prescribed by rules made under this Act;(s)"Recognized Laboratory" means the Regional, State or National level laboratory, duly authorized by the Authority;(t)"Registrar" means the Registrar of the Authority;(u)"semen" means the semen or sex sorted semen of cow bull or buffalo bull in any form;(v)"semen bank" means a premises where the bovine semen is stored for trading or distribution;(w)"services" means any of the bovine breeding services, as may be specified by the Government;(x)"sperm station" means a premises, where a facility is set up for production, processing and storage of bovine semen;(y)"sub-standard semen" means semen or semen straws that do not meet the standards, as may be prescribed; and(z)"Veterinarian" means a registered veterinary practitioner as defined in the Indian Veterinary Council Act, 1984 (Central Act No. 52 of 1984).

3. Constitution of the Authority.

(1)The Government shall, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, constitute an Authority to be known as the Bovine Breeding Authority.(2)The Authority shall consist of the following namely:-

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| (a) Director, Animal Husbandry Department, Himachal Pradesh | Chairperson; |
| (b) Director, Indian Veterinary Research Institute Member; Izatnagar or his representative (not below the rank of Principal Scientist) | |
| (c) Joint Commissioner, Animal Husbandry, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmer's Welfare, Government of India | Member; |
| (d) Dean or its representative not below the rank of Professor, Dr. G.C. Negi College of Veterinary and Animal Sciences, Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya Palampur, District Kangra | Member; |
| (e) Eminent veterinarian to be nominated by the Government | Member; |
| (f) Eminent bovine breeder to be nominated by the Government | Member; |
| (g) Joint Director (Headquarter) Animal Husbandry Department, Himachal Pradesh | Member; and |

(h) Joint Director (Special Livestock Breeding Programme) Animal Husbandry Department, Himachal Pradesh Member-Secretary.

(3) The affairs of the Authority shall be managed and administered by the Member-Secretary. (4) The Authority shall draw-up a consultative panel of experts consisting of not more than nine members. Out of the panel of experts, the Authority shall form Committee(s) of not more than three members which shall perform such functions, as may be required by the Authority. The members of such Committee(s) shall be entitled for such honorarium, travelling allowance and daily allowance, as may be prescribed.

4. Headquarter of the Authority.

- The Headquarter of the Authority shall be at the office of the Director, Animal Husbandry Department, Himachal Pradesh.

5. Meetings of the Authority.

(1) The Authority shall meet at such time and place as the Member-Secretary may determine in consultation with the Chairperson and shall observe such procedure with regard to the transaction of its business at such meetings, as may be prescribed. (2) The quorum necessary for the transaction of business at a meeting shall be four members.

6. Functions of the Authority.

- As provided in this Act and the rules made thereunder, functions of the Authority shall be as under, -(a) to formulate and implement the Breeding Policy and services in the State of Himachal Pradesh; (b) to regulate the processing, storage, sale and use of semen or embryos produced within or outside the State of Himachal Pradesh or imported from any other country; (c) to certify bovine bulls, which meet the standards, as may be prescribed; (d) to register sperm stations in the State of Himachal Pradesh as per the provisions laid down in Chapter III of this Act; (e) to register semen banks in the State of Himachal Pradesh; (f) to certify the trained artificial insemination workers for operating bovine breeding activities in the State of Himachal Pradesh through appropriate Standard Operative Procedures to be laid down by the Authority; and (g) to perform such other functions concerning bovine breeding, as may be prescribed.

7. Experts and other personnel of the Authority.

- The Authority shall discharge its duties through the staff of Animal Husbandry Department, Himachal Pradesh. It may also outsource or get on deputation such number of officers and experts with veterinary qualifications and experience, as may be prescribed, as it may consider necessary for the efficient discharge of its functions.

8. Jurisdiction and powers of the Authority.

(1) Subject to the provisions of this Act and the rules made there under, the Authority shall have jurisdiction all over the State of Himachal Pradesh in respect of bovine breeding activities. (2) For the discharge of the functions conferred on the Authority under this Act, the Authority or any officer empowered by it in this behalf, shall have the power to obtain any required information from any sperm station or related person engaged in bovine breeding activities. (3) The Authority shall have the power to give directions requiring any person in-charge of any premises, where any activity relating to bovine breeding is carried out or who in its opinion is contravening any of the provisions of this Act or the rules made there under, to furnish such information and in such form, as may be specified by it.

Chapter-III Registration of Sperm Stations and Semen Banks and Certification of Bulls and Trained Artificial Insemination Workers

9. Registration of sperm stations.

(1) On and from the date of commencement of this Act, no person shall establish and operate a sperm station for production and storage of semen doses for artificial insemination or production and transfer of embryos without obtaining a certificate of registration from the Authority. (2) Any person who desires to establish and operate a new sperm station, shall make an application for registration or renewal in such form and manner along with such fee, as may be prescribed. (3) The incharge of the existing sperm stations shall apply to the Authority for grant of certificate of registration in such form and manner along with such fee, as may be prescribed, within three months from the date of commencement of this Act. They shall also declare the current stock of semen along with such other details as may be required in the form. (4) Applicants intending to set-up a new sperm station or the existing sperm stations, who have submitted an application form along with prescribed fee to the Authority, shall be issued a provisional certificate of registration to meet the conditions specified in sub-section (6) of this section. The provisional certificate of registration shall be valid for a period of twelve months. It may be extended for a further period of six months on the request of the applicant, in writing. The Authority shall reply within one month about the status of extension. (5) For the grant of certificate of registration for a new sperm station or the existing sperm station, the applicant shall make a written request to the Authority for inspection within the above twelve months or the extended period of six months, whichever applicable. The Authority shall thereupon, send a committee of experts from the consultative panel for such inspection. (6) The Authority, after satisfying itself that, - (a) the sperm station, - (i) has premises for the quarantine of bovine bulls, as may be prescribed by the Authority or the Government of India; (ii) has premises for the rearing and housing of bulls and the collection, processing, quality control, storage, distribution and quarantine of semen doses as may be prescribed by the Authority or the Government of India; and (iii) has premises for the storage of semen doses as may be prescribed by the Authority or the Government of India; (b) every bull, used in the sperm station for production of semen doses, - (i) has tested negative to the tests as may be prescribed by the Authority or the Government of India, - (a) prior to its entry to a quarantine station; (b) during quarantine period at a quarantine station; (c) during rearing at a rearing station; and (d) at the sperm station; (ii) conforms to breed characteristics of the permitted breeds only as may be specified in the breeding policy and meets the minimum standards for various traits in terms of quantity and quality

as may be specified by the Authority or the Government of India and as modified and notified from time to time;(c)the sperm station shall maintains accurate details of the bull, whose semen doses it would like to produce, store, sell, distribute or proposes to distribute for artificial Insemination in a format, as may be prescribed;shall grant the certificate of registration to a new sperm station or the existing sperm station clearly specifying the name and address of the sperm station, registration number of the sperm station, unique Identification No. of certified bulls to be used for semen production, name of the incharge of the sperm station and such terms and conditions, as it may deem fit.(7)The certificate of registration granted to sperm station under this section shall be valid for a period of two years from the date of its issue.(8)The incharge of the sperm station shall, in such form and manner along with such fee, as may be prescribed, apply for renewal of registration to the Authority at least three months before the expiry of the certificate of registration. The Authority after satisfying itself that the conditions specified in sub-section (6) with regard to certificate of registration have been adhered to, shall renew the registration for a further period of two years, within three months from the date of receipt of application. If the renewal certificate is not issued within three months, approval shall be deemed to have been accorded, unless communicated otherwise.(9)Any new bovine bull that meets the standards for semen production shall not be inducted in the sperm station for semen production without the prior approval and necessary certification from the Authority. Death/culling of certified bull shall be informed to the Authority.(10)The Authority may, after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant or renew the certificate of registration.(11)The Authority shall send a Committee of experts to inspect a sperm station as and when desired, but at least once in a year, to ensure compliance of the conditions specified in the certificate of registration.

10. Registration of semen banks.

(1)On and from the date of commencement of this Act, no person shall establish and operate a semen bank without obtaining a certificate of registration from the Authority.(2)The certificate of registration referred to in sub-section (1) shall be issued in such manner and subject to such conditions, as may be prescribed.

11. Certification of bulls.

(1)On and from the date of commencement of this Act, no new sperm station shall carry out semen production from any bovine bull other than those certified by the Authority.(2)The bulls shall be certified by the Authority in such manner and subject to such conditions, as may be specified by the Government.(3)The Authority shall generate a Unique Identification Number for each certified bull and it shall be mandatory for the sperm stations to tag this Unique Identification Number securely and permanently to the certified bulls at all times.

12. Certification of trained artificial insemination workers.

- The trained artificial insemination workers shall be certified by the Authority in such manner and subject to such conditions, as may be specified by the Government.

13. Regulation of sale of semen.

(1)None shall sell or distribute or gift or transfer the semen/embryo to any person other than a person, as may be authorized by the Authority(2)No semen/embryo produced outside the State of Himachal Pradesh shall be allowed into the State of Himachal Pradesh to be sold, distributed or gifted for artificial insemination/transfer, except with the prior approval of the Authority, to be granted in such manner and subject to such conditions, as may be prescribed.(3)No semen/embryo shall be imported for artificial insemination/ transfer in to the State of Himachal Pradesh from any other country, except with the prior approval of the Authority, to be granted in such manner and subject to such conditions, as may be prescribed.

14. Issue of duplicate registration certificate.

- In case a certificate of registration or a certificate of renewal issued under this Act is defaced, lost or destroyed, the Authority, may, upon satisfaction, grant a duplicate certificate to the applicant on payment of such fee, as may be prescribed.

15. Revocation of certificate of registration.

- If the Authority is satisfied, either on a reference made to it in this behalf or on the basis of inquiry report of a Committee of experts constituted by the Authority or otherwise that,-(a)the certificate of registration granted by it under this Act to a sperm station has been obtained by misrepresentation of facts or fraud; or(b)the holder of the certificate of registration has, without reasonable cause, failed to comply with the terms and conditions subject to which the certificate had been granted or has contravened any of the provisions of this Act or has not complied with such conditions, as may be prescribed;then, without prejudice to any other proceedings to which the holder of the certificate may be liable under this Act, the Authority, may, after giving the holder of the certificate of registration an opportunity to show cause,-(i)revoke the certificate of registration or renewal thereof and shall take such steps against such person, as may be prescribed; or(ii)suspend the certificate of registration or renewal till the holder of the certificate complies with all the required conditions to the satisfaction of the Authority; or(iii)take an undertaking from the holder of the certificate of registration, to comply with the provisions of this Act.

16. Appeal.

(1)Any person aggrieved by an order of the Authority refusing to grant or renew a certificate of registration or revoking or suspending the certificate of registration under the provisions of this Act, may file an appeal before the Appellate Authority, who shall be the Administrative Secretary of the Department of Animal Husbandry, Himachal Pradesh.(2)The Appellate Authority, after giving a reasonable opportunity of being heard to the applicant, shall decide the appeal, as expeditiously as possible, but within three months from the date of receipt of the appeal.Chapter-IV Powers of the Authority

17. Power to inspect, search and seizure.

(1)The Authority or members of the Committee of experts authorised by it in this behalf, with a view to ensure compliance with the terms and conditions of the certificate of registration or any provisions of this Act, or for the purpose of inspection and inquiry, may, - (a) enter, inspect and cause or conduct search of any premises in which it has reason to believe that any activity in contravention of the provisions of this Act is going on or there is any contravention of any of the provisions of this Act or rules made there under or the holder of certificate is doing activities in violation of the terms and conditions specified in the certificate of registration issued under this Act; and (b) collect samples of semen, blood or any other material used in semen production from the premises of any sperm station and have such samples analyzed from a recognized laboratory. All the stock of the semen which is from uncertified bull shall be destroyed immediately and semen processing equipment shall be sealed. (2)The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, as far as may be, apply to search, seal and seizure under sub-section (1).

18. Maintenance and submission of records.

(1)Every person who holds a certificate of registration under this Act shall maintain such books, accounts and records relating to his business transactions in such form, as may be specified by the Authority in this behalf. (2)Every person who holds a certificate of registration for a sperm station/semen bank shall submit to the Authority, an annual report, in duplicate, in respect of the sperm station/semen bank in such form, as may be prescribed and with respect to new bulls proposed for certification whose semen is to be put on use in such form, as may be prescribed.

19. Power to give directions.

- Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Government may give in this behalf, the Authority, may in exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer, or authority, and such person, officer or authority, as the case may be, shall be bound to comply with such directions. The powers to issue directions under this section shall include the power to direct, - (a) the closure, prohibition or regulation of any operation, process or activity related to bovine breeding; or (b) the stoppage or regulation of supply of electricity, water or any other service.

20. Power to make application to Courts for restraining apprehended bovine breeding activities in contravention of this Act.

(1)Where it is apprehended by the Authority, that any person, firm, company or Non-Governmental Organization is engaged in the bovine breeding services or trading and supply of semen/embryo in contravention of the provisions of this Act or rules made there under, the Authority or any officer authorized by it, may file a complaint in the Court of Judicial Magistrate First Class for restraining

the said person from carrying out the said activity.(2)On receipt of an application under sub-section (1), the Court may pass an order restraining any such person, to carry out the said activity or give such directions or pass such order as it may deem fit.

21. Penalties.

(1)Any person who contravenes or violates any provision of this Act or rules made thereunder, shall be punished with a fine of one lakh rupees which can be extended to five lakh rupees or with rigorous imprisonment upto three years, or both.(2)The fine so imposed, may be recovered from the person concerned, as arrears of land revenue.

22. Cognizance of offences.

(1)No court shall take cognizance of any offence punishable under this Act, except on a complaint made by the Authority or any officer authorized by it in this behalf.(2)No Court inferior to that of a Judicial Magistrate of the First Class shall try any offence punishable under this Act.(3)No prosecution for offences punishable under this Act shall be instituted, except with the prior sanction of an officer authorized in this behalf by the Authority, by notification.(4)Production, possession, distribution, sale, transfer in any form, import-export or use of unauthorized semen or misbranded or sub-standard semen shall be a cognizable offence under this Act.

23. Report of Recognized Laboratory.

- Any document purporting to be a report duly issued by a recognized laboratory may be used as evidence of the facts stated therein in any proceedings under this Act.

24. Local Authorities to assist.

- All the local Authorities as may be prescribed shall render such help and assistance and furnish such information to the Authority, as it may require for discharge of its functions and shall make available for inspection and examination such records or documents, as may be necessary.

25. Report.

- The Authority shall furnish to the Government such reports, statistics, and other information with respect to its funds, activities or policies as required by the Government, from time to time.

26. Experts, officers and officials of the Authority to be public servants.

- All experts, officers and officials of the Authority, when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

27. Bar on jurisdiction.

- No civil court shall have any jurisdiction in any matter, in respect of which the Government or any other person or authority is empowered by this Act to take cognizance, and dispose it of and the manner in which the Government or such person or authority may exercise any power, vested in it or him by or under this Act.

28. Protection of action taken in good faith.

- No suit or other legal proceedings shall lie against any member, officer or officials, of the Authority in respect of anything which is in good faith and public interest, done or intended to be done in pursuance of this Act or the rules made there under.

29. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Rajpatra (e-Gazette), Himachal Pradesh, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty. (2) The Government may issue such guidelines to the Authority as it deems fit for the purpose of implementation of the provisions of this Act.

30. e-Power to make rule.

(1) The Government may, by notification in the Rajpatra (e- Gazette), Himachal Pradesh, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing powers, the Government may make such rules, as may provide for any other matter which has to be or may be prescribed. (3) All the rules made under this Act shall be laid, as soon as may be, after they are so made, before the State Legislative Assembly, while it is in session, for a period of not less than fifteen 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 sessions immediately following, the Legislative Assembly makes any modification in any of such rules, or agrees, that any such rules should not be made, the such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done.