

Uttarakhand Bovine Breeding Act, 2018

UTTARAKHAND

India

Uttarakhand Bovine Breeding Act, 2018

Act 19 of 2018

- Published on 1 January 2018
- Commenced on 1 January 2018
- [This is the version of this document from 1 January 2018.]
- [Note: The original publication document is not available and this content could not be verified.]

Uttarakhand Bovine Breeding Act, 2018(Uttarakhand Act No. 19 of 2018)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 Uttarakhand and for the matters connected therewith or incidental theretoBe it enacted by the Legislative of the State of Uttarakhand in Sixty Ninth Year of the Republic of India as follows -

Chapter I Preliminary

1. Short, title and commencement.

(1)This Act may be called the Uttarakhand Bovine Breeding Act, 2018.(1)It shall extend to the whole State of Uttarakhand.(2)It shall come into force on the date of publication in the Official Gazette.

2. Definitions.

- In the Act, unless there is anything repugnant in the subject or context -(a)"Artificial Insemination" or "A.I." means the technique 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 by State Government;(c)"A.I. Technician" means a veterinarian or Livestock Extension Officer or Veterinary Pharmacist (by whatever name called) or trained A.I. worker to be certified by the Authority who possess prescribed educational qualification expertise and experience;(d)"Bovine" means a cow, bull, cow-heifer, buffalo, he-buffalo and buffalo heifer.(e)"Bovine Breeder" means any person or organisation or firm or agency engaged in bovine breeding activity;(f)"Bovine Breeding" means breeding activities in bovines, that include 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 fulfils the educational qualifications as specified by the Authority;(l)"Government" means the Government of Uttarakhand;(m)"Misbranded Semen" means semen whose DNA profile does not match with DNA profile of the bull, mentioned in the record of semen bank or semen straw;(n)"Pedigree" means genealogical information showing the ancestral line of the bull;(o)"Premises" means any place, land, yard, building or any other site that is used for semen production, storage, transport, distribution, trade or utilisation;(p)"Prescribed" means prescribed by rules made under this Act;(q)"Recognised Laboratory" means national level laboratory, duly authorised by the Authority;(r)"Registrar" means the Registrar of the Authority;(s)"Semen" means the semen of cow bull or buffalo bull in any form;(t)"Semen Bank" means a premises where the bovine semen is stored for trading or distribution;(u)"Semen Station" means premises, where facilities are set up for the production, processing and storage of bovine semen;(v)"Services" means any of the bovine breeding services, as may be specified by the Government;(w)"Sub-standard semen" means semen or semen straws that do not meet the standards, as may be prescribed; and(x)"Veterinarian" means a registered veterinary practitioner as defined in the Indian Veterinary Council Act, 1984 (Central Act 52 of 1984).

Chapter II

Bovine Breeding Authority

3. Constitution of the Authority.

(1)The Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Bovine Breeding Authority.(2)The Authority shall consist of the following -

(i)	Director, Animal Husbandry, Uttarakhand	Chairperson
(ii)	Director, Indian Veterinary Research Institute,Izzatnagar or its representative (not below the rank of PrincipalScientist)	Member
(iii)	Joint Commissioner, Animal Husbandry, Departmentof Animal Husbandry, Dairying and Fisheries, Ministry ofAgriculture and Farmer's Welfare, Government of India	Member
(iv)	Dean, College of Veterinary and Animal Sciences,GB. Pant University of Agriculture and Technology, Pantnagar,District: U S Nagar or its representative (not below the rank ofAssociate Professor)	Member
(v)	Eminent retired veterinarian to be nominated bythe State Government	Member
(vi)	Eminent bovine breeder to be nominated by theState Government	Member
(viii)	Addl. Director (Livestock Development),Department of Animal Husbandry, UK	Registrar

(3)The affairs of the Authority shall be managed and administered by the Registrar.(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 constitute Committee of not more than three members which shall perform such functions, as may be required by the Authority. The members of such Committee shall be entitled for such honorarium, travelling allowances, and daily allowance; as may be prescribed.(5)Tenure of nominated Member shall be valid for three years from the date of ex officio member shall continue during pleasure.

4. Headquarter of the Authority.

- The Headquarter of the Authority shall be at the office of the Director, Animal Husbandry, Uttarakhand.

5. Meetings of the Authority.

(1)The Authority shall meet at such time and place as the Registrar 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 Uttarakhand.(b)to regulate the storage, sale and use of semen or embryos produced within or brought in from outside the State of Uttarakhand or imported from any other country.(c)to certify bovine bulls, which meet the standards, as may be prescribed.(d)to register semen stations in the State of Uttarakhand as per the provisions laid down in Chapter III of this Act.(e)to register semen banks in the State of Uttarakhand.(f)to certify the trained AI workers for operating bovine breeding activities in the State of Uttarakhand through appropriate Standard Operative Procedures to be laid down by the Authority.(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, Uttarakhand. The Authority may appoint such number of person having such qualification for the discharge of functions of this Act.

8. Jurisdiction and Powers of the Authority.

(1)Subject to the provisions of this Act and the rules made thereunder, the Authority shall have jurisdiction all over the State of Uttarakhand 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 semen 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 thereunder, to furnish such information and in such form, as may be specified by it.

Chapter III

Registration of Semen Stations and Semen Banks and Certification of Bulls and Trained A.I. Workers

9. Registration of Semen Stations.

(1)On and from the date of commencement of this Act, no person (including any Firm, Limited Liability Partnership (LLP), Company, Producer Company, Institution, NGO, Breeders' Association, Trust, Department of Central/State Government, Co-operative Society or any other agency), shall establish and operate a semen 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 semen station shall make an application for registration or renewal in such form along with such fee, as may be prescribed.(3)The existing semen stations shall apply to the Authority for grant of certificate of registration in such form 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 semen station or operating existing semen station, 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 subsection (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 convey within one month about the status of extension.(5)For the grant of certificate of registration for a new semen station or the existing semen 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 semen station, -(i)has premises for the quarantine of bovine bulls, as may be prescribed by the Authority;(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; and(iii)has premises for the storage of semen doses as may be prescribed by the Authority;(B)every bull, used in the semen station for production of semen doses, -(i)has tested negative to the tests as may be prescribed by the Authority;(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 semen 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 and as modified

and notified from time to time;(C)the semen station 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 semen station or the existing semen station clearly specifying the name and address of the semen station, registration number of the semen station, unique Identification No. of certified bulls to be used for semen production, name of the in-charge of the semen station and such terms and conditions, as it may deem fit.(7)The certificate of registration granted to semen station under this section shall be valid for a period of two years from the date of its issue.(8)The semen station shall, in such form and 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 semen 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 semen 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 (including any Firm, Limited Liability Partnership (LLP), Company, Producer Company, Institution, NGO, Breeders' Association, Trust, Department of Central or State Government, Co-operative Society or any other agency), 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 semen 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.(3)The Authority shall generate a unique Identification Number for each certified bull and it shall be mandatory for the semen stations to tag this unique Identification No. securely and permanently to the certified bulls at all times.

12. Certification of trained A.I. workers.

- The trained AI 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 authorised by the Authority.(2)No semen/embryo produced outside the State of Uttarakhand shall be allowed into the State of Uttarakhand 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 Uttarakhand 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 semen station has been obtained by misrepresentation or fraud; or(b)the holder of the certificate or registration has, without reasonable cause, failed to comply with the terms and conditions subject to which the certificate has 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)where under this Act, any conditions have been imposed on any person, while granting the certificate of registration or renewal thereof, or under Section 9, and such person has failed to comply with such conditions, the Authority, after giving such person opportunity of being heard, 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 affidavit 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 Principal Secretary/Secretary of the Department of Animal Husbandry, Uttarakhand.(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.

Chapter IV

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.(b)collect samples of semen, blood or any other material used in semen production from the premises of any semen station and have such samples analysed from a recognised 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 Criminal Procedure Code, 1973 relating to search and seizure shall, as far as may be, apply to searches and seal/seizures 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 Semen station/semen bank shall submit to the Authority, in duplicate in such form and an annual report in duplicate 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 of 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, -(i)the closure, prohibition or regulation of any operation, process or activity related to bovine breeding; or(ii)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-Government Organisation 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 authorised 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 rigorous imprisonment up to one year or a fine up to one lakh rupees 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 cognisance of any offence under this Act, except on a complaint made by the Authority or any officer authorised 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 authorised in this behalf by the Authority, by notification.(4)Production, possession, distribution, sale, transfer in any form, import-export or use of unauthorised semen or misbranded or sub-standard semen shall be a cognisable offence under this Act.

Chapter V

Miscellaneous

23. Report of Recognised Laboratory.

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

24. Local Authorities to assist.

- All local authorities 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 such records for inspection and examination as may be necessary.

25. Reports.

- 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 expert, officer and official 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 under Section 21 of the Indian Penal Code.

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 cognisance, 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 thereunder.

29. Power of Government to make rules.

(1)The Government may, by notification in the Official Gazette, 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 be prescribed.(3)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.

30. 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 Official Gazette, make such provisions consistent with the provisions of this Act as may appear to be necessary for removing the difficulty:Provided that no orders under this sub-section shall be made after the expiration of a period of two years from the commencement of this Act.(2)The Government may issue such guidelines to the Authority as it is expedient for the purpose of implementation of the provisions of this Act.

31. Funds of the Authority.

- The budgetary allocation for the performance of the Authority shall be done from the head of Uttarakhand Livestock Development Board.