

PUNJAB BOVINE BREEDING ACT

Regd. No. CHD/0092/2015-2Q17 Price : 2.70 Punjab (Boucmmlt (5azette Part - I Part - 11 Pari 111 Part rv EXTRAORDINARY Published by Authority CHANDIGARH, FRIDAY, MAY 13, 2016 (VAISAKHA 23, 1938 SAKA) LEGISLATIVE SUPPLEMENT Contents Acts .b/>the Punjab Bovine Breeding Act, 2016. (Punjab Act No. 17 of 2016) 2. The Punjab Gau-SeWa Commission (Amendment) Act, 2016. (Punjab Act No. 18 of 2016) Ordinances Nil Delegated Legislation Notification No. G.S.R.37/Const./Art.309/ 2016, dated the 6th May, 2016, containing the Punjab Rural Development and Panchayats (Group 'A') Technical Service Rules, 2016. Correction Slips, Republications and Replacements Nil (xlviii) Pages. . 59-70 71-72. . 463-483 PUNJAB GOVT. GAZ. (EXTRA). MAY 13, 2016 (VYSK 23, 1938 SAKA) PART I GOVERNMENT OF PUNJAB 59 DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB NOTIFICATION May, 2016 No. 20-Lcg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 26th day of April, 2016, is hereby published for general intor:nation:- THE PUNJAB BOVINE BREEDING ACT, 2016. ••(Punjab Act No. of 2016) AN . Acyr 10 provide. for improve'nt;nt gfbovuws by regulating bovine 'hi•eeding activities including use of bovine .hreedihg bulls for production' Df bøving semen, processing, storage. sale and distribution of-bivine senten. •and artificial insemination and any other breediqg activity iy hovige.\$ in the State of Punjab and for the matters connected.. oi• incidental thereto. BE it enacted by the Legislature of the State of Punjab in Gikty- seventh • 'Year of Republic of India is follows:- CHAPTER Preliminary (1) This Act may be called the Punjab Bovine Breeding Act, 2016. Short title and 1. commencement. (2) It shall come into force on such date as may be specified by the Government through a notification in Official Gazette. 2. (a) (b) (c) In this Act, unless the context otherwise requires, - "Artificial Insemination" or "A.I." means the technique used for depositing bovine semen into the mature female reproductive tract by artificial means; "Authority" means the Bovine Breeding Authority constituted under section 3; "i Authorised inseminator" means a veterinarian. or Veterinary inspector or Veterinary Pharmacist (by whatever name called) or trained AI-worker to be certified by the Authority in Such manner, as may be prescribed; Definitions. Go (f) (i) (j) (k) (m) (o) (q) (r) PUNJAB GOVT. GAZ. (EXTRA), MAY 13, 2016 (VYSK 23, 1938 SAKA) "bovine" means a cow, cow-bun, cow-heifer, buffalo, buffalo-bidi and buffalo heifer; "bovine breeder" means any person or organization or firm or agency engaged in bovine breeding activity; "bovine breeding" means breeding activities in bovines that include the use of bovine bulls, semen or embryos; "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; "Certified Bull N 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; "Chairperson" means the Chairperson of the Authority; "embryo" means a structure developed as a result of fusion of bovine male and female gametes; "expert" means an expert who fulfils the requirements, as may be specified by the Authority; "Government" means the Government of the State of Punjab in the Department of Animal Husbandry, Fisheries and Dairy Development; "Misbranded Semen" means a semen whose DNA profile does not match with DNA profile of the bull, mentioned in the record of semen bank or semen straw; "pedigree" means genealogical information showing the ancestral line of the bull; "preinises" means any place, and, yard, building or any other. site that is used for semen production, storage, transport, distribution, trade or utilization; "prescribed" means prescribed by rules made under this Act; "Recognised Laboratory" means the Northern Regional Disease Diagnostic Laboratory, Jalandhar or any other national level laboratory, duly authorized by the Authority; "Registrar" means the Registrar of the Authority; "semen" means the semen/sexed semen of cow bull or buffalo bull in any form; PUNJAB GOVT. GAZ. (EXTRA), MAY 13, 2016 (VYSK 23, 1938 SAKA) 61 (v) (x) 3. "semen bank" means a premises where the bovine semen is stored for trading or distribution; "Semen station" means a premises, where a facility is set up for production, processing and storage of bovine semen; "services" means any of the bovine breeding services, as maybe specified by the Government; "sub-standard semen" means semen or semen straws that do not meet the standards, as may be prescribed; and • "veterinarian" means a registered veterinary practitioner as defined in the Indian-Veterinary Council Act, 1984 (Central Act No. 52 of 1984). CHAPTER BOVINE BREEDING AUTHORITY (1) The

Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Bovine Breeding-Authority. the Authority. (2) (a) (c) (d) (f) (g) (3) The Authority shall consist of the following:- Director, Animal Husbandry, Punjab; Director, Indian Veterinary Research Institute, Izatnagar or its representative (not below the rank of Principal Scientist); Joint Commissioner, Animal Husbandry; Department of Animal Husbandry, Dairying, and Fisheries, Ministry of Agriculture and Farmer's Welfare, Government of India; Director Research, Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana; Eminent veterinarian to be nominated by the Government; Eminent bovine breeder to be nominated by the Government; and Joint Director, Animal Husbandry, Punjab. Chairperson Member. Member Member Registrar The affairs of the Authority shall be managed and administered by the Registrar. 62 PUNJAB GOVT. GAZ (EXTRA), MAY 13, 2016 (VYSK 23, 1938 SAKA) headquarter of the Authority. Functions Of the Authority. (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. The headquarter of the Authority shall be at the office of the Director Animal Husbandry, Punjab. (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. The quorum necessary for the transaction of business at a meeting shall be four members

6. As provided in this Act and the rules made thereunder, functions of the Authority shall be as under.- (u) (c) (d) (f) (g) 7. Expenses and other to formulate and implement the Breeding Policy and services in the State of Punjab. to regulate the storage, sale and use of semen or embryos produced within or outside the State of Punjab or imported from any other country. to certify bovine bulls, which meet the standards, as may be prescribed. to register semen stations in the State of Punjab as per the provisions laid down in Chapter II of this Act. to register semen banks in the State of Punjab. to certify the trained AI workers for operating bovine breeding activities in the State of Punjab through appropriate Standard Operative Procedures to be laid down by the Authority. to perform such other functions concerning bovine breeding, as may be prescribed. The Authority shall discharge its duties through the staff of Animal Husbandry Department, Punjab. It may also outsource or get on deputation personnel from the Authority. such number of officers and experts with veterinary qualifications and experience, as may be prescribed, as it may consider necessary for the efficient PUNJAB GOVT. GAZ. (EXTRA), MAY 13, 2016 1938 SAKA) discharge of its functions. (1) Subject to the provisions of this Act and the rules made Jurisdiction and 8. thereunder, the Authority shall have jurisdiction all over the State of Punjab in respect of the Authority. 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 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 REGISTRATION OF SEMEN STATIONS AND SEMEN BANKS AND CERTIFICATION OF BULLS AND TRAINED A.I. WORKERS 9. (1) On and from the date of commencement of this Act, no person Registration of (including any Firm, Limited Liability Partnership (LLP), Company, Producer semen stations. 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 the existing semen 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 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,- 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 semen station for production of semen doses,- 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 semen station; 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 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 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) A 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. Each/culling of a 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. (I) 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. (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 Registration of semen banks. Certification of bulls. Certification of trained Artificial Inseminators. PUNJAB GOVT. GAZ. (EXTRA). MAY 13, 2016 (VYSK 23, 1938 SAKA) 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. The Authority shall generate a unique Identification No. 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. 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. (1) No person shall sell or distribute or gift or transfer semen or embryo Regulation sale or semen. to any person other than a person, as may be authorized by the Authority (2) - No semen/embryo produced outside the State of Punjab shall be allowed into the State of Punjab 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 Punjab 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. In case a certificate of registration or a certificate of renewal issued under duplicate registration certificate. Revocation or registration. 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. 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 (h) the holder of the certificate of 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 PUNJAB GOVT. GAZ. (EXTRA). MAY 13, 2016 (VYSK 23, 1938 SAKA) 67 certificate may be liable under this Act, the Authority, may, after giving the holder of the certificate of registration an opportunity to show cause; where under this Act. any conditions have been imposed on (i) 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 undertaking from the holder of the certificate of registration, to comply with the provisions of this Act. 16. (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, Punjab. (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. (1) The Authority or members of the Committee of experts have power to inspect, 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. collect samples of semen, blood or any other material used in semen production from the premises of any semen station and have such 68 PUNJAB GOVT. GAZ (EXTRA). MAY 13, 2016 (VYSK 23. 1938 SAKA) 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. 14. Power to give directions. Power to make application to Courts restraining apprehended bovine breeding activities in contravention of this Act. Penalties. (2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall, as far as may be, apply to searches and seizures under sub-section 18. (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 or semen bank shall submit to the Authority, an annual report, in duplicate, in respect of the semen station or 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. 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. (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 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. (1) Any person who contravenes or violates any provision of this Act or rules made thereunder, shall be punished with a fine up to one lakh rupees or with rigorous imprisonment upto one year, or both. PUNJAB GOVT. GAZ. (EXTRA), MAY 13, 2016 (VYSK 23, 1938 SAKA) 69 (2) 'The fine so imposed, may be recovered from the person concerned, Cognizance of offences. • as arrears of land revenue. 22. (1) No court shall take cognizance of any offence 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, export or use of unauthorized semen • or misbranded or sub-standard semen shall be a cognisable offence under this Act. Chapter V . Miscellaneous 13. Any document purporting to be a report duly issued by a recognized Repon of laboratory may be used as evidence of the facts stated (herein in any. Recognized proceedings under this Act. 24. 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 for inspection and examination such records or documents, - as may be necessary

25. 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.

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

27. 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.. Laboratory.. Local Authorities to assist. • Reports. Experts. officers and officials of the Authority to be public servants. Bar on Jurisdiction 70 PUNJAB GOVT. GAZ. (EXTRA). MAY 13, 2016 (VYSK 23, 1938 SAKA) Protection of action taken in good faith or Government to make rules. Power to remove difficulties. Funds of the Authority. Repeal and Savings 28. 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. (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 provide for any other matter which has to be or may be prescribed. (3) Every rule made under this Act shall be laid, as soon as after it is made, before the House or the State Legislature, while it is in session, for a total period of 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 successive sessions as aforesaid, the House agrees in making any modification in the rules, or the House agrees, that the rules should not be made, the rules 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, If any difficulty arises in giving effect to the provisions of this 30. (1) Act, the Government

may, by an order published in the Official Gazette, 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

31. The funds of the Authority shall be the budgetary allocation of the Department of Animal Husbandry, Punjab. 32. (1) The Punjab Livestock Improvement Act, 1953 (Punjab Act No. 47 of 1953), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Act, referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act. VIVEK PURI, Secretary to Government of Punjab, Department of Legal and Legislative Affairs. 10/05-2016/Pb. Govt. Press, S.A.S. Nagar

