

Fifteenth Kerala Legislative Assembly

Bill No. 128

**THE KERALA LIVESTOCK AND POULTRY FEED AND
MINERAL MIXTURE (REGULATION OF
MANUFACTURE AND SALE)
BILL, 2022**

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[Translation in English of “2022-ലെ കേരള കന്നുകാലിത്തീറ്റ, കോഴിത്തീറ്റ, ധാതുലവണമിശ്രിതം (ഉൽപാദനവും വിൽപനയും നിയന്ത്രിക്കൽ) ബിൽ” published under the authority of the Governor.]

**THE KERALA LIVESTOCK AND POULTRY FEED AND
MINERAL MIXTURE (REGULATION OF
MANUFACTURE AND SALE)
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A

BILL

to ensure safe and quality feed and to regulate manufacture, storage, distribution and sale of feed stuff, livestock and poultry feed and mineral mixture in the State of Kerala.

Preamble.—WHEREAS, the State Government is of opinion that it is necessary to regulate manufacture, storage, distribution and sale of feed stuff, livestock and poultry feed and mineral mixture in the State of Kerala in order to maintain production standards, it is expedient to provide for ensuring availability of safe and quality feed for livestock and poultry in the State, for preventing adulteration and misbranding of feed stuff, livestock and poultry feed and mineral mixture and for the matters connected therewith or incidental thereto;

BE it enacted in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Act, 2022.

(2) It shall be deemed to have come into force on the 18th day of February, 2021.

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

(a) “additive” means a non-nutritive item or combination of items added to the basic feed mix or parts thereof to improve the performance of livestock and poultry;

(b) “adulterated” in relation to feed stuff, livestock and poultry feed, compound feed and mineral mixture means any feed stuff, livestock and poultry feed and mineral mixture which,—

(i) does not conform to the declaration made regarding its nature, substance or prescribed quality standards; or

(ii) contains some extraneous material that makes it unsafe or sub-standard for consumption by livestock or poultry; or

(iii) is spoiled or damaged or infested with pathogens, insects or rodents making it harmful for livestock or poultry;

(c) “authorized agent” means any person who deals with storage/supply/transport for sale/marketing of feed stuff, livestock and poultry feed and mineral mixture under an agreement or contract with the manufacturers and having licence in accordance with law;

(d) “Authorized Officer” means an officer authorized by the Government for the purposes of this Act;

(e) “compound feed” means any ground, pelleted, crumbled or mixture feed, as per the prescribed specifications intended for the feeding of livestock and poultry according to their growth, production and reproductive status ;

(f) “concentrate feed” means a feed stuff with high concentration of nutrients having more than sixty percentage Total Digestible Nutrients (TDN) and less than eighteen percentage crude fiber;

(g) “contaminant” means any substance, whether added or not to feed, but which is present in feed as a result of the production (including operations carried out in crop husbandry), manufacture, processing, packaging, transport or storage under the influence of external environment;

(h) “dealer” means a person, an association of persons, a firm or an agency who/which is engaged in sale or distribution and/or carrying out sale and distribution subject to a minimum quantity as prescribed, by whatever manner, feed stuff, livestock feed, poultry feed and mineral mixture, and includes director or proprietor or manager by whatever name is called, who is responsible to run the aforesaid trade;

(i) “feed” means an edible and safe material for livestock/poultry consumption which contributes nutrients to the diet;

(j) “Feed Safety Assurance Officer” means an officer designated by the Government under section 10 (iii) of this Act;

(k) “Feed Safety Enforcement Officer” means a district level officer designated by the Government under section 10(ii) of this Act;

(l) “feed mill” means an automatic or semi-automatic plant for manufacturing of livestock feed, poultry feed or mineral mixture being a compound feed or customer formula feed ;

(m) “feed ingredients” means any nutritious substance as prescribed, included in the manufacture of livestock and poultry feed or directly used for feeding livestock and poultry;

(n) “ feed stuff” means any naturally occurring feed ingredient or material for sustaining livestock/poultry:

Provided that the Government may, by notification in the Official Gazette, declare any other material as feed stuff, livestock feed and poultry feed or mineral mixture for the purposes of this Act having regard to its use, nature or quality;

(o) “Government" means the Government of Kerala;

(p) “Licensing Authority” means an officer designated under item (i) of section 10 of this Act;

(q) “livestock” means domesticated animals raised in an agricultural setting for labour and for producing milk, meat, fur , leather or wool etc.;

(r) “manufacturer” means any person/persons, companies, institutions, establishments who/which is engaged in the manufacture of feed stuff, livestock and poultry feed and/or mineral mixture in own unit or in a unit not owned by him/them;

(s) “mineral mixture” means a blend of major and minor mineral elements in any form free from adulterants and stench which is used as supplement feed for livestock or poultry;

(t) “misbranded” means the label, brand, tag, notice or advertisement under which a product is sold is false or misleading in any kind as to the type, grade or quality or composition; if it is sold as the product of one manufacturer when really it is the product of another manufacturer; or if on the label, brand, tag, notice or advertisement under which it is sold there is any false statement concerning the product;

(u) “oil cake” means the mass resulting from solvent extraction of oil seeds after removing fats and oils;

(v) “oil meal” means the mass resulting from mechanical compression of oil seeds for extraction of oil and fat;

(w) “poultry” means and includes chicken, ducks, turkeys and geese;

(x) “prescribed” means prescribed by the rules or regulations made under this Act;

(y) “roughage” means a feed stuff with high concentration of fiber having less than sixty percentage Total Digestible Nutrients (TDN) and more than eighteen percentage crude fibre;

(z) “sale” in relation to feed stuff, livestock feed or poultry feed or mineral mixture means transfer of ownership, oral or in writing, either final in lieu of price paid or promised or part paid and part promised;

(za) “State Feed Quality Consultative Committee” means the committee constituted under section 26 of this Act;

(zb) “substandard” means not having the prescribed standards;

(zc) “unfair trade practice” shall have the same meaning as defined in section 2(47) of the Consumer Protection Act, 2019 (No.35 of 2019).

3. *Feed stuff or feed ingredients to be used in livestock feed or poultry feed.*—(1) The feed stuff or feed ingredients to be used for manufacture of compound feed for poultry and livestock may include the following, namely:—

(i) roughages: green or dry forages including green fodder, silage, straw, hay, treated or untreated straws and crop residues;

(ii) concentrates:

(a) major ingredients,—

(i) cereals or grains as prescribed ;

(ii) vegetable protein sources like oil cakes, oil meals, pulses and beans which are safe for consumption of livestock or poultry, protein rich agro-industrial byproducts, as prescribed;

(iii) animal protein sources as prescribed, except in ruminant feeds;

(iv) industrial and agricultural products or byproducts which are not harmful for livestock and poultry, as prescribed;

(b) micro nutrients/supplements, additives.

(2) Use of rice husk, castor husk/meal, jatropha cake/meal, saw dust and ingredients of animal origin are prohibited in the manufacture of compound feed for livestock.

(3) Urea or non-protein nitrogen compounds (except amino acids) inducing ammonium salts are prohibited for manufacture of feeds for young ruminants. However, urea not exceeding one percentage may be added to the feed for adult livestock.

(4) The Government may, by notification in the Official Gazette from time to time, declare any additional feed stuff or ingredients to be used or not to be used in the manufacture of compound feed for livestock or poultry other than those included in sub-sections (1), (2) and (3).

4. *Ingredients to be used in the manufacture of mineral mixture.*—(1) The ingredients for manufacture of mineral mixture in the form of salts shall be of prescribed quality.

(2) Mineral mixture for livestock shall not contain ingredients of animal origin and other ingredients like marble powder, dolomite powder, ferric oxide, cupric oxide, manganese dioxide, unprocessed rock phosphate.

(3) The Government may, by notification in the Official Gazette, declare any ingredient to be used or not to be used in the manufacture of mineral mixture for livestock or poultry, other than those mentioned in sub-sections (1) and(2).

5. *Licence for manufacture and sale.*—(1) No person shall manufacture, store, distribute, or market feed stuff, livestock feed, poultry feed or mineral mixture unless he holds a valid licence obtained under this Act by giving an application in such form after fulfilment of such conditions and payment of such fee.

(2) On receipt of an application for licence in the prescribed form, the Licensing Authority may either grant the licence or after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse the application. In the case of refusal of the application, the intimation regarding the refusal shall be made available to the applicant. Unless refused the application, the Licensing Authority shall issue the licence within two months from the date of receipt of an application.

(3) Licence issued as per sub-section (2) shall be in the prescribed form and subject to such conditions.

(4) A single licence may be issued for one or more feed items and also for different establishments or premises for such purposes of the same applicant in the area.

(5) An appeal against the refusal of license shall be given to the State Feed Quality Consultative Committee.

(6) Manufacturer/authorized agent/dealer shall comply the general principles of feed safety, as prescribed.

(7) The restrictions on advertisement of feed and prohibition as to unfair trade practices shall be, as prescribed.

(8) The responsibilities and liabilities of the manufacturers, authorized agents, dealers and procedures for recalling the feed from the market shall be, as prescribed.

6. *Renewal of licence.*—The license issued under section 5 of this Act shall be valid for a period of three years and may be renewed on application on payment of prescribed fee. A licence unless suspended or cancelled by the licensing authority shall be in force, if the application for renewal is given in the prescribed manner within ninety days before the expiry of the licence.

7. *Packing and labelling.*— No feed stuff, livestock feed or poultry feed and mineral mixture other than green or dry fodder, shall be sold unless packed, branded and labelled in such manner, as may be prescribed.

8. *Quality control.*— (1) All feed stuff, livestock and poultry feed and mineral mixture shall conform to the specifications and standards, as prescribed.

(2) The producer/manufacturer of any feed stuff, livestock feed, poultry feed and mineral mixture shall ensure that the label on such feed or mineral mixture bag or packing contains particulars, as prescribed.

9. *Prohibition of manufacture of substandard, adulterated, misbranded feed and mineral mixture.*—No person shall, in contravention of any provision of this Act or the rules or regulations made thereunder, directly or indirectly, prepare, manufacture, keep or store for use or sale, sell or offer to sell any feed stuff, livestock feed or poultry feed and mineral mixture which is substandard, adulterated or misbranded.

10. *Enforcement of provisions.*— The Government shall appoint the following officers for the enforcement of the provisions of this Act, namely:—

(i) Licensing Authority.—(a) The Government shall, by notification in the Official Gazette, depute an officer of Animal Husbandry Department not below the rank of Additional Director or an officer of Dairy Development Department not below the rank of Joint Director as the Licensing Authority for manufacture or sale of feed stuff, livestock feed or poultry feed and mineral mixture;

(b) The Licensing Authority shall exercise the powers and perform the functions, as prescribed throughout the State.

(ii) Feed Safety Enforcement Officer.—(a) The Government shall, by notification in the Official Gazette, depute an officer of the Animal Husbandry Department or Dairy Development Department not below the rank of Deputy Director as Feed Safety Enforcement Officer in each district for the purpose of exercising the powers and performing the functions under this Act and the rules made thereunder;

(b) The Feed Safety Enforcement Officer or his duly authorized officer may exercise the powers and perform the functions of a Feed Safety Enforcement Officer under this Act, within the limits of his jurisdiction, as may be prescribed.

(iii) Feed Safety Assurance Officer.—(a) The Government shall, by notification in the Official Gazette, depute an officer of Animal Husbandry Department, not below the rank of Veterinary Surgeon or an officer of the Dairy Development Department, not below the rank of Dairy Extension Officer as Feed Safety Assurance Officer for such local areas as may be assigned to him for the purpose of exercising the powers and performing the functions under this Act and the rules made thereunder;

(b) The Feed Safety Assurance Officer or his duly authorized officer may exercise the powers and perform the functions of the Feed Safety Assurance Officer under this Act within the limits of his jurisdiction, as may be prescribed;

(c) The Feed Safety Assurance Officer shall functionally and administratively report to the Feed Safety Enforcement Officer;

(d) In case, the Feed Safety Assurance Officer is not in a position to exercise his powers or perform duties under any reasonable cause, the Feed Safety Enforcement Officer shall exercise the same powers as conferred on the Feed Safety Assurance Officer and follow the same procedures specified in this Act.

11. *Powers of Licensing Authority.*—(1) The Licensing Authority on receipt of an application in the prescribed form along with the required documents and fees, as prescribed, shall issue licence, in the prescribed manner, for a period of three years.

(2) Licensing Authority may, if it has reason to believe that the applicant or licensee has made a statement in relation to any application for licence or renewal which is incorrect or false in material particulars or has committed any breach of rules or any conditions subject to which the licence was granted, he may, after making such inquiry, as it deems fit, by order, reject the application or grant the licence or renew the licence, as the case may be.

(3) The Licensing Authority shall have the powers to suspend or revoke or cancel the licence issued under this Act, if the licensee contravenes any of the provisions of this Act or of any rule made thereunder.

(4) The Licensing Authority shall have powers to adjudicate as per section 19 and impose penalties as per clauses (a) or (b) as the case may be of sub-section (1) of section 20, if the licensee contravenes any of the provisions of this Act or of any rule made thereunder.

(5) No order of suspension or cancellation shall be issued unless the applicant or licensee is given a reasonable opportunity of being heard.

12.Powers of Feed Safety Enforcement Officer.—(1) Upon receipt of information from Feed Safety Assurance Officer regarding any gross contravention of the provisions of this Act or the rules or regulations made thereunder, the Feed Safety Enforcement Officer may direct the Feed Safety Assurance Officer to seal the premises or part thereof used by the licensee for preparation, manufacture, production, packing, storage and sale of feed stuff, livestock feed, poultry feed and mineral mixture, or seize them for a period not exceeding seventy two hours for the purpose of preservation/ collection of material evidence or securing the case properly.

(2) Feed Safety Enforcement Officer shall be the custodian of the samples of feed stuff of livestock feed or poultry feed and mineral mixture collected for testing, as prescribed under section 16(b) of this Act.

(3) Feed Safety Enforcement Officer shall be responsible for recommending to initiate steps against offences in contravention of the provisions of this Act as serious breach/ repeated breach, as the case may be.

(4) Feed Safety Enforcement Officer shall be the administrative and functional reporting authority of the Feed Safety Assurance Officer.

13. *Powers of Feed Safety Assurance Officer.*— (1) The Feed Safety Assurance Officer may, without prior notice, enter upon any premises used for preparation, manufacture/production, packing, storage or sale of feed stuff, livestock and poultry feed and/or mineral mixture or in vehicles in which feed is transported, for the purpose of.—

(i) collection of sample; or

(ii) inspecting generally whether any of the provisions of this Act or the rules or regulations made thereunder have been violated and for examination of feed stuff, livestock feed or poultry feed or mineral mixture.

(2) A Feed Safety Assurance Officer, after satisfying himself of any gross contravention of provisions of this Act or the rules or regulations made thereunder, shall, inform the Feed Safety Enforcement Officer and after obtaining a direction from the Feed Safety Enforcement Officer, seal or seize the premises, or part thereof, for a period not exceeding seventy two hours, for the purpose of preservation of material evidence or securing the case properly.

(3) Upon receipt of a complaint regarding quality, the Feed Safety Assurance Officer shall take samples of the same batch of feed stuff, livestock feed and poultry feed or mineral mixture from the complainant/farmer, authorized agent and the feed mill concerned, within a period of three days from the date of receipt of complaint following the procedure, as prescribed.

(4) If any such feed stuff, livestock feed or poultry feed or mineral mixture, on analysis, is found to be not of the quality which it should have or if it is found to be adulterated or substandard or if there is any contravention of the provisions of this Act or the rules or regulations made thereunder, the manufacturer or seller shall be dealt with under section 18 of this Act for confiscation and disposal and shall submit a final report to the appropriate authority regarding contravention of such provisions for further action.

(5) The Feed Safety Assurance Officer shall carry out general inspection of manufacturing, storing, transporting or selling facilities in his jurisdiction at least once in six months or as and when required. Inspection charges shall not be levied for this from the feed or mineral mixture manufacturer or distributor/stockist/dealer/transporter.

(6) However, if the Feed Safety Assurance Officer, on inspection, is satisfied that the feed stuff, livestock feed, poultry feed and mineral mixture so inspected may cause immediate health hazards to livestock or poultry and requires seizure, such feed stuff, livestock feed or poultry feed or mineral mixture shall be subjected to rapid testing at Government approved laboratories, as prescribed. If the sample is proved to be causing immediate health hazards, the expenses for analysis shall be borne by the licensee.

(7) If, in the opinion of the Feed Safety Assurance Officer or the authorised officer, it is necessary to dispose of the product seized which is subject to speedy and natural decay, such officer shall immediately after, and in any case not later than one month from the date of receipt of the report under section 16 make an application to the Licensing Authority or the Court, as the case may be, for permission to sell/ dispose the product by such officer himself and on getting such permission may sell/dispose the product himself, remit the sale proceeds in the nearest Treasury and make a report of such sale /disposal and remittance, to the Licensing Authority / Court, as the case may be, under intimation to the Feed Safety Enforcement Officer, and there upon such Licensing Authority / Court shall take measure as may be necessary for the disposal of the case.

(8) The Feed Safety Assurance Officer or an authorized officer, for expeditious disposal of feed stuff, livestock feed, poultry feed or mineral mixture, shall immediately submit a report to the Licensing Authority through Feed Safety Enforcement Officer for obtaining appropriate orders.

(9) The Feed Safety Assurance Officer after scrutiny of the report of feed testing from analytical laboratory shall take further action for the offence, if any, committed under the Act to be dealt with under section 19 or section 22, under intimation to the Feed Safety Enforcement Officer and the Licensing Authority.

(10) The search, seizure, investigation and procedure for launching prosecution shall be in such manner, as prescribed.

14. *Analytical laboratories.*— The Government may, by notification in the Official Gazette, approve as analytical laboratory, any laboratory established by the Central or State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories and recognized by the Government for the purpose of analyzing the samples of feed stuff, livestock feed, poultry feed and mineral mixture collected under this Act.

15. *Procedure for sampling.*—(1) A Feed Safety Assurance Officer shall, for the purpose of analysis, at any time collect sample of feed stuff, livestock feed, poultry feed or mineral mixture manufactured, stored, transported, sold, offered for sale, kept in feed mill, in transit or held by an authorized agent/dealer, after giving notice in writing to the person concerned of the intention to analyse it.

(2) When a sample of feed stuff, livestock feed, poultry feed and mineral mixture is taken for analysis, the sample shall be divided into four parts and shall be marked, sealed and fastened in air tight container, so as to ensure that the nature and character of the content is not changed, along with signature/thumb impression or both of the Feed Safety Assurance Officer and the person from whom the sample has been taken, in the presence of two witnesses mentioning thereon the date and time of receiving sample.

(3) No person shall obstruct the Feed Safety Assurance Officer from collecting samples of feed stuff, livestock feed, poultry feed or mineral mixture for the purpose of sub-section (1) in such quantity and such packing as he may require. When a person from whom sample has been taken, refuses to sign or affix thumb impression, the Feed Safety Assurance Officer shall call upon two witnesses and take their signature or thumb impression in lieu of the signature or thumb impression of such person.

(4) The Feed Safety Assurance Officer or any other officer generally or specially authorized by the Government, if he thinks fit, at all reasonable times, enter upon any establishment where feed stuff or livestock feed or poultry feed or mineral mixture is manufactured or stored or sold or any vehicle transporting them

for the purpose of ascertaining whether any of the provisions of this Act or the rules or regulations made thereunder or any of the terms and conditions subject to which license has been granted under this Act has been contravened. If any person contravenes the provisions of sub-section (3), the Feed Safety Assurance Officer may, seize the feed stuff, livestock and poultry feed or mineral mixture by giving such person a notice in writing. The notice shall contain the reasons for seizure, and the nature and quantity of the feed stuff, livestock and poultry feed and mineral mixture seized along with date, time and place of seizure. The notice shall be prepared in triplicate containing full particulars relating to the feed stuff, livestock feed, poultry feed and mineral mixture seized. The Feed Safety Assurance Officer and the person from whose possession, custody or control the feed stuff, livestock feed, poultry feed or mineral mixture has been seized, shall sign or affix thumb impression in the notice and a copy thereof shall be given to such person. In case such persons refuses to sign or put his thumb impression, the Feed Safety Assurance Officer shall call upon two witnesses and take their signature or thumb impression in lieu of it.

(5) When a sample is taken from the stock in the possession of an authorized agent/ dealer or from a transporter as required under sub-section (1), the authorized agent / dealer/ transporter shall be bound to give the name and other particulars of the person on whose behalf such stock is held, as the Feed Safety Assurance Officer may require.

(6) Any person who has purchased the feed stuff, livestock feed, poultry feed or mineral mixture for his livestock or poultry from a feed mill/authorised agent/dealer and possesses a voucher or cash memo of the purchase of product, may apply in the prescribed format to the Feed Safety Assurance Officer concerned to get his feed stuff, livestock feed, poultry feed or mineral mixture samples analyzed from approved laboratory. The cost of analysis of the sample, in accordance with the rate approved for different tests by the Government, shall be paid by the person making the application.

16. *Analysis of sample.*— The Feed Safety Assurance Officer shall:

(a) deliver one sealed feed sample to the person from whom the sample is taken;

(b) deliver two sealed feed samples to the Feed Safety Enforcement Officer for keeping in safe custody; and

(c) submit two sealed samples within three days from the date of collection of sample to the authorized feed testing analytical laboratory for testing under intimation to the Feed Safety Enforcement Officer.

17. *Analysis report.*—(1) The authorized feed testing laboratory shall, on receiving any sample of feed stuff, livestock feed, poultry feed or mineral mixture from a Feed Safety Assurance Officer, analyze the same and deliver or send to the Feed Safety Assurance Officer a report in the prescribed format showing the result of such analysis within twenty one days.

(2) A copy of such report may be provided by the approved feed testing laboratory, to the person from whom the sample so analyzed was collected or the person who has got his feed analyzed as per sub-section 6 of section 15, upon making an application and on payment of fee.

(3) No person shall display copy of the report on any premises or use it for the purposes of advertisement.

18. *Confiscation and disposal by Feed Safety Assurance Officer* .—If the manufacture, storage, distribution, sale and marketing of feed stuff livestock feed, poultry feed and mineral mixture which are without licence, misbranded, adulterated or substandard, is detected by the Feed Safety Assurance Officer or an authorised officer, such feed stuff, livestock feed, poultry feed and mineral mixture shall be seized and disposed of in the prescribed manner after intimating the Feed Safety Enforcement Officer and the expenses so incurred shall be levied on the person from whom such seizure is made or the licensee, as the case may be.

19. *Adjudication by Licensing Authority.*—(1) If any person contravenes any of the provisions of this Act or the rules or regulations made thereunder, the Licensing Authority shall, after giving the person a reasonable opportunity of being heard in the matter, conduct an inquiry and if, on such inquiry, he is satisfied that the person has committed the contravention of the provisions of this Act or the rules or the regulations made thereunder, impose such penalty, by order, as provided in section 20, as he thinks fit.

(2) In adjudicating a contravention under sub-section (1), the Licensing Authority shall have the same powers of a Civil Court under the Code of civil Procedure, 1908 (Central Act 5 of 1908) while trying a civil suit in the following matters, namely:—

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring the discovery and production of any document; and

(c) receiving evidence on affidavit.

20. *Penalties.*—(1) When the Licensing Authority, after inquiry under section 19 of this Act finds that any person has contravened any of the provisions of this Act or the rules or regulations made thereunder, he shall be liable to the following penalties, namely:—

(a) on first breach, his licence be suspended for a term which may extend to six months, but shall not be less than sixty days or with fine which may extend to fifty thousand rupees but shall not be less than twenty five thousand rupees or with both; and

(b) on second breach, his licence be suspended for a term which may extend to one year but shall not be less than six months or with fine which may extend to two lakh rupees but shall not be less than fifty thousand rupees or with both.

(2) The Licensing Authority may direct the sale/disposal of any feed stuff, livestock feed, poultry feed or mineral mixture seized, which is of speedy and natural decay.

21. *Appeal.*—(1) Any person aggrieved by an order passed under clauses (a) and (b) of sub-section (1) of section 20, may within thirty days of passing of the order, prefer an appeal to the State Feed Quality Consultative Committee.

(2) An appeal filed under sub-section (1) shall be disposed of within sixty days from the date of receipt of an appeal after affording a reasonable opportunity of being heard to the parties concerned.

22. *Offences triable by the court.*—(1) In the case of serious nature of breach of licence, leading to death of livestock or poultry which has been proven by analysis report from two authorized analytical laboratories and further endorsement by the State Feed Quality Consultative Committee; or on third or subsequent breach thereafter, be punishable by the Court with imprisonment for a term which may extend to one year, but which shall not be less than six months and with fine which may extend to five lakh rupees.

(2) The Court, trying an offence may direct that any feed stuff, livestock feed, poultry feed or mineral mixture in respect of which the court is satisfied that an offence under this Act has been committed, be forfeited to the Government in accordance with law, and shall be disposed of accordingly.

(3) The Court may direct the immediate sale or disposal of any feed stuff, livestock feed, poultry feed or mineral mixture seized, which is of speedy and natural decay.

23. *Cognizance of offence.*—(1) No Court shall take cognizance of an offence punishable under this Act except on a complaint filed by the Feed Safety Enforcement Officer.

(2) An offence punishable under this Act shall be triable by a Court of Judicial Magistrate of First Class.

24. *Offences by Companies or Institutions or Establishments.*—(1) Where an offence under this Act has been committed by a company or institution or establishment, every person who at the time the offence was committed, was in charge of and responsible to the company/institution/establishment for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company/ establishment/institution

and it is proved that the offence under this Act has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other employees of the company/establishment/institution, such director, manager, secretary or other employees, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purpose of this section,—

(a) “company/establishment/institution” means any body corporate including a firm, society or other association of individuals and

(b) “director” means

(i) in relation to a firm, a partner in the firm;

(ii) in relation to a society or other association of individuals, a person who is entrusted, under the rules of the society or other associations to the management of the affairs of the society or association, as the case may be.

25. *Abetment of offences.*—Whoever abets any offence under this Act and if the act abetted is committed in consequence of the abetment, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five lakh rupees or both.

26. *State Feed Quality Consultative Committee.*— (1) The Government shall, by notification in the Official Gazette, constitute a consultative committee to be known as the State Feed Quality Consultative Committee.

(2) The State Feed Quality Consultative Committee shall consist of the following members to represent the interest of Feed industry, farmers, consumers and allied research institutions, namely:—

(i) Secretary, Animal Husbandry & Dairy Development Department-Chairperson;

(ii) Director, Animal Husbandry Department;

(iii) Director, Dairy Development Department;

(iv) Head of the Department, Animal Nutrition, Kerala Veterinary and Animal Sciences University;

(v) Director, Centre for Advanced Studies in Poultry, Kerala Veterinary and Animal Sciences University;

(vi) Representative of National Dairy Development Board; and

(vii) Three representatives from Feed Industry (One each from Public Sector Undertakings, Co-operative sector and Private sector).

(3) Allowances and sitting fees eligible to the members of State Feed Quality Consultative Committee shall be, as prescribed.

27. *Functions of State Feed Quality Consultative Committee.*—The State Feed Quality Consultative Committee shall have the following powers, namely:—

a) to provide expert opinion to the Government in matters related to this Act, the rules and regulations made thereunder;

b) to make suggestions to the Government for revision of feed quality standards at par with the advancement in the feed industrial sector from time to time;

c) to make recommendations to add more feed items to the notified list of ingredients that can be used or not to be used for manufacture of livestock, poultry feed and mineral mixture as the case may be, and

d) to make recommendations to the Government regarding necessary modifications in the rules and regulations from time to time.

28. *Maintenance of records.*—The licence holder for manufacture or sale of feed stuff, livestock feed, poultry feed and mineral mixture shall maintain such records in the prescribed manner relating to his business, including quality and quantity of feed purchased and sold, materials produced and prepared for sale and the raw materials procured by him.

29. *Submission of returns.*— Every licensee holding licence for manufacture or sale of feed stuff, livestock feed, poultry feed and mineral mixture shall submit an annual return in duplicate in the prescribed format to the Licensing

Authority containing particulars in respect of each class of feed stuff, livestock feed, poultry feed and mineral mixture manufactured, blended, prepared or sold by him.

30. *Annual report of Licensing Authority*.—(1) The Licensing Authority shall prepare in each year, in such form and at such time as may be prescribed, an annual report regarding its activities during the previous year and copies of the report shall be forwarded to the State Government.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before the Kerala Legislative Assembly.

31. *Protection of action taken in good faith*.—No suit, prosecution or other legal proceedings shall lie against the Licensing Authority, the Feed Safety Enforcement Officer, the Feed Safety Assurance Officer or the Authorised Officer for any action taken or any act done in good faith under this Act.

32. *Act have overriding effect*.—The provisions of this Act shall have overriding effect notwithstanding anything to the contrary contained in any other law for the time being in force.

33. *Delegation of powers*.—The Government may, delegate all or any of its powers under this Act to the officers authorized by it.

34. *Power to make rules*.—(1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) 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 fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

35. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, published in the Official Gazette, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the Kerala Legislative Assembly.

36. *Power to make Regulations.*— (1) The Government may, by notification in the Official Gazette, make regulations for the purposes of this Act.

(2) Every regulation 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 fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the regulation or decides that the regulation should not be made, the regulation 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 regulation.

37. *Validation.*— Notwithstanding the cesser of operation of the Kerala livestock and poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2022 (10 of 2022) (hereinafter referred to as the said Ordinance).—

(a) anything done or deemed to have been done or any action taken or deemed to have been taken by the said Ordinance shall be deemed to have been done or taken under this Act;

(b) anything done or any action taken after the cesser of operation of the said Ordinance and before the publication of this Act in the Gazette, which could have been done or taken under the said Ordinance had it not been ceased to operate, shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

It is essential to regulate the manufacture, storage, distribution and sale and to ensure the quality of livestock feed, poultry feed and mineral mixture in the State of Kerala. MILMA and Kerala Feeds Limited are the two institutions in the State that are involved in the production and marketing of livestock and poultry feed in the co-operative sector and public sector respectively. These two establishments can only cater less than fifty percent of the requirement of livestock feed for the farmers in Kerala. Moreover, raw materials required for the production of livestock and poultry feed are procured from the states outside Kerala. Quality of each raw material is to be ensured in the pre-production process itself. Apart from the feeds produced and marketed by MILMA and the Kerala Feeds, livestock feed and poultry feed from private sector and outside the state are also available in the State. In addition to this, alternative feeds (corn powder, different kinds of oil cakes, wheat, bran etc.) are also available in the market. It is difficult to detect adulteration in many of these alternative feeds. Therefore a legislation is necessary to ensure the quality of them. Since there is no quality control mechanism at present for the livestock and poultry feed and supplementary feeds, produced or sold in the State, it is necessary to bring a legislation for that purpose.

2. The Hon'ble Governor in his address to the Kerala Legislative Assembly on January 8, 2021, indicated Government's resolve to make a new cattle feed Act naming "The Kerala State Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Act" in the interest of farmers and manufacturers, prescribing regulations which would protect their interest against distribution of sub-standard feed and other feed stuff in the State.

3. In the light of the aforesaid circumstances, Government of Kerala decided to bring a legislation to regulate the manufacture, storage, distribution and marketing of livestock feed, poultry feed and mineral mixture in the State.

4. As the Legislative Assembly of the State of Kerala was not in session and the said proposal had to be given effect to immediately, the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2021 was promulgated by the Governor of Kerala on the 17th day of February, 2021 and the same was published as Ordinance No.35 of 2021 in the Kerala Gazette Extraordinary No.823 dated 18th day of February, 2021.

5. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021.

6. As the provisions of the said Ordinance had to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2021 on the 1st day of July, 2021 and the same was published as Ordinance No.65 of 2021 in the Kerala Gazette Extraordinary No.1947 dated 3rd day of July, 2021.

7. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021.

8. As the provisions of the said Ordinance had to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2021 on the 23rd day of August, 2021 and the same was published as Ordinance No.111 of 2021 in the Kerala Gazette Extraordinary No.2479 dated 25th day of August, 2021.

9. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 4th day of October, 2021 and ended on the 11th day of November, 2021.

10. As the provisions of the said Ordinance had to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2021 on the 13th day of November, 2021 and the same was published as Ordinance No.143 of 2021 in the Kerala Gazette Extraordinary No.3349 dated 15th day of November, 2021.

11. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 18th day of February, 2022 and ended on the 18th day of March, 2022.

12. As the provisions of the said Ordinance had to be kept alive and the Kerala Legislative Assembly was not in session, the Governor of Kerala has promulgated the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2022 on the 31st day of March, 2022 and the same was published as Ordinance No.10 of 2022 in the Kerala Gazette Extraordinary No.1102 dated 31st day of March, 2022.

13. Though a Bill to replace the said Ordinance by an Act of the State Legislature was published as Bill No. 111 of the Fifteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Kerala Legislative Assembly during its session which commenced on the 27th day of June, 2022 and ended on the 21st day of July, 2022.

14. As the provisions of the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2022 (10 of 2022) ceased its operation on the 8th day of August 2022, the provisions of the said Ordinance had to be kept alive and this Bill seeks to bring an Act of the State Legislature validating all the things done and all the actions taken after the expiry of the said Ordinance and up to the date on which the Bill is passed and published in the Gazette as an Act.

FINANCIAL MEMORANDUM

Clause 15 of the Bill provides for the expenses relating to collection of sample, clause 17 of the Bill provides for analytical testing expenses and clause 26 of the Bill provides for the expenses relating to conduct of meetings of the State Feed Quality Consultative Committee.

In addition to this, revenue sources are included in clause 5 of the Bill which provides for fee for license, clause 6 of the Bill which provides for fee for the renewal of licence and sub-clause (2) of clause 17 which provides for fee for analysis report.

If the Bill is enacted and brought into operation, the existing infrastructural facilities of the Department would be used and hence no expenses would be incurred additionally. The fund for the aforesaid recurring expenses are proposed to be met from the fund under the head plan expenditure allotted to the Dairy Development Department.

If the Act is brought into operation, the facilities of the assets under the ownership of the Dairy Development Department would be used. The labs, expenses for sampling, chemicals in the labs, instruments, collection of sample, analysis of sample, fuel for the vehicle etc., would come under the present functions of the Department.

In the first financial year five lakh rupees and after that for the next five years an amount with annual increase of 10% would be incurred as recurring expenditure. After the commencement, by getting revenue through various sources like licensing, renewal of licence etc., the financial allocation by the Government can be reduced.

Expenditure	Amount
Total amount for the recurring expenditure	5 lakh rupees
Total amount for the non-recurring expenditure	Nil (No additional expenditure is incurred since the infrastructural facilities of the Department itself is used)

The recurring expenditure of the first financial year and the expenditure with an annual increase for five years can be incorporated in the budget of Dairy Development Department.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Item (n) of clause 2 of the Bill seeks to empower the Government to prescribe by notification in the Official Gazette any other article as feed stuff, livestock and poultry feed, mineral mixture having regard to its use, nature, substance or quality.

2. Sub-clause (4) of clause 3 of the Bill seeks to empower the Government to prescribe by notification in the Official Gazette from time to time any additional feed stuff or ingredient to be used or not to be used in the manufacture of compound feed for livestock or poultry other than those included in sub-sections (1), (2) and (3) of clause 3.

3. Sub-clause (3) of clause 4 of the Bill seeks to empower the Government to prescribe by notification in the Official Gazette any ingredient to be used or not to be used in the manufacture of mineral mixture for livestock or poultry, other than those mentioned in sub-sections (1) and (2) of clause 4.

4. Clause 5 of the Bill seeks to empower the Government to prescribe the conditions for the licence for manufacture and sale, form of license, the restrictions on advertisement of feed, the restrictions on unfair trade practice, the responsibilities and liabilities of the manufactures, the authorised agents, dealers and feed recall procedures from the market.

5. Item (i) of clause 10 of the Bill seeks to empower the Government to issue notification in the Official Gazette to designate Licencing Authority.

6. Item (ii) of clause 10 of the Bill seeks to empower the Government to issue notification in the Official Gazette to designate Feed Safety Enforcement Officer.

7. Item (iii) of clause 10 of the Bill seeks to empower the Government to issue notification in the Official Gazette to designate Feed Safety Assurance Officer.

8. Sub-clause (1) of clause 11 of the Bill seeks to empower the Government to prescribe the manner for issuing the licence for the manufacture and sale of feed stuff, livestock and poultry feed and mineral mixture.

9. Sub-clause (3) of clause 13 of the Bill seeks to empower the Government to prescribe the procedure for taking the samples of feed stuff, livestock feed, poultry feed and mineral mixture on receipt of complaint.

10. Sub-clause (6) of clause 13 of the Bill seeks to empower the Government to prescribe the manner for rapid testing of the feed stuff, livestock feed, poultry feed and mineral mixture if the sample is proved to be causing immediate health hazards to the livestock and poultry.

11. Sub-clause (10) of clause 13 of the Bill seeks to empower the Government to prescribe the manner of search, seizure and investigation.

12. Clause 14 of the Bill seeks to empower the Government to issue notification in the Official Gazette to approve as analytical laboratory, any laboratory established by the Central or State Government or any other agency accredited by National Accreditation Board for Testing and Calibration Laboratories and recognized by the Government for the purpose of analyzing the samples of feed stuff, livestock feed, poultry feed and mineral mixture.

13. Sub-clause (6) of clause 15 of the Bill seeks to empower the Government to prescribe the form for getting the samples of the feed stuff, livestock feed, poultry feed and mineral mixture purchased by a person for his livestock or poultry analyzed from approved laboratory.

14. Sub-clause (1) of clause 17 of the Bill seeks to empower the Government to prescribe the form of report by an approved laboratory of any sample of feed stuff, livestock feed, poultry feed or mineral mixture after analysis.

15. Clause 18 of the Bill seeks to empower the Government to prescribe the manner to seize and dispose the feed stuff, livestock feed, poultry feed or mineral mixture confiscated by Feed Safety Assurance Officer.

16. Sub-clause (1) of clause 26 of the Bill seeks to empower the Government to issue notification in the Official Gazette for constituting a consultative committee to be known as the State Feed Quality Consultative Committee.

17. Sub-Clause (3) of clause 26 of the Bill seeks to empower the Government to prescribe the allowances and sitting fees eligible to the members of the State Feed Quality Consultative Committee.

18. Sub-Clause (1) of clause 30 of the Bill seeks to empower the Government to prescribe the form of annual report of the Licensing Authority .

19. Clause 34 of the Bill seeks to empower the Government to make rules by notification in the Gazette for carrying out the provisions of this Bill .

20. Clause 35 of the Bill seeks to empower the Government to issue order not inconsistent with the provisions of the Bill if any difficulty arises in giving effect to the provisions of this Bill.

21. Clause 36 of the Bill seeks to empower the Government to make regulations by notification in the Gazette for the purposes of this Bill .

22. The matters in respect of which rules and regulations may be made, or notifications or orders may be issued, are matters of procedure and are of routine or administrative in nature. Further, the rules and regulations so made are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is, therefore of a normal character.

J. CHINCHURANI

NOTES ON CLAUSES

Clause 2.—This clause seeks to define certain words and phrases used in the Bill.

Clause 3.— This clause seeks to provide for the feed stuff or feed ingredients to be used in livestock feed or poultry feed.

Clause 4.— This clause seeks to provide for the ingredients to be used in the manufacture of mineral mixture.

Clause 5.—This clause seeks to provide for licence for manufacture and sale of feed stuff, livestock feed, poultry feed and mineral mixture.

Clause 6.—This clause seeks to provide for renewal of licence.

Clause 7.— This clause seeks to provide for packing and labelling of feed stuff, livestock feed, poultry feed and mineral mixture.

Clause 8.—This clause seeks to provide for quality control of feed stuff, livestock feed, poultry feed and mineral mixture.

Clause 9.— This clause seeks to provide for the prohibition of manufacture of substandard, adulterated or misbranded feed stuff, livestock, poultry feed and/or mineral mixture.

Clause 10.—This clause seeks to provide for designating various officers for the enforcement of the provisions of the Bill.

Clause 11.— This clause seeks to provide for the powers of the Licensing Authority.

Clause 12.— This clause seeks to provide for the powers of the Feed Safety Enforcement Officer.

Clause 13.—This clause seeks to provide for the powers of the Feed Safety Assurance Officer.

Clause 14.— This clause seeks to provide for the analytical laboratories.

Clause 15.— This clause seeks to provide for the procedure for sampling.

Clause 16.— This clause seeks to provide for the analysis of sample.

Clause 17.— This clause seeks to provide for the analysis report of the sample.

Clause 18.— This clause seeks to provide for the confiscation and disposal by Feed Safety Assurance Officer.

Clause 19.—This clause seeks to provide for the adjudication by Licensing Authority.

Clause 20.—This clause seeks to provide for the penalties.

Clause 21.— This clause seeks to provide for appeal to the State Feed Quality Consultative Committee.

Clause 22.—This clause seeks to provide for the offences triable by court.

Clause 23.— This clause seeks to provide for the cognizance of offence.

Clause 24.—This clause seeks to provide for the offences by Companies, Institutions or Establishments.

Clause 25.— This clause seeks to provide for penalty for abetment of offence.

Clause 26.—This clause seeks to provide for the constitution of State Feed Quality Consultative Committee.

Clause 27.—This clause seeks to provide for the functions of State Feed Quality Consultative Committee.

Clause 28.—This clause seeks to provide for maintenance of records.

Clause 29.— This clause seeks to provide for the submission of returns.

Clause 30.— This clause seeks to provide for the annual report of Licensing Authority.

Clause 31.— This clause seeks to provide for the protection of actions taken in good faith by officers.

Clause 32.—This clause seeks to provide for the overriding effect of the Act.

Clause 33.—This clause seeks to provide for the delegation of powers.

Clause 34.—This clause seeks to empower the Government to make rules for the enforcement of the provisions of the Bill.

Clause 35.—This clause seeks to provide for removing difficulties.

Clause 36.—This clause seeks to empower the Government to make regulations for the purposes of the Bill.

Clause 37.—This clause seeks to provide for validating anything done or deemed to have been done or any action taken or deemed to have been taken under the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2022 (10 of 2022) and anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance even after its cesser of operation up to the date on which the Act is published in the Gazette.
