THE TAMIL NADU BOVINE BREEDING ACT, 2019

(ACT NO. 31 OF 2019)

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THE TAMIL NADU BOVINE BREEDING ACT, 2019

(ACT NO. 31 OF 2019)

[30th July 2019]

An Act to regulate bovine breeding activities including use of bovine breeding bulls for production of bovine semen, production, processing, storage, sale and distribution of bovine frozen semen, artificial insemination services in bovines for improving the productivity of bovines in the State and for matters connected therewith.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows: —

CHAPTER-I
PRELIMINARY

1. Short title and commencement. — (1) This Act may be called the Tamil Nadu Bovine Breeding Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

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

(a) *"artificial insemination"* or *"AI"* means the process of depositing bovine semen in the body of the uterus of a mature bovine female with the intention of making it pregnant;

(b) *"AI technician"* means a person who possesses requisite qualification, skill and experience to perform artificial insemination in bovines, as may be prescribed;

(c) *"AI service provider"* means any person including a Firm, Limited Liability Partnership, Company, Producer Company, Institution, Non-Governmental Organisation, Breeders' Association, Trust, Department of Central or State Government, Co-operative Society, Livestock Development Board or any Agency, Agriculture or Veterinary University who undertakes AI service in bovines;

(d) *"appellate authority"* means the appellate authority specified under section 15;

(e) *"Authority"* means the bovine breeding Authority appointed under section 3;

(f) *"bovine"* means and includes cow, bull, bullock and buffalo;

(g) *"bovine breeding"* means breeding activities in bovines that include the use of bovine bulls for production of semen, production, processing, storage and distribution of bovine frozen semen, and providing AI services to bovines;

(h) *"breeding policy"* means the State breeding policy, notified by the Government, from time to time, for maintaining and developing different breeds of cow, bull, bullock and buffalo in different agro-climatic zones of the State;

(i) *"certified bull"* means a bovine bull meeting the prescribed standard for semen production and is included as certified bull, in the certificate of registration of a semen station or any bovine bull certified to be of prescribed standard for semen production by the Authority, from time to time;

(j) *"Government"* means the State Government;

(k) *"natural service"* means use of breedable healthy bulls for making female bovines pregnant by natural mating;

(l) *"premises"* means any land area, yard, building, or vessel or vehicle or any other location that is used for bovine frozen semen production and for providing bovine AI service;

(m) *"prescribed"* means prescribed by rules made under this Act;

(n) *"prescribed standards"* means the standards prescribed by the Authority, from time to time, and to be adhered to by those seeking a certification of registration, namely: —

(i) semen stations intending to use bovine bulls for frozen semen production in accordance with the methods and parameters as may be prescribed;

(ii) semen stations intending to produce, process, store and distribute bovine frozen semen in accordance with the procedures and parameters as may be prescribed; and

(iii) AI service provider intending to provide AI services in accordance with the procedures and parameters as may be prescribed;

(o) *"registered veterinary practitioner"* means a graduate in veterinary science registered under the Veterinary Council Act, 1984 (Central Act 52 of 1984);

(p) *"semen station"* means premises, where a facility is setup for production, processing and storage of bovine frozen semen;

(q) *"semen bank"* means premises, where a facility is setup for storage and distribution of bovine frozen semen;

(r) *"State"* means the State of Tamil Nadu.

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CHAPTER-II

APPOINTMENT AND FUNCTIONS OF THE AUTHORITY

3. Appointment of Authority. — (1) The Government shall, by notification, appoint the Bovine Breeding Authority to exercise the powers conferred on, and perform the functions assigned to, it under this Act.

(2) The Authority shall appoint a team of experts having relevant professional experience of not less than ten years in the field of animal breeding or husbandry in any veterinary institution of repute, for the purpose of conducting inquiry or inspection of AI service providers, AI training institutes and to perform such other functions, under this Act.

(3) The Authority shall perform the following functions, namely: —

(a) appoint such number of officers and employees as it may consider necessary for the efficient performance of its functions;

(b) register and renew the registration of the semen stations and AI service providers as per the provisions contained in Chapter-III of this Act;

(c) inspect, survey and search any of the premises where activities related to AI service is going on;

(d) receive the annual returns from AI service providers and to maintain records and data thereof;

(e) grant recognition to the AI training institutes;

(f) collect and maintain, information and statistical data with regard to activities of AI service providers, AI training institutes and the AI technicians;

(g) regulate natural service of bovine breeding;

(h) advise the Government on any matter concerning the activity of bovine breeding;

(i) plan and cause to be executed a programme for bovine breeding activities in general and conservation, preservation and propagation of indigenous breeds of cow, bull, bullock or buffalo in particular;

(j) plan and cause to be executed, inter-alia, a programme for community based conservation of indigenous breeds, field performance recording in the home tract of bovine and establishment of breeder societies for indigenous bovine breeds;

(k) advise the Government on instituting an incentive mechanism for rearers of indigenous bovine breeds;

(l) exercise such other powers and perform such other activities and functions as may be prescribed by the Government, from time to time;

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(4) The Authority, while discharging the functions under this Act, shall be bound by such directions as may be given by the Government.

4. Power to obtain information. — (1) The Authority in order to perform the functions conferred on it by or under this Act, or any officer empowered by it may take such steps as may be necessary so as to obtain any information from any semen station, AI service provider, AI training institute or AI technician.

(2) The Authority may give directions requiring any person in-charge of any establishment, 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 and the rules made thereunder, to furnish such information in such form and in such manner, as may be prescribed.

CHAPTER-III

CERTIFICATION OF BULLS, REGISTRATION OF SEMEN STATIONS AND AI SERVICE PROVIDERS.

5. Certification of bulls and registration of semen stations. — (1) On and from the date of commencement of this Act, no person including any Firm, Limited Liability Partnership, Company, Producer Company, Institution, Non-Governmental Organisation, Breeders' Association, Trust, Department of Central or State Government, Co-operative Society, Livestock Development Board or Agency, shall establish and operate a semen station for production of bovine frozen semen doses for AI without obtaining a certificate of registration from the Authority.

(2) The existing semen stations shall apply to the Authority for issue of registration certificate for frozen semen production within three months from the date of commencement of this Act.

(3) On and from the date of commencement of this Act, no semen station shall carry out semen production from any bull other than those certified as of prescribed standard, for semen production, by the Authority.

(4) Every application for registration of semen station shall be made to the Authority in such form and in such manner, as may be prescribed and shall be accompanied with such fee not exceeding one lakh rupees as may be prescribed.

(5) Every application for registration of bull shall be made to the Authority in such form and in such manner, as may be prescribed and shall be accompanied with such fee not exceeding two hundred rupees as may be prescribed.

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(6) On receipt of an application under sub-sections (4) and (5), the Authority may, after making such enquiry as it deems necessary, either issue or refuse to issue the certificate of registration. Every registration shall be in such form and in such manner and subject to such terms and conditions as may be prescribed and shall be valid for a period of three years from the date of issue of the certificate of registration:

Provided that the Authority shall, before refusing to issue the certificate of registration, give the applicant a reasonable opportunity of being heard.

6. Registration of AI service provider. — (1) On and from the date of commencement of this Act, no AI service provider shall provide AI services without obtaining a registration certificate from the Authority.

(2) The existing AI service providers shall apply to the Authority for issue of registration certificate for providing AI services within three months from the date of commencement of this Act.

(3) Every application for registration shall be made to the Authority in such form and in such manner, as may be prescribed and shall be accompanied with such fee not exceeding fifty thousand rupees as may be prescribed.

(4) On receipt of an application under sub-section (3), the Authority may, after making such enquiry as it deems necessary, either issue or refuse to issue the certificate of registration. Every certificate of registration shall be in such form and in such manner and subject to such terms and conditions as may be prescribed and shall be valid for a period of three years from the date of issue of certificate of registration:

Provided that the Authority shall, before refusing to issue the certificate of registration, give the applicant a reasonable opportunity of being heard.

7. Registration of AI technicians. — (1) On and from the date of commencement of this Act, no person shall act as AI technician and provide his services for any AI service provider unless, he-

(a) possesses such qualification and experience as may be prescribed;

(b) has undergone training from any recognised AI Training Institutes as may be prescribed; and

(c) is registered with a semen station or AI service provider.

(2) Every application for registration shall be made to the Authority in such form and in such manner, as may be prescribed and shall be accompanied with such fee not exceeding five hundred rupees as may be prescribed.

(3) On receipt of an application under sub-section (2), the Authority may, after making such enquiry as it deems necessary, either issue or refuse to issue the certificate of registration.

Every certificate of registration shall be in such form and in such manner and subject to such terms and conditions as may be prescribed:

Provided that the Authority shall, before refusing to issue the certificate of registration, give the applicant a reasonable opportunity of being heard.

8. Recognition of AI training institutes. — (1) Any person including any Firm, Limited Liability Partnership, Company, Producer Company, Institution, Non-Governmental Organisation, Breeders' Association, Trust, Department of Central or State Government, Co-operative Society, Livestock Development Board or Agency, Agriculture or Veterinary University shall apply to the Authority for grant of recognition as a AI training institute.

(2) Every application for grant of recognition under sub-section (1) shall be made to the Authority in such form and in such manner, as may be prescribed and accompanied with such fee not exceeding fifty thousand rupees as may be prescribed.

(3) On receipt of an application under sub-section (2), the Authority may, after making such enquiry as it deems necessary, either grant recognition or refuse to grant recognition. Every recognition shall be in such form and in such manner and subject to such terms and conditions as may be prescribed and shall be valid for a period of three years from the date of issue of the certificate of recognition:

Provided that the Authority shall, before refusing to grant the certificate of recognition, give the applicant a reasonable opportunity of being heard.

9. Renewal.— (1) Every application for renewal of the certificate of registration or recognition, as the case may be, under this Act shall be made not less than three months before the date of expiry of the period of such certificate of registration or recognition, as the case may be:

Provided that the Authority may allow such application after the expiry of the aforesaid period, if the Authority is satisfied that the applicant was prevented by sufficient cause from applying for renewal in time.

(2) The provisions of this Act shall, as far as may be, apply in relation to the renewal of the certificate of registration or recognition, as they apply in relation to the issue of certificate of registration or grant of recognition.

10. Regulation of sale of semen.— (1) No semen station or AI service provider shall sell or distribute the bovine frozen semen doses to any person other than the registered AI service provider or the registered AI technician or to a person or institution as may be authorised by the Authority.

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(2) No semen station or AI service provider shall sell the bovine frozen semen doses, in contravention of the breeding policy of the State.

11. Exemptions.— Any semen production facility set up by research institutes or Veterinary Universities for the purpose of research and training shall be exempted from the obligation of holding a registration certificate for semen station so far as such research institutes or universities use the semen doses only on the animals owned by them and are not engaged in the activity of selling or distribution of semen doses or providing commercial AI delivery services.

12. Regulations for bovine breeding through natural service.**—**(1) Bovine breeding through natural service shall be restricted to only indigenous breeds.

(2) All farmers who intend to keep male bovine for breeding by natural service either for their own herd or for making service available to other farmers' bovines shall register the male bovine with the person identified by the Authority in such manner as may be prescribed.

(3) The registration shall be for a period of two years and application shall be submitted for renewal of the registration every two years.

(4) The person identified under sub-section (2) shall provide the certificate of registration for the use of male bovine for natural service within forty five days of application after examination of the male bovine and related documents.

(5) All male bovine intended for natural service shall be identified with ear tags as approved by the National Dairy Development Board.

(6) A breeding soundness certificate shall be obtained from the appropriate authorities as may be identified by the Authority before inducting the male bovine for natural service.

(7) The farmers shall ensure that the male bovine used for natural service are subjected to periodical testing for diseases by the person identified or accredited by the Authority as that of male bovine used for AI services that would be prescribed, from time to time. The disease free certificate shall be produced when demanded by identified authorities.

(8) The farmers shall ensure that the male bovine used for natural service are subjected to periodical vaccination for diseases by the person identified or accredited by the Authority as that of male bovine used for AI services that would be prescribed, from time to time. The vaccination certificate shall be produced when demanded by the person identified by the Authority.

(9) The person identified under sub-section (2) shall have power to enter the premise where the male bovine for natural service are reared for examining the animals for their breeding fitness and compliance with this Act.

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(10) The male bovine declared unfit for breeding or infected with disease shall be eliminated by the farmer in such manner as may be prescribed.

(11) The farmers shall maintain records of the male bovine used for natural service in such form and in such manner, as may be prescribed.

(12) Any institution or individual desirous of using liquid semen of an indigenous bull for breeding purposes on its or his own animals or animals owned by others, shall comply with all procedure as may be prescribed.

13. Duplicate registration certificate. — If a registration or recognition certificate issued under this Act is defaced, lost or destroyed, the Authority may, if satisfied, grant a duplicate registration or recognition certificate to the applicant on payment of such fee not exceeding,—

(i) one thousand rupees for duplicate registration certificate of semen stations, AI service providers and AI technicians;

(ii) one thousand rupees for duplicate recognition certification of AI Training Institutes; and

(iii) fifty rupees for duplicate registration certificate of bull, as may be prescribed.

14. Revocation of certificate of registration and recognition. — If the Authority is satisfied, either on a reference made to it in this behalf or on enquiry report or otherwise that—

(i) the certificate of registration or recognition granted by it under this Act, for semen station, AI service provider, AI training institute or AI technician has been obtained by misrepresentation or fraud; or

(ii) the holder of the certificate of registration or recognition has, without reasonable cause, failed to comply with the conditions subject to which the certificate or recognition has been granted or has contravened any of the provisions of this Act or rules made thereunder or has not complied with such conditions as may be prescribed by the Authority, 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 or recognition an opportunity to show cause,-

(a) revoke the certificate of registration or recognition by giving reasons for such revocation; or

(b) suspend the certificate of registration or recognition till the holder of the certificate complies with all the required conditions to the satisfaction of the Authority; or

(c) impose such other conditions to be complied with, by the holder of certificate of registration or recognition; or

(d) take undertaking from the holder of the certificate of registration or recognition, to comply with the provisions of this Act and rules.

15. Appeal. — (1) Any person aggrieved by an order of the Authority refusing to grant or renew a certificate of registration or recognition or revoking or suspending the certificate of registration or recognition under the provisions of this Act, may prefer an appeal before the Appellate Authority as may be specified by the Government within thirty days from the date on which the order is communicated to him.

(2) The Appellate Authority, may entertain the appeal after the expiry of period of the said thirty days if the Authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The Appellate Authority, after giving a reasonable opportunity of being heard to the appellant, shall decide the appeal within three months or as expeditiously as possible.

(4) While pending disposal of an appeal, the Appellate Authority may direct that the order refusing to grant or renew a certificate or the order of revoking or suspending the certificate of registration or recognition shall not take effect until the appeal is disposed off.

CHAPTER-IV

POWER TO INSPECT, SEARCH AND MAINTENANCE OF RECORDS

16. Power to inspect, search and seizure.— (1) The Authority or any officer or member of team of experts authorised by him in this behalf, with a view to securing compliance with the terms and conditions of the registration or recognition and any provisions of this Act and rules made thereunder, or for the purpose of inspection and enquiry, may

(a) enter, inspect and cause or conduct search of any place of business or premises of the semen station or artificial insemination service provider or training institute in which it has reason to believe that any activity in contravention of the provisions of this Act and rules made thereunder is going on or there is any contravention of any of the provisions of this Act or rules made thereunder or the holder of certificate is doing activities in violation of the conditions of registration or recognition issued under this Act;

(b) collect samples of semen, blood or any other material used in semen production or AI services, from the premises of any semen station or AI service provider or training institute and have such samples analysed by a laboratory authorized in that behalf by the Authority and shall also seize any bulls therefrom which are not duly certified for semen production or make such other enquiry as may be required, take statements of the holder of

the certificate of registration or recognition and other persons working in such premises and to check the records thereof.

(2) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures made under sub-section (1).

(3) Every person who holds the certificate of registration for semen station or AI service provider or a certificate of recognition for training institute under this Act, or an AI training institute or AI service provider shall be bound by any direction or order issued by the Authority, in pursuance of any of the provisions of this Act and shall comply with such direction or order and any failure on his part to comply with such direction or order shall be deemed to be a contravention of this Act.

17. Maintenance of records and submission of returns.— (1) Every person who holds a certificate of registration or recognition under this Act shall maintain such books, accounts and records relating to his business in such form and in such manner, as may be prescribed.

(2) Every semen station and AI service provider shall maintain a register containing therein the name, address, contact details and the qualification and experience of all those AI technicians, registered with them. The register so maintained and the application and supporting documents of the experience and qualification of the AI technicians shall be made available for the inspection of the Authority. A list of all such AI technicians shall be submitted along with the half yearly returns submitted by them to the Authority.

(3) Every person who holds a certificate of registration for a semen station shall submit to the Authority a half yearly return in duplicate in respect of the semen station and with respect to new bulls proposed for registration in such form and in such manner, as may be prescribed.

(4) Every person who holds a certificate of registration as an AI service provider shall submit to the Authority a half yearly return in duplicate in respect of number of AI technicians engaged and number of inseminations carried out in such form and in such manner, as may be prescribed.

(5) Every person who holds a certificate of recognition as an AI training institute shall submit to the Authority, a half yearly return in duplicate giving a list of AI technicians trained and name of the registered veterinary practitioner under whose supervision the training was imparted in such form and in such manner, as may be prescribed.

18. Power to give directions.— Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any direction that the Government may give in

this behalf, the Authority, may in exercise of its power and performance of its functions under this Act, issue any direction in writing to any person or officer and such person or officer shall be bound to comply with such directions. The powers to issue directions under this section include the power to direct—

(i) the closure, prohibition or regulation of any operation, process or activity related to bovine breeding, AI services, training; or

(ii) the stoppage or regulation of supply of electricity, water or any other service.

19. Power to make application to courts for restraining bovine breeding activities in contravention of this Act.—(1) Where it is considered by the Authority that any person or institution or service provider is engaged in the bovine breeding activity or providing AI services or AI training in contravention of the provisions of this Act and rules made thereunder it shall make an application to a court of Metropolitan Magistrate or Judicial Magistrate for restraining the said person or institution or service provider from carrying out the said activity.

(2) On receipt of an application, the court may pass an order restraining any person or institution or service provider to carry out the said activity or give such directions or pass such order as it may deem fit.

20. Penalties.— (1) Whoever carries out the production of frozen semen at any premises, place or centre or semen station or provides artificial insemination services without holding a valid registration certificate or hold a expired registration certificate or carry on production activity of frozen semen from other than the certified bulls or contravenes with any of the provisions of this Act, shall be liable to pay a fine which may extend to fifty thousand rupees.

(2) Whoever has been granted a certificate of registration as semen station or AI service provider under this Act and has contravened any of the provisions of this Act or failed to maintain the prescribed standards laid down in the Act, shall be liable to pay a fine which may extend to one lakh rupees.

(3) Whoever fails to comply with any direction given within such time as may be specified in the direction or fails to comply with any order issued or direction given by a court shall, in respect of each such failure and on conviction, be liable for a simple imprisonment upto six months or liable to pay additional fine which may extend upto fifty thousand rupees or both. The penalties or fine so imposed, may be recovered from the person concerned, as an arrear of land revenue or of public demand.

(4) Whosoever resorts to any sort of advertisement or publicity misrepresenting the facts about the type and nature of services for which he has been granted the certificate of

registration or recognition, be liable for a simple imprisonment upto six months or liable to pay additional fine which may extend upto two lakh rupees or both.

(5) Indiscriminate breeding of animals by any institution or individual, not advocated by the Authority is an offence and the offender is liable to pay a fine which may extend up to fifty thousand rupees.

(6) No institution or individual, other than the one explicitly permitted by the Authority to do so, shall indulge in any kind of activity or research related to animal reproduction and such unauthorised activity or research shall be an offence and such institution or individual, on conviction, is liable to pay a fine which may extend upto fifty thousand rupees or for a simple imprisonment upto six months or both.

21. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence 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 officer of the company, such director, manager, secretary or other officer shall also 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"* means any body corporate and includes a firm or other association of individuals; and

(b) *"director"* in relation to a firm, means a partner in the firm.

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22. Cognizance of offences. — (1) No court shall take cognizance of any offence under this Act except on a complaint made by the Authority or any officer authorised in this behalf by it.

(2) No prosecution for offences punishable under this Act shall be instituted except with the previous sanction of the Authority or an officer authorised in this behalf by the Authority, by notification.

CHAPTER-V

MISCELLANEOUS

23. Report of recognized laboratory. — Any document purporting to be a report signed and issued by a recognized laboratory may be used as evidence of the facts stated therein in any proceedings under this Act.

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

25. Returns and reports. — The Authority shall furnish to the Government in such manner as may be prescribed such reports, returns, statistics, and other information with respect to its funds or activities as the Government may, from time to time, require.

26. Bar of jurisdiction of Civil Courts. — No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered.

27. Protection of action taken in good faith. — No suit, prosecution or other legal proceedings shall lie against the Authority, any officer or employee of the Authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

28. Delegation of powers. — (1) The Government may, by notification, direct that all or any of the powers exercisable by them under this Act, other than the powers conferred by this section and sections 3, 30 and 31 may also be exercised by such person or persons as may be specified in the notification.

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(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Government.

29. Certain persons to be public servants. — Any member or officer of the Authority empowered by the Government, while exercising any power or performing any duty under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

30. Power to remove difficulties. — If any difficulty arises in giving effect to any provisions of this Act, the Government may, by a general or a special order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary or expedient for the purpose of removing the said difficulty:

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

31. Power to make rules. — (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made, notification or order issued under this Act shall, as soon as possible,\ after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule, notification or order or the Legislative Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or order 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, notification or order.

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