

THE PUNJAB ANIMALS FEED STUFF AND COMPOUND

FEED ACT 2016 (LVII of 2016)

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'THE PUNJAB ANIMALS FEED STUFF AND COMPOUND FEED ACT 2016

(LVII of 2016)

[6 December 2016]

An

Act

to regulate poultry production activities in the Punjab.

It is necessary to regulate the manufacture, storage, supply, transport for sale and marketing of feed stuff and compound feed in the Province of the Punjab; to ensure standards of production and quality of feed stuff; to check adulteration and misbranding of poultry and livestock feed stuff and compound feed ingredients; and, to deal with ancillary matters.

Be it enacted by Provincial Assembly of the Punjab as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Animals Feed Stuff and Compound Feed Act 2016.

(2)

(3)

It extends to whole of the Punjab.

It shall come into force at once.

2. Definitions.— In this Act:

(a)

(b)

(c)

(d)

(e)

“Act” means the Punjab Animals Feed Stuff and Compound Feed Act 2016;

“additive” means a substance or combination of substances added to the basic feed mix or parts thereof to obtain a specific biological growth and satisfy certain production needs;

“adulterated” in relation to feed stuff and compound feed means any feed stuff or compound feed which:

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

(ii) is manufactured by the use of dye or colouring agent to impart a certain color; or

(iii) | does not conform to the prescribed standards; or

(iv) is spoiled or damaged or is fungus-infested and is harmful for animals;

“animals” include any species of livestock and poultry;

“authorized agent” means any person who deals in feed stuff and compound feed under an agreement or contract with the manufacturers;

‘This Act was passed by the Provincial Assembly of the Punjab on 1 December 2016; assented to by the Governor of the Punjab on 5 December 2016; and, was published in the Punjab Gazette (Extraordinary), dated: 6 December 2016, pp.2911-2917.

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(i)

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“authorized officer” means an officer authorized by the Government for purposes of the Act;

“cake” means the mass resulting from the pressing of seeds after removal of oils, fats or other liquids;

“Code” means the Code of Criminal Procedure, 1898 (V of 1898);

“complete feed” means a feed adequate to fulfill nutritive requirements of animals;

“compound feed” means any ground, pelleted, crumbled or mixture feed intended for the feeding of animals and includes:

(i) complete feed including a customer formula feed;

(ii) concentrated mixture to be fed as part of a ration with green forages, dry roughage or pasture;

(iii) | Concentrate containing proteins, minerals or vitamins or a mixture thereof with grains, but does not include unmixed whole seeds, and whole or ground hay straw, stover, silage, cobs and hulls when not mixed with other materials;

(iv) _ the poultry compound feed as may be prescribed;

(v) livestock compound feed according to growth, productive and reproductive status, as may be prescribed; and

(vi) | feed for other animals, as may be prescribed;

“concentrate” means a mixture of nutrients used with another nutrient to improve the nutritive balance of the feed and to be further diluted and mixed to produce a supplement or a complete feed for animals;

“crumble” means coarsely ground form of pelleted feed;

“customer formula feed” means any type of mixture which may contain more than one feed stuff;

“drug” means a substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals;

“Feed Inspection Officer” means an inspection officer appointed under section 9 of the Act;

“feed mill” means an automatic or semi-automatic plant for manufacturing of compound feed or customer formula feed possessing experimental facilities to conduct biological trials and a laboratory of the standard to carry out proximate analysis and mycotoxin estimation of compound feed;

“feed stuff” or “feed ingredient” means any nutritious substance used in the production and manufacture of compound feed;

“Government” means Government of the Punjab;

“Inspector” means an inspector appointed under section 11 of the Act;

“Licencing Authority” means an officer appointed under section 9 of the Act for grant of licence;

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(2)

“meal” means the ingredient which has been grounded or otherwise reduced in particle size for consumption by animals;

“micro-ingredients” mean vitamins, amino acids, minerals and other nutritive materials normally required in small amounts and measured as per national and international standards;

“misbranded” means misuse of registered trade name;

“pellet” means ground feed transformed into small discs of variable size by means of mechanical process;

“prescribed” means prescribed by rules made under the Act;

“sale” in relation to feed stuff and compound feed means transfer of ownership, oral or in writing, either final in lieu of price paid or promised or part paid and part promised or through barter;

(aa) “silage” means anaerobically preserved fermented fodder or feed stuff prepared and preserved through a prescribed process with or without adding inoculum for feeding ruminants; and

(bb) “Tribunal” means Tribunal constituted under section 38 of the Punjab Livestock Breeding Act 2014 (XIII of 2014).

3. Feed stuff or feed ingredient to be used in compound feed.— (1) The feed

stuff or feed ingredient to be used for feeding the livestock or the manufacture of compound feed for poultry and livestock, may include the following:

(a)

(b)

(c)

roughages:

green fodder, silage, hay, treated or untreated wheat straw;
macro-ingredients:

(i) cereals or coarse grains:

maize or corn, broken rice (toota), nakoo, sorghum or milo,
wheat, barley;

(ii) vegetable protein sources which mean cotton seed meal or cake

(Khal Banola), rapeseed or canola meal or cake, sunflower meal or cake, soybean meal, sesame cake (til cake) or meal, linseed cake, maize or corn oil cake, maize or corn gluten feed, maize or corn gluten meal, palm-kernel cake, rice polishing, rice protein meal, wheat bran, rice bran meal, matri, guar meal, pulses meal, Naan or roti tukra, confectionaries waste or byproducts;

(iii) | animal protein sources which means fish meal, blood meal, meat meal, feather meal or poultry byproduct meal, meat and bone scraps or byproducts; and

(iv) industrial and agricultural products or by-products which mean molasses, fats and oils, di-calcium phosphate, limestone, marble powder, natural products, oyster shell, bone meal, bagasse, straws, stovers, hulls, cobs, fruit, barseem meal;

micro-ingredients:

(i) vitamins:

vitamin A, vitamin B3, vitamin D3, vitamin E, vitamin K3, thiamine, riboflavin, pantothenic acid, niacin, pyridoxine, biotin, choline, folacin, vitamin B12;

(ii) mineral compounds or salts:

calcium, phosphorus, potassium, sodium, chlorine, copper, iodine, iron, magnesium, manganese, selenium, zinc, ferrous, cobalt; and

(iii) | amino acids;

(d) feed additives:

(i) coccidiostats, antioxidants, enzymes, anti-fungal or antitoxin products;

(ii) live yeast, by-pass fats;

(iii) | premixes; and

(iv) drugs.

(2) | The Government may, by notification, declare any feed stuff to be used in the manufacture of compound feed for poultry and livestock, other than those mentioned under subsection (1).

(3) | The manufacturer shall include any feed stuff as mentioned in clauses (a), (b), (c) and (d) of subsection (1), in order to meet the nutritive requirements in the given animal compound feed.

(4) |The use of any feed stuff of porcine origin in compound feed is prohibited.

4. Licence for manufacture.— (1) No person shall manufacture, store, supply, transport for sale and marketing of feed stuff and compound feed unless he holds a licence issued under this Act after fulfillment of such conditions and payment of such fee, as may be prescribed.

(2) | The Feed Inspection Officer may refuse to grant licence to any person if the application for licence has not been made in the prescribed manner.

(3) No order under subsection (2) shall be made unless the applicant has been provided a reasonable opportunity of being heard.

(4) The applicant may appeal against the order made under subsection (2) to such authority and in such manner as may be prescribed.

5. Renewal of licence.— The licence issued under this Act shall be renewed annually on payment of prescribed fee.

6. Packing and labelling.— No feed stuff and compound feed other than fresh fodder, shall be sold unless it is packed, branded and labelled in such manner as may be prescribed.

7. Quality control.— (1) All feed stuff and compound feed shall conform to the specifications and standards as prescribed.

(2) | The manufacturer of any feed stuff and compound feed shall ensure that a label containing the following particulars is displayed on the feed bag or packing:

- (a) | the name under which the article is sold;
- (b) | complete address of the manufacturer;
- (c) date of manufacture or packing;
- (d) date of expiry;
- (e) nutritive composition of compound feed or feed stuff including its moisture-content; and
- (f) declaration of Aflatoxin level.

8. Adulteration, storage of adulterated feed stuff and misbranding.— No person shall, in contravention of any provision of this Act or the rules framed thereunder, directly or indirectly, prepare, manufacture, keep or store for use or sale, or sell or offer to sell any feed stuff and compound feed which is adulterated or misbranded.

9. Feed Inspection Officer.— (1) The Government may, by notification, appoint Feed Inspection Officer or authorize any other officer for purposes of this Act.

(2) | The Feed Inspection Officer appointed or authorized under subsection (1) shall also be the Licensing Authority.

10. Analytical laboratories — The Government may, by notification, approve analytical laboratories in the public sector for purposes of this Act, for the whole or any part of Province of the Punjab, for any specified compound feed or generally for all feed stuff and compound feed.

11. | Inspectors.— (1) The Government may appoint Inspectors in respect of all or any feed stuff and compound feed, and an Inspector so appointed shall have jurisdiction in such area as the Government may notify.

(2) | The Feed Inspection Officer or the authorized officer may also exercise the powers and perform the functions of an Inspector under this Act, within the limits of his jurisdiction.

12. Sampling.— (1) An Inspector shall, for the purpose of analysis, at any time, collect a sample of feed stuff and compound feed sold, offered for sale, or stored by manufacturer or kept in feed mill or held by his authorized agent.

(2) No person shall refuse the Inspector from collecting feed stuff and compound feed for the purpose of subsection (1) in such quantity and from such packing as he may direct.

(3) If any person contravenes the provisions of subsection (2), the Inspector may, without prejudice to any penalty to which such person may be liable for such contravention, seize up to twenty kilogram of the feed stuff and compound feed and give such person a certificate showing the nature and quantity of the feed stuff and compound feed seized, the date, time and place of seizure.

(4) The Inspector shall, prepare in such form, as may be prescribed, a declaration in triplicate containing full particulars relating to the sample seized and

such declaration shall be signed or marked by both the Inspector and the person from whose possession, custody or control the compound feed and feed stuff has been seized, and a copy thereof shall be given to such person.

(5) When a sample is taken from the stock in the possession of an authorized agent as required under subsection (3) of section 13, the authorized agent shall be bound to give the name and such other particulars of the person on whose behalf such stock is held by him, as the Inspector may require.

13. General powers of Inspectors.— (1) An Inspector may, without any prior notice, enter upon any premises used for preparation, manufacture, packing, storage or sale of feed stuff or compound feed for the purpose of:

- (a) collection of sample; or
- (b) general inspection and examination of feed stuff and compound feed.

(2) An Inspector, after satisfying himself of any gross contravention of provisions of this Act, may 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 case property.

(3) In order to assess the quality of feed stuff and compound feed, the Inspector shall take samples of the same batch of feed stuff or compound feed from the farmer, authorized agent and the feed mill within a period of fifteen days from the date of purchase.

(4) If any such feed stuff and compound feed, on analysis, is found to be not of the quality which it purports to be or if there is any contravention of the provisions of the Act, the manufacturer or seller shall be dealt with under section 17.

14. Samples analysis.— (1) Any person who has purchased the feed stuff and compound feed for his animals or feed mill and possesses a voucher or cash memo thereof, may make an application in writing to get his feed stuff or compound feed samples analyzed from approved laboratory for quality check by an Inspector having the jurisdiction.

(2) | The cost of analysis of the sample shall be payable by the person making the application.

(3) The cost of analysis shall be in accordance with the rates of laboratory approved for different tests by the Government.

(4) |The samples collected by the Inspectors for general inspection and examination of feed stuff and compound feed shall be analyzed without cost of analysis.

15. Manner of sampling for analysis.— (1) An Inspector shall, after collecting or seizing any feed stuff or compound feed with the intention of submitting the same for analysis, divide such feed stuff or compound feed in four parts.

(2) Each part shall be marked, sealed and fastened in air tight container in the manner prescribed so that the nature and character of the content may not change, mentioning thereon date and time of sampling.

(3) — An Inspector shall:

- (a) deliver two parts to the person from whom the sample is taken;
- (b) retain one part for future comparison; and
- (c) submit one part to the authorized laboratory.

16. Analysis report.— (1) The authorized laboratory shall, on receiving any sample of feed stuff or compound feed from an Inspector, analyze the same and deliver or send to the Inspector a report on the prescribed Form showing the result of such analysis within two weeks, on payment of such fee as may be prescribed.

(2) | A copy of such report may be obtained from the approved laboratory, by the person from whom the article so analyzed was collected or the person who has got his feed analyzed, upon making an application and payment of prescribed fee.

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

17. Confiscation and disposal.— (1) A Feed Inspection Officer or an authorized officer or Inspector shall, in case of manufacture, storage, supply, transport for sale and marketing of feed stuff or compound feed without licence or involvement in the practice of misbranding or adulteration, confiscate such feed stuff, compound feed and machinery, and dispose it of in such manner as may be prescribed.

(2) |The court, trying an offence, may direct that any feed stuff or compound feed 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 the law, and shall be disposed of through burial, incineration or such other manner as may be prescribed.

(3) A Feed Inspection Officer or an authorized officer or Inspector, for expeditious disposal of feed stuff or compound feed, shall immediately submit a request to the court for obtaining appropriate orders.

18. Penalties.— (1) If a person contravenes any provision of this Act, he shall:

(a) _ on first conviction, be punished with imprisonment for a term which may extend to six months but which shall not be less than sixty days and with fine which may extend to two hundred thousand rupees but which shall not be less than fifty thousand rupees;

(b) on second conviction, be punished 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 three hundred thousand rupees but which shall not be less than two hundred thousand rupees; and

(c) on third or any subsequent conviction thereafter, be punished with imprisonment for a term which may extend to two years but which shall not be less than one year and with fine which may extend to five hundred thousand rupees but which shall not be less than three hundred thousand rupees.

(2) | An attempt to contravene any provision of the Act or the rules and an abetment of such contravention shall be punished as an offence under the Act.

19. The Tribunal.— An offence punishable under this Act shall be exclusively triable by the Tribunal in accordance with the provisions of the Code as if the Tribunal were a court of sessions.

20. Cognizance of offence.— The Tribunal shall not take cognizance of an offence punishable under this Act except on the complaint filed by the Feed Inspection Officer or Inspector or any other officer authorized in this behalf.

21. Appeal.— Any person aggrieved by a final order of the Tribunal may, within thirty days of the passing of the order, prefer an appeal to Lahore High Court.

22. Indemnity.— No suit, prosecution or other legal proceeding shall lie against Feed Inspection Officer, Inspector or authorized officer for any action taken in good faith under this Act.

23. Act to have overriding effect. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

24. Delegation of powers.— The Government may delegate all or any of its powers under this Act to the Feed Inspection Officer or any other officer authorized by it.

25. Power to make rules.— The Government may, by notification, make rules for carrying out purposes of this Act.

26. Jurisdiction barred— Save as provided under this Act, no order made or proceeding taken under the Act or the rule made thereunder, shall be called in question in any civil court and no injunction shall be granted by any court in respect to any decision or proceedings taken in pursuance of any power conferred by or under the Act or rules made thereunder.

27. Repeal and savings.— (1) The Punjab Animals Compound Feed and Feed Stuff Ordinance, 2002 (LXVIII of 2002), is hereby repealed.

(2) Notwithstanding the repeal, all acts done or intended to have been done under the said Ordinance shall be deemed to have been done or intended to have been done under this Act.