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GOVERNMENT OF KERALA Law (Legislation-I) Department NOTIFICATION

No. Leg.I2/6218/2020-Law.

Dated, Thiruvananthapuram, 25th May, 2024
11th Idavam, 1199
4th Jyaishta, 1946.

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor of Kerala is pleased to authorize the publication in the Gazette of the following translation in English language of the Kerala Livestock Feed, Poultry Feed and Mineral Mixture (Regulation of Manufacture, Storage, Distribution, Sale and Quality Assurance) Act, 2023 (27 of 2023).

By order of the Governor,

C. VIJAYALAKSHMI,
Special Secretary (Law).



[Translation in English of “2023-ലെ കേരള കന്നുകാലിത്തീറ്റ, കോഴിവർഗ്ഗത്തീറ്റ, ധാതുലവണമിശ്രിതം (നിർമ്മാണവും സംഭരണവും വിതരണവും വിൽപനയും നിയന്ത്രിക്കലും ഗുണനിലവാരം ഉറപ്പാക്കലും) ആക്ട്” published under the authority of the Governor.]

ACT 27 OF 2023

THE KERALA LIVESTOCK FEED, POULTRY FEED AND MINERAL MIXTURE (REGULATION OF MANUFACTURE, STORAGE, DISTRIBUTION, SALE AND QUALITY ASSURANCE) ACT, 2023

An Act to ensure safe and quality feed and to regulate manufacture, storage, distribution and sale of live stock feed, poultry feed and mineral mixture in the State of Kerala.

Preamble.—WHEREAS, in order to maintain the quality standards of livestock feed, poultry feed and mineral mixture, it is expedient to regulate the manufacture, storage, distribution and sale of livestock feed and poultry feed in the State of Kerala and to ensure availability of safe and quality feed for livestock, poultry feed and mineral mixture and to provide for the matters connected therewith or incidental thereto;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Livestock feed, Poultry Feed and Mineral Mixture (Regulation of Manufacture, Storage, Distribution, Sale and Quality Assurance) Act, 2023.

(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 nutritive or 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 livestock feed, poultry feed, compound feed and mineral mixture means any livestock feed, poultry feed and mineral mixture which,—

(i) does not conform to the declaration in the labelling as to its nature, substance or quality standards as fixed by regulation; 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, distribution, transport for sale and sale of livestock feed, 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 feed prepared as per the specifications fixed in the regulations, intended for the feeding of livestock and poultry according to their age, growth, production and reproductive status;

(f) “concentrate feed” means a feed with high concentration of nutrients having less than eighteen percentage crude fibre;

(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 for crop husbandry), manufacture, processing, packing, transport or storage under the influence of external environment;

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

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

(j) “feed ingredients” means nutritious substance as fixed by regulation, included in the diet of livestock and poultry or used directly for feeding livestock and poultry;

(k) “feed mill” means an automatic or semi-automatic plant for manufacturing livestock feed, poultry feed or mineral mixture;

(l) “feed safety assurance officer” means an officer designated by the Government under item (iii) of section 10 of this Act;



(m) “feed safety enforcement officer” means a district level officer designated by the Government under item (ii) of section 10 of this Act;

(n) “feed stuff” means any natural feed ingredient or any other substance for nurturing livestock and poultry and shall include feed stuff, livestock feed, poultry feed or mineral mixture having regard to its use, nature or quality declared by notification in the Official Gazette for the purposes of this Act;

(o) “feed analysis” means the analysis of the quality by assessing the nutritional value of ingredients in feed;

(p) “Government” means the Government of Kerala;

(q) “licensing authority” means an officer designated by the Government under item (i) of section 10 of this Act;

(r) “livestock” means all animals reared in an agricultural background for labour or for producing milk, meat, fur, leather or wool etc.;

(s) “manufacturer” means any person or persons, companies, institutions, societies or establishments who or which is engaged in the manufacture of all or any of livestock feed, poultry feed or mineral mixture in his own feed mill or in a feed mill owned jointly by them or in a feed mill not owned by him or them;

(t) “mineral mixture” means mixture of mineral elements in any form which may be used as supplement feed for livestock and poultry free from adulterants or foul smell and having important or minimum required quantity;

(u) “misbranded” means any form of mistake in the label, brand, tag, notice or advertisement of the sale of a product or giving false statement about the product or misleading as to the type, grade, quality or structure of the product or the selling of a product of a particular manufacturer as the product of some other manufacturer;

(v) “oil cake” means the substance which remains after removing oils, fats or other liquids, from oil seeds;

(w) “oil meal” means the substance which remains after applying mechanical compression for extracting oil and fat, from oil seeds;



(x) “poultry” includes those such as chicken, emu, guinea fowl, quail, duck, turkey and goose;

(y) “prescribed” means prescribed by rules made under this Act;

(z) “regulations” means regulations issued as per section 38 of this Act;

(aa) “roughage” means feed stuff having more than eighteen percentage crude fibre;

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

(ac) “state feed quality consultative Committee” means the committee constituted as per section 26 of this Act;

(ad) “substandard” means not having standard as fixed by the regulation;

(ae) “Total Mixed Ration (T.M.R.) or Total Mixed Feed” means feed manufactured by blending concentrate feed and roughages in a balanced quantity with or without the aid of machines;

(af) “unfair trade practice” shall have the same meaning as assigned to it in clause (47) of section 2 of the Consumer Protection Act, 2019 (Central Act No. 35 of 2019).

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

(i) roughage:

green or dry plant products including green fodder, silage, straw, hay, treated or untreated straws and crop residues;

(ii) concentrate feed and poultry feed ingredients:

(a) major ingredients,—

(i) grains, millets, tubers as fixed by the regulation;



(ii) vegetable protein sources like oil cakes, oil meal, pulses, protein rich agro-industrial byproducts, which are safe for consumption by livestock or poultry, as fixed by regulation;

(iii) animal protein sources, except in the feed of ruminants, as fixed by the regulation;

(iv) industrial and agricultural products or byproducts which are not harmful for livestock and poultry, as fixed by the regulation;

(b) micro nutrients, supplements or additives.

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

(3) Urea or non-protein nitrogen compounds (except amino acids) which induces ammonium salts are prohibited in the manufacture of feeds for young ruminants:

Provided that urea not exceeding one percentage may be added to the feed for adult ruminants.

(4) The Government may, by notification in the Official Gazette from time to time, declare any ingredients which are 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 or not to be used in the manufacture of mineral mixture.*—(1) The quality of ingredients in the form of salts for the manufacture of mineral mixture shall be, as fixed by the regulation.

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

(3) The Government may, by notification in the Official Gazette, declare any ingredient which are 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. *License for manufacture, storage, distribution and sale.*—(1) No person shall manufacture, store, distribute or sale, livestock feed, poultry feed or mineral mixture unless he holds a valid license obtained under this Act by filing an application in such manner complying such conditions and on payment of such fees as may be prescribed:

Provided that for one or more feed items a single license and for separate feed mills separate licenses shall be obtained.

Explanation:—Any person carrying out the storage, distribution or sale of livestock feed, poultry feed or mineral mixture within the State, which is manufactured or produced outside the State, shall obtain license as per sub-section (1).

(2) On receipt of an application for license in the prescribed form, the Licensing Authority shall either grant license or reject the application after giving the applicant an opportunity of being heard and recording the reasons thereof. In case of rejection of the application, a copy of intimation regarding rejection shall be furnished to the applicant within fifteen days from the date of rejection of the application. The Licensing Authority shall take decision on an application for license within two months from the date of receipt of the application.

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

(4) The applicant may prefer an appeal before the State Feed Quality Consultative Committee within fifteen days from the date of receipt of an intimation regarding the rejection of application for license, and the same shall be disposed of within thirty days.

(5) Manufacturer or authorized agent or dealer shall comply the general principles of feed safety which may be prescribed.

(6) The restrictions on advertisement of feed and prohibition of unfair trade practices shall be, fixed by the regulation.

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



6. *Renewal of license.*—The license issued under section 5 of this Act shall be valid for a period of five years and may be renewed on application and on payment of the prescribed fee. Unless a license is suspended or cancelled by the licencing authority, application for renewal shall be given in the prescribed manner within sixty days before the expiry of the license and a decision shall be taken either granting or rejecting the license.

7. *Packing and labelling.*—No livestock feed or poultry feed and mineral mixture other than green fodder and dry fodder, shall be sold or distributed unless packed, branded and labelled in the manner as fixed by the regulation.

8. *Quality control.*—(1) All livestock feed, poultry feed and mineral mixture shall conform the standards and specifications as fixed by the regulation.

(2) The manufacturer of livestock feed, poultry feed and mineral mixture shall ensure that the bag of such feed or mineral mixture or the label of packing shall include the details in a clear legible manner which are fixed by regulation.

9. *Prohibition of manufacture, storage and sale of substandard, adulterated or 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, storage, sell or offer for sale any livestock feed or poultry feed or mineral mixture which is substandard, adulterated or misbranded.

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

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

(b) The Licensing Authority shall exercise the powers and perform the functions prescribed in specified area, as per notification in the gazette.

(ii) *Feed Safety Enforcement Officer.*—(a) The Government may, by notification in the Official Gazette, designate District level officers 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 the duly authorized officer may within the limits of his jurisdiction exercise the powers and perform the functions of a Feed Safety Enforcement Officer as prescribed under this Act.

(iii) Feed Safety Assurance Officer.—(a) The Government may, by notification in the Official Gazette, designate officers of Animal Husbandry Department, not below the rank of Veterinary Surgeon or officers 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 duly authorized officer may within his jurisdiction exercise the powers and perform the functions of a Feed Safety Assurance Officer as prescribed under this Act.

(c) The Feed Safety Enforcement Officer shall be under the administrative control of Licensing Authority and the Feed Safety Assurance Officer shall be under the Feed Safety Enforcement Officer;

(d) In case, the Feed Safety Assurance Officer is unable to exercise powers and to perform his functions due to any reasonable cause, the Feed Safety Enforcement Officer shall exercise the same powers conferred on the Feed Safety Assurance Officer and follow the same procedures as specified in this Act.

11. *Powers of Licensing Authority.*—(1) On receipt of an application with required documents, fees, and form as prescribed, the licensing authority shall either issue or renew license, for a period of five years in the prescribed manner.

(2) If the Licensing Authority has reason to believe that, the applicant or licensee has made a statement in relation to an application received for license or renewal is incorrect or false in material particulars or has committed any breach of rules or any conditions subject



to which the license was granted, he may, after making such inquiry, as he deems fit, by an order, reject the application as the case may be.

(3) If the licensee contravenes any of the provisions of this Act or the rules made thereunder, the Licensing Authority shall have the power to suspend or cancel the license issued under this Act. In the case of extension of suspension a reasonable opportunity of being heard shall be given to the licensee.

(4) If the licensee contravenes any of the provisions of this Act or the rules made thereunder the Licensing Authority shall have the powers to conduct inquiry as per section 19 and to impose penalties as per clauses (a) or (b) of sub-section (1) of section 20, as the case may be, and for cancelling the license as per clause (c).

(5) No order of cancellation of license shall be issued without affording a reasonable opportunity of being heard to the licensee or to the person authorised by him.

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

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

(3) The Feed Safety Enforcement Officer shall have the responsibility to recommend to initiate steps against the offences in violation of the provisions of this Act as gross violation or continued violation as the case may be.

13. *Powers of Feed Safety Assurance Officer.*—(1) The Feed Safety Assurance Officer may, without giving prior notice, enter upon any premises used for preparation, manufacture,



packing, storage or sale of livestock feed, poultry feed or mineral mixture or in vehicles in which feed is transported, for the purpose of,—

(i) collection of sample; or

(ii) for general inspection as to whether any of the provisions of this Act or the rules or regulations made thereunder have been violated and for the inspection of livestock feed, poultry feed or mineral mixture.

(2) If the Feed Safety Assurance Officer is satisfied that there is gross violation of the provisions of this Act or the rules or regulations made thereunder, he shall, inform the Feed Safety Enforcement Officer in writing and after obtaining a direction from the Feed Safety Enforcement Officer, shall 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 for securing the materials in a proper manner.

(3) On receipt of a complaint regarding quality, the Feed Safety Assurance Officer shall take samples from the very same batch of livestock feed, poultry feed or mineral mixture from the complainant or from the farmer and from authorized agent/dealer/manufacture within twenty four hours, after complying the procedure as may be prescribed.

(4) Any such livestock feed, poultry feed or mineral mixture if on inspection is found to be not having the required quality or if it is adulterated or not having the standard or if there is contravention of any of the provisions of this Act or the rules or regulations made thereunder, action may be taken against the manufacturer or seller for confiscation or disposal under section 18 of this Act and shall submit a final report regarding the contravention of such provisions for further action to the Feed Safety Enforcement Officer.

(5) The Feed Safety Assurance Officer shall carry out general inspection on manufacturing, storing, transporting or selling facilities within 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 or stockist or dealer.

(6) On inspection if the Feed Safety Assurance Officer is satisfied that the livestock feed, poultry feed or mineral mixture so inspected may liable to cause immediate health hazards to livestock or poultry and requires seizure, such livestock feed, poultry feed or mineral mixture



shall be subjected to rapid testing at a Government approved primary analytical laboratory. If it is proved that such sample may cause immediate health hazards, the expenses for analysis shall be borne by the licensee.

(7) If the Feed Safety Assurance Officer or the authorised officer, is of the opinion that it is necessary to dispose of the product seized which may be subject to speedy and natural decay, such officer shall immediately after, on in any case not later than one month from the date of receipt of the report under section 17, make an application to the Licensing Authority, for permission to dispose the product by such officer himself and if on getting such permission may dispose the product by himself and shall remit such amount so received in the Treasury in the head of account which may be prescribed and make a report of such disposal and the remittance, as the case may be, to the Licensing Authority, under the intimation from the Feed Safety Enforcement Officer, such Licensing Authority shall take necessary step for the disposal of the case.

(8) For the expeditious disposal of livestock feed, poultry feed or mineral mixture the Feed Safety Assurance Officer or an authorized officer, 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 thorough examination of the feed analysis report from primary analytical laboratory, shall take further steps to deal the offence, if any, committed under section 19 or section 22 of the Act after giving intimation to the Feed Safety Enforcement Officer and the Licensing Authority.

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

14. *Analytical laboratories.*—The Government may, by notification in the Official Gazette, specify 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 as primary analytical laboratory and referral laboratory for the purpose of analyzing the samples of livestock feed, poultry feed or mineral mixture collected as per this Act.



15. *Procedures for sampling.*—(1) For the purpose of analysis, a Feed Safety Assurance Officer, may at any time collect samples of livestock feed, poultry feed or mineral mixture manufactured, stored, transported, sold, offered for sale or kept in feed mill, in transit or held by an authorized agent or dealer in the prescribed manner after giving notice in writing to the person concerned about the intention to conduct analysis.

(2) When a sample of livestock feed, poultry feed or mineral mixture is collected for analysis, the sample shall be divided into five parts, and shall be marked, sealed and fastened in an air tight container in the presence of two witnesses and to ensure that the essential qualities and the nature and character of the content is not changed and shall obtain the signature or thumb impression or both of the Feed Safety Assurance Officer and the person from whom the sample has been taken as well as the witnesses, by mentioning thereon the date and time of receipt of sample.

(3) No person shall obstruct the Feed Safety Assurance Officer from collecting samples of livestock feed, poultry feed or mineral mixture for the purpose of sub-section (1) in the required quantity and packing. If a person from whom sample has been taken, refuses to put his signature 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 officer generally or specially authorized by the Government, if he thinks fit, at all reasonable times may enter upon any establishment where livestock feed or poultry feed or mineral mixture is manufactured, stored, sold or on any vehicle transporting them for the purpose of verifying whether any of the provisions of this Act or the rules or regulations made thereunder are violated 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 livestock feed, poultry feed or mineral mixture after giving such person a notice in writing. The seizure mahazar shall state the reasons for seizure, and the nature and quantity of the livestock feed, poultry feed or mineral mixture seized with date, time and place of seizure. The mahazar shall be prepared in triplicate containing full particulars relating to the livestock feed, poultry feed or mineral mixture seized. The Feed Safety Assurance Officer and the person from whose possession, custody or control, the livestock feed, poultry feed or mineral mixture has been seized, shall put his signature or affix thumb



impression in the mahazar and a copy of the mahazar shall be given to such person. If such persons refuses to put his signature or affix thumb impression, the Feed Safety Assurance Officer shall call upon two witnesses and take their signature or thumb impression in lieu of that.

(5) Whenever the required sample is taken from the stock in the possession from an authorized agent, dealer or transporter under sub-section (1), the authorized agent, dealer or transporter, shall bound to furnish the name and other details 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 livestock feed, poultry feed or mineral mixture for his own livestock or poultry from a feed mill or authorised agent or dealer and possesses a voucher or cash memo for the purchase of product, may apply in the prescribed form to the Feed Safety Assurance Officer concerned to get his livestock feed, poultry feed or mineral mixture samples analyzed by an approved laboratory. The expenses for analysis of the sample shall be paid by the person making the application in accordance with the rate approved by the Government.

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

- (a) deliver a sealed sample of feed to the person from whom the sample is taken;
- (b) deliver two sealed samples of feed to the Feed Safety Enforcement Officer for keeping it in safe custody;
- (c) submit two sealed samples of feed within three days from the date of collection of sample to the authorized primary analytical laboratory for testing, under intimation to the Feed Safety Enforcement Officer;
- (d) The expense for the analysis of sample shall be given to the analytical laboratories as prescribed, in accordance with the rate approved by the Government and if it is found on analysis that the sample is not up to the standard, the expenses incurred in connection with the analysis shall be realized from the person or persons responsible for the same.

17. *Analysis Report.*—(1) Whenever any sample of livestock feed, poultry feed or mineral mixture is received from a Feed Safety Assurance Officer, it shall be analyzed in an approved Primary analytical laboratory and shall deliver or send to the Feed Safety Assurance



Officer, a report in the prescribed form, showing the result of such analysis as early as possible and in any case within a maximum period not exceeding twenty one days.

(2) No person shall display copies of the analysis report on any premises or use it for the purposes of advertisement.

18. *Confiscation and disposal by Feed Safety Assurance Officer.*—Whenever the manufacture, storage, distribution or sale of livestock feed, poultry feed or mineral mixture which are having no license, adulterated, substandard, misbranded is found out by the Feed Safety Assurance Officer or an authorised officer, such livestock feed, poultry feed or mineral mixture shall immediately be seized and disposed of in the prescribed manner after intimating the Feed Safety Enforcement Officer and the expenses so incurred shall be realized from the person from whom such seizure is made or the licensee, as the case may be.

19. *Procedure for Inquiry 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 affording the person a reasonable opportunity of being heard shall conduct an inquiry and if, on such inquiry, he is satisfied that the person has violated the provisions of this Act or the rules or the regulations made thereunder shall impose such penalty provided in section 20, by an order as he may deem appropriate.

(2) While conducting an inquiry regarding 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 case 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) Whenever the Licensing Authority on an inquiry under section 19 of this Act, finds that a person violates any of the provisions of this Act or the rules or regulations made thereunder he shall liable to be punished on the basis of the nature or classification of the offence, as prescribed,—



(a) For first violation, suspension of his license for a period which shall not be less than sixty days but which may extend to six months or with fine which shall not be less than twenty five thousand rupees but which may extend to fifty thousand rupees or with both;

(b) and for second violation suspension of his license for a period which shall not be less than six months but which may extend to one year or with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees or with both;

(c) Whenever a third violation occurs or severe injury, harm on productivity or death is caused to the livestock or poultry the licensing authority shall have the power to cancel the license up to five years.

(2) The Licensing Authority may give direction for the disposal of the feed stuff, livestock feed, poultry feed or mineral mixture which are seized and subject to speedy and natural decay.

21. *Appeal*.—(1) Any person aggrieved by an order imposing penalty under clauses (a), (b) and (c) of sub-section (1) of section 20, may within thirty days of passing of such order, prefer an appeal before 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 the appeal after affording a reasonable opportunity of being heard to the parties concerned.

22. *Offences to be tried by the Court*.—(1) For the third or the offences which are continuing thereafter or severe violation which were analysed and recommended by the State Feed Quality Consultative Committee and proved through the analytical report from two approved analytical laboratories or for death or serious injury or harm on productivity caused to livestock or poultry shall be punishable by the Court with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine which may extend to ten lakh rupees:

Provided that in case there is contradiction in the analysis report from the two labs, the State Feed Quality Consultative Committee shall send the sample to be examined by a referral lab.



(2) Whenever the Court trying an offence under this Act is satisfied that an offence has been committed, the court may give direction to forfeit to the Government such livestock feed, poultry feed or mineral mixture involved in such act and shall be disposed of accordingly.

(3) The Court may give directions for the speedy disposal of livestock feed, poultry feed or mineral mixture seized and are subject to speedy and natural decay.

(4) In addition to the penalty provided in sub-section (1), the offender shall be liable to pay compensation to the owner or heirs of the livestock or poultry at the price fixed by the Government for livestock or poultry from time to time, when death or severe injury or harm on productivity is caused to the livestock or poultry.

If the offender fails to pay the compensation under sub-section (4), the amount shall be recovered from him as if it is arrears of revenue due on land.

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

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

24. *Offences by Companies, Institutions, Establishments or Societies.*—(1) When an offence under this Act is committed by a company or institution or establishment or society, every person who at the time of the commission of such offence was in charge of and responsible for the business of the company or institution or establishment or society shall be deemed to have committed such 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 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 or establishment or institution or society and it is proved that an 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 or establishment or institution or society, such director, manager, secretary or other employees, shall be deemed to have committed such offence and shall be proceeded against him or them and shall be punished accordingly.

Explanation:—For the purpose of this section,—

(a) “company or establishment or institution or society” 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 for the management of the affairs of the society or association, as the case may be.

25. *Aiding of offences.*—Whoever aiding any offence under Section 22 and if the act aided is committed in pursuance of such aid shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine which may extend to ten lakh rupees.

26. *State Feed Quality Consultative Committee.*—(1) The Government may by notification in the Official Gazette, constitute a consultative committee by name the State Feed Quality Consultative Committee.

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

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

(ii) Director, Animal Husbandry Department—Convenor;

(iii) Director, Dairy Development Department—Ex-officio;

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



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

(vi) Representative of National Dairy Development Board—a person nominated by the Government; and

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

(3) The eligible allowances to the nominated members of the State Feed Quality Consultative Committee, sitting fees, quorum, number of meetings, majority, meeting place and summoning of meeting shall be in the manner as may be prescribed.

27. Functions of State Feed Quality Consultative Committee.—In addition to the powers mentioned in section 22, the State Feed Quality Consultative Committee shall have the following powers, namely:—

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

(b) to make recommendation to the Government for revising the feed quality standards in accordance with the progress in the feed manufacturing industrial sector from time to time;

(c) to make recommendations for adding more feed items to the notified list of ingredients which may or may not be used for manufacture of livestock feed, poultry feed or mineral mixture as the case may be;

(d) to furnish recommendations to the Government regarding amendments that are required in the rules and regulations from time to time;

(e) to furnish necessary recommendations for the trial of cases in the Court; and

(f) such other powers as may be fixed by the Government, from time to time, by notification in the Gazette.



28. *Exemption.*—Nothing in this Act is applicable to,—

(a) the farmers rearing livestock or poultry or persons engaged in agricultural pursuits and for the manufacture, production or preparation of feeds for feeding livestock or poultry reared by themselves; or

(b) livestock feed, poultry feed or mineral mixture manufactured by universities or research institutions for research purposes; or

(c) livestock feed and poultry feed manufactured, produced or prepared by such institutions for livestock and poultry reared by Government farms.

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

30. *Submission of returns.*—Every licensee holding license for manufacture or sale of livestock feed, poultry feed or mineral mixture shall submit two copies of return based on financial year to the Licencing Authroity containing the particulars in respect of each class of livestock feed, poultry feed or mineral mixture manufactured, blended, prepared or sold by him within three months after the end of each financial year in the prescribed format.

31. *Annual report of Licensing Authority.*—(1) The Licensing Authority shall prepare an annual report in each financial year, in such form and at such time as may be prescribed, on its activities on the previous year and copies of such report shall be furnished to the 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 Legislative Assembly.

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



33. *Members of State Feed Quality Consultative Committee, the Feed Safety Assurance Officers and other officers shall be public servants.*—Members of State Feed Quality Consultative Committee, the Licensing Authority, the Feed Safety Enforcement Officers, the Feed Safety Assurance Officers and any person acting as authorised by them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860) while they are acting or deemed to be acted under the provisions of this Act or the rules or regulations made thereunder.

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

35. *Delegation of powers.*—The Government may, by order notified in the gazette, delegate all or any of its powers under this Act to the officers.

36. *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 issued after the expiry of a period of two years from the date of publication of the Act in the Gazette.

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

37. *Duty of police officer.*—It shall be the duty of any police officer to render assistance, to any authorities as per this Act, for the lawful performance of its powers, when assistance is reasonably sought for.

38. *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.

39. *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.

40. *Validation.*—(1) 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 under 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 date of publication of this Act in the Gazette, which could have been done or taken under the said Ordinance if the said Ordinance had not been ceased to operate, shall be deemed to have been done or taken under this Act.

(2) Notwithstanding anything contained in this Act, no person alleged to have committed an offence under this Act during the period on and from the 8th day of August, 2022 till the date of publication of this Act in the gazette shall be liable for conviction.

