

The Madhya Pradesh Gau-Bhains Vansh Prajnan Viniyam Adhiniyam, 2019 (Act No.16 of 2019)

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The Madhya Pradesh Gau-Bhains Vansh Prajnan Viniyam Adhiniyam, 2019 (Act No.16 of 2019)

Received the assent of the Governor on the 16th August, 2019; assent first published in the “Madhya Pradesh Gazette (Extra-ordinary)”, dated the 19th August, 2019.]

An Act for genetic improvement of bovines by regulating bovine breeding activities including use of breeding bulls for production, processing, storage, sale and distribution of bovine semen and artificial insemination and any other breeding activity in bovines in the State of Madhya Pradesh and for the matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Seventieth year of the Republic of India as follows

CHAPTER I PRELIMINARY

1. Short title, extend and commencement
 - (1) This Act may be called the Madhya Pradesh Gau-Bhains Vansh Prajnan Viniyam Adhiniyam, 2019.
 - (2) It extends to the whole of the State of Madhya Pradesh
 - (3) 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” means the technique and procedure used for depositing liquid or frozen or thawed bovine semen into the mature female reproductive tract by artificial means;
- (b) “authorized inseminator” means a veterinarian or veterinary assistant or trained artificial insemination worker to be certified by the Authority in such manner as may be prescribed;
- (c) “Authority” means Bovine Breeding Authority constituted under section 3;
- (d) “bovine” means any person or organization or firm or agency engaged in bovine breeding activities;
- (e) “bovine breeder” means any person or organization or firm or agency engaged in bovine breeding activities;
- (f) “bovine breeding” means breeding activities in bovines that include the use of bovine bulls liquids or frozen or thawed semen or embryos;
- (g) “breeding policy” means the livestock including bovine breeding policy, duly notified by the State Government to promote breeding and development of livestock specially of bovine in the State;
- (h) “certified bull” means a bovine bull of specified breed certified by the Authority under section 11, which is kept for semen production and meet such standards, as may be prescribed;
- (i) “Chairperson” means the Chairperson of the Authority;
- (j) “embryo” means an early stage of development (up to blastocyst state), developed in vitro or in vivo as a result of fertilization of bovine female ovum by bovine sperms either in fresh or cryopreserved state;

- (k) “expert” means an expert who fulfils the requirements, as may be specified by the Authority;
- (l) “State Government” means the Government of the State of Madhya Pradesh;
- (m) “misbranded semen” means semen whose DNA profile does not match with DNA profile of the bull mentioned in the record of semen bank or printed on the semen straw;
- (n) “Pedigree” means genealogical information showing the ancestral line (record of descent) of the bull or dam;
- (o) “premises” means any place, land, yard, building or any other site that is used for semen production, processing, storage, transport, distribution, trade or utilization;
- (p) “prescribed” means prescribed by rules made under this Act;
- (q) “recognized laboratory” means the National, Regional, State level disease diagnostic laboratory or any private and national level laboratory duly authorized by the Authority;
- (r) “Registrar” means the Registrar of the Authority;
- (s) “semen” means the semen or sexed semen of cow-bull or buffalo-bull in any form;
- (t) “semen bank” means premises where the bovine semen is stored for trading or distribution;
- (u) “semen station” means premises, where a facility is set up for production, processing and storage of bovine semen;
- (v) “services” means any of the bovine breeding services as may be specified by the State Government;
- (w) “sub-standard semen” means semen in any state, fresh or frozen that do not meet the standards, as may be prescribed;
- “veterinarian” means a registered veterinary practitioner as defined in the Indian Veterinary Council Act, 1984 (Central Act No. 52 of 1984).

CHAPTER II BOVINE BREEDING AUTHORITY

3. Constitution of the Authority

- (1) The State Government shall, by notification in the official Gazette, constitute an Authority to be known as the Bovine Breeding Authority.
- (2) The Authority shall consist of the following officials, namely :
- | | |
|--|--------------------|
| (a) Secretary in-charge, Animal Husbandry Department | Chairperson |
| (b) Director, Animal Husbandry, Madhya Pradesh | Member |
| (c) Managing Director, Madhya Pradesh State Livestock and Poultry Corporation. | Member Development |
| (d) Representative (not below the rank of Assistant Commissioner), Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers’ Welfare, Government of India | Member |
| (e) Director of Research, or his representative not Below the rank of Professor or Principal Scientist, Veterinary Science University, Jabalpur | Member |

- (f) One eminent veterinarian experienced in semen production to be the State Government Member Nominated by
- (g) One eminent bovine breeder from the State of Madhya Pradesh by the State Government Member to be nominated
- (h) One veterinarian not below the rank of Deputy Director, Department of Animal Husbandry, Madhya Pradesh to be nominated by the State Government. Registrar Of Animal
- (3) The affairs of the Authority shall be managed and administered by the Registrar.
- (4) The Authority shall constitute a consultative panel of experts consisting of not exceeding nine members. Out of the panel experts, the Authority shall form a committee of not more than three members which shall perform such functions, as may be required by the Authority. The members of such committee shall be entitled for such honorarium, travelling allowance and daily allowance, as may be prescribed.

4. Headquarter of the Authority

The headquarter of the Authority shall be at Bhopal.

5. Meeting of the Authority

- (1) The Authority shall meet at such time and place, as the Registrar determine, in consultation with the Chairperson and shall observe such procedure with regard to the transaction of its business at such meetings, as may be prescribed.
- (2) The quorum necessary for the transaction of business at a meeting shall be four members including the Chairperson.

6. Functions of Authority

The functions of the Authority shall be as under :-

- (a) To formulate and implement the breeding policy and services in the State of the Madhya Pradesh;
- (b) to regulate the production, storage, sale and use of semen or embryos produced within or outside the State of Madhya Pradesh or imported from any other country;
- (c) to certify bovine breeding bulls used for production of semen, which meet such standards, as may be prescribed;
- (d) to register semen stations in the State of Madhya Pradesh as per the provisions laid down in Chapter III;
- (e) to register semen banks in the State of Madhya Pradesh;
- (f) to certify the trained artificial insemination workers (multipurpose artificial insemination technician for rural India, Gousewak, Gopal) for providing bovine breeding activities in the State of Madhya Pradesh through such appropriate standard and operative procedures as may be prescribed;
- (g) to perform such other functions concerning bovine breeding, as may be prescribed

7. Export and other personnel of the Authority

The Authority shall discharge its duties through the staff of Animal Husbandry Department and / or Madhya Pradesh Livestock and Poultry Development Corporation. It may also outsource or get on deputation such number of officers and experts with such qualification and experience, as may be prescribed, if it is considered necessary for the efficient discharge of its functions.

8. Jurisdiction and powers of the Authority

- (1) Subject to the provisions of this Act, the Authority shall have jurisdiction over the State of Madhya Pradesh in respect of bovine breeding activities.

(2) For the discharge of the functions conferred on the Authority under the Act, the Authority or any officer empowered by it in this behalf, shall have the power to obtain any required information from any semen station, semen bank or related person engaged in bovine breeding activities.

(3) The Authority shall have the power to give directions requiring any person in-charge of any premises, where any activity relating to bovine breeding is carried out or who in its opinion is contravening any of the provisions of this Act, or the rules made thereunder, to furnish such information and in such form, as may be prescribed

CHAPTER III

REGISTRATION OF SEMEN STATION AND SEMEN BANKS AND CERTIFICATION OF BULLS AND TRAINED ARTIFICIAL INSEMINATION WORKERS

9. Registration of semen station

(1) On and from the date of commencement of this Act no person, [including any firm, limited liability partnership (LLP), company, producer company, institution, non-Government organisation, breeders association, trust, department of Central or State Government, cooperative society or any other agency] shall establish and operate a semen station for production and storage of semen doses for artificial insemination or production and transfer of embryos without obtaining a certificate of registration from the Authority.

(2) Any person who desires to establish and operate a new semen station shall make an application for registration or renewal in such Form along with such fee, as may be prescribed.

(3) The existing semen stations shall apply to the Authority for grant of certificate of registration in such Form along with such fee, as may be prescribed, within three months from the date of commencement of this Act. They shall, also declare the current stock of semen along with such other details, as may be required in the prescribed Form.

(4) Applicants intending to set-up a new semen station or for continuing the existing semen station, an application Form along with prescribed fees shall be submitted to the Authority, who shall issue a provisional certificate of registration to meet the conditions specified in sub-section (6). The provisional certificate of registration shall be valid for a period of one year. It may be extended for a period of six months on the request of the applicant, in writing. The Authority shall reply within one month about the status of extension.

(5) For the grant of certificate of registration for a new semen station or the existing semen station, the applicant shall make a written request to the Authority for inspection within above one year or the extended period of six months, whichever is applicable. The Authority shall, thereupon send a committee of experts from the consultative panel for such inspection.

(6) The Authority, after satisfying itself that, -

(a) the semen station, -

(i) has premises for the current time of bovine bulls, as may be specified by the Authority or the Government of India;

(ii) has premises for the rearing and housing of bulls and the collections, processing, quality control, storage, distribution and quarantine of semen doses, as may be specified by the Authority or the Government of India; and

(iii) has premises for the storage of semen doses, as may be specified by the Authority or the Government of India;

(b) Every bull used in the semen station for production of semen doses. –

(h) has tested negative to the tests as may be specified by the Authority or the Government of India, namely :

9. (1) On and from the date of commencement of this Act no person, [including any firm, limited liability partnership (LLP), company, producer company, institution, non-Government organisation, breeders association, trust, department of Central or State Government, cooperative society or any other agency] shall establish and operate a semen station for production and storage of semen doses for artificial insemination or production and transfer of embryos without obtaining a certificate of registration from the Authority.

(2) Any person who desires to establish and operate a new semen station shall make an application for registration or renewal in such Form along with such fee, as may be prescribed.

- (3) The existing semen stations shall apply to the Authority for grant of certificate of registration in such Form along with such fee, as may be prescribed, within three months from the date of commencement of this Act. They shall, also declare the current stock of semen along with such other details, as may be required in the prescribed Form.
- (4) Applicants intending to set-up a new semen station or for continuing the existing semen station, an application Form along with prescribed fees shall be submitted to the Authority, who shall issue a provisional certificate of registration to meet the conditions specified in sub-section (6). The provisional certificate of registration shall be valid for a period of one year. It may be extended for a period of six months on the request of the applicant, in writing. The Authority shall reply within one month about the status of extension.
- (5) For the grant of certificate of registration for a new semen station or the existing semen station, the applicant shall make a written request to the Authority for inspection within above one year or the extended period of six months, whichever is applicable. The Authority shall, thereupon send a committee of experts from the consultative panel for such inspection.
- (6) The Authority, after satisfying itself that, - (a) the semen station, -
 - (i) has premises for the current time of bovine bulls, as may be specified by the Authority or the Government of India;
 - (ii) has premises for the rearing and housing of bulls and the collections, processing, quality control, storage, distribution and quarantine of semen doses, as may be specified by the Authority or the Government of India; and
 - (iii) has premises for the storage of semen doses, as may be specified by the Authority or the Government of India;
 (b) Every bull used in the semen station for production of semen doses. -
 - (i) has tested negative to the tests as may be specified by the Authority or the Government of India, namely :
 - A. prior to its entry to a quarantine station.
 - B. during quarantine period at quarantine station;
 - C. during rearing at a rearing season; and
 - D. at the semen station;
 - (ii) conforms to breed characteristics of the breed and meets the minimum standards for various traits in terms of quantity and quality as may be specified by the Authority or the Government of India and as modified and notified, from time to time.
 (c) the semen station maintains accurate details of the bull, whose semen does it may like to produce, store, sale, distribute or proposes to distribute for artificial insemination in such form as may be prescribed.

shall grant the certificate of registration to a new semen station or the existing semen station clearly specifying the name and address of the semen station, registration number of the semen station, unique identification number of certified bulls to be used for semen production, name of the in-charge of the semen station and such terms and conditions, as it may deem fit.

- (7) The certificate of registration granted to semen station under this section shall be valid for a period as per Government of India guidelines from the date of its issue.
- (8) The semen station shall, in such form along with such fee, as may be prescribed, apply for renewal of registration to the Authority at least three months before the expiry of certificate of registration. The Authority after satisfying itself that the conditions specified in sub-section (6) with regard to certificate of registration have been adhere to, shall renew the registration for a further period of two years, within three months fro the date of receipt of application. If the renewal certificate is not issued within three months, then the approval shall be deemed to have been accorded, unless communicated otherwise.
- (9) Any new bovine bull that meets the standards for semen production shall not be inducted in the semen station for semen production without the prior approval and necessary certification from the Authority. Death or culling of certified bulls shall be informed to the Authority.

- (10) The Authority may, after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant or renew the certificate of registration.
- (11) The Authority shall send a committee of experts to inspect semen station as and when desired, but at least once in a year, to ensure compliance of condition specified in the certificate of registration.
- (12) The Authority shall appoint an officer for the purpose of Section (3) of Section 22.

10. Registration of semen banks

- (1) On and from the date of commencement of this Act, no person [including any firm, limited liability partnership (LLP), company, producer company, institution, non-Government organisation, breeder's association, trust, department of Central or State Government, co-operative society or any other agency], shall establish and operate a semen bank without obtaining a certificate of registration from the Authority.
- (2) The certificate of registration referred to in sub-section (1) shall be issued in such manner and subject to such conditions, as may be prescribed.

11. Certification of bulls

- (1) On and from the date of commencement of this Act, no new bull semen station shall carry out semen production from any bovine bull other than those certified by the Authority.
- (2) The bulls shall be certificate by the Authority in such manner and subject to such conditions, as may be prescribed.
- (3) The Authority shall generate an unique identification number for each certified bull and it shall be mandatory for the semen stations to take this unique identification number securely and permanently to the certified bull at all times

12. Certificate of bulls for natural service or breeding service.

- (1) The State Government may, by notification in the official Gazette, require certificate of breeding bulls used for natural service or breeding service.
- (2) On and from the date publication of the notification under sub-section (1), no person [including any firm limited liability partnership (LLP), company, producer company, institution, non-Government organisation, breeder's association, trust, department of Central or State-Government, cooperative society, Village Panchayat or any other agency] shall keep a breeding bull to provide natural service or breeding services in any form without getting the bull certified and obtaining a certificate of registration from the Authority.
- (3) The certificate of registration referred to in sub-section (2) shall be issued in such manner and subject to such conditions as may be prescribed.

13. Certificate of trained artificial insemination workers.

The trained artificial insemination worker shall be certificate by the Authority in such manner and subject to such conditions, as may be prescribed.

14. Regulation of sale of semen

- (1) None shall sell or distribute or gift or transfer or store or transport the semen or embryo to any person other than a person, as may be authorized by the Authority.
- (2) No semen or embryo produced outside the State of Madhya Pradesh shall be allowed into the State of Madhya Pradesh to be sold, distributed or gifted or stored or transported for artificial insemination and transfer except with the prior approval of the Authority to be granted in such manner and subject to such conditions as may be prescribed.
- (3) No semen or embryo shall be imported for use in the State of Madhya Pradesh from any other country, except with the prior approval of the Authority to be granted in such manner and subject to such conditions as may be prescribed

15. Issue of duplicate certificate

In case a certificate of registration or a certificate of renewal issued under this Act is defaced, lost or destroyed, the Authority, may upon satisfaction, grant a duplicate certificate to the applicant on payment of such fee as may be prescribed.

16. Revocation of certificate of registration

If the Authority is satisfied, either on reference made to it in this behalf or on the basis of enquiry report of a committee of experts constituted by the Authority or otherwise, that –

- (a) the certificate of registration granted by it under this Act to semen station has been obtained by misrepresentation of fraud; or
- (b) the holder of the certificate of registration has, without reasonable cause, failed to comply with the terms and conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or has not complied with such conditions as may be prescribed, then without prejudice to any other proceedings to which the holder of the certificate may be liable under this Act, the Authority may, after giving the holder of the certificate of registration an opportunity to show cause –
 - (i) Where under this Act, any conditions have been imposed on any person, while granting the certificate of registration, or renewal thereof, or under Section 9, and such person has failed to comply with such conditions, the Authority, after giving such person opportunity of being heard, revoke the certificate of registration or renewal thereof and shall take such steps against such person, as may be prescribed; or
 - (ii) suspend the certificate of registration or renewal till the holder of the certificate complies with all the required conditions to the satisfaction of the Authority; or
 - (iii) take an undertaking from the holder of the certificates of registration, to comply with the provisions of this Act.

17. Appeal

- (1) Any person aggrieved by an order of the Authority refusing to grant or renew a certificate of registration or revoking or suspending the certificate of registration under the provisions of this Act, may file an appeal before the Appellate Authority, who shall be the Minister in-charge of the Department of Animal Husbandry, Madhya Pradesh
- (2) The Appellate Authority shall, after giving a reasonable opportunity of being heard to the applicant, decide the appeal, as expeditiously as possible, but within three months

18. Power to inspect, search and seizure

- (1) The Authority or members of the committee of experts or any other officer of the State Government not below the rank of Deputy Director, Veterinary Services, authorized by it in this behalf, with a view to ensure compliance with the terms conditions of the certificate of registration or any provisions of this Act, or for the purpose of inspection and inquiry, may –
 - (a) enter, inspect and cause or conduct search of any premises in which it has reason to believe that any activity in contravention of the provisions of this Act is going on or there is any contravention of any of the provisions of this Act or rules made thereunder or the holder of certificate is doing activities in violation of the terms and conditions specified in the certificate of registration issued under this Act;
 - (b) collect samples of semen, blood or any other material used in semen production from the premises of any semen station and have such samples analysed from recognized laboratory. All the stock of the semen which is from uncertified bull shall be destroyed immediately and semen processing equipment shall be sealed.

(2) The provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizure shall, as far as may be, apply to search and seizure under sub-section (1).

19. Maintenance and submission of record

(1) Every person who holds a certificate of registration under this Act shall maintain such books, accounts and records relating to his business transaction in such form, as may be prescribed.

(2) Every person who holds a certificate of registration for a semen station or semen bank shall submit to the Authority, an annual or at a interval time specified report, in duplicate, in respect of the semen station or semen bank in such Form, as may be prescribed.

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

- (i) the closure, prohibition or regulation of any operation, process or activity related to bovine breeding ; or
- (ii) the stoppage or regulation of supply of electricity, water or any other service.

21. Power to make application to courts for restraining apprehend bovine breeding activities in contravention of the Act

(1) Where it is apprehended by the authority, that any person, firm, company or non-Government organisation is engaged in the bovine breeding services or trading and supply of semen or embryo in contravention of the provisions of this Act or rules made thereunder, the Authority or any officer authorized by it, may file a complaint in the court of Judicial Magistrate First Class for restraining the said person from carrying out the said activity

(2) On receipt of an application under sub-selection (1), the court may pass an order restraining any such person, to carry out the said activity or give such directions or pass such order, as it may deem fit.

22. Penalties

(1) Any person who contravenes or violates any provisions of this act or rules made thereunder, shall be punishable with a fine up to one lakh rupees or with rigorous imprisonment up to one year or both.

(2) The fine so imposed, may be recovered from the person concerned as arrears of land revenue.

23. 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 authorized by it in this behalf.

(2) No court inferior to that of a Judicial Magistrate First Class shall try any offence punishable under this Act.

(3) No prosecution for offences punishable under this Act shall be instituted except with the prior sanction of an officer authorized in this behalf by the authority

24. Exemption

If, in the opinion of the State Government, it is in the public interest to grant exemption in certain cases from the provision of this act or the rules made thereunder, it may do so by issuing a notification in the official Gazette

CHAPTER IV MISCELLANEOUS

25. Report if recognized laboratory

Any Document purporting to be report duly issued by a recognized laboratory may be used as evidence of the facts stated therein in any proceedings under this Act.

26. 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 discharge of its functions and shall make available for inspection and examination of search records or documents, as may be necessary

27. Reports

The Authority shall furnish to the State Government search reports, statistics and other information with respect to its funds, activities and policies as required by the State Government, from time to time.

28. Experts, officers and officials of the Authority to be public servants

All experts, Officers and officials of the Authority, when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (No. 45 of 1860)

29. Bar of jurisdiction

No civil court shall have any jurisdiction in any matter in respect of which the State Government or any other person or Authority is empowered by this Act to take cognizance

30. Protection of action taken in good faith

No suit or other legal proceedings shall lie against any member, officer or officials of the Authority in respect of anything which is in good faith and public interest done or intended to be done in pursuance of this Act or the rules made thereunder

31. Power to make rules

- (1) The State 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, as soon as may be after it is made, be laid before the State Legislative Assembly

32. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.
- (2) The State Government may issue such guidelines to the Authority as it deems fit for the purpose of implementation of the provisions of this Act.

***** MP Code (www.code.mp.gov.in) ***** **