

Orissa Cattle And Poultry Feed (Regulation) Act, 1979

10 of 1979

[03 April 1979]

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Orissa Cattle And Poultry Feed (Regulation) Act, 1979

10 of 1979

[03 April 1979]

AN ACT TO PROVIDE FOR THE REGULATION OF PRODUCTION AND QUALITY OF CATTLE AND POULTRY FEED IN THE STATE OF ORISSA BE it enacted by the Legislature of the State of Orissa in the Thirtieth Year of the Republic of India, as follows:- Came into force with effect from the 31st November 1979 (vide Forest and

Animal Husbandry Department Notification No. 12998, dated 21-7-1981).

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Orissa Cattle and Poultry Feed (Regulation) Act, 1979.
- (2) It extends to the whole of the State of Orissa
- (3) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "Form" means a form specified in Schedule II;
- (b) "licensee" means a person to whom a license has been granted for manufacturing or processing pre-mixed cattle feed or pre-mixed poultry feed;
- (c) "licensing authority" means the person appointed by the State Government by notification, to exercise the powers and perform the functions of a licensing authority under this Act or the rules made thereunder;
- (d) "pre-mixed cattle feed" means any of the following articles, namely:-
 - (i) ready-made mixed feed in the form of pellets, crumps or meals used for feeding bulls, cows, heifers, calves or dry cattle including special feeds for chicks cows and bulls;
 - (ii) concentrates with the additional of prescribed quantities of locally available ingredients, such as, cereals and their byproducts;
- (e) "pre-mixed poultry feed" means any of the following articles, namely:-
 - (i) ready-made mixed feed in the form of pellets, crumps or meals used for feeding fowls, ducks, geese, turkey or peahens including feeds for chicks and laying birds;
 - (ii) concentrates with the addition of prescribed quantities of locally available ingredients;
- (f) "prescribed" means prescribed by rules made under this Act,

3. License To Be Obtained For Manufacture Of Feed :-

Pre-mixed cattle feed or pre-mixed poultry feed shall not be manufactured or processed for purposes of sale by any person without a license from the licensing authority.

4. Licensing Authority :-

The State Government may, by notification, appoint such number of officers as it thinks necessary, to be licensing authorities for the purposes of this Act having such local jurisdiction as may be specified in the notification.

5. Application For License :-

(1) Every person desiring to obtain a license under this Act shall make an application in duplicate to the licensing authority in Form A.

(2) Every application made under sub-section (1) shall be accompanied by the fee specified in section 6.

6. Fees For License :-

(1) The license fee shall be sixty rupees payable along with the application for the grant or renewal of a license.

(2) Where an application for the grant or renewal of a license is rejected, the license fee paid by the applicant shall be refunded.

7. Granting Of Refusal Of License :-

(1) The licensing authority may refuse to grant a license to any applicant if,-

- (a) the application is defective in any respect;
- (b) the license fee has not been paid;
- (c) the applicant does not undertake to manufacture or process the feed in conformity with the provisions of this Act;
- (d) the applicant is not solvent;
- (e) at any time his license was cancelled; or
- (f) the applicant does not have the prescribed machineries.

(2) The licensing authority may refuse to renew a license if,-

- (a) the quality of feed manufactured or processed by the licensee has, at any time, been found to be not in conformity with the prescribed standard;
- (b) the feed manufactured or processed by the licensee has, at any time, been found to have been adulterated;
- (c) the licensee has been irregular in manufacturing or processing feed; or
- (d) due to consumption of the feed manufactured or processed by the licensee, any cattle or poultry is found to have been subjected

to toxemia or any other poisonous effect.

(3) The licensing authority, while refusing to grant or renew a license, shall specify the reasons for such refusal in his order and shall communicate the order to the applicant.

(4) Where an application for a license is not rejected under sub-section (1), the licensing authority shall grant the applicant licence in Form B.

Provided that where the licensing authority does not communicate to the applicant his order either granting or renewing or refusing to grant or renew the license, within a period of four months of receiving the application, it shall be deemed that the license has been granted.

8. Period Of Validity Of License :-

A license granted under section 7 shall be valid for a period of one year from the date on which it is granted.

9. Renewal Of License :-

(1) A license desiring to renew the license, shall, before the date of expiry of the license, make an application for renewal induplicate to the licensing authority in Form C together with the fee specified in section 6.

(2) On receipt of such application together with the fee, the licensing authority may, unless it refuses to renew the license, renew the same for a period of one year.

(3) Where an application for renewal of a license is duly made within the time specified in sub-section (1), the license shall continue to be effective till the date of passing of an order by the licensing authority on the application for renewal.

10. Conditions Regarding Manufacture Of Feed :-

(1) The standard of feed manufactured or processed by a licensee shall be, as may be prescribed and every licensee shall be bound to adhere to the prescribed standard.

(2) No licensee shall manufacture any type of feed mentioned in Schedule 1 unless it conforms to the prescribed standard.

(3) The feed manufacture or processed by a licensee shall be tested in the prescribed manner.

11. Requirements For Packing, Marketing And Labelling :-

(1) Every licensee and every other person acting on behalf of the licensee for the time being shall, in regard to the packing, marketing and labeling of the containers of pre-mixed cattle feed or pre-mixed poultry feed, comply with the following requirements, namely:-

(a) every container in which any such feed is packed shall bear the number of the license and such labels or marks as may, from time to time, be approved by the licensing authority for different categories of feed;

(b) each container in which such feed is packed shall specify a code number indicating the lot and the date of manufacture of the feed;

(c) the labels or marks shall not contain any statement, claim, design or device which is false or misleading in any particular concerning the quantity or value of the feed or in relation to the place of origin of the contents.

(2) Without prejudice to the provisions of sub-section (1) the licensing authority, may, by order published in the official gazette specify the requirements with regard to packing and marking of containers of cattle feed or poultry feed of any specified type or description and every licensee and every other person for the time being acting on behalf of the licensee shall comply with such requirements.

12. Submission Of Returns :-

Every licensee shall, as soon as possible after the end of every year or on or before such date as the licensing authority may, by order, specify in this behalf, submit to the said authority a return in duplicate in the prescribed form in respect of each class of feed manufactured or processed by him during that year.

13. Cancellation Or Suspension Of License :-

(1) The licensing authority may, after giving the licensee an opportunity of being heard, cancel or suspend the license on all or any of the following grounds, namely:-

(a) that the license had been obtained by misrepresentation as to material particulars;

(b) that any of the provisions of this Act or any condition of the license has been contravened.

(2) Every order made under this section shall be communicated by the licensing authority to the licensee.

14. Appeal :-

Any person aggrieved by an order-

- (a) refusing to grant or renew a license; or
- (b) canceling or suspending a license, may, within sixty days from the date of communication of the order, prefer an appeal to the Secretary to the State Government in the Animal Husbandry Department whose decision thereon shall be final.

15. Regulation Of Sale Of Feeds :-

No person shall sell or expose for sale or dispatch or deliver to any agent or broker for the purpose of sale any pre mixed cattle feed or pre-mixed poultry feed which is not in conformity with the provisions of section 10 or the container of which is not packed and marked in the manner laid down in section 11.

16. Power Of Licensing Authority :-

(1) The licensing authority or any office authorised by him in this behalf may, with a view to securing compliance with the provisions of this Act,-

- (a) require any person to give any information in his possession with respect to the manufacture or disposal of any cattle feed or poultry feed manufactured or processed or sold by him;
- (b) enter upon and inspect any premises where any cattle feed or poultry feed is manufactured or processed or is stocked or exhibited for sale, at any time during business hours with a view to satisfying itself or himself that the provisions of this Act are being complied with;
- (c) on giving a proper receipt, seize or detain any cattle feed or poultry feed manufactured, processed, marked or labeled otherwise than in accordance with the provisions of this Act or suspected to be manufactured, processed, marked, packed or labeled in contravention of the said provisions;
- (d) seize or detain, on giving a proper receipt, any raw materials, documents, account books or other relevant evidence connected with the manufacture, processing or sale of cattle feed or poultry feed in respect of which he has reasons to believe that a contravention of this Act has been committed;
- (e) inspect any books or other documents relating to the manufacture, procession or sale of cattle feed or poultry feed;
- (f) collect, on payment of the price thereof, samples of cattle feed

or poultry feed intended or exposed for sale or under dispatch or delivered to any dealer, agent or broker for the purpose of sale and have such samples analysed at a laboratory selected for the purpose by the licensing authority;

(g) collect free of charge from any person manufacturing or processing cattle feed or poultry feed, on giving a proper receipt, samples of any such feed or any ingredients used in the processing of such feed in respect of which he has reasons to believe that any of the provisions of this Act has been contravened;

(h) by an order in writing, impose temporary ban on manufacture or processing or sale of any cattle feed or poultry feed in respect of which he has reasons to believe that any of the provisions of this Act has been contravened.

(2) The ban imposed under sub-section (1) shall remain in force for a period of three months or till the matter is finalized after enquiry, whichever is earlier.

(3) Every person, if so required by the licensing authority or the officer referred to in sub-section (1), shall be bound to afford all necessary facilities to the licensing authority or such office to exercise the powers under sub-section (1).

17. Maintenance Of Records :-

The licensing authority may, by order in writing direct any dealer in cattle feed or poultry feed to maintain such books account and records relating to his business and in such form as may be prescribed.

18. Compliance With The Direction And Orders Of A License Authority :-

Every person, to whom any direction or order is issued by the licensing authority in pursuance of any of the provisions of this Act, shall be bound to comply with such direction or order and any failure on the part of such person to comply with such direction or order shall be deemed to be a contravention of this Act.

19. Exemption :-

Nothing in this Act shall apply to any cattle feed or poultry feed manufactured or processed by a person for the exclusive use in his own farm.

20. Power To Make Rules :-

(1) The State Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

SCHEDULE 1

SCHEDULE I

(See Section 10)

Types of feed-

1. Starting cattle/ poultry feed
2. Growing cattle/poultry feed
3. Laying cattle/poultry feed

SCHEDULE 2

SCHEDULE II

FORM "A"

(See Section 5)

Application for license under the Orissa Cattle and Poultry Feed (Regulation) Act, 1979.

1. Name and address of the applicant
2. Address of the factory
3. Description of the cattle/ poultry feed which the applicant wishes to manufacture or process.
4. Plan of the factory and list of equipment
5. Whether any power is used in the manufacture of feed. If so, state the exact horse power of the machine used.
6. Total quantity and value of cattle/ poultry feed if any, manufactured during the previous year.
7. I/we hereby undertake to comply with all the provisions of the Orissa Cattle and Poultry Feed (Regulation) Act, 1979 and the rules made thereunder and the conditions of the license.
8. I/we have forwarded a sum of Rs.....in respect of the license fee.

Signature (s) of the Applicant(s)

FORM "B"

(See Section 7)

Government oflicense under the Orissa Cattle and Poultry Feed (Regulation) Act, 1979.

1. Name and address of the licensee
2. Address of the authorised premises for manufacture/processing
3. Change of premises, if any

This license is granted under the provisions of the Orissa Cattle and Poultry Feed (Regulation) Act, 1979 for manufacture/ processing of cattle/poultry feed.

Place
Date
Licensing authority

VALIDATION AND RENEWAL				
Period of	Description or	Rate of license	License fee	Signature of

Period of validity	Description of category of cattle/poultry feed authorised to manufacture or processes	Rate of license fee	License fee paid	Signature of licensing authority
(1)	(2)	(3)	(4)	(5)

Terms and conditions of license:-

1. This license shall be displayed in a prominent and conspicuous place in a part of the business premises open to public.
2. The licensee shall comply with the provisions of the Orissa Cattle and Poultry Feed (Regulation) Act, 1979 and the rules and orders made thereunder.
3. The license shall come into force immediately under be valid for a period of one year from the date on which it is granted, unless sooner cancelled or suspended.
4. The licensee shall, from time to time, report to the licensing authority any change in the premises of his business of manufacturing or processing the feed.

FORM "C"

(See Section 9)

Application for renewal of license under the Orissa Cattle and Poultry Feed (Regulation) Act 1979.

To

The Licensing Authority

State of

I/ we hereby apply for renewal of the license to carry on the business of manufacturing/processing cattle/poultry feed under the name and style of

The licensee desires the license granted by the licensing authority for the State of.....and allotted license No.....on theday of.....19.....to be renewed.

The requisite fee for renewal of license is deposited herewith.

Signature (s) of the Applicant(s)