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അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA Law (Legislation-I) Department NOTIFICATION

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

Dated, Thiruvananthapuram 17th February, 2021
5th Kumbham, 1196
28 Magha, 1942.

The following Ordinance promulgated by the Governor of Kerala on the 17th day of February, 2021 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



ORDINANCE No. 35 OF 2021**THE KERALA LIVESTOCK AND POULTRY FEED AND MINERAL MIXTURE
(REGULATION OF MANUFACTURE AND SALE) ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to ensure safe and quality feed and to regulate manufacture, storage, distribution, sale and import of feed stuff, livestock and poultry feed and mineral mixture in the State of Kerala.

Preamble.—WHEREAS, the State Government is of opinion that it is necessary to regulate manufacture, storage, distribution, sale and import of feed stuff, livestock and poultry feed and mineral mixture in the State of Kerala in order to maintain production standards and ensure availability of safe and quality feed for livestock and poultry in the State, to check adulteration and misbranding of feed stuff, livestock and poultry feed and mineral mixture and to provide matters connected therewith or incidental thereto;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Livestock and Poultry Feed and Mineral Mixture (Regulation of Manufacture and Sale) Ordinance, 2021.

(2) It shall come into force at once.

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

(a) “additive” means a 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 feed stuff, compound feed and mineral mixture means any feed stuff, livestock and poultry feed and mineral mixture which,—

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

(ii) contains some extraneous material that makes the feed stuff, livestock and poultry feed and mineral mixture 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) “alternate/unconventional feed” means any farm produce or agricultural and/or industrial byproduct which is of some nutritive value to livestock and having no harmful effect on them;

(d) “authorized agent” means any person who deals with storage/supply/transport for sale/marketing of feed stuff, livestock and poultry feed and mineral mixture under an agreement or contract with the manufacturers;

(e) “Authorized Officer” means an officer authorized by the Government of Kerala for the purposes of this Ordinance;

(f) “complete feed” or “Total Mixed Ration” (TMR) is a scientifically balanced and formulated feeding material as per prescribed standard using various feed stuffs including roughages, micro nutrients and can be in the form of pellet, block or mash;

(g) “compound feed” means any ground, pelleted, crumbled or mixture feed, as per the prescribed specifications intended for the feeding of livestock and poultry according to growth, production and reproductive status, as may be prescribed;

(h) “concentrate” means a feed stuff with high concentration of nutrients having more than sixty percentage Total Digestible Nutrients (TDN) and less than eighteen percentage crude fiber;

(i) “contaminant” means any substance, whether or not added to feed, but which is present in feed as a result of the production (including operations carried out in crop



husbandry), manufacture, processing, packaging, transport or storage under the influence of external environment;

(j) “crumble” means coarsely ground form of pelleted feed;

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

(l) “feed” means an edible material for livestock/poultry consumption which contributes nutrients to the diet and is safe;

(m) “Feed Safety Assurance Officer” means an officer appointed/designated by the Government under section 10(iii) of this Ordinance;

(n) “Feed Safety Enforcement Officer” means a district level officer appointed/designated by the Government under section 10(ii) of this Ordinance;

(o) “feed mill” means an automatic or semi-automatic plant for manufacturing of livestock and poultry feed both compound feed or customer formula feed and/or mineral mixture;

(p) “feed ingredient” means any nutritious substance used in the manufacture of livestock and poultry feed or used for feeding livestock and poultry directly as prescribed;

(q) “feed stuff” means any naturally occurring ingredient or material feed to livestock/poultry for the purpose of sustaining them:

Provided that the Government may, by notification in the Official Gazette, declare any other article as feed stuff, livestock and poultry feed, mineral mixture/alternate feed for the purpose of this Ordinance having regard to its use, nature, substance or quality;

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

(s) “Licensing Authority” means an officer appointed under section 10(i) of this Ordinance;



(t) “livestock” means domesticated animals raised in an agricultural setting to produce labour and commodities such as milk, meat, egg, fur, leather or wool;

(u) “manufacturer” means any person/persons, companies, institutions, establishments who/which is engaged in the manufacture of feed stuff, livestock and poultry feed and/or mineral mixture in their own unit or in a unit not owned by him/them;

(v) “mineral mixture” means a blend of major and minor mineral elements in any form free from adulterants and undesirable odour which is used for supplementing livestock or poultry ration;

(w) “misbranded” means if the label, brand, tag, notice or advertisement under which it is sold is false or misleading in any particulars as to the kind, grade or quality or composition; if it is sold as the product of one manufacturer when in reality it is the product of another manufacturer; or if on the label, brand, tag, notice or advertisement under which it is sold there is any false statement concerning the product;

(x) “nutraceutical” is a pharmaceutical-grade additive;

(y) “oilcake” means the mass resulting from solvent extraction of oil seeds after removing fats and oils;

(z) “oil meal” means the mass resulting from mechanical compression of oil seeds for extraction of fats and oils;

(za) “pellet” means ground feed compressed into small cylindrical body or other specified shapes of variable size by means of mechanical compaction;

(zb) “poultry” means and includes chicken, ducks, turkeys and geese;

(zc) “premix” means blended form of two or more ingredients prepared before manufacture of feed as a ready to use mixture;

(zd) “prescribed” means prescribed by rules or regulations made under this Ordinance;

(ze) “proprietary feed” means feed item developed through research from time to time for specific purpose such as increasing productivity, improving health or reducing cost of



production of livestock or poultry, that has not been standardized by the rules made under this Ordinance but comply with other regulatory provisions of the Ordinance, having its name, composition, nature and category clearly mentioned on the label;

(zf) “ration” means the amount of total feed provided to an animal over a twenty four hours period;

(zg) “roughage” means a feed stuff with high concentration of fiber having less than sixty percentage Total Digestible Nutrients (TDN) and more than eighteen percentage crude fibre;

(zh) “sale” in relation to feed stuff, livestock or poultry feed and/or mineral mixture means transfer of ownership, oral or in writing, either final in lieu of price paid or promised or part paid and part promised;

(zi) “State Feed Quality Consultative Committee” means the committee of experts and stakeholders constituted under section 26;

(zj) “substandard” means feed stuff, livestock or poultry feed and/or mineral mixture that does not meet the prescribed standards;

(zk) “unfair trade practice” shall have the same meaning as defined in section 2(47) of the Consumer Protection Act, 2019.

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

(i) roughages: green dry forages including green fodder, silage, hay, treated or untreated straws and crop residues;

(ii) concentrates:

(a) Major ingredients,—

(i) cereals or grains as prescribed;



(ii) vegetable protein sources like oilcakes and oil meals, pulses and beans which are safe for animal consumption, protein rich agro-industrial byproducts etc., as prescribed;

(iii) animal protein sources as prescribed, except in ruminant feeds;

(iv) industrial and agricultural products or byproducts which are not harmful for livestock and poultry as prescribed;

(b) micro nutrients/supplements/additives.

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

(3) Urea or non-protein nitrogen compounds (exempting amino acids) inducing ammonium salts are prohibited for manufacture of feeds for young ruminants and monogastric animals. However, feed for adult cattle may contain not exceeding one percentage urea.

(4) The Government may, by notification in the Official Gazette from time to time, declare any additional feed stuff or ingredient 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 in manufacture of mineral mixture.*—(1) The ingredients for manufacture of mineral mixture in the form of salts shall be of prescribed quality.

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

(3) The Government may, by notification in the Official Gazette, declare any ingredient 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 and/or sale.*—(1) No person shall manufacture, store, distribute or market feed stuff, livestock or poultry feed and/or mineral mixture unless he holds a valid license issued under this Ordinance after fulfillment of such conditions and payment of such fee, as may be prescribed.



(2) On receipt of an application for license in the prescribed format, the Licensing Authority may either grant the license or after giving the applicant an opportunity of being heard and for reasons to be recorded in writing, refuse to grant license and shall make available to the applicant a copy of the communication in this regard. Unless rejected, the Licensing Authority shall issue the license within two months from the date of receipt of an application.

(3) Every license shall be in such form and subject to such conditions as may be prescribed.

(4) A single license may be issued for one or more feed items and also for different establishments or premises in the same area.

(5) An appeal against the refusal of license shall be made to the State Feed Consultative Committee.

(6) Manufacturer/authorized agent/dealer shall comply the general principles of feed safety, as prescribed.

(7) The restrictions on advertisement of feed and prohibition as to unfair trade practices shall be as prescribed.

(8) The responsibilities and liabilities of the manufacturers, authorized agents, dealers and feed recall procedures shall be as prescribed.

6. *Renewal of license.*—The license issued under section 5 shall be valid for a period of three years and shall be renewed on application and on payment of prescribed fee. A license unless suspended or cancelled by the licencing authority shall be in force if the application for renewal is made in the prescribed manner, ninety days before the expiry of the license.

7. *Packing and labelling.*—No feed stuff, livestock or poultry feed and/or mineral mixture other than green or dry fodder, shall be sold unless it is packed, branded and labeled in such manner, as may be prescribed.

8. *Quality control.*—(1) All feed stuff, livestock and poultry feed and/or mineral mixture shall conform to the specifications and standards as prescribed.



(2) The manufacturer of any feed stuff, livestock or poultry feed and/or mineral mixture shall ensure that the label on the feed or mineral mixture bag or packing shall contain particulars as prescribed.

9. *Prohibition of manufacture and sale of substandard, adulterated, misbranded feed and mineral mixture.*—No person shall, in contravention of any provision of this Ordinance or the rules made thereunder, directly or indirectly, prepare, manufacture, keep or store for use or sale, sell or offer to sell any feed stuff, livestock or poultry feed and/or mineral mixture which is substandard, adulterated or misbranded.

10. *Enforcement of provisions.*—The Government shall appoint the following officers for the enforcement of the provisions of this Ordinance, namely:—

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

(b) The Licensing Authority shall exercise the powers and perform the functions as prescribed across the State.

(ii) *Feed Safety Enforcement Officer.*—(a) The Government shall, by notification in the Official Gazette, depute an officer 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 Ordinance and the rules made thereunder;

(b) The Feed Safety Enforcement Officer or his duly authorized representative may exercise the powers and perform the functions of a Feed Safety Enforcement Officer under this Ordinance, within the limits of his jurisdiction, as may be prescribed.

(iii) *Feed Safety Assurance Officer.*—(a) The Government shall, by notification in the Official Gazette, depute an officer of Animal Husbandry Department not below the rank of Veterinary Surgeon or an officer 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 Ordinance and the rules made thereunder;

(b) The Feed Safety Assurance Officer or his duly authorized representative may exercise the powers and perform the functions of Feed Safety Assurance Officer under this Ordinance within the limits of his jurisdiction, as may be prescribed;

(c) The Feed Safety Assurance Officer shall be functionally and administratively reporting to Feed Safety Enforcement Officer;

(d) In case, the Feed Safety Assurance Officer is not in a position to exercise his powers or perform duties under any reasonable cause, the Feed Safety Enforcement Officers shall exercise the same powers as conferred on the Feed Safety Assurance Officer and follow the same procedure specified in this Ordinance.

11. *Powers of Licensing Authority.*—(1) The Licensing Authority on receipt of an application in prescribed form along with the required documents and fees, as prescribed shall issue license, in the prescribed manner, for a period of three years.

(2) The Licensing Authority may, if it has reason to believe that the applicant or licensee has made a statement in relation to any application for the license or renewal which 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 it deems fit, by order, reject the application or grant the license or renew the license as the case may be.

(3) The Licensing Authority shall have powers to suspend, revoke and cancel the license issued under this Ordinance, if the licensee contravenes any of the provisions of this Ordinance or of any rule made thereunder.

(4) The Licensing Authority shall have powers to adjudicate and impose penalties as per clauses (a) and (b) of sub-section (1) of section 20, if the licensee contravenes any of the provisions of this Ordinance or of any rule made thereunder.

(5) No order of suspension or cancellation shall be made unless the applicant or licensee is given a reasonable opportunity of being heard.



12. *Powers of Feed Safety Enforcement Officer.*—(1) Upon receipt of information from Feed Safety Assurance Officer regarding any gross contravention of provisions of this Ordinance or rules or regulations made thereunder, the Feed Safety Enforcement Officer may direct the Feed Safety Assurance Officer to seal or seize the premises of the licensee or part thereof for a period not exceeding seventy two hours for the purpose of preservation/collection of material evidence or securing the case properly.

(2) The Feed Safety Enforcement Officer shall be the custodian of the samples of feed stuff of livestock or poultry feed and mineral mixture collected for testing as prescribed under section 16(b) of this Ordinance.

(3) The Feed Safety Enforcement Officer shall be responsible for recommending to initiate steps against offences in contravention of the provisions of this Ordinance as serious breach/repeated breach, as the case may be.

(4) The Feed Safety Enforcement Officer shall be the administrative and functional reporting authority for Feed Safety Assurance Officer.

13. *Powers of Feed Safety Assurance Officer.*—(1) The Feed Safety Assurance Officer may, without any prior notice, enter upon any premises used for preparation, manufacture, packing, storage or sale of feed stuff, livestock and poultry feed and/or mineral mixture or in a transport vehicle in which feed is transported, for the purpose of,—

(i) collection of sample; or

(ii) inspecting generally whether any of the provisions of this Ordinance or the rules or regulations made thereunder have been violated and for examination of feed stuff, livestock or poultry feed and/or mineral mixture.

(2) A Feed Safety Assurance Officer, after satisfying himself of any gross contravention of provisions of this Ordinance or the rules or regulations made thereunder shall inform Feed Safety Enforcement Officer and after obtaining a direction from the Feed Safety Enforcement Officer, 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 the case properly.



(3) Upon receipt of a quality complaint, the Feed Safety Assurance Officer shall take samples of the same batch of feed stuff, livestock and poultry feed and/or mineral mixture from the complainant/farmer, authorized agent and the feed mill within a period of three days from the date of receipt of complaint following the procedure, as prescribed.

(4) If any such feed stuff, livestock or poultry feed and/or mineral mixture, on analysis, is found to be not of the quality which it purports to be or if it is found to be adulterated or substandard or if there is any contravention of the provisions of this Ordinance or the rules or the regulations made thereunder, the manufacturer or seller shall be dealt with under section 18 for confiscation and disposal and shall submit a report to the appropriate authority regarding contravention of such provisions for further action.

(5) The Feed Safety Assurance Officer shall carry out general inspection of manufacturing, storing, transporting or selling facilities in his jurisdiction at least once in six months or as and when required. The feed or mineral mixture manufacturer or distributor/stockist/dealer/transporter shall not be levied any inspection charges for this.

(6) However, if the Feed Safety Assurance Officer, on inspection, is satisfied that the feed stuff, livestock and poultry feed and/or mineral mixture so inspected may cause immediate health hazards to livestock or poultry and requires seizure, such feed stuff, livestock or poultry feed and/or mineral mixture shall be subjected to rapid testing at government approved laboratories, as prescribed. If the sample is proved to be causing immediate health hazards, the expenses for analysis shall be borne by the licensee.

(7) If, in the opinion of the Feed Safety Assurance Officer or the authorised representative, it is necessary to dispose of the product seized which is subject to speedy and natural decay, such officer shall immediately after, and in any case not later than one month from the date of receipt of report under section 16, make an application to the Licensing Authority or the Court, as the case may be, for permission to sell/dispose the product by such officer himself and on getting such permission may sell/dispose the product himself, remit the sale proceeds in the nearest treasury and make a report of such sale/disposal and remittance to the Licening Authority/Court as the case may be under intimation to the Feed Safety Enforcement Officer, and there upon such Licensing Authority/Court shall take such measure as may be necessary for the disposal of the case.



(8) A Feed Safety Assurance Officer or an Authorized Officer, for expeditious disposal of feed stuff, livestock or poultry feed and /or mineral mixture, shall immediately submit a report to the Licensing Authority through the Feed Safety Enforcement Officer for obtaining appropriate orders.

(9) The Feed Safety Assurance Officer, after scrutiny of the report of feed testing from analytical laboratory shall take further action for the offence, if any, committed under the Ordinance to be dealt with under section 19 or 22, under intimation to the Feed Safety Enforcement Officer and the Licensing Authority.

(10) The search, seizure, investigation and procedure for launching prosecution shall be in such manner, as may be prescribed.

14. *Analytical laboratories.*—The Government may, by notification in the Official Gazette, approve as analytical laboratory, any laboratory established by the Central or a State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories and recognized by the government for the purpose of analyzing the samples of feed stuff, livestock or poultry feed and/or mineral mixture collected under this Ordinance.

15. *Procedure for sampling.*—(1) A Feed Safety Assurance Officer shall, for the purpose of analysis, at any time collect sample of feed stuff, livestock or poultry feed and/or mineral mixture manufactured, stored, transported, sold, offered for sale, kept in feed mill, in transit or held by an authorized agent/dealer, after giving notice in writing to the person concerned of the intention to have it analyzed.

(2) When a sample of feed stuff, livestock or poultry feed and/or mineral mixture is taken for analysis, the sample shall be divided into four parts and shall be marked, sealed and fastened in air tight container, so as to ensure that nature and character of the content is not changed, along with signature/thumb impression or both of the Feed Safety Assurance Officer and the person from whom the sample has been taken, in the presence of two witnesses mentioning thereon the date and time of sampling.

(3) No person shall obstruct the Feed Safety Assurance Officer from collecting samples of feed stuff, livestock or poultry feed and/or mineral mixture for the purpose of sub-section (1) in such quantity and such packing as he may require. When a person from whom



sample has been taken, refuses to sign or affix thump impression, the Feed Safety Assurance Officer shall call upon two witnesses and take their signature or thump impression in lieu of the signature or thump impression of such person.

(4) The Feed Safety Assurance Officer or any other officer generally or specially authorized by the Government, as he thinks fit, at all reasonable times enter upon any premises where feed stuff, livestock or poultry feed and/or mineral mixture is manufactured, stored, transported, sold for the purpose of ascertaining whether any of the provisions of this Ordinance or the rules or the regulations made thereunder or any of the terms and conditions subject to which license has been granted under this Ordinance has been contravened. If any person contravenes the provisions of sub-section (3), the Feed Safety Assurance Officer may, seize the feed stuff, compound feed or mineral mixture by giving such person a notice in writing showing reasons for seizure, and the nature and quantity of the feed stuff, livestock and poultry feed and/or mineral mixture seized along with date, time and place of seizure and the notice shall be in triplicate containing full particulars relating to the feed stuff, livestock or poultry feed and/or mineral mixture seized and such notice shall be signed or affixed thumb impression, as the case may be, by both the Feed Safety Assurance Officer and the person from whose possession, custody or control of the feed stuff, livestock or poultry feed and/or mineral mixture has been seized, and a copy thereof shall be given to such person. In case such person refuses to sign or put his thump impression, the Feed Safety Assurance Officer shall call upon two witnesses and take their signature or thump impression in lieu of the signature or thump impression of such person.

(5) When a sample is taken from the stock in the possession of an authorized agent/dealer or from a transporter as required under sub-section (1), the authorized agent/dealer/transporter shall be bound to give the name and such other particulars 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 feed stuff or livestock feed or poultry feed and/or mineral mixture for his animals from feed mill and possesses a voucher or cash memo thereof, may apply in the prescribed format to the Feed Safety Assurance Officer concerned to get his feed stuff or livestock or poultry feed and/or mineral mixture samples analyzed from approved laboratory. The cost of analysis of the sample, in accordance with the rate approved for different tests by the Government, shall be payable by the person making the application.



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

- (a) deliver one sealed feed sample to the person from whom the sample is taken;
- (b) deliver two sealed feed sample to the Feed Safety Enforcement Officer for keeping in safe custody; and
- (c) submit one sealed sample within three days to the authorized feed testing analytical laboratory under intimation to the Feed Safety Enforcement Officer.

17. *Analysis report.*—(1) The authorized feed testing laboratory shall, on receiving any sample of feed stuff, livestock feed, poultry feed and/or mineral mixture from a Feed Safety Assurance Officer, analyze the same and deliver or send to the Feed Safety Assurance Officer, a report in the prescribed format showing the result of such analysis within twenty one days, on payment of such fee, as may be prescribed.

(2) A copy of such report may be obtained from the approved feed testing laboratory, by the person from whom the sample 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 the purposes of an advertisement.

18. *Confiscation and disposal by Feed Safety Assurance Officer.*— The Feed Safety Assurance Officer or an authorised officer shall, in case of manufacture, storage, distribution, sale and marketing of feed stuff, livestock and poultry feed and/or mineral mixture without license or involvement in the practice of misbranding or adulteration or found substandard feed, seize such feed stuff, livestock or poultry feed and/or mineral mixture dispose it of in such manner, as prescribed under intimation to the Feed Safety Enforcement Officer and the expenses so incurred shall be levied on the person from whom such seizure is made or the licensee, as the case may be.

19. *Adjudication by Licensing Authority.*—(1) If any person contravenes any provision of this Ordinance or the rules or the regulations made thereunder, the Licensing Authority shall, after giving the person a reasonable opportunity of being heard in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this



Ordinance or the rules or the regulations made thereunder, impose such penalty as provided in section 20, as he thinks fit.

(2) In adjudicating a contravention under sub-section (1), the Licensing Authority shall have the powers of a Civil Court 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) When the Licensing Authority, after inquiry under section 19 finds that any person has contravened any provision of this Ordinance or the rules or the regulations made thereunder, he shall be liable to the following penalties, namely:—

(a) on first breach, his licence be suspended for a term which may extend to six months, but shall not be less than sixty days or with fine which may extend to fifty thousand rupees but shall not be less than twenty five thousand rupees or with both; and

(b) on second breach, his licence be suspended for a term which may extend to one year but shall not be less than six months or with fine which may extend to two lakhs rupees but shall not be less than fifty thousand rupees or with both.

(2) The Licensing Authority may direct the sale/disposal of any feed or mineral mixture seized, which is of speedy and natural decay.

21. *Appeal.*—(1) Any person aggrieved by an order passed under clauses (a), (b) of sub-section (1) of section 20, may within thirty days of passing of the order, prefer an appeal to the State Feed Consultative Committee.

(2) An appeal filed under sub-section (1) shall be disposed of within sixty days from the date of receipt of an appeal after affording a reasonable opportunity of being heard to the parties concerned.

22. *Offences triable by court.*—(1) In the case of serious nature of breach of licence, leading to death of livestock or poultry which has been proven by analysis report from two



authorized analytical laboratories and further endorsement by the State Feed Quality Consultative Committee, or on third or any subsequent breach thereafter, be punishable by the Court 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 five lakh rupees.

(2) The Court trying an offence may direct that any feed stuff or livestock or poultry feed and or mineral mixture in respect of which the court is satisfied that an offence under this Ordinance has been committed, be forfeited to the Government in accordance with law and shall be disposed of accordingly.

(3) The Court may direct the immediate sale or disposal of any feed or mineral mixture seized, which is of speedy and natural decay.

23. *Cognizance of offence.*—(1) No Court shall take cognizance of an offence punishable under this Ordinance except on a complaint filed by the Feed Safety Enforcement Officer.

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

24. *Offences by Companies or Institutions or Establishments.*—(1) Where an offence under this Ordinance has been committed by a company or establishment or institution, every person who at the time when the offence was committed, was in charge of and responsible to the company/establishment/institution for the conduct of its business, shall be deemed to be guilty of the 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 all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company/ establishment/institution and it is proved that the offence under this Ordinance has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or the employee of the company/establishment/institution, such director, manager, secretary or other employee, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.



Explanation:—For the purpose of this section,—

(a) “company/establishment/institution” means any body corporate including a firm, society or other association of individuals, and

(b) “director” means

(i) in relation to a firm means a partner in the firm;

(ii) in relation to a society or other association of individuals means a person who is entrusted, under the rules of the society or other association to the management of the affairs of the society or other association, as the case may be.

25. *Abetment of offences.*—Whoever, abets any offence under this Ordinance and if the act abetted is committed in consequence of the abetment, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five lakhs rupees or both.

26. *State Feed Quality Consultative Committee.*—(1) The Government shall, by notification in the Official Gazette, constitute a consultative committee to be known as the State Feed Quality Consultative Committee.

(2) The State Feed Quality Consultative Committee shall consist of the following members to represent the interest of Feed industry, farmers, consumers, relevant research bodies, namely:—

(i) Secretary to Government, Animal Husbandry & Dairy Development Department—Chairperson of the Committee;

(ii) Director, Animal Husbandry Department;

(iii) Director, Dairy Development Department;

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

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



(vi) Representative of National Dairy Development Board; and

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

27. Functions of State Feed Quality Consultative Committee.—The Committee shall have the following powers, namely:—

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

(b) to make suggestions to the Government for revision of feed quality standard at par with the advancement in the industry from time to time;

(c) to make recommendations to the Government regarding additional feed items to the notified list of ingredients that can be used or not be used for manufacture of livestock and poultry feed and mineral mixture as the case may be, and

(d) to make recommendations to the Government regarding modifications in the rules and the regulations from time to time.

28. Maintenance of records.—The licensee for manufacture or sale of feed stuff, livestock and poultry feed and/or mineral mixture shall maintain such record relating to his business, including details and quality of the raw materials procured and the finished goods manufactured and sold, quantity and quality of feed purchased and sold by him.

29. Submission of returns.—Every licensee for manufacture or sale of feed stuff, livestock and poultry feed and/or mineral mixture shall submit a yearly return in duplicate in the prescribed format to the Licensing Authority in respect of each class of feed stuff, livestock and poultry feed and/or mineral mixture manufactured, processed or sold by him.

30. Annual report of Licensing Authority.—(1) The Licensing Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the State 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 of the State of Kerala.



31. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Licensing Authority, the Feed Safety Enforcement Officer, the Feed Safety Assurance Officer or the Authorised Officer for any action taken in good faith under this Ordinance.

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

33. *Delegation of powers.*—The Government may, delegate all or any of its powers under this Ordinance to the authorities authorized by it.

34. *Power to make rules.*—(1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

(2) Every rule made under this Ordinance 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.

35. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, 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 the difficulty:

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

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

36. *Power to make Regulations.*—(1) The Government may, by notification in the Official Gazette, make regulations for the purposes of this Ordinance.



(2) Every regulation made under this Ordinance 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.

ARIF MOHAMMED KHAN,
GOVERNOR.

