

**Bill No. VI of 2020**

THE ANIMAL FACTORY FARMING (REGULATION) BILL, 2020

A

BILL

*to provide for the regulation of animal factory farming industry in India and for matters connected therewith and incidental thereto.*

BE it enacted by the Parliament of India in the Seventy-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5       **1.** (1) This Act may be called the Animal Factory Farming (Regulation) Act, 2020.       Short title and extent.
- (2) It extends to the whole of India.
- 2.** (1) Save as otherwise provided in this Act it shall apply to—
- (i) ventures involved in production through animal factory farming registered with the appropriate Government and operating within the territory of India; and
- 10               (ii) animal factory farming carried out by the State.       Application of the Act to ventures of animal factory farming.

(2) Notwithstanding anything contained in sub-section (1), the Act shall apply to the animal factory farming by ventures not present within the territory of India, only if such production is,—

(a) in connection with any business carried on in India, or any systematic activity of offering goods or services related to animal factory farming within the territory of India; or 5

(b) in inconnection with any activity which involves use and rearing of animals for animal factory farming with the territory of India.

Definitions.

3. (1) In this Act, unless the context otherwise requires,—

(i) "adjudicating Officer" means an officer of the adjudication wing under section 18; 10

(ii) "appropriate Government" means in use of a state, the Government of that State and in other cases, the Central Government;

(2) "Board" means Animal Factory Farming Regulatory Board of India established under section 12; 15

(3) "individual" means—

(i) an individual, or

(ii) a Hindu undivided family, or

(iii) a company, or

(iv) a firm, or 20

(v) an association of persons or a body of individuals, whether incorporated or not, or

(vi) the State, and

(vii) every artificial juridical person, not falling within any of the preceding sub-clauses; 25

(4) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "specified" means specified by regulations made by the Board under this Act and the term "specify" shall be construed accordingly; 30

(7) "State" shall, unless the context otherwise requires, have the same meaning assigned to it under article 12 of the Constitution;

(8) "venture" means any company as defined in section 2 of the Companies Act, 2013 18 of 2013  
or any co-operative society as defined in, section 2 of the National Cooperative Development Corporation of India Act, 1962 or any organisation involved in animal factory farming or any 35 26 of 1962  
individual with charge of animals and involved in production through animal factory farming.

## CHAPTER II

### OBLIGATION OF VENTURES

Limitations  
on use of  
antibiotics.

4. Every venture shall phase out the use of harmful antibiotics as may be specified and shall use only such antibiotics as may be specified. 40

Limits on  
transportation.

5. Every venture shall ensure that transport of animal farming products as carried out in such manner as may be specified.

59 of 1960. **6.** Every venture shall carryout its production without contravening the provisions under Chapter III of the Prevention of Cruelty to Animals Act, 1960. Prohibition of cruelty on animals.

### CHAPTER III

#### ACCOUNTABILITY AND TRANSPARENCY MEASURES

5 **7.** (1) Every venture shall be responsible for complying with all obligations set out in this Act in respect of any production undertaken by it or on its behalf. Accountability.

(2) Every ventures shall be required to demonstrate that any production undertaken by it or on its behalf is in accordance with the provisions of this Act.

10 **8.** (1) Where any venture intends to undertake any production involving new technologies or large scale production in animal factory farming, or any other production which carries a risk of significant harm to consumers, it shall not be commenced unless the venture has undertaken a consumer health impact assessment in such manner as may be prescribed. Consumer health impact assessment.

15 (2) The Board may, in addition, specify those circumstances, or classes of ventures, or production operations where such consumer health impact assessment shall be mandatory, and may also specify those instances where an auditor under this Act shall be engaged by a venture to undertake a consumer health impact assessment.

(3) Without prejudice to the generality of the provision of sub-section (1), the consumer health impact assessment shall include,—

20 (i) detailed description of the proposed production operation, the purpose of production and the nature of antibiotics and medicines being used;

(ii) assessment of the potential harm that may be caused to the health of the intended consumers; and

25 (iii) measures for managing, minimising, mitigating or removing such risk or harm.

(4) Upon completion of the consumer health impact assessment, the venture shall submit the same to the Board in such manner as may be specified.

30 (5) On receipt of the assessment, if the Board has reason to believe that the production is likely to cause harm to the consumers, the Board may direct the venture to cease such production or direct that such production shall be subject to such conditions as may be specified.

**9.** (1) The policies and the conduct of production of a venture shall be audited annually by an independent auditor registered under this Act. Audit.

35 (2) The auditor shall evaluate the compliance of the venture with the provisions of this Act.

(3) The Board shall specify the form, manner and procedure for conducting audits under this section including any civil penalties on auditors for negligence.

40 (4) The Board shall register persons with expertise in the area of biotechnology, medicine, or veterinary with such qualifications, experience and eligibility having regard to factors such as independence, integrity and ability, as it may specify, as auditors under this Act.

**10.** The venture shall appoint a Factory Farming Officer for carrying out the following functions,— Factory Farming Officer.

45 (i) providing information and advice to the venture on matters relating to fulfilling its obligations under this Act;

(ii) monitoring production activities of the venture to ensure that such production does not violate the provisions of this Act;

(iii) providing advice to the venture where required on the manner in which consumer health impact assessments is carried out, and carry out the review of such assessment;

(iv) providing advice to the venture, where required, on the manner in which internal mechanisms may be developed in order to satisfy the duties set out under the Act;

(v) providing assistance to and cooperating with the Board on matters of compliance of the ventures with provisions under this Act; and

(vi) maintaining an inventory of all records maintained by the venture.

#### CHAPTER IV

##### DUTIES OF VENTURES

Duties of ventures.

**11.** The duties of every venture shall include but not see limited to—

(i) Undertaking measures to reduce greenhouse gas emissions generated by livestock engaged in factory farming;

(ii) taking appropriate measures for animal welfare;

(iii) minimizing the threat of food contamination and foodborne illnesses as a result of its activities;

(iv) ensuring proper working conditions and minimising operational risks, which may involve worker injuries and reputational risk, as well as risk of contamination of food product by sick workers;

(v) minimizing the use of drug resistant antibiotics;

(vi) undertaking measures to reduce consumption of large quantities of water both directly and indirectly via purchase of animal feed; and

(vii) reduction in waste and water pollution from its activities;

#### CHAPTER V

##### ANIMAL FACTORY FARMING REGULATORY BOARD OF INDIA

Establishment and incorporation of Board.

**12. (1) The Central Government shall, by notification, establish for the purposes of this Act, a Board to be called the Animal Factory Farming Regulatory Board of India.**

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Board shall be at such place as may be prescribed.

(4) The Board may, with the prior approval of the Central Government, establish its offices at other places in India.

Constitution of the Board.

**13. (1) The Board shall consist of the following members, namely:—**

(a) the Secretary, Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying;

(b) one member representing the National Cooperative Development Corporation, to be nominated by the National Cooperative Development Corporation;

(c) one member each representing the Ministry of Health and Family Welfare Ministry of AYUSH, and Ministry of Science and Technology, to be nominated by the respective Ministries;

5 (d) two members representing the civil society who, in the opinion of the Central Government, are or have been actively engaged in animal welfare, biotechnology, and animal rights, to be nominated by the Central Government;

(e) one person representing the Veterinary Council of India to be nominated by the Veterinary Council of India;

10 (f) two persons representing practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government;

(g) two persons from co-operative society, to be nominated by the Central Government on the recommendation of the state Governments; and

(h) three Members of Parliament, one to be elected by the Council of States (Rajya Sabha) and two by the House of the People (Lok Sabha).

15 (2) The Chairperson of the Board shall be Secretary, Department of Animal Husbandary and Dairying, Ministry of Fisheries, AH & Dairying.

(3) The Chairperson and Members shall be entitled to such salary and allowances, as may be prescribed.

20 14. The term for which the Board so constituted under section 12 shall be three years and the Chairperson and other Members of the Board shall hold office till the expiry of the term for which the Board has been so constituted.

Term of office and conditions of service of the Chairperson and the Members of the Board.

15. The Chairperson shall have powers of general superintendence and direction of the affairs of the Board and shall also exercise all powers and do all such acts and things which may be exercised or done by the Board under the Act.

Powers of the Chairperson.

25 16. (1) The Chairperson and members of the Board shall meet at such times and places and shall observe such rules and procedures in regard to transaction of business at its meetings including quorum at such meetings, as may be prescribed.

Meetings of the Board.

(2) If, for any reason, the Chairperson is unable to attend any meeting of the Board, any other member chosen by the members present at the meeting, shall preside at the meeting.

30 (3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the member presiding, shall have a casting or a second vote.

35 (4) Any member who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board shall disclose the nature of his interest at such meeting, which shall be recorded in the proceedings of the Board and such member shall not take part in any deliberation or decision of the Board with respect to that matter.

40 17. (1) It shall be the duty of the Board to regulate the animal factory farming, prevent any misuse of harmful chemicals in animal factory farming, ensure compliance with the provisions of this Act, and promote awareness in animal factory farming.

Powers and Functions of the Board.

(2) Without prejudice to the generality of the foregoing and other functions set out under this Act, the functions of the Board shall include—

(a) monitoring and enforcing application of the provisions of this Act;

- (b) specifying the list and quantity of chemicals, antibiotics, and other medicines to be used in animal factory farming;
- (c) specifying reasonable purposes for which chemicals, antibiotics, and other medicines may be used in animal factory farming;
- (d) measuring and assessing the use of antibiotics in animal factory farming. 5
- (e) specifying residuary categories of sensitive and high power chemicals, antibiotics, and other medicines used in animal factory farming;
- (f) taking prompt and appropriate action in response to violation of the provisions in accordance with the provisions of this Act.
- (g) specifying the circumstances where antibiotic impact assessment on animal and human health may be required to be undertaken in accordance with the provisions of this act. 10
- (h) specifying the transport regulation and limits in animal factory farming industry;
- (i) assessing growth in animal demand for cereals and promoting research in development of alternative cereals for animals; 15
- (j) assessing impact of ventures on environment and its contribution towards global warming;
- (k) specifying rules for use of fresh water and natural resources by the ventures;
- (l) promoting artificial meat and development of research to develop alternatives of meat. 20
- (m) examining any audit reports submitted by the ventures and taking any action pursuant thereto in accordance with the provisions of this Act;
- (n) issuing a certificate of registration to auditors and renewal, modification, withdrawal, suspension or cancellation thereof and maintaining a database on its website of such registered ventures and specifying the requisite qualifications, code of conduct, practical training and functions to be performed by such ventures; 25
- (o) issuing codes of practice for ventures and publishing such codes on its website;
- (p) promoting public awareness and understanding of the risks, rules, safeguards and animal rights in animal factory farming, including issuance of any public statement setting out trends in, or specific instances of, contravention of the provisions of this Act by a venture or a class of ventures, as the case may be; 30
- (q) promoting awareness among ventures of their obligations and duties under this Act; 35
- (r) monitoring technological developments and commercial practices that may affect animal factory farming;
- (s) promoting measures and undertaking research for innovation in the field of animal factory farming;
- (t) advising appropriate Governments and any regulatory or statutory authority on measures that must be undertaken to promote reforms and research in animal factory farming and ensuring consistency of application and enforcement of this Act; 40
- (u) developing an yearly investment risk and returns report on the factory farming industry;

(v) issuing guidance on any provision under this Act either on its own or in response to any query received from a venture where the Board considers it necessary, subject always to the provisions of this Act;

5 (w) advising the Central Government on the acceptance of any relevant international instrument relating to animal factory farming industry;

(x) specifying fees and other charges for carrying out the purposes of this Act;

(y) receiving and handling complaints under the provisions of this Act;

(z) calling for information from, conducting inspections and inquiries into the affairs of ventures in accordance with the provisions of this Act;

10 (aa) preparing and Publishing reports setting out the result of any inspection or inquiry and any other comments that the Board deems to be in public interest; and

(ab) performing such other functions, including maintaining, updating and submitting any records, documents books, registers or any other data, as may be prescribed.

15 (3) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under clause (z) of sub-section (2) of Section 17, the Board shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely,—

20 (a) the discovery and production of books of account and other documents, at such place and at such time as may be specified;

(b) summoning and enforcing the attendance of persons and examining them on oath;

(c) inspection of any book, document, register or record of any venture;

(d) issuing commissions for the examination of witnesses or documents;

25 (e) any other matter which may be prescribed.

**18.** (1) Without prejudice to any other provision of this Act and for the purpose of imposing of penalties under section 19, the Board shall have a separate adjudication wing.

Appointment  
of  
Adjudicating  
Officer.

(2) The Central Government shall, having regard to the need to ensure the operational segregation, independence, and neutrality of the adjudication wing, prescribe,—

30 (a) number of Adjudicating Officers;

(b) qualification of Adjudicating Officers;

(c) manner and terms of appointment of Adjudicating Officers ensuring independence of such officers;

(d) jurisdiction of Adjudicating Officers;

35 (e) procedure for carrying out an adjudication under this Act; and

(f) other such requirements as the Central Government may deem fit.

(3) The Adjudicating Officers shall be persons of ability, integrity and standing, and must have specialised knowledge of, and not less than seven years professional experience in the fields of biotechnology, medicine, veterinary, and related subjects.

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## CHAPTER VI

### OFFENCES AND PENALTIES

**19.** (1) If any venture contravenes any of the provisions of the Act, it shall be liable to penalty which may extend up to fifty lakh rupees or two per cent of its total worldwide turnover of the preceding financial year, whichever is higher.

Penalties.

(2) If any venture, who is required under this Act, or rules prescribed or regulations specified thereunder, to furnish any report, return or information to the Board, fails to furnish the same, then such venture shall be liable to penalty which shall be ten thousand rupees for each day during which such default continues, subject to a maximum of twenty lakh rupees.

(3) Where any person fails to comply with any provision of this Act, or rules prescribed or regulations specified thereunder as applicable to such person, for which no separate penalty has been provided, then such person shall be liable to a penalty subject to a maximum fifty lakh rupees. 5

## CHAPTER VII

### MISCELLANEOUS

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Power to  
make rules.

**20.** (1) The Central Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree 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. 15 20



## STATEMENT OF OBJECTS AND REASONS

India is one of the oldest agrarian economies and has been rearing animals as a part of it. Animal farming initially began at household scales which has now turned into factory farming with the advent of the idea of mass production that came with industrialisation. Animal right organisations are conscious and concerned about the infringement of rights and horrendous cruelty on animals in the animal factory farms. While it would be ideal to allow every farm animal to live in a free-range, natural setting, the goal is unrealistic. There is limited farm and ranch land and the agriculture industry would be put out of business, unable to absorb the increased costs associated with this method of farming. The Bill also seeks to reduce the cruelty on animals in these factories.

Consumers lie at the receiving and final end of the animal factory. Hence, it is important to ensure their consumer rights and safety from any vulnerability caused by the product(s) of animal factory farming to their health. The Bill provides for consumer health impact assessment to ensure the safety of consumers' health from probable diseases. The Bill also seeks to minimise the use of drug resistant antibiotics and other hazardous biotechnological chemicals used in such farming.

Another hazard involved in the animal factory farming is that of climate change. The Bill seeks to limit the greenhouse emissions and putting limits to large scale use of water as to reduce the ecological pressure exerted by the animal factory farms.

Most importantly, the Bill seeks to institutionalise animal factory farming in India, which never came directly under the institutional framework. Thus, the Bill seeks to provide a structural and a functional mechanism to the industry. The institutionalisation of animal factory farming will streamline the process and bring the industry direct under the ambit of prescribed laws.

Hence this Bill.

DR. ABHISHEK MANU SINGHVI

#### FINANCIAL MEMORANDUM

Clause 12 of the Bill empowers the Central Government, to establish a Board to be called the Animal Factory Farming Regulatory Board of India in order to carry out the purposes of this Bill. Clause 13 provides the constitution of the Board and the salary and allowances of the Chairman and Members. The Bill, therefore, if enacted, would involve an annual recurring expenditure of about fifty crore rupees per annum from the Consolidated Fund of India. No non-recurring expenditure is likely be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The delegation of powers shall relate to matters of details only. Therefore, the delegation of legislative power is of normal character.

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to provide for the regulation of animal factory farming industry in India and for matters connected therewith and incidental thereto.

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*(Dr. Abhishek Manu Singhvi, M.P.)*