USAID FIRMS PROJECT

Livestock Sector Legislation Review

March 2011

This publication was produced for review by the USAID. It was prepared Dr. Dil Mohammad. for an assignment commissioned by Chemonics International under the USAID Firms Project.

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Data Page

Contract Number:	GBTI II Task Order No. EEM-4-07-07-00008-00
Contractor Name:	Chemonics International, Inc.
Name of the Component:	Business Enabling Environment (BEE)
USAID Technical Office:	Office of the Economic Growth and Agriculture; USAID Pakistan USAID Pakistan
Date of Report:	March 2011
Document Title:	Livestock Sector Legislation Review
Author's Name	Mohammad, D.
Photo Credits:	Furqan, M.
Editing:	Nadeem, D.
SOW Title and Work Plan & Action ID:	SOW 2311 Work Plan 33450 Action ID 7372
Project Area:	Punjab, Pakistan
Key Words:	Alternative dispute resolution, Animal feed, Animal Health, Animal Welfare, Australia, Cattle markets, Federal, grading, Local Government, livestock, meat, People's Republic of China, Provincial Government, range land, slaughter houses, value addition

Abstract

This report is the outcome of the study of the legal aspects of the livestock sector reforms in the province of Punjab. Sections 1 to 6 contain the main body of the report, which is theoretical in nature, while Annexes A-E contain the draft laws.

The study presents an analysis of existing laws in Punjab of Pakistan and two other countries. The report provides a detailed analysis of the main laws relating to the livestock in the province of Punjab, including applicable federal laws on the subject and the shortcomings of these laws in the modern context. It also gives a critical review of legal framework from another angle, i.e. the main areas of livestock and how far these have been given proper cover by the existing laws. The report provides detailed overview of livestock industry in international context, i.e. Australia and China along with the state of New South Wales, in order to search for successful practices. On the basis of these good practices, the draft laws proposed by the Livestock and Dairy Department have been critically examined and reviewed in depth.

The report also provides an in depth and critical review of five proposed laws and makes suggestions for improvement in these laws.

A brief overview of global context is also given at the end of the main report in which brief reference is made to applicable global instruments, such as WTO Agreement, SPS Agreement, Terrestrial Animal Health Code, Codex Alimentarius, HACCP and ISO 22000.

The study ends with the major findings relating to the Livestock sector in Punjab, makes recommendations for reforming the legal framework, and identifies desirable features for the future legal framework in Punjab.

The Appendices provide the laws proposed the Livestock and Dairy Development Department. These are: Cattle Market Rules, Punjab Quality Meat and Slaughter Regulation Act, Milk and Meat Safety Act, Punjab Animal Health Act and the Punjab Animal Biologic Board Act.

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EXECUTIVE SUMMARY

This report is the outcome of the study on legal aspects for the livestock sector reforms in the province of Punjab. Section 1 contains the preliminaries.

Section 2 deals with the legal framework of livestock, etc. at the national and provincial level. It highlights that under the Constitution of Pakistan, the subject squarely falls in the ambit of the provinces, though some incidental aspects of the federal laws dealing with import/export of animal and animal products have effect on the livestock industry. These federal laws include Agriculture Produce (Grading & Marking) Act, 1937, Animal Quarantine (Import and Export of Animals & Animal Product), Ordinance, 1979. Similarly, some other laws enacted under the dispensation of erstwhile Concurrent List of the Constitution relating to medical profession such as the Drug Act 1976, and Pakistan Veterinary Medical Council Act, 1996 along with some outdated enactments, have nexus with the livestock industry. A brief account of all such laws is given to highlight the contours of the landscape.

The next part of this section focuses on provincial landscape and covers a number of provincial laws, including Slaughter Control Act 1963, Punjab Livestock, Dairy and Poultry Development Board Act 1974, Punjab Milk Board, Act, 1963, Punjab Animals Compound Feeding Stuff Act, 2002, Punjab Local Government Ordinance, 2001, Punjab Agricultural Produce Markets Ordinance 1978 and Rules of Business of Government of Punjab, 2011.

An effort has been made to assist the Policy Consultants in assessing the existing situation in Pakistan/ Punjab, and various aspects of livestock industry have been examined in the legal context, thereby highlighting the coverage and weaknesses of these laws, relating to animal health, product safety, slaughterhouses, animal feed, animal products marketing, cattle markets, animal medicines/vaccines, research, packing, transportation of animals and animal products, environmental protection, labor rights, animal welfare and price control.

A tabulated summary of the legal framework is provided, with suggestions for improvement to provide a meaningful role of the Provincial Government in standards, safety and public good and modification of the enforcement mechanism.
At the end of this section the areas needing reform legislation have been identified, which are: surveillance, diagnosis and control of animal diseases, production of biologics, modernization of slaughter houses, meat safety and improvement of cattle markets.

The review of legal framework of livestock in Pakistan/Punjab is followed by a review in Section 3, of the complex legal framework of livestock industry in Australia and in one of its states, New South Wales, beginning with the constitutional dispensation that has entrusted the subject of livestock to the States. It highlights that, as in case of USA, the Australian Federal Government intervenes to support the system through laws enacted by the Commonwealth Parliament, important among them being: Australian Meat and Livestock Industry Act 1997, Australian Animal Health Council (Livestock Industries) Funding Act 1996, Primary Industries Levies and Charges Collection Act 1991, Australian Agricultural & Veterinary Chemicals Act, 1994, Agricultural & Veterinary Chemicals Code Act1994, Food Safety Australia New Zealand Act, 1991 and Federal Science, Industry Research Act 1949.

At the state level, the legal framework of New South Wales has been studied. As in case of federal legal framework, there is complexity at the state level as well. Out of this complex legal

framework, the important enactments have been studied in detail to find out the main contours of the Australian livestock legal framework. These include, Stock Diseases Act, 1923 /Sock Disease Regulation, 2009; Stock Medicine Act, 1989; Stock Foods Act, 1940 / Stock Food Regulations, 2010; Stock, Property and Business Agents Act, 2002 and Food Act 2003.

The section concludes with the major livestock practices in Australia, highlighting a judicious combination of federal and provincial laws; comprehensive coverage of all the relevant areas i.e. livestock farms, disease control, product safety, slaughter houses, consumer protection and marketing; government role limited to essential governance aspects such as standards, policy and public good; major responsibilities vested in the strong and effective federal and the state government; meaningful participation of private sector in all areas of livestock and milk products; total quality management through chain approach; financial sustainability of the regulatory system through beneficiary pays principle; imposition of levies on the request of majority of the producers of particular goods; participation of major stakeholders in important decision making; shifting towards self-regulation by the industry; adopting internationally accepted quality standards; proper environment protection in all aspects of the livestock and dairy products; effective enforcement system with heavy punishment (up to 05 years imprisonment); Federal – States cooperation in sharing cost of disease control; alternative dispute resolution in civil matters but traditional enforcement through criminal courts and gradual shift towards reducing the plethora of laws into better manageable and more comprehensive legislation.

Section 4 deals with the legal framework of livestock industry in the People's Republic of China. Almost all the major laws dealing with the livestock industry in China are the product of central legislation though giving adequate space to the Provincial and Local Governments. Accordingly, the section is restricted to the central laws, which deal with the important subjects of Animal Disease Prevention, Product Quality, Standardization Law, **Food Safety and Q**uarantine law.

The section ends with the main features of legal framework in People's Republic of China; firstly, highlighting the weaknesses which are a highly centralized system, young legal framework of the livestock, complexity of framework, absence of traditional brevity and clarity of legislation, multi departmental approach, and the vagueness of the legal provisions.

Secondly, it identifies the strong areas of Chinese legal framework of livestock industry such as a developing system amenable to adjustments, tackling almost all important issues facing the livestock industry with a sense of urgency, a policy easily discernible from law, policy of prioritizations in reform process, involvement of entire system (federal/provincial/local governments), strong process of application and providing some flexibility in the longer context of reforms, moving out of centralized framework, environment protection, criminal and administrative liability of the officials, joint and several liabilities, concerted administration of laws, recognition of international standards, heavy punitive compensation in food safety matters, and unique liability of celebrities/ models engaged in the promotion of a defective product.

Section 5 relates to the review of five laws proposed by the Department of Livestock and Dairy Development, Government of the Punjab. The proposed laws reviewed are: Cattle Market Rules, Punjab Quality Meat and Slaughter Regulation Act, Milk and Meat Safety Act, Punjab Animal Health Act and the Animal Biologic Board Act. The review of the Cattle Market Rules reveals that these are inconsistent with the existing legal framework, particularly the Punjab Local Government Ordinance (2001) and highlights two options, that is, either amend the said Ordinance or enact new law for cattle markets having governance role of the Provincial Government and making a strong suggestion for the latter option.

The analysis of the proposed Punjab Quality Meat and Slaughter Regulation Act brings out the state of the draft law requiring wholesale revision, which was undertaken, making about 200% addition in this process, only to be entrusted with another different draft of Milk and Meat Safety Act. The latter draft law has provided some of necessary ingredients of good legislation. It is quite comprehensive and detailed draft which covers all aspects of meat industry, including animal/fish farms, transportation, storage, slaughter houses and meat shops. The scheme of law is quite good, with flexible enforcement options and deterrent penalties. However, the proposed law has some defects/deficiencies, which need to be removed to improve the proposed law. The defects and deficiencies have been identified which include inappropriate terminology for regulatory entity, institutional duplicity, absence of provision for constitution, functions and employees (except top brass) of the Board, non representation of stakeholders / professionals, subordination of Board to Government, lack of dispute resolution system, absence of interfacing of rules/regulations, absence of government role in standard setting and lack of interfacing with other laws.
The proposed Punjab Animal Health Act caters to wide ranging provisions for prevention and treatment of animals through the agency of the Provincial Government. It caters for a clear scheme of legislation, workable system and enforcement of the provisions. However, it suffers from various defects and deficiencies. These include absence of preamble, heavily dominating role of the Government, absence of a regulatory body/ Local Government, missing role of private sector, need for interfacing with other laws. There are some other suggestions resulting from in-depth analysis, which have specifically enumerated at the end.

The review of draft Animal Biologic Board Act has revealed that it is a half baked product, incomplete in many respects and defective in others. The review of the draft ends with the observation that the substance of the draft law is not adequate enough to be put in an independent enactment and that it may be conveniently merged with Animal Health Act.

A brief overview of global context is also given at the end of the main report in which brief reference is made to applicable global instruments, such as, WTO Agreement, SPS Agreement, Terrestrial Animal Health Code, Codex Alimentarius, HACCP and ISO 22000.

The Annexature provide the laws proposed by LDD Department.

1. INTRODUCTION

1.1. Background

Pakistan is by and large an agricultural country. Agriculture plays a very important role in its economy, particularly, in that of Punjab. The Livestock accounts for 50% of agriculture in Punjab. Accordingly, it is leading the nation in this sector. However, the legal and institutional framework of Livestock is not based on a sound policy of the Government; therefore, the full potential of the province is not being exploited due to unfavorable legal environment of livestock business.

As a result, the development of this sector is not commensurate with the economic needs of the society. There are distortions in the system which does not allow competition, development and growth in any of the components of the sector, such as farm houses, cattle markets, slaughter houses, storage, distribution and meat markets, etc. The Punjab Government has realized that this situation is hampering its efforts towards modernization of the sector to increase safe and healthy animals and animal products. Serious endeavors have been made during last few years, but without much success, to develop a sound and sustainable policy for developing a modern legal framework, which can provide strong underpinning for an effective institutional framework and efficient system. Accordingly, it has made a request to the USAID to help the province in coming out of this situation. Hence this consultancy under which the Chemonics International Inc., through its Firms Project consultants, will develop a sustainable and workable policy framework and draft suitable enactments, in the light of the best international practice/ successful institutional reforms in the developed and well developing agricultural economies.

The existing legal framework of livestock is so outdated and defective that its inadequate institutional setup is incapable of providing any modern and workable system. Moreover, the mosaic vision of common law system has created an entangled legal framework, resulting in a complex situation, in which changes in one area has ramifications in many others. The complexity of the situation is further aggravated by the adverse socio political factors, emanating from the instable political and economic situation. Thus, the assignment is fraught with immense challenges, which have also been mentioned by the responsible public functionaries during their discussions in the meetings with the consultants.

1.2. Terms of Reference

The terms of reference of the consultant include:

Review the current livestock related laws and regulations of the province, and compare and contrast them to the laws and regulations governing markets in jurisdictions viewed as having fair, efficient, and growth-oriented markets.

Identify and enumerate the deficiencies and distortions, if any, in the current provincial laws and regulations in order to determine whether they are conducive to economic growth.

In light of international best practices, review the proposed legislation in the context of international best practices in the sector.

Identify the Firms Project Actions (using the format in Annex B hereto) that will implement, or support the implementation of, the legislation required in c. above.

1.3. Methodology

The work started, as required by the TORs, with the study of the background materials, provided by the Firms office, in order to have the understanding of the Livestock sub- sector of agriculture in Punjab. Extensive consultations were made with a number of relevant persons/stakeholders at this stage.

The existing legal framework of meat industry was explored, in consultation with the Consultants for Policy Framework which included the in-depth analysis and study of the relevant Provincial laws of Punjab and the Federal Laws, and the coverage and the shortcomings were highlighted to find out the gaps needed to be filled. The main issues of the industry were explained to identify the need for remedial legislation. This part of the assignment was completed in consultation with the Policy Consultants and the senior officers of the LDD Department.

In consultation with the Consultants for Policy Framework, Australia and People's Republic of China were selected for in-depth study of their legal framework of their meat industry. An extensive and intensive study of the relevant laws of these countries was carried out to identify the salient features of their systems, along with their strengths and weaknesses.

The general legal framework of the international trade, particularly, under the WTO regime has been studied to help the policy makers in understanding the constraints and compulsions of the global trade, which has immense influence over the exports of every country. This aspect was studied with the help of the international Policy Consultant.

The draft laws proposed by the LDD Department were analyzed in the context of the existing Pakistani laws—federal as well as provincial. The positive and negative aspects of these draft laws were highlighted. This area was covered by detailed discussions with the local Policy Consultant and the FIRMS team.

In summary, the academic aspect of the consultancy was mainly based on personal research, while the practical and policy related matters were dealt with by the consultations and discussions with BEE team leader/members, LDD officers and other stakeholders.

1.4. Acknowledgments

Many professionals contributed in so many ways towards the completion of this report. The assignment was carried out through close interaction with of the BEE Team leader, Mr. Suleman Ghani and other members, including Mr. Hasan Ghazali; they provided valuable guidance through all the stages of the assignment and kept the ship on even keel. The Firms establishment was quite active in supporting the entire activity. The two fellow consultants on

policy framework, Mr. Ian Auldist (foreign consultant) and Ali Murtaza (local consultant) supported with useful information on the livestock industry in Pakistan, Australia and China.

Wide ranging consultative meetings were held with the senior officers of the Punjab Livestock and Dairy Development, who provided useful technical and administrative support in critical areas of the livestock industry.

The Consultant is extremely grateful for these immensely valuable contributions.

2. LEGAL FRAMEWORK- PAKISTAN AND PUNJAB

2.1. Constitutional Context

Under the Constitution of Pakistan, livestock, dairy and poultry are provincial subjects with some exceptions. One such exception was that entry-22 of the Concurrent List empowered the Parliament to make laws for prevention of extension from one Province to another of infectious or contagious diseases or pests affecting man, animal and plants. The 18th Amendment has devolved most of the subjects in the Concurrent List, including entry 22 to the provinces. Accordingly, the Parliament's power to legislate on this matter has been transferred to the provinces. Thus, the Provincial legislature can adopt, amend or repeal the federal laws on this subject.

The other exception is that the Parliament has legislative competence over the subjects in the Federal Legislative List, some of which have nexus with the livestock. These inter alia include import and export of livestock products, treaties, international agreements, inter-provincial trade, port quarantine, etc.

However, there are some existing laws the constitutionality of which may have become doubtful after 18th Amendment.

2.2. Federal Laws

2.2.1. Agriculture Produce (Grading & Marking) Act, 1937

This is a Federal law enacted to regulate the quality of agricultural produce through grading and marking process by the Federal Government in case of produce intended for export and inter provincial trade. It further empowers the Provincial Government to frame rules to regulate grading of agriculture produce intended for consumption within the Province. The provisions of these laws have been implemented through Grading Rules for eggs, butter, ghee, animal hair, etc. Thus, there is coverage for grading and marking of meat.

2.2.2. Price Control and Prevention of Profiteering and Hoarding Act 1977

This is a federal law which deals with the prices of essential commodities, their hoarding and artificial shortages. The commodities of common use relating to livestock such as milk, beef, mutton, eggs, poultry feed, meat on hoof, etc. are among a large number of commodities declared as essential commodities under the Act. The Act empowers the Federal Government to take necessary steps to make these commodities available at reasonable prices.

2.2.3. Glanders and Farcy Act, 1899, and Dourine Act, 1910

These are federal laws administered with substantial participation of the Provincial Government through rules and appointment of inspectors for the enforcement of the Act and cater to the prevention and spread of these diseases to other animals. There is confusion about the origin of this law. Apparently, it is a federal law as Sec 2 of Act clearly declares so. However, according to the recently displayed Punjab Laws on Punjab Portal it is shown as a provincial law.

2.2.4. Pakistan Animal Quarantine (Import and Export of Animals & Animal Product) Ordinance, 1979

This is a federal law, administered by the Custom Officers, caters for control over import and export of unhealthy animals and animal products, semen, etc.

2.2.5. Pakistan Veterinary Medical Council Act, 1996

This provides for a Council to regulate the veterinary education and veterinary practitioners. The Council is responsible for accreditation of the institutions of Veterinary Education and registration of the Veterinary Practitioners. The Council has also prescribed the Code of Conduct for the Veterinary Practitioners.

2.2.6. The Drugs Act, 1976

This regulates the manufacture, standards and sale of medicine for use in human beings as well as animals. The Act provides for (a) the licensing of drugs manufacturing by the Central Licensing Board established by the Federal Government: (b) the registration of the drugs by the licensing Board set up by the Federal Government; and sale of drugs by the Provincial Government under the rules framed by it. The law also prohibits the import of any drug without a license and export of an unregistered drug. The Act also empowers the Federal Government to fix the maximum price of any drug.

2.2.7. Cattle Trespass Act, 1871

This is basically a federal law which has been adopted by the Provincial Government. It deals with the stray cattle causing damage to private and public property. Such cattle can be impounded, which may to be released on payment of fine or if not claimed within a week, to be sold. This law is administered by the Local Government under Local Government Ordinance, 2001.

2.2.8. Prevention of Cruelty to Animals Act, 1890

This is a federal law, which has been adopted by the Provincial Governments. It makes elaborate arrangement for prevention of cruel acts against animals and imposes penalties for various prohibited acts, including killing with unnecessary cruelty, overloading, possessing skin of goat or sheep killed with unnecessary cruelty, employing unfit animals to labor, inciting animals to fight, permitting sick animals at large, etc.

2.2.9. Pakistan standards, Quality Control Authority Act, 1996

This provides for system of formulation and enforcement of standards. The Act caters to sophisticated institutional framework with good representation of stakeholders (particularly the private sector) and flexibility through modern technique of multi-tier legal framework (Act, Rules & Regulations). As a member of International Organization for Standardization, Pakistan is endeavoring to get a place in the international standardization. This Act has apparently been enacted for this purpose. The Act provides for multi tier institutional framework, based on solid entities, such as, Authority, Board, Advisory Council and Technical Committees. The Act stands out as a good piece of legislation in the archaic, inadequate and inefficient legal framework of meat industry in Pakistan. However, the Act does not apply to those items which are covered under Agricultural Produce (Grading and Marking) Act, 1937, which include *inter alia* dairy products hides and skins. Accordingly, the Act of 1996 is somewhat relevant to meat industry.

2.3. Provincial Laws

2.3.1. Punjab Animals Slaughter Control Act, 1963 (amended in 1965 and 1970)

This is a major enactment which regulates slaughtering animals, their quality and that of their meat. The Act prohibits the slaughter of animals

- termed as useful animals (female animals within specified age or those which are pregnant or fit for breeding) or
- outside slaughter house or
- on Tuesday and Wednesday.

The law is enforced by the Local Government, which regulates the slaughter houses, stock yards and related matters. The Goat (Restriction) Ordinance, 1959, and rules framed under it, also have some relevance in this area.

2.3.2. Punjab Milk Boards Act, 1963

This Act was enacted for regulating the production and marketing of milk through Local Boards, appointed by the Provincial Government, with the responsibility of ensuring the availability of adequate supply of good quality milk and milk products, and, for that purpose, to prepare and execute scheme for production, marketing and distribution of milk and its products with in the area of its jurisdiction. The Act empowers the Boards to enforce a strong regulatory regime through price fixing, standardization, registration of cattle, marketing/distribution under license, conditional import of milk from other areas, packing/labeling, inspection of premises, containers specifications, etc. The Board is not a perpetual entity and may be dissolved by the Provincial Government at any time. A present the Board is non-functional.

2.3.3. Punjab Livestock, Dairy and Poultry Development Board Act, 1974

This Act makes provisions for a Board, comprising six ex officio senior officers (Secretary and above) and not less than four non official members, to establish, manage, control and rich livestock, dairy, poultry and other allowed projects in the public sector. The Board has been non- existent for last many years.

2.3.4. Punjab Livestock Associations and Livestock Association Unions (R&C) Ordinance, 1979

This provides for registration of livestock associations/unions. This law was applied, in the first instance, only in the Sheikhupura District.

2.3.5. Punjab Animals Compound Feeding Stuff Act, 2002

This Act prohibits the manufacture, sale, etc of adulterated compound feeds. It also penalizes the misbranding of the feeds.

2.3.6. Punjab Agricultural Produce Markets Ordinance, 1979

The Ordinance provides for the marketing of agricultural produce through the designated markets run by the Market Committee of the area by paying the market fee at the prescribed rates. The products of livestock such as milk, mutton, beef, etc, are included under the definition of agricultural produce under the Ordinance, but, practically, these items are being dealt with under the Local Government Ordinance, 2001. There is a need to remove this confusion. Accordingly, if there is fresh legislation, this aspect must be given due consideration while the drafting the said law.

2.3.7. Punjab Local Government Ordinance, 2001

This has entrusted the power to regulate the cattle markets and slaughterhouses to the Town Municipal Administration/ Tehsil Municipal Administration to be administered through by-laws. The Ordinance has overriding effects and was placed in the Sixth Schedule of the Constitution with the result that it could not be repealed or amended without the previous sanction of the President. However, the 18th Amendment has abolished this Schedule, it can amended by the Provincial Legislature.

2.3.8. Punjab Rules of Business, 2011

The Punjab Rules of Business, 2011, have substantially enhanced the role of LDD Department. The Department is now responsible for the following functions:

- Legislation, policy formulation and sectoral planning relating to:
- Development of livestock farms and semen production
- Development of poultry farms
- Policy matter regarding prevention of cruelty to animals
- Veterinary education, training and research including University of Veterinary and Animal Sciences, Lahore and other veterinary faculties / colleges of the province.
- Breed improvement / genetic up gradation of animals

- Communication and extension
- Diagnosis of animals diseases
- Disease surveillance and' control
- Improvements of cattle markets
- Milk and meat safety measures / inspection
- Modernization of public sector slaughter houses
- Policy and regulatory framework
- Production of biologics
- Research in various disciplines of livestock production and health
- Support services for small livestock farmers
- Technical support to private enterprises investing in livestock.
- Budget, accounts and audit matters
- Purchase of store and capital goods for the department
- Service matters except those entrusted to Services and General Administration department.
- Administration of the following laws and the rules framed there-under:
- The Punjab Goats (Restriction) Ordinance, 1959
- The Punjab Milk Boards Ordinance, 1963
- The Punjab Livestock, Dairy and Poultry Development Board Act, 1974
- The Punjab Livestock Associations and Livestock Association Unions (Registration and Control) Ordinance, 1979
- The Punjab Animals Compound Feed and Feed Stuff Ordinance, 2002
- The University of Veterinary and Animal Sciences Lahore Ordinance, 2002
- Matters incidental and ancillary to the above subject

2.3.9. Other Provinces

The positions in other provinces are somewhat similar to that of Punjab with some exceptions.

For example, Sindh has made improvements in animal slaughter (Sindh Animals Slaughter Control Amendment Act, 2004) and human rights (*Sindh Protection* of *Human Rights Act*-2011 and Sindh Children Protection Authority Act, 2011). An independent law regulates the warehouses. The Goats (Restriction) Ordinance has also been repealed in Sindh.

KPK Province has yoked agricultural and livestock produce in one enactment (Agricultural and Livestock Produce Act, 2005)

Baluchistan has placed livestock as well as livestock produce under the ambit of Baluchistan Agricultural Produce Market Act, 1991.

Both KPK and Sindh provinces have animal health enactments of 1948.

2.4. Specific issues relating to livestock in Pakistan/Punjab:

2.4.1. Animal Health

There is a huge vacuum in the legal framework relating to animal health. Only two archaic laws (Glanders and Farcy Act, 1899 and Dourine Act 1910) cover two specific diseases in horses.

The entire remaining area of the field is not covered by any law and comprehensive legislation will be required for making necessary reforms in the field of animal health.

2.4.2. Product safety

The existing legal framework does not cater much to the safety of meat and dairy products. The Punjab Food Authority Act, 2011, like its predecessor i.e. the Punjab Pure Food Ordinance 1960, does not apply to raw meat and milk. Similarly, the Consumer Protection Act, 2005, is not applicable to these food items. Some of the dairy products e.g. butter, ghee, eggs are partially covered under Agricultural Produce (Grading and Marking) Act, 1937. The safety of animal product such as meat, milk, butter and other dairy products is not well regulated. Similarly, fish and poultry are more or less unregulated. Basically most of these subjects fall within the responsibility of the Local Government, which has not done much, expect collecting money. If these matters are to be properly regulated, a stronger legal framework will be needed for this purpose.

2.4.3. Slaughter houses

The slaughtering of animals is somewhat regulated by the Slaughter Control Act 1963, the Goat (restriction) Ordinance 1959 and Local Government Ordinance, 2001. However, this regime is neither comprehensive nor compatible with the modern markets needs. Accordingly, appropriate legislation is necessary to have better legal regime for this area.

2.4.4. Animal feed

The Punjab Animal Compound Feed and Feedstuff Ordinance, 2002, provides a good legal regime for ensuring good quality feed for animals. However, there is a need for proper enforcement of the law, for which some amendments in the Ordinance will be needed.

2.4.5. Markets of Animal Products

Under the present legal setup, the markets of animal products are entrusted to the Local Government (TMA) to be regulated through by-laws. The experience of half a decade shows that Local Governments have not done much to regulate the markets of these products. Therefore, a better institutional framework with a redefined role of government, particularly in standards, can ameliorate the problem, for which modification in the existing legal framework is quite essential to regulate the market of animal products. It is pertinent to mention that there is some confusion regarding the marketing of agricultural produce through the Market Committees under the Punjab Agricultural Produce Markets Act, 1979, or through the concerned Local Government under the Local Government Ordinance, 2001. There is another confusion regarding the commodities covered under the definition of agricultural produce under the 1978 Ordinance, which includes the animal product such as milk, mutton, beef, etc, though practically the their marketing is being controlled by the Local Government. As the fate of the Local Governments is not clearly in sight, it is not wise to suggest modifications in the Local Government Ordinance; instead fresh legislation is the answer to the problem.

2.4.6. Cattle Markets

Historically, cattle markets have been the subject of Local Government, to be governed by the by-laws of the respective local government. The Rapid Market Appraisal of cattle markets has made it quite clear that local government institutions have remarkably failed in doing anything except collecting the revenues. Consequently, the cattle markets are in extremely poor conditions. The reforms in the cattle market are not possible without the intervention of the Provincial Government in setting standards and related governance issues. But the subject is so exclusively vested in the Local Government, under LGO 2001, that the Provincial Government has absolutely no role in it; even its rule making power under Local Government Ordinance, does not extend to cattle markets. Therefore, if meaningful reforms are to be made in cattle markets, either the Local Government Ordinance will have to be amended or independent legislation will be needed to provide the stewardship of the government.

2.4.7. Research

The subject of research in livestock and dairy is partially covered under University of Veterinary and Animal Health, W.P. Milk Boards Ordinance, 1963 and Livestock, Diary and Poultry Development Act, 1974. However, these boards do not exist anymore. The university research is often wide ranging and not necessarily focused on the urgent needs of the society. Moreover, a university has too many other responsibilities. (Research is one of twenty five functions of university under the Act) It is evident that applied research approach will be useful. Alternately, an independent Veterinary Institute of Applied Research should be established at the provincial level with sufficient infrastructure and financial resources to carry out useful research for the livestock and dairy industry.

2.4.8. Drugs and Vaccines

The Drugs Act, 1976, deals with drugs for humans as well as animal use. It fully covers the subject of production, registration and sale of drugs. The Drug Act, which is a federal law, is substantially administered by the Federal Government except that the sale of drugs is regulated by the Provincial Government. The 18th Amendment has transferred the subject of drugs and medicine to the provinces, but the final decision regarding the status of the Drugs Act and the assumption of the responsibilities by the Provincial Government is yet to be taken, and it is not possible to assess the impact of the amendment on the policy relating to drugs and medicine.

2.4.9. Packing, Storage and Distribution of Animal Products

Except for the weak legal framework provided by the Local Government Ordinance, no law covers the packing, storage and distribution of animal products. The Agricultural Produce (Grading and Marking) Act can have some application but the implementation of the Act is substantially entrusted to the Federal Government.

2.4.10. Animal Welfare

The Prevention of Cruelty to Animals Act, 1890, provides a comprehensive coverage of the subject but the sanctions under the Act are inadequate to provide meaningful protection to the animals. In order to make the Act useful some amendments are necessary. It is noteworthy that the Act can be applied to the transportation of the livestock which is a relevant subject in the reform process.

2.4.11. Environmental protection

The protection of environment is covered under the Pakistan Environment Protection Act, 1997, which was enacted under the constitutional provisions (4th Schedule) of the Concurrent legislative List but with the abolition of Concurrent List by the 18th Amendment, the environment protection has become a provincial subject. As matters relating to devolution under the 18th Amendment are not clear, no conclusion can be drawn about the enforcement of this law until the dust settles down. Some reference to environment protection would, therefore, be necessary through the proposed legislation.

2.4.12. Labor rights

The labor rights, particularly prohibition against child labor, are protected under various federal laws. As this subject, too, has been placed under the domain of the provinces, the fate of these laws is not clear as the Provincial Government is likely to take some time in formulating its labor policy. Therefore, prohibition against child labor shall be provided in the proposed legislation. Moreover, the existing labor laws do not provide protection against child labor to children of age 14-18 years, whereas the UN Convention on Children Rights covers children up to the age of 18 years. This needs to be reviewed as Pakistan is a party to this Convention.

2.4.13. Price control

The Price Control and Prevention of Profiteering and Hoarding Act,1977, empowers the government to fix the prices of a large number of items of daily use, (termed Essential Commodities) including milk, mutton, beef, eggs, poultry feed and live animals. The price control generally has a negative effect on the milk and meat industry. Therefore, while reforming this sector, the price control needs to be discarded.

2.4.14. Need for Legislation

It is noteworthy that these laws are not adequate to provide underpinning for policy and institutional framework needed for coping with the responsibility given to the Department. While some matters, like livestock and dairy development, may be tackled by activating the non functional Boards, other areas will require legislation along modern lines. In particular, effective legislation is necessary for:

- Diagnosis, control and surveillance of animal diseases.
- Production of biologics
- Modernization of slaughter houses
- Meat safety
- Dairy products safety
- Improvement of cattle markets
- Poultry development

2.5. Tabulated Summary

Table 1: Tabulated Summary

Areas/Subjects	**Existing Laws** (Coverage/Deficiencies)	**Suggested Course of Action**

Table 1: Tabulated Summary

Areas/Subjects	**Existing Laws** (Coverage/Deficiencies)	**Suggested Course of Action**
Animal Health	**Glanders & Farcy Act, 1899 Dourine Act, 1910** **Cover:** these horse diseases **Deficiency**: Other diseases are not covered by any law.	Comprehensive legislation covering all aspects of animal health
Product safety	**LGO, 2001** **Cover:** Slaughterhouses, meat and milk shops, etc. **Deficiency**: no role of P. Govt. Modern concept of consumer protection is missing.	
Slaughter houses	**Slaughter Control Act,** **1963, Goat (Restriction) Ord. 1959 & LGO, 2001.** **Cover:** Slaughterhouses & Slaughtering through Local Government. **Deficiency**: no role of Provincial Government Weak inspection regime.	Legislation for providing meaningful role of P. Govt. in standards, safety & public good.
Animal feed	**Punjab Animal Compound Feed Act, 2006.** **Cover**: Quality control of animal feed. **Deficiency:** Very weak enforcement system	Some modification in enforcement system.
Meat Markets	**LGO, 2001** **Cover:** Markets through LG **Deficiency:** no role of Provincial Government	Legislation for providing meaningful role of Provincial Government in standards, safety & public good.

Table 1: Tabulated Summary

Areas/Subjects	**Existing Laws** (Coverage/Deficiencies)	**Suggested Course of Action**
Packing, storage and distribution of Animal Products	**Agricultural Produce (Grading and Marking) Act, 1937/Rules** **Cover:** A few Animal Products (eggs, butter ghee) **Deficiency:** meat industry not covered	Legislation for providing meaningful role of Provincial Government in standards for health, safety & public good.
Animal welfare	**Prevention of Cruelty to Animals Act, 1890 & Cattle Trespass Act, 1871.** **Cover:** Cruelty against animals & human treatment of stray animals. **Deficiency:** Very weak enforcement system	Some modification in enforcement system.
Environmental protection	**Pakistan Environment Protection Act, 1997.** **Cover:** Protection of Environment. **Deficiency**: Very weak enforcement system	Some modification in enforcement system.
The labor / children rights	**Labor laws** in general **Cover** labor/children rights **Deficiency:** children between ages 14-18 years not protected.	Child age be fixed at 18 yrs as per UN Convention (CRC)
Price Control	**Price Control & Prevention of Profiteering & Hoarding Act, 1977** **Covers**: Price fixing of many commodities including milk, mutton, beef, eggs, poultry feed & live animals.	Some serious effort needed to overcome the problem.

Table 1: Tabulated Summary

Areas/Subjects	**Existing Laws** (Coverage/Deficiencies)	**Suggested Course of Action**
	Deficiency: bad effect on quality / free trading. Missing role of Provincial Government.	

3. LEGAL FRAMEWORK AUSTRALIA

3.1. Introduction

Australia provides for an extremely complex legal framework of the livestock industry. There is a plethora of laws on this subject. The Commonwealth of Australia is a federal state, under its Constitution Act, 1900. The constitutional dispensation has entrusted the subject of livestock, dairy and poultry to the states. However, the Federal Parliament has enacted a number of laws, on this subject, on the pretext of international affairs and interstate commerce. Thus, we find a number of federal laws relating to livestock, dairy and poultry working in the Australian legal system along many state laws of the concerned state. Accordingly we find that legal framework of livestock, dairy and poultry in Australia, like many other federal systems—USA, Canada, India and Pakistan—is a mixture of federal and state laws. The important federal laws relevant to the livestock industry of New South Wales have been studied to find the good practices of livestock and meat industry.

3.2. Federal Laws

3.2.1. Australian Animal Health Council (Livestock and Industry) Funding Act, 1991

It provides for a national level research organization, the Animal Health Council, to undertake the research on livestock industry. It also caters to funding the research activities through agreement between federal and state over cost sharing of expenses of the Council. The Emergency Animal Disease Response Agreement (EADR) 2002, the government and livestock industry cost sharing deed in respect of emergency animal disease responses made by the Commonwealth and other parties, and executed by the Commonwealth in March 2002. This agreement has replaced CSCSA which provides for agreement between the Government and the concerned industry for sharing cost of disease response.

3.2.2. The Federal Scientific and Industrial Research Act, 1949,

This caters to research on scientific and industrial aspects, for which the funds are provided by the Federal Parliament through budgetary allocations, for Commonwealth Scientific and Industrial Research Organization, a body corporate having a Board to manage the affairs of the organization, which are

a) to ensure the proper and efficient performance of the functions of the Organisation;

b) to determine the policy of the Organisation with respect to any matter;

c) to give directions to the Chief Executive under subsection 10A(3); and,

d) such other functions as are conferred on it by this Act.

3.2.3. Primary Industries Levies and Charges Collection Act 1991

It provides for levies and charges on livestock industry, which was last amended in 2011, to rationalize the imposition of levies under Primary Industries (Excise) Levies Act 1999 and charges under Primary Industries (Customs) Charges Act 1999, imposes levies and charges on producers, agents and buyers through Regulations framed by the Governor General. Similarly, the Export Inspection & Meat Charges Collection Act, 1985, and, at least three other laws to enforce it, cater for more or less the same subject.

3.2.4. The Australian Meat & Live Stock Industry Act 1997

It provides control over meat & livestock exports under license granted on the fulfilment of specified conditions. The competent authority may fix quota for expert of meat & livestock which the licensees are required to observe at the pain of patently. There is a Code for Export of Livestock containing principles, enumerated below, to be followed by the persons exercising powers under the Act-

a) the planning of activities involved in the export;

b) the source of the livestock;

c) the feeding of the livestock until their arrival at their overseas destination;

d) the treatment of the livestock until their arrival at their overseas destination;

e) the transport of the livestock within Australia

f) the assembling of the livestock before being loaded on to a vessel or aircraft for export from Australia

g) the loading of the livestock onto a vessel or aircraft for export from Australia

h) the transport of the livestock from Australia to their overseas destination

The Act also provides for industrial bodies, which formulate policies relating to their industry. The Minister exercising powers under the Act must have due regard for these policies. These are paid funds out of the levies collected from the livestock industry. These bodies are:

- Industry Marketing Body
- Industry Research Body

- Livestock Export Marketing Body
- Livestock Export Research Body
- Meat Processor Marketing Body
- Meat Processor Research Body

3.2.5. Australian Agricultural & Veterinary Chemicals Act, 1994, and the Agricultural & Veterinary Chemicals Code Act, 1994,

They apply the national AGVET Code to some federal territories and the States laws of similar nomenclatures have adopted the federal enactment, thereby enforcing the Code in all the States of Australia.

3.2.6. Food Safety Australia New Zealand Act, 1991.

The Act provides for a body corporate known as Australia New Zealand Food Authority to perform following functions:

- develop standards and variations of standards, and to review standards and variations of standards;
- to develop codes of practice and variations of codes of practice for industry and to review codes of practice;
- to develop guidelines to assist the interpretation of the Australia New Zealand Food Standards Code on its own initiative or in consultation with the States, the Territories and any other body or person that the Authority considers appropriate;
- to promote consistency between standards in Australia and New Zealand with those used internationally, based on the best available scientific evidence;
- in consultation with the States and Territories, or on its own initiative, to facilitate the harmonisation of State and Territory laws relating to food;
- in consultation with the States and Territories, or on its own initiative, to co-ordinate the development of procedures required to implement requirements set out in standards;
- in consultation with the States and Territories, to co-ordinate the monitoring, surveillance and enforcement of activities relating to food available in Australia;
- in consultation with the States and Territories, or on its own initiative, to conduct research and surveys in relation to any of the matters that may be included in a standard;
- in co-operation with the States and Territories, to develop food education initiatives, including the publication of information to increase public awareness of food standards and food labels;
- to provide information, on request by a member of the public, about the Australia New Zealand Food Standards Code;
- in co-operation with the Department administering Division 1A of Part V of the *Trade Practices Act 1974*, to co-ordinate the recall of food under that Division;
- at the request of the States and Territories, to co-ordinate action by the States and Territories to recall food under State and Territory laws;
- to develop assessment policies in relation to food imported into Australia;

- to provide advice to the Minister on matters relating to food;
- to participate in international, regional and bilateral negotiations on matters that may be included in standards;
- to make the Authority's knowledge, expertise, equipment, facilities and intellectual property available to other persons on a commercial basis;
- at the request of New Zealand, to perform functions for New Zealand similar to the functions that the Authority may perform in relation to the States and Territories;
- at the request of New Zealand, to perform functions for New Zealand similar to the other functions that the Authority may perform;
- such other functions as are conferred on the Authority by this Act; and
- any functions incidental to any of the foregoing functions.

3.3. State of New South Wales

3.3.1. NSW Stock Medicines Act 1989 (Amend 2005)

The Act has grouped animals in two basic categories, i.e. the food producing animals and non food producing animals. The food producing category is further divided into two parts: (a) the major food producing animals and (b) other food producing animals. The Act enjoins that food producing animals shall be administered such medicines only which have been registered under the law. The keeping of medicines record is mandatory. The veterinarians are liable for wrong treatment.

3.3.2. NSW Stock Diseases Act 1923 amended by NSW Stock Diseases Amendment (Artificial Breeding) Act 2004

This is the Act which modified various provisions of this Act, repealed N.S.W. Artificial Breeding Act 2005 and incorporated its disease related aspects in this Act.

The Act applies to animal disease specified in the proclamation made from time to time by the Governor of the state. The provides for prevention and control of specified animal diseases through notification of diseases in particular areas which are categorized as Quarantine Areas, Protected Areas and Protected (control) Areas. The Act provides for a number of measures to control the animal diseases. The minister is empowered to make an order declaring:

- All roads, travelling stock reserves and public places, or
- Roads, travelling stock reserves or public places of a specified class or description, located within a specified area to be closed to walking and grazing stock or to walking and grazing stock of a specified class.

The Act also provides for appointment of Inspectors who are empowered to

- enter premises, carry out testing and enter any land, building, vehicle, etc. for the purpose of inspecting or treating any stock,
- detain or take possession of any stock, artificial breeding material or carcass which is infected,
- cause any stock or artificial breeding material to be tested for any disease,

- order the owner or person in charge of stock or artificial breeding material to cause the stock or artificial breeding material to be tested for any disease,
- order the owner or person in charge of stock, or the occupier of any land on which are any stock, to muster them at a specified place,
- detain travelling stock or order them to be detained for the purpose of examination or treatment, or
- order the owner or person in charge of travelling stock to take infected animals to a specified place.

The inspectors are further invested with the authority to inquire and investigate, to ask a suspected person to give his identity, to brand the animals or destroy the diseased animal or carcass, and to seize stock.

There are a number of offences resulting in penalties. The offences include illegal introduction of stock or artificial breeding material, willful communication of disease sale of diseased stock, movement of stock and artificial breeding material, straying stock, leaving infected carcass near road, river etc, interfering with a quarantine fence, gate or notice, feeding of prohibited substance to stock, defacing brand/mark with yellow pigment, non compliance with proclamations/orders/ undertakings / obstruction, providing false or misleading information and bribery.

Note: The repealed Act regulated the artificial breeding in livestock and dairy animals. It required licensing of premises, which are placed in three categories: Artificial Breeding Centers, Distribution Centers and Ovum Transfer Centers under specified conditions. The license could be cancelled if there is violation of terms and conditions. Appeal against the decision of cancellation of license lay to the Administrative Decisions Tribunal. The enforcement was provided though inspectors who may enter premises under a search warrant obtained from Authorized Officer. Moderate penalties were available against violations.

3.3.3. NSW Property Stock and Business Agents Act, 2002

The Act caters to the regulation of the business of stock agents i.e. persons who sell stock on behalf of other person. The stock agents are required to obtain license for carrying on the business of stock yards, while the sale person and the managers of livestock business need to be registered. The Act provides prescribed terms and conditions for license and registration. The disqualification for license/registration include violation of the terms of license, immoral conduct, cancellation of any other license, default in payment of license fee, un discharged bankruptcy and failure to pay penalty under the Act. An agent cannot sue for compensation unless he holds a valid license.

3.3.4. NSW Food Act 2003

The Act enjoins the establishment of NSW Food Authority, a body corporate, comprising the Chief Executive Officer. The Authority works under the guidance and supervision of the Minister. It may design and monitor food safety schemes, issue licenses to food businesses, investigate business complaints, coordinate food recalls. An elaborate institutional and regulatory frame work has been provided in the Act. Some of the important provisions of the Act are

3.3.4.1. Functions of Food Authority

The Food Authority has the following functions:

- to keep under review the construction, hygiene and operating procedures of premises, vehicles and equipment used for the handling or sale of food,
- to provide advice or recommendations to the Minister on the establishment, development or alteration of food safety schemes,
- to regulate the handling and sale of food the subject of food safety schemes to ensure that it is safe and suitable for human consumption,
- to encourage businesses engaged in the handling or sale of food to minimize food safety risks,
- to undertake or facilitate the education and training of persons to enable them to meet the requirements of the Food Standards Code and food safety schemes,
- to provide advice, information, community education and assistance in relation to matters connected with food safety or other interests of consumers in food,
- to make recommendations as to the maximum fees to be charged by local councils in relation to inspections carried out under section 37 by authorized officers of enforcement agencies (other than inspections in connection with premises the subject of a license under a food safety scheme or the granting of a license under a food safety scheme),
- to carry out such research as is necessary in order to perform its other functions.
    - the Food Authority may appoint a relevant body to be an enforcement agency for the purposes of this Act.

3.3.4.2. Food Regulation *Forum*s

The Minister is required to establish a Food Regulation Forums consisting of the following members:

- the Chief Executive Officer or a nominee of the Chief Executive Officer,
- 2 persons appointed by the Minister, on the nomination of the Chief Executive Officer, who are members of staff of the Food Authority,
- one person who the Minister is satisfied has experience in local government matters and who is appointed by the Minister with the concurrence of the Presidents of the Local Government and Shires Associations,
- 3 persons appointed by the Minister, on the nomination of the Local Government and Shires Associations, to represent those Associations,
- one person appointed by the Minister, on the nomination of the Local Government Managers Australia, NSW, to represent that body,
- 2 persons appointed by the Minister, on the nomination of the Australian Institute of Environmental Health, NSW Division, to represent that Institute.

3.3.4.3. Functions of Food Regulation Forums:

- to evaluate, and provide advice to the Food Authority on, guidelines issued from time to time.
- to evaluate, and provide advice on the improvement of, arrangements for the sharing of functions under this Act by the Food Authority and other enforcement agencies,
- to advise the Food Authority on a program to support and assist the role of other enforcement agencies in food regulation,
- to assist the Food Authority in the preparation of protocols for enforcement agencies exercising functions under this Act, including protocols relating to any or all of the following:

- emergency situations where there is an imminent threat to food safety,
- the taking of food recall action where the Food Authority determines such action is required,
- the use of the facilities and resources of NSW Health for the analysis of food samples,
- the making of reports to the Food Authority on the exercise of functions under this Act,
- the exchange of information for the purposes of this Act by enforcement agencies with other persons and bodies authorized to give or receive such information,
- to assist in the preparation of reports by the Food Authority on food regulation in New South Wales,
- to advise the Food Authority on appropriate bodies to which particular issues relating to food regulation might be referred for assistance or advice,
- any other function conferred or imposed on it by or under this or any other Act.

3.3.4.4. Advisory Committees

The Minister may establish advisory committees to assist the Food Authority in the exercise of its functions, comprising of members appointed from persons having expertise in the food industry, public health, interests of consumers and enforcement of food legislation. In addition, the Minister may appoint as members of an advisory committee persons having expertise in nutrition, toxicology, microbiology and food technology and such other persons as the Minister considers have appropriate expertise, qualifications or experience as will enable them to make a valuable contribution to the advisory committee.

3.3.4.5. Functions of Advisory Committees

An advisory committee has the following functions

- to provide advice to the Minister and the Food Authority on any issue relating to food as the Minister or the Food Authority may require,
- Such other advisory functions relating to food as the Minister may determine.

3.3.4.6. Food Schemes

The Authority may establish food safety scheme, to make provision for the following:

- regulating the handling or sale of food,
- prohibiting activities in relation to the handling or sale of food,
- without limiting the generality of paragraphs (a) and (b), regulating the temperatures at which food must be kept, the classification, marking or other identification of food,
- requiring the licensing of activities in relation to the handling or sale of food,
- requiring the licensing of any person, business, premises, vehicle or equipment in relation to the handling or sale of food,
- the imposition of conditions on licenses,
- the suspension or cancellation of licenses,
- appeals from, or reviews of, decisions made under the regulations in relation to licenses or applications for the granting of licenses,
- requiring the preparation, implementation, maintenance and monitoring of food safety programs for food businesses to ensure that the provisions of this Act and the regulations are complied with,
- the certification and auditing of programs referred to in paragraph (j),
- the manner of taking samples for the purposes of a food safety scheme,

- the methods of analysis to be observed when carrying out analyses for the purposes of a food safety scheme,
- establishing committees or other bodies with specified functions relating to the monitoring of a food safety scheme at a local level and the making of recommendations on the operation of a food safety scheme at that local level,
- providing for the funding of those committees or bodies by the Food Authority and the accounting by those committees or bodies of any money received from the Food Authority,
- the assessment of risks associated with the handling or sale of different types, classes or descriptions of food or the carrying out of different activities relating to food as part of the same business operation,
- requiring the preparation of plans in the event of the need for a recall of any food,
- requiring persons involved in the handling or sale of food to possess specified qualifications, skills, knowledge or expertise,
- designating the persons who are to be responsible for compliance with the obligations imposed by the regulations,
- requiring the giving of information, returns or notices to an enforcement agency,
- requiring the collection of license fees and charges on behalf of an enforcement agency and the remission of any such fees or charges to the enforcement agency,
- the deduction of license fees and other charges owed to an enforcement agency from amounts otherwise payable to the person liable for the fees or charges,
- the liability of persons with respect to amounts for license fees or other charges collected on behalf of an enforcement agency,
- authorizing the imposition of a levy under section 117C and providing for the amount of the levy, or the basis on which it is to be calculated, and for its recovery,
- establishing a method of consultation with the relevant industry or sector of industry for the purposes of the ongoing review of the operation of the food safety scheme,
- establishing consultative bodies for the purposes of paragraph (y) and providing for the membership and procedure of those bodies (including providing, where appropriate, for consumer representation on those bodies),
- enabling an enforcement agency to undertake functions relating to the education and training of persons in safe food practices in respect of the type, class or description of food, food business or activity to which the food safety scheme relates

3.3.4.7. Offences

- Serious offences which include handling of food in unsafe manner, sale of unsafe food and false description of food
- Non serious offences which include handling and sale of unsafe food handling and sale of unsuitable food, misleading conduct, relating to sale of food, sale of food not complying with purchaser's demand, sale of unfit equipment or packaging or labeling material, non compliance with Code and false descriptions of food

3.3.4.8. Miscellaneous

The Act also provides for wide ranging measures relating to taking of samples, procedures relating to analyses, inspections approval of laboratories, approval of analysts, food safety auditors, regulation of food business, enforcement agencies, appointment of authorized officers, requirements relating to display of nutritional information for food, food and safety supervisors.

3.3.5. NSW Stock Food Act 1940

3.3.5.1. The Act regulates the stock feeds and provides that:

- Packages of stock food and supplement to be labeled
- supplier of bulk stock foods to provide customer with information statement,
- restrictions may be placed on foreign ingredients,
- regulation of addition of veterinary chemical products to stock foods, and
- withdrawal of defective stock food from supply

3.3.5.2. The general provisions of the Act cater to

- authorization of inspectors and analysts
- powers of inspectors
- retention and disposal of seized property
- tampering with samples
- demand of information by Inspector
- evidentiary value of Certificate of analyst
- forfeiture of defective stock foods
- costs of analysis
- penalty for obstruction of inspectors
- prohibition of Interference with official marks or seals
- retaking of seized stock foods
- penalty for offences and their recovery

3.3.6. NSW Local Government Act, 1993

It provides for local governments in the state. Generally, the role of the local government is to provide municipal services, some regulatory functions and support functions. A review of these functions brings out significant feature of the law that the local government has very insignificant role in the regulation of the livestock industry. Their role is limited to approval for engaging in a trade or business, imposing rates on farmland / business premises. Moreover, the local council may by order fix the number of animals a person may keep on any premises. However, some other laws have entrusted a few functions, which may have some relevance with livestock industry, to the local councils. These include environmental planning, food inspection, impounding of stray animals, inspection for micro bionics and pollution control. The legal framework is so designed that the State Government plays the major role in this area and, consequently, very little is left for the local governments to do in livestock industry.

3.4. Major Livestock and Dairy Practices in Australia

3.4.1. Weaknesses

- The Australian legal framework is extremely heavy and complex. The volume of legislation is quite awesome. There are more than hundred (Federal and state)

enactments covering small bits and pieces of livestock industry. Australian system appears to be doing a lot of loud thinking through legislature.

- There are a number of laws, each covering a small part of the legal framework. Thus, for example, there are about seven laws to deal with levies on meat; a bunch can easily be fitted in one enactment, each law forming a chapter of the combined instrument.

- The eagerness to remain competitive in the international market, makes the system susceptible to frequent changes and thereby adding to the complexity of the system. The legislature appears to be constantly at work leaving the stake holders at odds with the situation requiring constant adjustment and fine tuning the work.

- The frequent changes often compel the legislature to make changes in the legal framework without immediately changing the landscape of market by deferring the application of the law by a few years. At times the different provisions of the enactments are applied at different times in future, to give time to the stakeholders to make modifications and adaptation in the business.

- The heavy and complex system tends to increase the cost of compliance which is directly placed on different players operating at different segments and level of the industry. This is by itself a huge task, involving intensive as well as extensive consultations and negotiations.

3.4.2. Strengths

- The stakeholders, usually, contribute towards the cost of administration of law.
- The federal and states governments sometimes share the cost of administration of law.
- The system is highly competitive thereby catering for high quality products.
- The total quality management (TQM) approach is visible in the legal framework. All aspects of the industry - farms, meat, dairy, animal health, research, information, transportation, slaughter houses, welfare of animals, environmental protection, artificial breeding, are properly regulated by stringent provisions of law.
- The stakeholder are fully involved in the reform process, with the result that their concerns are addressed and their interests are looked after and the reforms become acceptable to them.
- More often, the legislature makes changes in the legal framework without immediately changing the landscape of market by deferring the application of the law by a few years. At times the different provisions of the enactments are applied at different times in future. This gives adequate time to the stakeholders to make modifications and adaptation in the business.
- There is a judicious combination of federal and provincial laws.
- Most of the responsibilities are vested in the strong and effective federal and the state governments having sufficient legislative, financial, administrative capacity to manage the highly sophisticated system; consequently, there is no major role of Local Governments.
- Meaningful participation of the private sector in all areas of livestock and milk products.
- Financial sustainability of the regulatory system; beneficiary pays principle is adopted. A majority of the producers of particular goods may request for imposition of levies, the proceeds of which are to be spent on enforcement activities relating to those products.

- Shifting towards self-regulation by the industry.
- Adopting internationally accepted quality standards.
- Environment protection in all aspects of the livestock and dairy products.
- Efficacious enforcement system with heavy punishments—up to 05 years imprisonment.
- Alternative dispute resolution in civil matters but traditional enforcement through criminal courts.
- Institutional framework keeps the hard core governmental establishment limited to the stewardship role, while actual administration is done by the statutory bodies, such as an Authority, Board or Committee representing wide spectrum of the industry.
- A visible trend in reducing the complexity and number of laws.

4. LEGAL FRAMEWORK- CHINA (PRC)

4.1. Introduction

The People's Republic of China presents a unique system, which is quite young, emerging fast and fairly ambitious in its scope. The centralized system allows China to enact uniform laws to deal with important economic activities of the society. All the laws enumerated below are product of the Central Government. The provinces don't have much role policy formulation; they apply the laws under the direction of the Central Government. Some of the important enactments are briefly (selective parts) are given here to highlight the good practices of the Chinese system.

4.2. Animal Disease Prevention Law 1998

4.2.1. General Responsibility

- The law is administered by Department of Veterinary Medicines, under State Council.
- Local Government at county or above level is responsible for implementation within their areas.
- Animal Health Institutions at county or above level are responsible for quarantine of animals and their treatment

4.2.2. Prevention of epidemic

- The national level survey of animal diseases and planning for the control.
- Mandatory immunization affecting animal breeding and human health.
- Plans prepared by National and Provincial Government and implemented by Local Governments
- Information/warning by Provincial Government and monitoring by Local Government

- Persons engaged in animal raising or marketing of animals, or production or marketing of animal products must get immunization under this Act.
- Certification of conformity with epidemic control measures is mandatory for transportation, marketing, slaughtering, etc of animals and animal products.
- Detailed measures are enumerated for post disease information which covers all levels of industry/activities.
- Priority is given in road, air and sea travel in travelling of persons engaged in epidemic control.
- The animal epidemics are grouped into three categories
    - Class I refers to those which cause serious damage to humans and animals.
    - Class II refers to those which can cause great economic losses.
    - Class III refers to those which are so common and frequent to cause great economic losses
- The law prohibits the slaughtering, marketing and transporting of the following animals and manufacturing, marketing, processing, storing and transporting of the following animal products:
    - animals and animal products of the enclosed epidemic areas that are related to the outbreak of animal epidemics;
    - animals and animal products in an epidemic area that are susceptible to infection;
    - animals and animal products that have not undergone the quarantine as required by law or fail to pass the quarantine;
    - animals and animal products that have already contracted epidemics or are suspected of having contracted epidemics;
    - animals that die of illness or of uncertain reasons; and
    - other animals and animal products that do not conform to the regulations.

4.2.3. Quarantine measures

- Administrative Department to take measures for quarantine.
- Quarantine certification before slaughter, transportation, selling
- Quarantine certification must for transportation of animals. Of animals.
- Quarantine certification (report) for import from other parts of the country.
- Treatment in quarantine
- Quarantine Officers trained and supervised by Local Government
- Persons engaged in livestock business are responsible for quarantine of their animals

4.2.4. Treatment/control

- License for establishment veterinary institutions for treatment of animals.
- License/permits for vet practitioner after examination
- Necessary incorporation of funds in financial plan at every level of the government.
- Compensation for death due to mandatory immunization.

4.3. Product Quality Law

4.3.1. The Product Quality Law

This law caters to international standards, authentication system, and enforcement mechanism through random checking, appropriate testing facilities and marking of the products. Under this law, the users and consumer have the right to information about the quality of products, the producer is responsible for production quality of the products, the seller is responsible for repair, change or refund of price in case of defective product. It prohibits adulteration, forging of origin, producer name, other product name, etc. and provides criminal liability, fine, revocation of license, criminal investigation of officials for violation of law.

4.3.2. Liability and obligations of producers

The products shall meet the following quality requirements:

- being free from unreasonable dangers threatening the safety of human life and property,
- conforming to the national standards or trade standards safeguarding the health or safety of human life and property where there are such standards;
- possessing the properties and functions that they ought to possess,
- conforming to the product standards marked on the products or the packing.
- conforming to the state of quality indicated by way of product directions, samples, etc
- All marks on the products or the packages thereof shall meet the following requirements:
    - with certification showing that the product has passed quality inspection;
    - with name of the product, name and address of the factory that produced the product,
    - with corresponding indications regarding the specifications, grade of the product, the main ingredients and their quantities contained in the product, with production date, safe-use period or date of invalidity if the product is to be used within a time limit; and
    - with warning marks or warning statements for products which, if improperly used, may cause damage to the products or may endanger the safety of human life or property.

4.3.3. Liability /Obligation of Sellers

A seller shall:

- practice a check-for-acceptance system while replenishing his stock,
- examine the quality certificates and other marks,
- adopt measures to keep the products for sale in good quality, and

A seller shall not:

- sell invalid or deteriorated products,
- forge the origin of a product, nor forge or falsely use another producer name and address,
- forge or falsely use another producer authentication marks,
- mix impurities or imitations into the products, or,
- substitute a fake product for a genuine one, or defective product for a high-quality product, and pass off a substandard product.

4.4. Standardization Law

This Law has been enacted with a view to developing the socialist commodity economy, promoting technical progress, improving product quality, increasing social and economic benefits, safeguarding the interests of the State and the people and suiting standardization to the needs in socialist modernization and in the development of economic relations with foreign countries.

Standards may be compulsory or voluntary. Those for safeguarding human health and ensuring the safety of the person and of property shall be compulsory standards; the others are voluntary standards.

Standards may be national standards, trade standards or enterprise standards. The national and trade standards formulated by government, while enterprise standards by the enterprises and communicated to the government agencies.

Department of Standardization is responsible for formulation of national standards and revising them as and when required.

Following factors must be considered while formulating the standards

- International standards and
- Rationality with relation to economy, health, safety and commercial interests.

4.5. Food Safety Law 2009

4.5.1. Application of Law

The Food Law, which requires safety supervision of food, food-related products and food additives, covers all food business operators (food manufacturers and processors, food distributors and caterers) with relation to-

- Manufacturing and processing of food products including edible primary agriculture products and food additives
- Manufacturing and processing of "Food-Related Products" which are: (i) packaging materials, containers, detergent and disinfectant used with food; and (ii) tools and equipment used in production and processing of food (collectively,
- Food Manufacturers' and Food-Business Operators' usage of food additives and Food-Related Products

4.5.2. Uniform standards

The food Safety Law enjoins that uniform standards to be formulated for the technical requirements, covering the following aspects:

- the varieties, specifications, quality and grades of industrial products including their safety and sanitary requirements.
- design, production, inspection, packing, storage, transportation and methods of operation.

- technical requirements and testing methods related to environmental protection;
- design, construction procedure and safety requirements for construction projects; technical terms, symbols, code names and drawing methods.
- Standards Specification.

4.5.3. National Food Safety Commission

The Food Law enjoins the China's State Council to establish a National Food Safety Commission that will coordinate and oversee the system, which includes, the Ministry of Health charged with implementing the Food Law supported by the Ministry of Industry and Information Technology, Ministry of Industry and Information Technology The Ministry of Agriculture, State Administration for Industry and Commerce, State Food and Drug Administration ,and General Administration of Quality Supervision, Inspection and Quarantine.

4.5.4. Enforcement/Administration

The administrative departments for health, quality supervision, industry and commerce and FDA at the county level or above may take the following actions in the course of performing their respective duties of supervising and administrating food safety:

- Entering production and trading sites for field inspection;
- Conducting sampling inspection of the food produced or traded;
- Reviewing, copying, seizing and detaining relevant contracts, documents and books and other relevant information;
- Seizing and detaining food proven unsafe, illegally used food raw material, food additives and food-related products, and equipment and tools contaminated or used for illegal production or trading; and
- Closing down places of illegal production and trading of food.

4.5.5. Further provisions

The law further provides for record keeping; permit system, system for product recall, and joint responsibility of food business operators. It abolishes and prohibits exemptions.

4.5.6. Punitive damages

A heavy punitive damages regime is enforced under this law. A consumer can claim from a food manufacturer who produces, or a seller who knowingly sells, substandard food, punitive damages up to 10 times the original product price, in addition to normal compensation for losses caused to the consumer.

4.5.7. Promotion and liabilities

The celebrities and models who promote a defective product are also liable if product is defective.

4.6. Law on Animal and Plant Entry and Exit Quarantine, 1993

This makes provisions for quarantine at different stages and types of the activity in import and export, which includes-

(a) Entry Quarantine, Exit Quarantine, Transit Quarantine,
(b) Quarantine of Materials Carried by Passengers or by Post,
(c) Quarantine of Means of Transport, and
(d) Legal Responsibility of the operators of the system.

4.7. Local Government Law

4.7.1. Local Government Law

The Local Governments in China are governed by a central law, the Organic Law of Local Governments and Local People Congresses.

4.7.2. Levels of Local Government

According to this law, the Local Governments are divided into four categories, i.e., Provincial level, Prefectural (Divisional) level, County (District) level, and Town / Village level.

4.7.3. Functions of Local Governments

Under the Local Government Law, these Governments have been vested with substantial powers over a wide spectrum of activities, including the enforcement economic laws and regulations, which are as under-

- Drawing up socio-economic development strategies of the regions as well as middle and long-term plans for economic development, year plans, measures of developing resources, transforming technologies, importing technologies and capital;
- Solving important economic contradictions between branches and between branches and regions and mediating economic relations;
- Organizing and coordinating production and circulation;
- Enforcing economic laws and regulations;
- Appointing and dismissing cadres; and
- Providing infrastructure basic conditions and services for economic development.

4.8. Salient Features of Legal Framework in People's Republic of China

4.8.1. Weaknesses

- The Chinese system is highly centralized. All the laws relating to livestock have been enacted by central legislature or the President. However, the implementation has

generally been left to the provinces- much like the central enactments of British India on the subjects covered under the concurrent list

- The legal framework of the livestock is quite young compared to Australian and Pakistani systems. Most of the laws are of recent origin. For example till very recently, the China did not have a law on animal welfare (Anti Animal Cruelty Law)
- The legal framework is simple as well as complex. Simple in language and complex in the interfacing with the political and administrative system at different levels.
- The brevity and clarity of common law enactments are no where seen in them. The language of the laws is so simple that the provisions of enactments flow like policy statements.
- The overall scheme of the legal framework clearly highlights the multi departmental approach, reminiscent of the colonial legislation in British India. (A food for thought for policy makers to go for Australian laws covering small units of administration or the Chinese model having a well integrated administration of laws.)

4.8.2. Strengths

- Chinese legal framework presents a developing system, in its early stages and without much mind boggling sophistications to confuse the adoption by other countries. Thus, it is easily follow able in Pakistan.
- The legal framework has tackled almost all important issues facing the livestock industry with a sense of urgency.
- As the policy statements are clear, it is easy to understand the law. The policy is easily discernible from law as there is no entanglement with complex legal phraseology.
- Fever laws indicate the policy of prioritizations in reform process, a highly desirable approach for a country like Pakistan with limited resources at its disposal.
- The Local Government has been given substantial participation in the administration some of these laws along with the higher level governments..(In other laws, somewhat centralized administration has been provided)S
- Each law gives a board outline of the reforms and strong process of application and providing some flexibility in the longer context of reforms.
- Recent initiative (2009)to come out of the centralized system. (e.g. the Food Safety Commission)
- Due importance has been given to the international standards.
- Environment protection is being given due recognition all most of the recently enacted laws.
- Criminal and administrative liability of the officials failing in official responsibilities is quite unique.
- A concept of joint and several liabilities is visible.
- A collegial administration of laws is provided in the legal framework.
- Heavy punitive compensation is provided in food safety laws.
- Celebrities/ models engaged in the promotion of a product are liable for a defective product.

5. REVIEW OF PROPOSED PUNJAB LAW

5.1. Cattle Market Rules

- Under the Constitution, the subject of livestock / cattle markets falls under the legislative competence of the Provincial Assembly.
- Under the Punjab Local Government Ordinance, 2001, livestock is a subject devolved on the Local Government. [1st Sch. Part A. entry (iii)]
- Under Section 54 and 54-A of the Ordinance, the Cattle Markets are included in the functions /responsibilities of Town Municipal Administration and Tehsil Municipal Administration, respectively [Sec 54(1) (nn) and Sec 54-A (l)] Accordingly, Tehsil Councils (2nd Schedule. Part III entry 2) and Town Councils (Part IV entry 2) have been empowered to levy fees on sale of animals in Cattle Markets.
- The matters relating to "Animal" in general are entrusted to the Local Government under amended Section 195 read with Sixth Schedule.
- Similarly, selling cattle and animals in contravention of rules/by laws of Local Governments is an offence under [entry 77, part III 4th Schedule]
- The LGO provides that the Provincial Government may frame rules (Sec 191) and the Local Government may frame by laws (Sec 192). Sec 191 & 192 provide as under:

191. Rules:

1. The Government may by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.
2. In particular and without prejudice to the generality of the fore-going power, such rules may provide for all or any of the matters specified in Part-t of Fifth Schedule.
3. The rules made under sub-section (1) shall be subject to previous publication in the official Gazette and shall meet the following considerations:
   - consistency with democratic decentralization and subsidiarity;
   - enhancement of welfare of the people;
   - fairness and clarity; and
   - natural justice and due process of law.

192. By-laws:

1. A Zila Council, Tehsil Council. Town Council and Union Council may, in their ambit of responsibilities, make by-laws to carry out the purposes of this Ordinance."

Part I of 5th Schedule (Subject on which rules may be framed) has no mention of markets. On the other hand, Part II of 5th Schedule (Subject) on which by-laws may be framed includes:

- Slaughter of animal and Slaughterhouse (entry 12)
- Animal Husbandry, etc. (entry 14)
- Markets (entry 21)
- Farm Produce Markets (entry 27)
- Disposal of Caracas of animals (entry 35)

- Watering cattle/ animals (entry 45)

Thus, the Cattle Markets are governed by the by-laws framed by the Tehsil Councils/Town Councils. The rule making powers of the Provincial Government do not affect the making of by-laws by the Tehsil Councils and Town Councils for the following reasons:

- The rule making power is subject to the consistency with democratic decentralization and subsidiary. (Sec 191) Taking away something entrusted to the Local Government and giving it to the Provincial Government, under rule making power, is certainly against the above principle.
- The rule making power is meant to carry out the purposes of the Act. (Sec 191). The purpose of the Act is decentralization and devolution of power to Local Government, and not vice versa.
- The rules cannot override the provisions of the Act under which these are framed. Thus, rules cannot take away what is given to the Local Government under Sec 54 & 54-A of the Ordinance

The above given analysis make it quite clear that the Cattle Markets are governed by the Local Government Ordinance, 2001, under which these markets are entrusted to the Town Municipal Administration and Tehsil Municipal Administration, to be regulated through by-laws. Accordingly, the Cattle Market Rules suggested by LSDD Department are defective because:

- Firstly, it is not clear under what law these rule are to be framed, and
- Secondly, if these are proposed to be framed under Local Government Ordinance 2001, these are repugnant/ inconsistent with the provisions of the Ordinance.

Thus, in this legal scenario, there are two options with the Provincial Government, if it wants to regulate Cattle Markets through its rule making power:

- Amendment, in Local Government Ordinance, to empower the Provincial Government in this regard.
- Independent legislation for Cattle Markets on the lines of Agricultural Produce Market Laws. (Punjab Cattle Markets Act 2011)

Therefore, it is desirable to devise our strategy in the light of the prevalent legal position and other attending circumstances.

5.2. Punjab Quality Meat and Slaughter Regulation Act, 2011 (Proposed)

5.2.1. Salient Features of Act

5.2.1.1. Punjab Quality Meat and Slaughter Control Act, 2011

This is a draft law, to ensure the good quality of meat and to control the slaughtering of animal, and was initiated by the LDD in May 2011 and sent for review by the Firms team. The draft law appeared to be a good effort by the LDD. It had a good framework particularly the enforcement of the law. However, it was quite weak on the legal side. Though, it had all the essential substance but the formal language, necessary trappings and proper arrangement of the contents is missing.

5.2.1.2. Summary of Proposed laws

The salient features of the proposed law are summarized as under.

- The proposed law has made elaborate provision for penalties and related matters. The penalties are quite comprehensive as well as reasonable. No court except the Court which is responsible for trying the offence under the Act, has jurisdiction to entertain any challenge against actions taken under it.

- There is brief reference to a Board to be established by the Provincial Government /LDD to enforce the provisions of the Act. However, no details have been given about the constitution, powers, procedures, status, superintendence, institutional framework, framing of regulations, tenure of the members, dissolution / suspension of the Board and other necessary paraphernalia of a statutory institution.

- An appellate Board, to be constituted by the Punjab Government / LDD, is provided to hear the appeals against the orders passed under the Act. But, here again no details are available as to its constitution. Moreover, the matters relating to appeals are missing in the draft. Which decisions will be appealable? Any period of limitation? What procedure will be followed? Any fee to be paid? These are some of the questions which have been left unanswered.

- There is mention of budget / grant by the Government ,but related aspects of public finance, such as, the money pool (institutional fund), its components, withdrawal, depository institution, books of accounts and audit of the income and expenditure, investing of surplus money, the budget procedure, the approving authority and other financial safeguards, which are quite essential, have not been given any attention.

- The delegated legislation / subordinate legislation, an essential feature of the modern legislation has been mentioned only in two words – rules / regulations. Who will frame the rules? Who will frame the regulations, and what will be subjects of rules and the regulations? What are the procedural safeguards (prior publication / subsequent publication) and the inter se relationship of rules and regulations? The draft is silent on all these important issues.

- The repeal provision is quite strange. Such a provision is made to put a legislative axe on any existing law on the subject. For example, in the present case, the repeal provision in simple language may be: 'the Slaughter Control Act, 1963 is hereby repealed. However, the draft law declares that this Act will be repealed with any other approved law/Act/revised Act in this regard by the competent authority /Government of Punjab.

- A number of other laws having nexus with the subject are operating this field, and unless the relationship of the proposed law, vis-à-vis these existing laws, is spelled out, the resulting confusion will create difficulties in the interpretation and application of proposed law

- The standards and their enforcements have not been catered for by the drafters.

- There is no reference to the international context.

5.2.1.3. Revision

The draft law required wholesale revision which was undertaken by the Firms consultants but when the process was about to be completed, the LDD had undergone another drafting exercise and produced drafts of three laws including the Punjab Milk and Meat Safety Act- a different and better version, though not complete one, for consideration. Although ninety percent of the work was complete, further review was stopped.

5.2.1.4. Other aspects

There are many other important aspects which can be discussed in the present context, but only a brief reference is enough in the changed scenario. The draft law suffers, *inter alia,* from: old/colonial mindset, defective drafting, absence of necessary trappings, lack of scheme/holistic approach, absence of dispute resolution/traditional role of LG/environment protection/role of private sector/policy issues.

5.3. Milk and Meat Safety Act

5.3.1. Salient Features

As the title of the Act indicates, it covers the quality of meat and milk products. Thus, the earlier draft prepared by LDD and reviewed by Firms consultant, has been impliedly superseded by the present proposed law. The present proposed law is a much improved draft and with some alterations and adjustments can be put into operation for regulating the quality of animal products (milk and meat) in line with the reforms being undertaken by the Government. The main provisions of the draft law are summarized as under:

- There is a brief preamble describing the main purpose of the law.
- The Act provides for Milk and Meat Safety Agency, a body corporate, to be established by the Government, having Chief Executive Officer, Chief Financial Officer and Chief Monitoring Officer. However, the Act is silent about the other officers and employees of the Agency.
- The agency is empowered to set standards and regulate:
    - farm management, including animal management, feeding and watering, manner of milking, etc.
    - slaughter houses and slaughtering of animals
    - animal produce business
    - storage and transport of animal produce
    - fish farming
    - voluntary registration
    - identification of animals and
    - health of persons handling animal produce.
- The Agency is also empowered to impose licensing on meat business operators, butchers, etc. Similarly, it has the authority over certification regarding origin, health of animal, slaughter houses, etc.
- Flexible enforcement system has been provided through inspectors, Local Government or certification agencies. The inspectors have been given adequate powers to enter/ search the premises, treat or destroy a diseased animal.

- A strong set of penalties are available to ensure that unhealthy meat is not sold to the consumer. These penalties are a mixture of imprisonment (1 month to 6 months) and fine up to (Rs.25,000/00 to Rs.100,000/00)
- Subordinate legislation in the form of rules and regulations is available to cater for flexibility and expansion.

Thus the Act has provided necessary ingredients of good legislation. It is quite comprehensive and detailed draft which covers all aspects of meat industry, including animal/fish farms, transportation, storage, slaughter houses and meat shops. The scheme of law is quite good, with flexible enforcement options and deterrent penalties. However, the proposed law has some defects/deficiencies, which need to be removed to improve the proposed law.

5.3.2. Defects and deficiencies

- The term Agency, used in the Act does not fit well in our legal system. Generally, it is used for a subordinate organization within a larger organization (WASA/ TEPA within the LDA). Its use creates an impression of agency (principal and agent). It is suggested that Meat and Milk Safety Authority be created under this law.

- A Board has been suggested to provide policy guidelines to the Agency. Why have two organizations? Moreover, the policy aspect should be left for the Government, and the law shall provide for an implementing body.

- The constitution of Board has been entirely left to the discretion of the Government. This provision will make the Board a surrogate of the Government.

- The functions of the Board have not been enumerated.

- There is no mention of the employees of the Board except a few top brasses.

- The representation of the various stakeholders and professionals should is missing.

- The Board shall be autonomous within its area of responsibilities. The Government shall have only some stewardship role vis-à-vis the Board.

- The standards shall be fixed by the Government through rules and enforced by the Board.

- System of dispute resolution in matters relating to license, certification needs to be catered for in the Act.

- There is no interfacing of rules and regulations.

- The subjects on which rules may be framed by the Government shall be enumerated in the Act. Moreover, in order to give transparency to the process of rule making, the prior publication (as defined in Punjab General Clauses Act, 1956) shall be mandatory.

- Interfacing with other related laws is not provided for in the Act. These laws include Animal Compound Feed & Feedstuff Ordinance, 2002; W.P. Milk Boards

Ordinance,1963; Punjab Livestock, Dairy and Poultry Board Act, 1974; W.P. Goat (Restriction) Ordinance, 1965 and the Local Government Ordinance, 2001.

5.4. Punjab Animal Health Act

5.4.1. Salient Features

The proposed law deals with prevention and treatment of animals to ensure the quality and safety of animal produce in the province. The salient features of the act are as under;

- The declaration of disease free area and eradication area, collectively termed as controlled area by the government after necessary survey to be conducted within two years of the commencement of the Act.

- The Government is empowered to regulate the identification of animals, cleaning and disinfection, movement/grazing of animals, separation of diseased animal, bio-security measures, and destruction of diseased animals, breeding and treatment of animals. The government may also introduce licensing regime for livestock farms, dairy farms and poultry farms.

- The enforcement of the Act has been entrusted to the government through veterinary officers who are empowered to enter and search any premises, treat or destroy diseased animals, etc. independently or through the support of the local police.

- Penalties for the enforcement of the provisions of the Act relate to false certification, forging certification, false marks on animals, exposing animals to disease, hindering the work on veterinary officer, sale of unstamped meat. These penalties rage from fine of rupees 25 thousand to rupees 100 thousand which may be enhanced by government by execute order.

- Subordinate legislation is provided for through regulations to be framed by the government.

Thus the act caters for wide ranging provisions for prevention and treatment of animals through the agency of the provincial government. It caters for a clear scheme of legislation, workable system and enforcement of the provisions.

5.4.2. General

- The Preamble, which is an important part of modern enactments, is missing. A good descriptive preamble helps in the good interpretation of the law.
- There is too much, rather overwhelming, involvement of the Provincial Government.
- An autonomous entity (Board /Authority) may be provided to relieve the Provincial Government of the unnecessary burden placed on it by this Act.
- Private sector role may be inducted.
- Local government role is missing,
- Interfacing with other laws, particularly, the other two draft laws, is missing.

5.4.2.1. Specific

- In order to provide transparency and public participation, in the framing of subordinate legislation (Rules/Regulations), the prior publication of Rules/ Regulations should be provided in the Act.
- The Act, unusually, provides for Regulations by the Government. The term 'Rules' is generally used for subsidiary legislation by the Government, while the term 'Regulations' is used for subordinate legislation by a statutory entities, such as, Authority or Board.
- The territorial aspect of jurisdiction of the Veterinary Officers and other such officers needs to be incorporated.
- The offences may be placed under a separate chapter.
- The commonly used terminology of diseases may be given along with the technical terms used in the Schedule.
- The provision for stray animals shall be made along with the provision relating to stray dogs; stray animals can cause spread of diseases.
- The option of free treatment should be restricted to the small farmers only, otherwise influential people will influence the Government decision to resort to free treatment.
- The method of cognizance of offences is clearly specified. There are generally two options for this purpose; either the offences are made cognizable or the person/official is specified to lodge a complaint in the court. The second option is better suited in the present case.
- The quantum of penalties (fines) is on the lower side and not likely to create much deterrent. The old adage is that, the sanctions should be strong enough to make the violation of law unprofitable to the offender.
- Summary procedure is not compatible with quantum of fine.
- The power of the Government to enhance the penalties is not tenable; such delegation is termed as excessive delegation.
- The use of slashes (/) in the enactments is not compatible with the formal legal drafting.
- There are some drafting suggestions which will be incorporated in the edited version of the Act, after important policy aspects of legislation will be finalized in due course of time.

5.5. Animal Biologic Board Act

5.5.1. Salient Features

- There is an Animal Biologic Board, a body corporate, to be established by Government and comprising Secretary LDD, DG (Research) LDD, Head of Microbiology Department (UVAHS), Deputy Secretary (Technical) LDD, one representative each of Finance Department, Breeders Association, Poultry Association, Head of Vaccine Unit and CEO.
- The Board may
    - establish vaccine production units,
    - establish vaccine production companies under CO, 1984,
    - enter into PPP with national, international entities,
- the Board is further empowered to -
    - promote vaccine production
    - conduct scientific and technical research
    - provide training in administration of vaccines
    - develop safe economical administration of vaccines

  - enter into PPP
  - ensure production of quality vaccine
  - ensure availability of vaccines at affordable prices
- Enumeration of a few headings (without any detail) relating to finances, employees, subordinate legislation, etc.

5.5.2. Comments

- The finance, budget, audit, accounts and related financial matters relating to the Board are missing.
- The important subject of subordinate legislation (rules / regulations), which is indispensible for modern legal framework, has not been incorporated in the proposed law. This needs to be included in the draft.
- The extent of law is not given. This needs to be included in Section 1.
- The interfacing with other laws, particularly, the proposed Animal Health Act, has not been catered for anywhere in the Act.
- How the Board will meet its expanses? Who will pay for the vaccines? Is not catered for.
- The Draft Act smacks of price subsidy (affordable prices). This is an important policy matter should be seriously taken into consideration.
- The Board appears to be floating in the system; not answerable to anyone. The Board may be autonomous, but the Government needs to have a role to see that the Board does not run amuck. The Government must have some power to review the unlawful actions of the Board. The imperfect times, which we are going through, compel us to take adequate care.
- Sections 6 and 8 which deal with one subject--the powers of the Board—may be combined together as one section.
- The Board does not have adequate representation of stake holders, particularly, from the private sector. Professionals from academia, private sector and veterinarians should be included in the Board.
- One, out of three chapters, is missing (chapter 3). Chapter 2 is also incomplete.
- The Draft Act is a very brief one. Perhaps, it would fit well in the proposed Animal Health Act, 2011.

6. GLOBAL CONTEXT

6.1. World Trade Organization

The rapid process of globalization has greatly affected the international trade during the last two decades. The world Trade Organization (WTO) established through an international agreement on 01 Jan 1995, generally, provides for free international trade among the member states. The main functions of WTO are-

- Administering WTO trade agreements
- Forum for trade negotiations
- Handling trade disputes
- Monitoring national trade policies
- Technical assistance and training for developing countries
- Cooperation with other international organizations

However, there are supplementary agreements, including Agreement on Sanitary and Phyto Sanitary (SPS) Measures, which allow member countries to adopt special measures to protect the legitimate interests of their people.

6.2. Sanitary and Phyto Sanitary Agreement

The SPS Agreement, an agreement on how governments can apply food safety and animal and plant health measures (SPS measures) sets out the basic rules in the WTO. According to the Agreement SPS measures are applied to protect animal or plant life or health within the territory of the member states from:

- risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
- diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
- to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.

The SPS measures can take many forms, including:

- requiring animals and animal products to come from disease-free areas;
- inspection of products for microbiological contaminants;
- mandating a specific fumigation treatment for products; and
- setting maximum allowable levels of pesticide residues in food.

The SPS Agreement requires that “to harmonize sanitary and phyto sanitary measures on as wide a basis as possible, Members shall base their sanitary or phyto sanitary measures on

international standards, guidelines or recommendations". The Agreement names the joint FAO/WHO Codex Alimentarius as the relevant standard-setting organization for food safety.

6.3. Codex Alimentarius

The Codex Alimentarius is a code of internationally recognized standards, codes of practice; guidelines relating to foods, food production and food safety. The code is developed and maintained by the Codex Alimentarius Commission, an international organization which was established in 1963 by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). The main functions of the Commission are to protect the health of consumers and ensure fair practices in the international trade in food. The Codex Alimentarius is recognized by the World Trade Organization as an international reference point for the disputes resolution regarding consumer protection. The Codex Alimentarius contains standards covering matters such as food packing, labeling, food hygiene, food additives and pesticide residues. The Code provides general guidelines and specific standards.

The guidelines covers food labeling, food additives, contaminants, pesticide and chemical residue, risk assessment procedures, food hygiene, guidelines for the use of the Hazard Analysis & Critical Control Point HACCP system, and food analysis and sampling methods. The specific standards, inter alia, relate to meat products (fresh, frozen, processed meats and poultry) and milk and milk products.

6.4. Terrestrial Animals Health Code 2010

The Terrestrial Animals Health Code has been developed by the World Animals Health Organization (OIE) which originated through an international agreement in 1924. Today it has 178 members including Pakistan. The Code is a binding instrument for member states. The Code was last revised in 2011. WTO recognizes the Code as reference instruments in international trade matters.

According to the website of OIE, the revised edition contains chapters on notification of diseases and epidemiological information; Veterinary Services; evaluation of Veterinary Services; identification systems for animal traceability; zoning general hygiene in semen collection; collection and processing of *in vivo* derived embryos; OIE procedures relevant to the WTO Agreement/ SPS Measures; model veterinary certificates for international trade in live animals, etc; control of hazards of animal health and public health importance in animal feed; bio security procedures in poultry production; transport of animals by land; transport of animals by air; slaughter of animals; killing of animals for disease control purposes, and various specified diseases.

6.5. Hazard Analysis Critical Control Point System (HACCP)

The HACCP system was developed by US Food and Drug Administration, initially to cater for safe food for astronauts. The system is being followed in many countries on voluntary basis. This system is being replaced by ISO 22000 by many large scale companies. The HACCP is based on the following seven principles-

- conduct a hazard analysis,

- identify critical control points,
- establish critical limits for each critical control point,
- establish critical control point monitoring requirements,
- establish corrective actions,
- establish record keeping procedures, and
- establish monitoring procedures.

6.6. International Organization for standardization (ISO)

The ISO is an international Non Governmental Organization (NGO) comprising the national standards institutes of 162 member countries. Pakistan is one of the members of ISO. The headquarters of ISO are based in Geneva. Interestingly, it has a mixture of public and private entities, catering to the need of the business as well as the society as a whole. The ISO has developed over 18,000 standards on a variety of subjects. Among these standards, Agriculture (65000) and Food Technology (67000) Packaging and Distribution of Goods (55000) Metrology and Measurements (17000) Environment Health Protection (13000) Health Care Technology (11000) are directly related to livestock and dairy industry. However, it is noteworthy that these standards are optional, and, compared to Codex Alimentarius and Terrestrial Animals Health Code, lack the relevance in WTO regime. These standards may satisfy the consumers, but, in trade disputes under WTO Agreement, unless stipulated in sale-purchase agreement, the reference point will be the Codes and not the ISO standards. Moreover, the standardizations are generally available at high prices, not affordable for small business, particularly in less developed countries.

6.7. ISO Food Standards

The ISO standards of food industry cover the following-

- Processes in food industry, including food hygiene and food safety;
- Food products in general;
- General methods of tests and analysis for food products;
- Milk and milk products;
- Meat, meat products and other animal produce;
- Sensory analysis;
- Materials and articles in contact with foodstuff; and
- Plants and equipment for the food industry.

7. FINDINGS AND RECOMMENDATIONS

7.1. Major findings

7.1.1. General

The legal framework of livestock and dairy sector in Pakistan is pathologically out dated, inefficient and defective. The system has been a victim of neglect and unplanned development. There is hardly anything positive that is worth mentioning here. The shortcomings, deficiencies and defects - all that we have –too numerous and too plain to need much explanation, are briefly stated in this section.

7.2. Defects / deficiencies directly flowing from laws

7.2.1. Absence of clear comprehensive policy

The legal framework of any sector of society depends on the policy framework of that sector. Conversely, the legal framework provides underpinnings for the policy. The defective legal framework of meat and dairy industry in Punjab / Pakistan is certainly an evidence of poor policy or no policy at all. The absence of policy is also visible from the fact that there is neither any coherence nor any relationship between different segments of the meat and dairy industry. The legal framework presents a landscape of a few scattered pieces of the jigsaw puzzle, which neither independently nor with relation to each other make any effect on anyone engaged in the business. Similarly, it is quite visible that no serious effort has been made to modernize the legal framework. Except for the Compound Feed, Act, 2002, the entire legislation is ailing, old (age ranging from 40 to 140 years) and unable to bear the burden of 21st century international trade constraints.

7.2.2. Inadequate Legal Framework

The legal framework of livestock and dairy sector is fatally inadequate. A number of areas are not covered at all; while others are not comprehensively covered. In particular, the animal health has been victim of significant neglect. There are only two laws on animal health, both relating to horses (The Glander& Farcy Act, 1899 and Dourine Act, 1910.Since the enactment of these laws - more than a century ago - no one has paid any attention towards this area. Product safely area is also totally neglected. International students are conspicuously missing.

7.2.3. Colonial Legacy

The legal framework is structured on the colonial legal system, in which law was meant only to subjugate the local population. Colonialism was antagonistic to the concept of "*saluspopulisupremalex*" (welfare of the people shall be the supreme law). Ironically a substantial part of the system is based on 19th and 20th Century colonial laws - Cattle Trespass Act 1871, Prevention of Cruelty to Animal Act 1890, Glander & Farcy Act 1899, Dourine Act 1910, Agricultural Produce (Grading and Marking) Act 1937, and the Agricultural Produce Markets Act 1939. Moreover, the legal system is based on English Common Law, addicted to

piecemeal approach, leading to mosaic vision and requiring fixing of a jigsaw-puzzle. Even after Independence, the colonial legacy continued; firstly, through colonial laws which continued and secondly the mindset which did not change because of dictatorial regimes (martial law, etc.) The unpleasant outcome of this state of affairs is that these laws provide control oriented system. Law has been used all along, with few exceptions, as a tool for control overall the activities of the society including the business activities.

7.2.4. Inadequate Legal Framework

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7.2.5. Nominal role of Provincial Government

The present legal framework has excluded any meaningful role of the Provincial Government. Historically, it happened in 2001 under the Devolution Plan, which transferred about twenty three (23) subjects of the Province to the Local Government. The Local Government Ordinance 2001 has created a framework in which the cattle markets and slaughter houses have been placed under ambit of Tehsil / Town Municipal Administration (TMA) to be dealt with according to the Bye-Laws framed by TMAs. Even the rule making authority of Provincial Government, quite pervasive in other laws, is seriously limited and does not extend to framing rules on cattle markets and slaughterhouses.

7.2.6. Excessive/uncontrolled role of Local Government

The Cattle Markets and Slaughterhouses are under the complete and uncontrolled authority of the Local Government. As discussed above, the Local Governments have a very limited role in meat industry in Australia, where a major role is played by the State and Federal Governments. On the other hand, the Local Governments have a meaningful role but under the control of Provincial and National Government. Unfortunately, the Punjab Local Governments Ordinance, 2001 has vested authority over Cattle Markets and Slaughterhouses in the Local Governments, to the exclusion of Provincial Government. The Rapid Market Appraisal has made it abundantly clear that the Cattle Markets are proverbial fish markets under the present set up. Thus, no standard system is envisaged as each TMA will have its own priorities and policies with perhaps little concern for the Cattle Markets and Slaughterhouses.

7.2.7. Inadequate institutional framework

This present legal framework has not catered for institutional framework for providing services. The system has emphasis on government control at different levels. There is hardly any regulatory institution under the present laws. The regulatory boards under the Milk Board Act, 1963 and the Live Stock and Dairy Board Act, 1974 have long since been dissolved through the dispensation provided by these enactments. Accordingly, the services are either non- existent or these are controlled by the Provincial / Local Government. The professional / institutional support is generally lacking.

7.2.8. Absence of effective regulatory agencies

As highlighted above, the institutional framework is old and week. One important ramification of this state of the system is the absence of any effective regulatory body to take on some of the burden of the system. By default, there is total reliance on the bureaucratic institutional working, which was the order of the day and worked quite successfully during colonial days. Some efforts, few and feeble, towards modifying the institutional setup failed miserably. The Milk Board and Livestock and Dairy Development Board were thrown out of system, without providing for nay alternative institutional arrangements.

7.2.9. Weak enforcement mechanism

The legal framework is quite weak; its weakest link being the weak enforcement mechanism. The poor quality of products in meat and dairy industry is directly related to the poor enforcement of legal requirements. The dead meat and water mixed milk with harmful artificial viscosity elements are being sold without any check exercised by officers who are equally free of any accountability. Lack of enforcement is patently visible in environmental protection. The Local Governments, which are mainly responsible for the enforcement, have different priorities - politicking and corruption. The Slaughter Control Act, 1963 enjoins the pre slaughter inspection of animals, slaughtering of animals in licensed slaughterhouses, stamping of carcass by public officials, yet the dog meat and meat of dead animals, is sold to the hapless consumers. All this is the result of poor enforcement of the law.

7.2.10. Public sector monopoly

The system is quite monopolistic; the Governments (Federal /Provincial/Local) have monopoly over the policy formulation, decision making and processes of the system. All cattle markets are owned and operated by the Local Governments, and so is the case with slaughter houses which work under their licenses. Conversely, what is not monopolized by the Government is not being regulated. So the system is mostly unregulated while the remaining is monopolistic. There is a need to break this set up by providing regulation in free market.

7.2.11. Limited role of Private Sector

In the modern world economy, the paternal role of the Government has been reduced in business activities. This load shedding has created much space for the private sector. In Australia, for example, the private sector has a meaningful role in policy formation as well as the working of the system. The stakeholders have been associated at all levels of the meat and dairy industry. Even in China, which has strong centralized public control over much of the system, the role of private sector is visible in recent laws. However, it is not so in Pakistan. The meat industry is quite dominated by the public sector. This is the net outcome of the colonial/dictatorial legacy and control oriented system.

7.2.12. Role of stakeholders

The stakeholders are quite many in the meat and dairy industry, but not much visible in the policy formulation and official decision making. The consumers have no say in any aspect of the industry. The farmers, consumers and other stakeholders have no say in the working of the cattle markets, slaughter houses and meat markets. The distributers and sellers of meat are not relevant to the farmers or the cattle markets management and so forth.

7.2.13. Lopsided role of middleman

The inadequate and inefficient legal framework has not allowed the development of infrastructure for the meat and dairy industry where chain supply system could flourish. Consequently, the different segments of the system work, more or less, independently and insulated from the pressure of other segments. Therefore, neither the end consumers nor the farmers have any influence over the system. The institutional weaknesses thus produce unregulated and dominating role of middleman. The middlemen, both in meat as well as dairy industry, dictate their own terms to the farmers as well as the consumers. Their *inter se* dealings do not adversely affect them as they pass on their cost along with their profits to the next link in the system.

7.2.14. Apathy to consumer protection

The existing legal framework of meat and dairy industry does not cater for the consumer protection. The meat and dairy products are neither covered under the Consumer Protection Act, 2005 nor under the recently enacted Food Safety Authority Act 2010. Thus, the consumers are at the mercy of meat sellers - butchers in every sense of the word.

7.2.15. Price Control

The legal framework allows price fixing of essential commodities and also that of meat and milk. The Price Control and Prevention of Hoarding and Profiteering Act, 1977, allows the competent authority to fix the prices of a large number of commodities including, beef, mutton, milk, and meat on hoofs (meat producing animals). Similarly, price fixing is practiced under Section 144 of Criminal Procedure Code 1898, which allows a magistrate to make pervasive orders, including the price fixing of certain food items. The price control, a myopic protective act of the Government, has negative effects on the marketing of price controlled goods. In a well regulated system, the demand and supply, value for money, quality concerns and free competition, compel all players in the game to adjust to the market realities. Price fixing not only leads to deterioration in quality but also creates distortions in the market.

7.2.16. Discouraging quality in meat

A number of issues highlighted above have adverse effect on quality of animal products (meat and dairy). Additionally and somewhat ironically, the law itself prohibits, to a great extent, the production of good quality meat. The Slaughter Control Act, 1963, prohibits the slaughtering of young and useful animals, thereby forcing the system to accept poor qualify mutton and beef. Other factors which indirectly affect the quality pervade the entire system.

7.2.17. Absence of self regulation

A well-regulated system leads to self regulation, because self regulation is more plausible as compared to the enforced regulation. In Australia, for example, the meat and milk industry which is heavily regulated by the Federal and the State Governments, has witnessed self regulation by the meat and milk industry. However, self regulation is a sophisticated form of regulation; therefore, it is not workable in a system which lacks organized business entities, well defined rules of the game and responsive Government. In the absence of these factors, rudimentary self regulation may get some space in the system but without harvesting the real fruits of the self regulation.

7.2.18. Dispute resolution

The traditional and formal dispute resolution system is based on litigation in the courts, which is time consuming, expansive, rigid and full of technicalities. 2It increases the cost of doing business. Therefore, it is being replaced by the modern concept of Alternative Dispute Resolution, through mediation, conciliation bodies, tribunals and other less formal method. The legal framework of milk and dairy industry in Punjab does not cater TO any alternative setup. Thus, by default the disputes enter the traditional litigation process.

7.2.19. Neglect of Human Rights

Pakistan being a signatory to UN Convention on the Rights of Children (CRC) is under obligation to implement the CRC to its full extent. However, the Punjab Employment of Children Act, 1991, does not provide full protection as envisaged by the Convention. The CRC provides children rights up to the age of 18 years, whereas the Punjab enactment protects them up to 14 years only, beyond which the employment of children is not prohibited; it is lightly regulated. Even in case of Children up to 14 years of age, the protection is available in hazardous occupations (transport, railways, port authority and fireworks / explosive, carpet weaving, cement manufacture, soap manufacture, tanneries, etc) Thus, child labor is not at all prohibited in the meat and dairy industry in our legal framework, something contrary to international obligations. Child labor does provide cheap labor, but at a very high social cast to the individuals as well as the society. Child labor not only deprives a child of his right to education, but also makes children prone to health hazards. Child labor may also lead to low quality and unhealthy products. Thus, child labor has moral as well as commercial ramifications.

7.2.20. Lack of multi- tier / flexible legislation

A modern system of legislation may extend up to five tiers; Act, Rules, Regulations, By Laws, Instructions, Scheme, etc, which provides flexibility; adaptability and efficiency in the system. The legal framework of meat and dairy in Pakistan is content with two tiers only, that is, the parent enactment and rules farmed there under. Even under the Local Government Ordinance, 2001, which does provide for a better arrangement, i.e., Ordinance, Rules and By Laws, ironically, does not provide for all the three tiers in case of meat and dairy industry. Only two tier system is available in this area, as the rule making by the Provincial Government is excluded by the Ordinance in these matters and restricting the system to two tiers only (Ordinance and By Laws). Thus, the legal framework of meat and dairy industry is not much flexible, adaptable and efficient. For example, if the Provincial Government had the authority to frame rules for meat and dairy sector, it might have been in a position to control the cattle markets.

7.2.21. Absence of international good practices

A number of successful practices at international level have been developed and are being practiced in the developed and well developing countries. The concepts like free competition, meaningful role of private sector, participation of stakeholders, alternative dispute resolution, financial sustainability (beneficiaries pay principle for regulation), flexible legal framework, protection of environment, consumer rights, protection of human rights, transparency in market dealings, standardization and protection of small farmers are generally accepted principles, but almost all missing in the legal framework of meat and dairy industry in Punjab/Pakistan

7.3. Indirectly resulting from laws

7.3.1. Incompatibility with the world trade

The WTO regime provides for strict measures to protect the environment, animals and plants. The Sanitary and Phyto-sanitary Safeguards, and measures for protection of environment are permissible under WTO system of international trade. The non- compliance of these standards is fatal for the international trade of a country. Pakistan's international trade in food products is minimal due to ignorance of these well established requirements of international trade. The industry will flourish and achier compatibility in these global markets, if the maladies of the system, highlighted in the preceding paragraphs, are addressed.

7.3.2. Discouraging competition

There are a number of factor which discourage competition. Firstly the monopolistic system always does so; secondly, the absence of regulation encourages bad competition; thirdly, the price control has negative effect over the free market, and fourthly, the lack of consumer protection encourages unholy alliances.

7.3.3. Lack of transparency

The entire meat and dairy industry works, generally, on informal transactions. The Rapid Market Appraisal has clearly brought out this defect in cattle markets. The situation in other segments of the system is no better, if not worse, than the cattle markets, and this can be claimed with confidence because everyone is a stakeholder in this system, at least as a consumer, having full taste of the system.

7.3.4. Lack of accountability

The uncontrolled role of Local Government (TMAs) in the cattle markets and slaughter houses has created a political environment promoting lack of accountability. As the Rapid Market Appraisal shows, all cattle markets have been auctioned to contractors to collects fees for transaction in these markets. The contractors have no interest in providing, except minimum requisite, services to the traders in these markets. The Local Governments take shelter under the leasing provisions and neglect to provide services in cattle markets.

7.3.5. Rent seeking behavior

Rent-seeking generally implies the extraction of uncompensated value from others without making any contribution to productivity. The meat and dairy industry is very fertile for rent seeking activities, where it takes many forms - bribery, overcharging, excessive fees in markets, fee without services and so forth.

7.3.6. Absence of Chain Supply:

The modern meat and dairy industry has a chain supply mechanism. The consumer will get good products only when the entire chain supply is geared to cater for safe and good products. In the chain supply framework, each setup of the system including livestock / dairy farms, transport, slaughter houses, distribution, cold stores, whole sale and retail business are connected in a chain. Every component is considered as part of one whole system. The old adage, "the chain is tested by the weakest link" is fully applicable to meat and dairy industry. Thus, if necessary protection is not provided to cater for safe and healthy product at each link (critical point) the consumer will not get good products.

7.3.7. Lack of value addition

The meat and dairy products need a good value addition system which is generally, deficient in our setup. The Agricultural Produce (Grading and Marking Act) 1937, the only law which regulates the grading and packing, etc, has no application to meat industry except hides and skins. It is applicable to dairy products (along with fruit & vegetable etc) for which rules have been framed by the Government.

7.3.8. Apathy towards environment protection

The Environment Protection Act, 1997 provides a workable environment protection system. However, the enforcement of the law is very weak – almost nonexistent. One reason is the high cost of compliance, but more importantly, it is the lack of political will of the government in establishing its writ over this problem area. The meat and dairy industry can be a polluter or the victim of pollutions. In either case there is a huge cast to the society as a whole.

7.3.9. Unfriendly to farmers

As explained above the middlemen have a strong and negative role in the meat and dairy industry, with the result that they receive the largesse of the unregulated system at the cost of the consumers and farmers, particularly the small farmer though they are numerically the largest producers of meat and milk in the province. Moreover, as the system is supply driven, the farmers suffer due to the business tactics of the middlemen. Similarly, the consumer suffers as he has to be content with whatever is available in the market. Absence of competition also contributes to the misery of these unprotected people. Lack of proper animal transportation facilities, opacity in cattle markets, informal assessment of quantity and quality of meat on hoofs, lack of health care for animals and a host of other problems generated by the archaic system, all place their accumulated burden on the weaker partners in the trading coalition, the farmers and the end consumers; the stronger partners – the middlemen—use their clout against them.

7.3.10. State of the cart legal and institutional framework

The legal framework is fatally inadequate to deal with the complex, sophisticated and well regulated meat industry in the modern world. To judge the system with reference to the global trade requirements and international norms is unfair to both. The cattle markets are proverbial fish markets as highlighted by the Rapid Market Appraisal. The slaughter houses are just shambles- in the original sense of the word- and do remind us of the history of meat industry in the early 20th Century in USA, depicted in the background of the well known Slaughter – House Cases of US Supreme Court (1873), the famous work of American painter, Lovis Corinth (1893) and the literary bombshell of Upton Sinclair, The Jungle" (1906). The last mentioned work led to substantial reforms in American meat industry, including the enactment of the Meat Inspection Act 1906, and the Pure Food and Drug Act 1906.

It can be said without any compunction that the existing state of the meat and dairy industry in Pakistan is like an ox-cart travel in the 21st century space era. The title of a Readers Digest article about an Indonesian tribe, which lives in trees, wears no clothes, eats raw food and even practices cannibalism, and that of a 1977 Hollywood fiction based movie -- "the people the time forgot"—fits well in our livestock industry.

7.4. Recommendations

In the situation described above and keeping in view the practices of Australia and People's Republic of China, along with the global legal framework of international meat and dairy trade, it is well-nigh impossible to make any recommendation, except that the entire system needs complete overhauling, starting with the legal cum institutional framework.

For this purpose, a few suggestions / recommendation have been formulated for the consideration of the policy makers, which are given below:

- Formulating a comprehensive policy for the livestock and dairy sector, in consultation with the stakeholders, which is based on the adaptable international experiences
- Developing a sound and strong legal framework for the livestock and dairy industry, which is based on successful and adaptable international experiences
- Phasing and prioritization of reforming the legal framework
- Reducing the number of laws by repealing the obsolete, defective and useless laws
- Enacting comprehensive legislation for
    - Protection of animal health, including, animal medicines, vaccines, feeds, artificial breeding, epidemic control and related matters,
    - Ensuring the quality of animal products,
    - Regulating transportation and marketing of animals,
    - Catering for enforceable animal welfare measures, covering prevention of cruelty to animals and impounding of stray animals / trespassing cattle.

For the present, enacting the following two laws encompassing the desirable features enumerated in 7.3.

- Punjab Animal Health Act, subsuming the draft Punjab Animal Health Act and Punjab Animal Biologics Act, and
- Punjab Milk and Meat Safety Act.

7.5. Desirable features of future legal framework

The desirable elements of the future legal framework have to be derived from the analysis of the existing legal framework where a huge list of shortcoming and deficiencies has been drawn up for the policy makers. Accordingly, the future legal framework must cater to the following:

7.5.1. Comprehensive legislation

The present legal framework is deficient in many respects. Moreover it is scattered over many obsolete and outdated laws. The future legal framework of livestock in Punjab should be based on comprehensive legislation covering all aspects of the livestock industry in the province starting from the animal breeding to the ultimate consumption of livestock products by the

consumers. A few comprehensive enactments are better than many scattered laws creating an incomplete framework.

7.5.2. Sound scheme of law

The present legal framework is not based on any sound and comprehensive policy for the livestock industry. Instead of dealing with various aspects in isolation and without long term policy considerations, a sound and comprehensive policy framework for the development and regulation of the industry should be developed after extensive consultations with the stakeholders. The future legal framework should be based on this policy framework.

7.5.3. Flexible and multi-tier framework

A good legal framework needs to have certainty in its contents as well as application and flexibility for future development. One of the basic advantages of law, as a tool for regulating any aspect of society, is its certainty which necessarily produces a corresponding disadvantage that is rigidity of law. The best way of finding a via media, that is, adequate certainty as well as flexibility, is to have a system which provides for various tiers of the legal framework such as the primary legislation by the legislature and subordinate legislation i.e. rules framed by government and regulations or similar other instruments by some autonomous professional entity. As per the overall suggested legal framework, this would mean a provincial enactment having provision for rules to be framed by the Provincial Government and regulations/instruction by the Livestock Development Board.

7.5.4. Meaningful role of the Provincial Government

At present the legal framework of livestock industry does not provide for appropriate role of the Provincial Government. While some of the matters are being regulated through federal laws, most of the responsibilities of regulating livestock, particularly, cattle markets and slaughter houses and related matters, are fully under the domain of the Local Governments. Therefore the future legal framework must provide for a balanced role of Federal, Provincial and Local Governments. While the matters relating to export/import and interprovincial trade would be regulated under the federal laws, the working of the cattle markets and slaughter houses should be under the ambit of the Local Government law. But, the quality issues relating to the livestock and livestock produce must be under the ambit of the Provincial Government, which shall have a meaningful role in formulation and enforcement of standards in all aspects of the livestock industry.

7.5.5. Autonomous regulatory agency

One of the good international practices, regarding the livestock industry, is having a professional entity comprising all major stakeholders to develop and regulate the industry. We come across such entities in Australia, India and many other countries having good livestock industry. Even the People's Republic of China, which has a highly centralized and government controlled system in many fields of their legal system, has started moving towards such a practice.

7.5.6. Role of Local Government

The study of livestock industry in Australia and China has brought out that Local Government needs to have an adequate role in the administration of law relating to cattle market and livestock under the regulatory regime of the Provincial Government. The present setup has a

lopsided role of the Local Government without much authority of the Provincial Government in monitoring or regulation of the livestock industry. The future legal framework must cater for such arrangement.

7.5.7. Formulation and enforcement of standards

The most important aspect of any regulatory framework is to cater to formulation and enforcement of standards of various aspects of the sector. At present there is hardly any system for formulation of standards and mechanism for their enforcement, with the result that extremely poor quality livestock products are supplied to the consumers at inequitable prices. The modern livestock industry, in other parts of the world, is extremely conscious of the standardization and quality issues. Normally this function is assigned to the government or a semi-governmental entity (Board/Commission, etc.). The Punjab Milk Development Board Act, 1963, had catered for the standardization of livestock produce through the Milk Development Boards. However, these Boards do not exist anymore, having being dissolved years ago. The future legal framework will have to cater for formulation and enforcement of standards relating to all aspects of livestock industry by the Provincial Government or the proposed Livestock Development Board.

7.5.8. Free competition

The contemporary business environment is primarily based on free competition with adequate regulatory safeguards to protect the interests of all stakeholders. Such a system cannot tolerate monopolistic and price controlling practices which create serious distortions in the market. This is the practice being followed in almost all countries having a well regulated and modern livestock industry such as USA, Australia, Canada and European Union. Even the centralized and somewhat monopolistic system of China is also moving towards free competition. The legal framework of livestock industry in Pakistan/Punjab inhibits free competition through monopolistic practices and price controlling. Thus, for example, the entire sub sector of cattle markets and slaughter houses is a monopoly of the Local Governments and private sector does not have an adequate role in the working of these sub sectors. Similarly, the price control mechanisms under the archaic colonial enactments are prevalent in the system. These defects can subdue any system. Accordingly, the legal framework needs to ensure that the principle of free competition runs through all the sub sectors of the livestock industry.

7.5.9. Participation of private sector

The modern economic order caters to a meaningful role of the private sector in the working of the various sectors of the economy, with the role of government limited only to regulation through standards and their enforcement. The government monopoly is fatal to any sector of economy in the milieu of the present economic setup. The present legal framework of livestock in Pakistan/Punjab does not cater for a meaningful role of private sector. Thus, for example, the animal health, production and administration of vaccines, slaughter houses, cattle markets, etc., are working more or less without much participation of the private sector.

7.5.10. Participation of stakeholders

The stakeholders are the most important component of any industry. Their participation—in developing policy framework, strategic decision making, regulatory processes, dispute resolution and balancing of interests of various players—is one of the a prominently visible best practice in well developed and fast developing systems. The self regulation by the live stock industry in Australia is an apt example of the participation of stakeholders. The future legal

framework should enable and encourage the participation of the stakeholders in all activities of the livestock industry, particularly, the policy formulation, regulatory process, and dispute resolution. The suggested Livestock Development Board is a good means of providing the stakeholders' participation in policy formulation at intermediary level and operating the regulatory processes. Another relevant forum for the participation of the stakeholders is the dispute resolution among the stakeholders.

7.5.11. Supply chain approach

The livestock industry involves multidimensional system based on a chain of supply. It's a chain of activities including livestock breeding, farming, health, care, veterinary medicines and professionals, epidemic control, vaccination production and administration, transportation of animals from farms to markets, Identification of animals, cattle markets with proper facilities relating to facilities for sellers and buyers, animal health / welfare, a sophisticated setup of slaughter houses catering for proper slaughtering, dressing, packing, storage of meat, its transportation to the markets, meat markets. Thus a long chain of activities and places are involved in the working of the livestock industry and proverbially, the strength of the chain lies in its weakest link, one weak link will affect the total outcome of the system. Accordingly, total quality management approach is required in the working of the livestock industry. The legal framework must cater for quality assurance at all the stages and activities of the sector.

7.5.12. Business enabling environment

No business can grow in a constrictive environment, based on market distortions, high cost of business, rent seeking, inefficiencies and other discouragements. All the players expect reduced cost of business; the weaker players such as farmers need protection and encouragement and others need to be given business opportunities on a level playing ground with transparency and efficiency in the entire system. Too many processes, restrictions and fees enhance the cost of doing business. The legal framework should not be oblivious of this aspect of industry.

7.5.13. Appropriate regulatory regime

A good legal framework needs to have appropriate sanctions for its enforcement; otherwise, even the best law would not produce desired results. The present system provides for inadequate sanctions. Moreover, the sanctions are more focused on punishments (imprisonment) as compared to the financial sanctions. The legal framework of livestock in Australia as well as China provides for very strong financial sanctions along with adequate corporal penalties. Therefore, the future legal framework must provide for effective and balanced sanctions with more focus on financial penalties.

7.5.14. Alternative dispute resolution

The traditional dispute resolution i.e. through litigation in the courts, is very expensive, time consuming and inefficient, and is being replaced by alternative processes such as negotiations, mediation, arbitration, quasi-judicial entities such as tribunals, professional boards, stockholders' forums. At present the legal framework of livestock does not provide for any such alterative process, with the result that the inefficient dispute resolution through litigation has serious adverse effects on overall working and efficiency of the system. Accordingly, the future legal framework should cater for dispute resolution among the stakeholder/market players to be resolved through appropriate alternative processes.

7.5.15. Protection of consumer rights

Consumers are the major stakeholders and are most seriously affected by positive as well as negative working of the industry. Therefore, it is important to protect their interest vis-à-vis quality, health and financial interests. The legal framework of livestock industry is quite oblivious of such interests of the consumers. The present livestock laws have almost no provision for the protection of consumer rights. The Punjab Consumer Protection Act, 2005, does not cover the livestock products. Even the Punjab Food Authority Act, 2011, does not apply to meat, etc. The legal framework, therefore, needs to provide for a system to protect the legitimate consumers' interests.

7.5.16. Farmer friendly system

The farmers are generally the weakest players in the livestock industry, particularly small farmers who are a major component of the livestock production in Pakistan. They need protection and encouragement to contribute in reforming the industry. The legal framework would need to address this issue. An equitable system of regulation and development should be an important ingredient of the system under the new legal framework.

7.5.17. Adopting international best practices

An under developed country like Pakistan can ill afford the luxury of experimentation in economic sphere. At more or less the tail end in the march of civilization, we have the immense advantage of learning from the successes and failures of others. Adopting international best practices is one of the important best practices even in well developed countries who can afford the arrogance of having their own ways.

7.5.18. Global context

In the 21st Century global village, the economies of all the nations have global connotations and ignoring the global context is a fatal mistake for any economy, particularly a country like Pakistan. As pointed out this report a number of international instruments constitute the regulatory frame work of world economic order. The WTO regime, including the Sanitary and Phyto-Sanitary (SPS), Codex Alimentarius developed by FAO / WHO of the United Nations and Terrestrial Animals Health Code of World Animal Health Organization, which are recognized reference instruments by WTO in the resolution of international trade disputes, have immense affect over the international trade of all the countries who are members of WTO. The future legal framework of livestock must cater for standardization in the global context.

8. ANNEXES

Annex 1: Punjab Livestock Market Rules, 2010

PREAMBLE

WHEREAS, it is expedient to prohibit the sale of animals other than prescribed Livestock market by Livestock Department.

1. Short Title and Commencement
   i. These rules may be called the Punjab Livestock Market Laws
   ii. They shall come into force at once
   iii. They shall cover all the Punjab.

2. Definitions

In these rules, unless the context otherwise require, the following expression shall have the meanings hereby respectively assigned to them:

a) **"Large Animal"** means an animal, which is not a small animal and included stallions, mares, bulls, buffaloes, oxen, cows and camels both male and female.
b) **"Small Animal"** means goats, sheep, lambs, rams, ewes asses, colts, foals, fillies. Calves, heifers and the like.
c) **"Livestock Market"** means any specified place, with a clear cut demarcation which is notified by Provincial Government Livestock Department and established or maintained within the limits of District Government, where people assemble for sale or purchase of large and small animals, whether imported from outside the limits of Local Government or brought from within the limits of Local Government.
d) **"Fitness Certificate"** means a certificate by the Veterinary Officer I/C Veterinary hospital about the animal offered for sale and vaccination completion.
e) **"Inspector"** means any person who possesses the basic degree in Veterinary Sciences authorized by order in writing, in this behalf by the concerned District Government and having the power to inspect livestock market, for the treatment of sick animal and other powers as delegated to him with the power of entry., seizure and seal of premises.
f) **"Zoonotic Diseases"** means those diseases transmissible from animals to human beings and vice versa.
g) **"Contagious disease"** means any disease, which is easily transmitted, to other animals through direct or indirect contact and the District Government by notification declares as to be a contagious disease.
h) **"Lessee"** means the person to whom Local Government has granted the rights of the collection of livestock mandi fee and the other charges payable by the buyers and the Sellers of animals, in conformity with the terms and conditions of such lease.
i) **"Vaccination"** is a certificate issued by the Veterinary Officer against communicable diseases.
j) **"Specifications"** means those criteria fixed by the Livestock department for livestock market etc.

3. Infrastructure

The provision of following infrastructure shall be made available for the establishment and smooth functioning of the livestock market; otherwise the possession of the same shall not be handed over to the leasee.

i. Sufficient numbers of shades, sheds and shelters for the accommodation of animals.
ii. Sufficient numbers of specified ramps or loading and unloading platforms for the convenience of the animals.
iii. Boarding/lodging facility for the Livestock owners.
iv. Ample quantity of fresh clean drinking water and feed/fodder troughs, pegs or other Receptacles.
v. First aid facilities at Veterinary centre level.
vi. Requisite number of auctioning areas /stalls according to the different categories of animals for open bid auction.
vii. Commercial market for Medicines, concentrates, feed and other animal products.
viii. Counter facility of any scheduled bank.

4. Hours of Operation

A cattle market shall remain open for business/ trade during such hours, as prescribed by the Inspector.

5. Weights and Measures

Animals brought into the Livestock mandi for the purpose of sale and purchase shall be weighed or measured, at the weigh- bride or measuring yard maintained by the lessee and no levy shall be charged for the purpose.

A Local Government for a tehsil / town may levy fee for the animals brought into the notified livestock market. The fee shall be levied on following rates:

i. Any small animal admitted in the Livestock market (ten rupees per animal)
ii. Any large animal admitted in the Livestock market (fifty rupees per animal)
iii. 20% of the total revenue will be generated from Livestock market shall be spent on the Livestock development of the concerned District through DO (Livestock).
iv. A local Government may dispose off the right of collection of fees to the lessee, as prescribed in section 6 (i) and (ii) by the annual auction.

6. The lessee shall be responsible for the cleanliness, lime wash and essential repairs of the livestock market and the land and buildings appertaining thereto and shall cause the removal of filth.

7. Prohibitions/Restrictions

The following shall be strictly observed in livestock market by Government Inspector:

i. No person or animal shall be allowed to enter into the livestock market who himself or any animal with him, which is suffering from any contagious disease.
ii. No person shall use any medicine for false fattening like alum etc.

iii. No person shall use any unwanted appliances/ instruments which may or which is like to cause any injury to the animal on which it is used.
iv. No person shall retain the animal with milk.
v. No grass/ fodder shall be allowed within the livestock market except for the places provided for the purpose.
vi. No person shall act as broker, middleman etc.
vii. No person of staff, of lessee or other shall be without uniform.
viii. No person shall be allowed to sell the calf less than six months of age, sheep/ goat under three months of age.
ix. No animal shall be allowed to feed on deleterious substances, filth or refuse of any kind which is dangerous to the health of consumer or unfit for human food.
x. No cooking of meats and lighting of fire within the market shall be allowed.
xi. Persons bringing animals into the livestock market shall be responsible for any damage to installation, fittings, fixtures or premises of market caused by their animals. Failure to make good the loss caused by such damage shall cause impounding of animals, which shall be released on making good the loss.
xii. No person shall sell or buy any animal outside the livestock market, during the Livestock market days.

8. Sale Through Auction Proceeds
   i. The producer or farmers are afforded with the facility of an auction to obtain fair price for their produce animals.
   ii. The sale of animal or animals by open bid auction in the livestock market shall be made as prescribed by the local Government.
   iii. The sale price of animals purchased or sold by open bid auction shall be paid on delivery at the spot.
   iv. The auction proceeds shall be commenced by beat of drum or loud speaker, in a ring in market premises.

9. Functions of the Inspector

An Inspector authorized by order in writing in this behalf by the concerned District Government.

   i. Shall at any time enter into the cattle market for the purpose of inspection of any animal, intending for sale or prepared for sale and examining of any animal to check its health status.
   ii. Shall seize any such animal, which appears to him to be diseased, or any cruelty being done to animals.
   iii. Shall provide measures to be adopted for the prevention and control of spread of contagious animal disease, including the compulsory inoculation of animals and treatment as may be necessary for such animals.
   iv. Shall direct, to cremate any animal which he finds to be sick due to contagious disease and no compensation shall be paid to the owner or person thereof.
   v. Shall cause to dispose of all the things that may have been in contact with or appertaining to animals suffering from contagious diseases.

10. Disposal of Dead Bodies of Animals

In case of the death of any animal within the livestock market, the local Government shall cause the removal of dead body of such animal from the livestock market, at the expense of the owner

and where the owner fails to remove such a dead body, the local Government shall dispose it by open auction at the spot and proceeds of auction shall belong to the local Govt.

11. Adjudication of the Dispute
In case of any dispute arising between the lessee and the other parties like seller, buyers, the matter shall be referred to the inspector of the Local Government for adjudication, whose decision shall be final.

12. Punishment and Penalties
Every breach or contravention of these rules shall be an offence punishable with fine as may be prescribed under the 4th scheduled part iii, Punjab local Government Ordinance, 2001 and I, II and also in forthcoming procedures.

13. Working of Registration and Regulatory Authorities
Every livestock market, fodder market (public or private), is bound to register with the registration authority of the District and regulates according to the specification. The regulatory authority should stop the functioning of institutions below the standards, specification and seize; seal the premises, should also fix up to rupees five thousands to rupees fifty thousand by summary court and also route the *challan* for imprisonment up to six months to judicial magistrate.

Illegal seal broken will be non-cognizable, non-bail-able offence punishable with an imprisonment up to five years with or without a fine up to rupees fifty thousands.

PROCEDURE OF IMPLEMENTATION FOR PUNJAB GOVERNMET LIVESTOCK MARKET RULES 2010

The Officer In charge Livestock Market will exercise the powers to retain diseased animals in quarantine room and exercise the power to dispose off the animals having zoon tic diseases.

SPECIFICATIONS

LIVESTOCK MANDIES AND FAIRS

1) Drinking water supply for owners as well as livestock
2) Drainage and sewerage system
3) Shelters for livestock and owners
4) Canteen and restaurant for public
5) Fodder troughs and water tanks
6) Veterinary dispensary with cattle crush for first aid
7) Health dispensary for any emergency
8) Office 16 by 12 sq ft
9) Chowkidar room 12 by 10 = 120 sq ft
10) Laboratories 18 by 30= 540 sq ft
11) Security measures

12) Feed troughs
13) Transportation arrangements for animals movements
14) Accessibility of site for farmers
15) Bank booth for transactions
16) Shops and stalls for feed, fodder, seed, supplements and concentrates
17) Livestock department activities stall
18) Compulsory registration /vaccination certificate for sale
19) Boundary wall of premises
20) Plenty of pegs for animals

Annex 2: Proposed Act "Punjab Quality Meat and Slaughter Control Act", 2010

Chapter 1
Preliminary

1. Short Title, Extent and commencement.

1. This act may be called Punjab Quality Meat and Slaughtering Control Act, 2010.
2. An act to control the quality of meat and its products, and to regulate the slaughtering of animals
3. It extends to whole Province of Punjab.
4. It shall come into force on such date as the Provincial Govt. may, by notification in the Official Gazette.

2. Declaration as to expediency of control by the Provincial Government

It is here by declared that it is expedient in the public interest that the Punjab Government should take the control of meat standards.

3. Definitions

In this act, unless the context otherwise requires:

1) **"Animal"** means a male or female cattle, buffalo, sheep, goat and camel of any age.
2) **"Carcass"** means the slaughtered de-skinned body of an animal
3) **"Cull"** means to pick an animal neither suitable for breeding nor for draught purpose
4) **"Authority"** means the state, Govt. agency established to implement and enforce this act.
5) **"Meat"** means any edible part of slaughtered Halal animal.
6) **"Slaughter"** means to bleed Halal animal through Zibha (In the name of Almighty Allah) with sharp knife till all the reflexes are over.
7) **"Slaughter House"** means any building or premises used for slaughtering of animals, constructed in public / private sector.
8) **"Productive Animals"** means:
   i. A male / female sheep/goat below the age of six months.
   ii. A female sheep/ goat of the age of six month but not exceeding five years, which is pregnant or fit for breeding purpose.
   iii. Any male / female cattle / buffaloes and camel below one year and two years of age respectively
   iv. Any female cattle, buffaloes and camel which is pregnant or in milk or fit for breeding/ draught purpose but does not include any such animal which on account of culling, injury, illness or other cause is certified in writing by a Veterinary officer/ Veterinary Doctor as not likely to live or as no longer a useful animal for the purpose under this Act.
   v. Any male animal sheep/ goat, cattle/ buffaloes and camel below the age of six months, one year and two years respectively.
9) **"Meat Inspector"** having basic degree in Veterinary Medicine from a recognized college/ university, authorized by L&DD to inspect the slaughter house, meat shops and other meat businesses & also delegated with the power of entry, search and seal of legal and illegal premises.
10) **"Adulteration"** means an act of addition of anything to enhance the quantity of products and causing adverse effects on human health.
11) **"Ante mortem examination"** means examination of animals to be slaughtered to determine their suitability for human consumption.

12) **"Butcher"** means trained, healthy & slaughterer of Halal animals
13) **"Contagious Disease"** means any disease communicable to animals and Human being.
14) **"Contamination"** means any material spoiling meat like dust, bacteria, virus and fungus up to disease production level.
15) **"Diseased Animal"** means an animal suffering from any infectious/ contagious / toxic disease and unfit for human consumption.
16) **"Deodorant"** means chemical used for controlling bad odor and smell.
17) **"Equipment"** means the machinery / tool used for slaughtering, flaying, chilling, piecing, and transporting etc.
18) **"Frozen / Chilled Items"** means hygienically packed meat and its products kept in at chilling temperature at 0 degree C to -5 degree C for 15 days and at freezing temperature from 0 degree C to -30 C for 11 months.
19) **"Government"** means the Government of the Punjab.
20) **"Gradation"** means division of meat by:
    i. Conformation of animal
    ii. Finish of carcass
    iii. Age of animal.
    iv. Texture of meat.
    v. Color of meat.
    vi. Odor.
    - **Grade-A** Meat without bones & without fat.
    - **Grade-B** Meat with bones but without fat.
    - **Grade-C** Meat with bones & fat
    - **Grade-D** Accessories like foot, stomach, liver, heart, lungs, head & brain etc.
21) **"Meat Shop"** means a place of selling meat fulfilling the specified hygienic measures
22) **"Postmortem examination"** means examination of slaughtered animal to determine its suitability for human consumption.
23) **"Quality Meat"** means meat fulfilling the standards specified for human consumption by the concerned authority
24) **"Stock Yard/Lairage"** means any enclosure, approved by the concerned authority where animals are kept for ante mortem examination by the Veterinary Officer / In charge Slaughter House to determine the suitability of animal for slaughtering.
25) **"Staff"** means all the persons working in the slaughter house.
26) **"Specifications"** means all the requirements declared by the concerned authority for slaughter houses, meat shops, meat markets and butchers.
27) **"Uniform"** means a specified clean and hygienic dress for the staff working in the slaughter house.
28) **"Veterinary Drug Residues"** means any chemical/ drug that passes through meat at or above the lethal level / toxic to the human beings.
29) **"Water infusion"** means the water treatment to the de-skinned slaughtered animal or dressed meat to enhance weight.
30) **"Zoonotic Disease"** means any disease such as Tuberculosis, Rabies, Mad cow and Hydatid cyst etc. which is easily transmitted to human beings by taking the meat and its products.
31) **"Zeotic Disease"** means any disease such as Tuberculosis and Mad cow etc which is easily transmitted from human beings to animals.

Chapter 2.

Special Responsibilities relating to Meat Safety

Responsibilities of the Meat Business Operator

1) Every meat business operator shall ensure that the meat and its products fulfill the requirements of this Act, the rules and regulations made their under at all stages of production, processing, distribution and sale within the businesses running under his control.
2) No meat business operator shall himself or by any person on his behalf slaughter, store, sell, or distributes any kind of animal, meat and its products,
3) Which is unsafe for human health,
4) Which is misbranded or substandard or contains extraneous matte; or
5) For which a license is required.
6) Which is for the time being prohibited by the concerned authority / agency of the Punjab Govt. in the interest of public health; or
7) In contravention of any other provision of this act or of any rule or regulations made thereunder.
8) No meat business operator shall employ any person with suffering from infectious/ contagious disease.

Chapter 3
Enforcement of the Act

1) The Authority / Agency established to enforce the Act, shall be responsible for the implementation of this Act.
2) The Authority / Agency shall monitor and ensure that the requirements of Law are met by meat business operators at all stages of meat business.
3) The Authority / Agency shall maintain a system of control and other activities as appropriate to the circumstances, including veterinary public health, meat safety surveillance and other monitoring activities covering all stages of meat businesses.
4) The Meat Inspector shall enforce and execute within his / her area of the provision of this Act.
5) Meat Inspector of the concerned authority / agency shall have power of entry into any place where the meat business is being operated.
6) Meat Inspector can search the area specified for meat business activities.
7) The Meat Inspector has the power to forfeit the animals / carcass if he considers that the carcass is unfit / unsafe for human consumption.
8) Meat Inspector has power to seal the legal and illegal premises in the interest of public health.
9) The Meat Inspector shall cause any dressed meat carcass or its part which is in his opinion unfit for human consumption to be buried for destroying.
10) Meat Inspector is fully authorized to inspect every kind of meat business operations at any place under his jurisdiction in the larger interest of public health.

Board / Agency / Authority Govt. of Punjab / L&DD may form Board /

	Authority / to enforce the Act.
Appellant Board	Govt. of Punjab / L&DD may form appellant Board to hear the appeal cases regarding decisions passed under this Act.
Appointments	Govt. of Punjab / L&DD may appoint / recruit against different posts to enforce the Act.
Budget	Govt. of Punjab / L&DD may allocate a reasonable budget to run the Board / Agency.
Fee / Levies	Govt. of Punjab / L&DD may charge / levy fee for licensing, registration on any meat business operations.
Removal of Difficulties	Govt. of Punjab / L&DD may remove any kind of difficulties if he feels it necessary.

Chapter 4
Offences and Penalties

General Provisions Relating to Offences

1) A person may render any kind of meat that is haram and injurious to health by means of one or more of the following operations, namely;

   (a) Infusion of water to the meat.
   (b) The sale of meat other than set standards/quality.

2) In determining whether any kind of meat is unsafe or injurious to health, regard shall be considered.

   (a) (i) The standard condition of meat and its handling at each stage of production, processing and distribution;
   (ii) The probable cumulative toxic effects.

   (b) The facts that the quality or purity of the meat has fallen below the specified standards and is injurious to the public health.

General Provisions relating to Penalty

While judging the quantum of penalty under this chapter, the adjudicating Officer or the tribunal, as the case may be, shall have due regard to the following:

a) The amount of gain or unfair advantage where ever quantifiable made as a result of the contravention,

b) The amount of loss caused or likely to cause to any person as a result of the contravention,
c) The repetitive nature of the contravention ,
d) Whether the contravention is without his knowledge, and
e) Any other relevant factor

Offences and Penalties

1. Selling of meat not of the nature or quality demanded

Any person who sells to the buyers prejudice any kind of meat not in compliance with the provisions of this act or rules made their under shall be liable to a penalty not exceeding Rs. 2,000,00 (Two lac rupees) or three month imprisonment or both.

2. Substandard meat

Any person who whether by himself / herself or by another person on his / her behalf sells, stores or distributes any kind of meat which is substandard shall be liable to a penalty which may extend to Rs. 3,000,00 (three lac rupees) or 4 months imprisonment or both.

3. Unstamped Meat

Any person who whether by himself or by another person on his / her behalf sells stores or distributes any kind of meat for human consumption which is unstamped with food ink, shall be liable to a penalty which may extend to Rs. 50,000 (fifty thousand rupees) or one month imprisonment or both.

The adjudicating Officer may issue a direction to the person found guilty of this offence and such meat shall be auctioned if fit for human consumption.

4. Misleading Advertisement

Any person who publishes an advertisement, which –
(a) Falsely describes meat and its products; or
(b) Is likely to mislead as to the quality of meat or gives false guarantee shall be liable to a penalty which may extend to Rs. 5,000,000/- (five lac rupees) or imprisonment for six months or both.

5. Penalty for Water infusion

If any person who whether buy himself or by any other person on his/her behalf sells, stores and distributes adulterated meat shall be liable to a penalty not exceeding an average of 1,000,000 (one lac rupees) or one month imprisonment or both.

6. Interfering with seized dressed meat carcass or its parts

If a person without the permission of Meat Inspector retains, removes or tempers with meat, vehicle, equipment, package or labeling or advertising material that has been seized under this

act, he / she shall be punishable with imprisonment for a term which may extend to six months and also with fine which may extend to an average of 1,000,000 (one lac rupees) or both.

7. Punishment for Obstructing or impersonating a Meat Inspector

If a person without reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault a Meat Inspector while exercising his functions under this act, he shall be punishable with imprisonment for a term which may extend to three months and also with fine which may extend to Rs. 1,00,000 (one lac rupees) or both,

8. Punishment for Meat Business without License

If any person or Meat business operator himself or by any person on his / her behalf who is required to obtain license, processes, sells, stores or distributes any kind of meat without license shall be punishable with imprisonment for a term which may extend to six months and also with a fine which may extends to an average of 1,000,000 (one lac rupees) or both.

9. Veterinary Drug Residues

If any person or a farmer contravenes the tolerance limit as may be specified by meat safety rules, shall be liable to a penalty which may extend to an average of 50,000 (fifty thousand rupees) or imprisonment for one month or both.

10. Selling of Meat of Dead Animal

If any person whether by himself or by any other person in his behalf sells, stores or distributes the meat of dead animal shall be liable to a penalty which may extend to an average of 5,000,000 (five lac rupees) with imprisonment for one year.

11. Selling of Meat of Haram Animals

If any person whether by himself or by any other person in his behalf sells, stores or distributes the meat of haram animal shall be liable to a penalty which may extend to an average of 5,000,000 (five lac rupees) with imprisonment for one year.

12. Slaughtering of Useful / Productive Animals

If any person or company slaughters the productive / useful animal specified under this act or rules, shall be liable to a penalty which may extend to an average of 20,000 (twenty-thousand rupees).

13. Unhygienic Meat Transportation.

If any person whether by himself or by any other person on his behalf or a company transports the meat in unhygienic vans, he shall be liable to a penalty which may extend to an average of 50,000 (fifty thousand rupees) with imprisonment of one month or both.

14. Violation of specification of Slaughter houses

If any person violates the specification for a Slaughter house given in the quality meat rules, 2010 shall be liable to a penalty which may extend to an average of 1,000,000 (one lac rupees).

15. Violation of specification of Meat Shops

If any person violates the specification for a Meat Shops given in the quality meat rules, 2010 shall be liable to a penalty which may extend to an average of 20,000 (twenty thousand rupees).

16. Punishment for Expired Frozen / Chilled Meat and its Products

If any person or a company sells meat and its products without expiry date, refrigeration and expired shall be liable to a penalty from an average of 50,000/-(fifty thousand) to an average of 1,000,000/- (one lac rupees) or one month imprisonment or both.

17. Penalty for Slaughter houses and meat Business Premises Operating under Unhygienic or Unsanitary Conditions

If any person or company involved in meat business operates under unhygienic or unsanitary conditions specified in the quality meat rules, 2010, shall be liable to a penalty which may extend to an average of 5,00,000 (five lac rupees) or imprisonment which may extend to three months or both.

18. Selling of Meat of Animals Suffering from Zoonotic Diseases

If any person whether by himself or any other person on his behalf or a company sells the meat of such animals, shall be liable to a penalty which may extend to an average of 5,00,000 (five lac rupees) or imprisonment which may extend to one year or both.

Chapter 5.
Miscellaneous

1. Jurisdiction Barred
Save as provided under this Act, no order made or proceeding taken under this act or rule made under shall be called in question in any court or no injunction shall be granted by any court in this respect or to any decision made or proceeding of the court.

2. Delegation
Government of Punjab/L&DD may delegate any power to any authority or designator.

3. Appearance through Counsel or Advocate
Can appear in person or through Counsel.

4. Power to make Rules/Regulations
Government of Punjab/L&DD may by notification or any gazette make rules further/supplementary by carrying out purpose of Act through framing of rules.

5. Repeal
This Act, “Punjab Quality Meat and Slaughtering Control Act, 2010” will be repealed with any other approved law/Act/revised Act in this regard by competent Authority/Government of the Punjab.

Annex 3: The Milk and Meat Safety Act, 2011

Whereas it is necessary to address physical, chemical and biological hazards in the production of milk, meat and other animal products and to provide an effective enforcement framework for the purpose it is hereby enacted as follows:

Chapter 1: Preliminary

1. Short Title and Commencement
   (a) This Act may be called the Milk and Meat Safety Act, 2011
   (b) It shall extend to the whole of the province of Punjab
   (c) It shall come into force at once

2. Definitions
   (a) 'Agency' means the Milk and Meat Safety Agency established under section 3 of the Act
   (b) 'Animal' means livestock, fish, poultry, duck, goose, deer and horses
   (c) 'Animal produce' includes meat, bones, offals, milk and eggs
   (d) 'Butcher' means a person who undertakes slaughter of animals.
   (e) 'Carcass' means the slaughtered de-skinned body of an animal
   (f) 'Certification or certificate' means certificate or certification issued by the Agency that an animal or animal produce complies with some or all of the provisions of this Act or regulations issued there under
   (g) 'Contagious disease' means a human disease which may be transmitted to humans through blood or any human secretion
   (h) 'Fish' includes wild caught and farmed fish
   (i) 'Government' means the Government of Punjab
   (j) 'Gradation' means division of meat by
      - Conformation of animal
      - Finish of carcass
      - Age of animal
      - Texture of meat
      - Color of meat
      - Odor
   (k) 'Home slaughter' means the slaughter of a livestock or poultry animal by its owner on his property for his consumption or that of his immediate family members. Home Slaughter cannot take place in a slaughterhouse
   (l) 'Animal produce shop' means any premises, from which meat, bones, or other parts of an animal except hide or skin and unpacked milk are sold.
   (m) 'Local Government' means a local government established under the Local Government law for the time being in force.
   (n) 'Prescribed' means prescribed by Regulations
   (o) 'Regulations' means regulations issued under this Act
   (p) 'Veterinary practitioner' means any person authorized to practice veterinary medicine
   (q) 'Zeotic disease' means any disease which is easily transmitted from human beings to animals
   (r) 'Zoonotic disease' means any disease which is easily transmitted to human beings through consumption of animal produce

Chapter 2: Establishment of Milk and Meat Safety Agency

3. Constitution of Milk and Meat Safety Agency

As soon as may be after the commencement of this Act, Government shall establish a Milk and Meat Safety Agency to be comprised of a Director General and such number of other officers as may be deemed appropriate.

4. Agency to be body corporate

The Agency shall be a body corporate and may sue and be sued in its name.

5. Chief Executive of the Agency

There shall be a Chief Executive Officer of the Agency who shall be appointed by the Government for a period of three years. The Administration of the Agency shall vest in the Chief Executive.

6. Chief Financial Officer and Chief Monitoring Officer

In addition to the Chief Executive officer the Government shall appoint a Chief Financial Officer and a Chief Monitoring Officer of the Agency for performance of financial and monitoring functions. The Chief Financial Officer and the Chief Monitoring officer shall perform their functions under the control and supervision of the Chief Executive Officer.

7. Board

(a) There shall be a Board to provide strategic guidance, oversee working and ensure achievement of objectives.
(b) The Board shall comprise of the following:
    i. Secretary Live stock and Dairy Development Department- Chairman
    ii. Representative of the Finance Department - member
    iii. Representative of the Food Department - member
    iv. Representative of the Forest and Wildlife Department - member
    v. DG research Livestock Department - member
    vi. Vice Chancellor University of Animal and Health Sciences - member
    vii. Three members of the provincial assembly - members
    viii. Director General- Secretary
(c) The Board shall meet at least twice a year
(d) The decisions of the Board shall be taken by majority of members present
(e) A vacancy in the Board shall not invalidate proceedings of the Board
(f) A Department on the Board may be represented by an officer not below the rank of Additional Secretary

Chapter 3: Milk and Meat Safety Regulations

8. Power to prescribe animal management regulations

The Agency may prescribe through regulations
(a) Holding conditions of animals at farms
(b) Feeding and watering requirements of animals
(c) Manner of feeding and watering of animals

(d) Method and manner of milking/collection of other non-meat animal produce
(e) Prohibited practices at farms

9. Power to prescribe regulations to eliminate disease
The Agency shall prescribe through regulations actions that must be taken to eliminate contagion of zeotic and zoonotic disease(s) at animal produce processing units and animal produce shops.

10. Power to prescribe slaughtering regulations
The Agency shall prescribe through regulations
1) Manner of slaughter and processing of carcass by meat business operators
2) Manner of disposal of unwanted animal parts at slaughter houses, slaughtering places or meat shops
3) Stamping of carcasses for certification of quality

11. Power to prescribe standards
The Agency shall prescribe through regulations
1) Disease free certification an animal intended for slaughter should carry
2) Disease free certification an animal used for production of milk and eggs should carry
3) Veterinary residue standards for meat, milk or eggs and actions to be taken to ensure adherence to the same
4) Standards pertaining to animal health and animal produce

12. Power to prescribe regulations for animal produce businesses
The Agency shall prescribe through regulations
1) Conditions slaughterhouses, animal produce processing plant(s) or animal produce shop(s) must fulfill
2) Technological and structural requirements of slaughterhouses, animal produce processing plants and animal produce shops
3) Record keeping requirements
4) Hygiene conditions to be fulfilled at slaughterhouses, animal produce processing plants/animal produce shops
5) Manner of disposal of unwanted parts/unsold parts at slaughter houses, animal produce processing plants or animal produce shops
6) Manner of cleaning of animal produce prior to sale or packaging

13. Power to prescribe storage regulations
The Agency shall prescribe through regulations
1) Manner and conditions of storage of animal produce
2) Hygiene conditions to be fulfilled at animal produce storage areas

14. Power to prescribe transport regulations
The Agency shall prescribe through regulations
1) Manner and conditions of transport of animal produce
2) Hygiene conditions to be fulfilled by transport vehicles, transport containers and handlers of animal produce

15. Special regulations concerning Fish:
1) The Agency may by regulation provide for:

a. Safe and hygienic fish farming
b. Safe and hygienic catching of fish

2) Government may on the recommendations of the Agency prohibit catching of fish from unsafe natural waters.

16. Power to prescribe health regulations for animal handlers and persons undertaking slaughter

The Agency shall prescribe through regulations

1) Hygiene conditions to be observed by animal produce handlers and persons undertaking slaughter
2) Actions to be taken to eliminate human contact with animal produce
3) Training that butchers must have

17. Voluntary registration

The Agency may register slaughterhouses, animal produce processing businesses, animal produce shops or animal farms which intend to obtain certification from the Agency that they comply with the provisions of this Act and regulations issued under it.

18. Agency may require businesses to obtain licenses

1) The Agency may require slaughterhouses, animal produce processing businesses, animal produce shops or animal farms, which intend to put into commerce animals or animal products, to cause themselves to be registered with the Agency in the prescribed format and obtain a license for undertaking the said business.
2) The Agency may cancel, suspend or withdraw a license granted under this section.
3) The Agency may notify a list of actions that may be taken under this Act against a business on failure to comply with one or more compliances required by this Act.

19. Identification of Animals

1) The Agency may require that except for home slaughter no animal that is not tagged or subject to identification in the prescribed manner and does not have appropriate certification shall be slaughtered for consumption.
2) The Agency may require that milk of no animal that is not tagged or subject to identification in the prescribed manner and does not have appropriate certification shall be sold
3) The Agency may require that eggs of no animal that is not tagged or subject to identification in the prescribed manner and does not have appropriate certification shall be sold.

20. Meat business operators not to sell unstamped meat

No meat business operator shall sell or allow to be sold any meat which does not carry the mark of the Agency that the meat is healthy and fit for human consumption at the time of slaughter and the slaughter has happened in accordance with the provisions of this Act.

21. Butchers to obtain licenses

No person shall undertake slaughter unless he has obtained a license from the Agency

22. Health of butchers

1) Without prejudice to the generality of the power to prescribe regulations under section 16, every person who undertakes or performs slaughter of any animal for purposes of

sale shall be checked and screened for contagious prescribed in schedule 1 of this Act diseases

2) No person who is afflicted by any disease mentioned in schedule 1 shall undertake or perform slaughter of any animal or handle slaughtered meat in any respect.
3) Every slaughterhouse shall display in the slaughter house a certificate that the person slaughtering or handling slaughtered animals in the slaughter house are entitled to undertake or perform slaughter and no other person has slaughtered or handled animals in that slaughterhouse

Chapter 4: Certification and disclosures

23. Identification of animals for purposes of Certification
    1) The Agency shall by regulation provide for the marking/identification of animals for the purposes of this Act and the time of marking/obtaining identification.
    2) The Agency shall maintain or cause to be maintained information regarding marked animals/animals carrying identification in an automated manner for easy and quick access/use.

24. Duty to obtain certificates
    1) Every person in charge of a livestock animal shall obtain a certificate regarding that animal's health from a certified veterinary facility or veterinary practitioner before bringing the same to a slaughterhouse, animal market or animal fair or exhibition.
    2) A certification shall only be issued to a marked or tagged animal or an animal carrying an identification device in accordance with the provisions of this Act.
    3) Every person in charge of poultry animals shall carry with him a certificate that the poultry he is carrying comes from a licensed farm and the animals have been duly vaccinated and/or are otherwise healthy and fit for human consumption

25. Disclosure of origin of meat and its characteristics at the point of sale

The Agency may require that person in charge of an animal produce shop shall disclose

a. Whether animal produce being sold complies with the provisions of this Act and regulations made there under.
b. Characteristics of animal produce being sold
c. Manner of storage and last date of consumption

26. *Halal* animal produce

No person shall cause to be sold, processed or otherwise used for human consumption meat, milk or eggs from any animal which is not halal or which has not been slaughtered in accordance with Islamic law.

27. Power to provide for certification of animal characteristics:
    1) The Agency may issue certification to animal products attesting
        i. Geographic origin and breed of an animal
        ii. Conditions of holding
        iii. Vaccination(s) an animal has had and its freedom from specified diseases
        iv. Age and sex of an animal
        v. Feed on which an animal has been fed
        vi. Compliance with regulations issued under this Act

vii. Gradation of produce

2) Every product certified by the Agency shall carry a mark prescribed by the Agency

28. Power of Government to certify Farms
    1) The Government may issue certification to registered Slaughterhouses, Animal produce processing businesses and animal farms that comply with International Hazard Control Standards and the provisions of this Act or regulations made there under through independent certifiers
    2) Government may determine the manner of certification and the fees to be paid for the same
    3) No slaughterhouse, animal produce processing business or animal farm shall represent in any manner that it is certified under this section unless it has obtained a certificate in accordance with the provisions of this section.

Chapter 5: Enforcement

29. Duty of enforcement: The Agency may enforce the provisions of this Act or regulations made there under through:
    (a) Inspectors
    (b) Local Governments
    (c) Certification agencies
30. Duties of Local Governments
    1) A local government shall enforce the provisions of this Act within the limits of its jurisdiction when so required by the Agency and to the extent specified.
    2) The Agency shall pay such fees to the local government for enforcement as may be determined by the Government

31. Agency to appoint/authorize persons as inspectors:
    1) The Agency may appoint such number of inspectors as may be necessary to undertake enforcement of this Act and regulations made there under.
    2) Where the Agency entrusts a local government with the enforcement of one or more provisions of this Act
        (a) The concerned Local Government may appoint such number of enforcement Inspectors as may be required by the Agency after approval of the Government
        (b) The Agency may authorize such number of officers of the Local Governments may be required and enforcement Inspectors to perform the functions of inspectors under this Act. Where the Agency has authorized a person to perform the functions of Inspectors under this Act it may withdraw such authorization for appropriate cause.

32. Power of Inspectors:

An inspector appointed or authorized under this Act may:

a) enter and inspect any place where an animal produce business is being carried out for purposes of satisfying himself that the provisions of this Act or regulation(s) made there under is/are being complied with
b) take photographs and obtain such samples as may be necessary for purposes of determining compliance with any provision of this Act
c) on showing authorization may proceed to impound unsafe and unhygienic animal produce and/or destroy the same.

d) Prohibit the start or continuance of an animal produce business which being under an obligation to obtain a license for the same has not obtained the same or its license has ceased to be valid or its license has been withdrawn and/or cancelled

33. Enforcement through certification agencies

Where the Agency undertakes enforcement of one or more provision of this Act or regulations made there under through a certification agency it shall prescribe provisions regarding information to establishments with regard to such enforcement and the powers the certification agency may exercise with regard to the same provided that no certification agency shall exercise any power contained in section 32(d) of this Act.

34. Rendering meat unsafe and injurious by transmitting contagious disease

Whosoever renders any animal produce intended for human consumption unsafe by transmitting contagious disease(s) shall be guilty of an offence punishable with fine which may extend to Rupees 200,000 and imprisonment which may extend to six months

35. Bringing into commerce unsafe and injurious animal produce

Whosoever brings into commerce any unsafe animal produce shall be guilty of an offence punishable with fine which may extend to Rupees 100,000 and imprisonment which may extend to three months

36. Unstamped Meat:

Whoever sells any meat or causes to be sold any meat, which is not stamped with the relevant Agency stamp shall be liable to a penalty that may extend to Rupees fifty thousand rupees or imprisonment that may extend to one month or both.

37. Misleading Advertisement

Any person who publishes an advertisement, which:

(a) Falsely describes animal produce; or
(b) Falsely Implies or carries a certification of the Agency; or
(c) Is likely to mislead as to the quality of animal produce or gives false guarantee as to animal produce,

shall be liable to a penalty which may extend to rupees one hundred thousand or imprisonment that may extend to one month

38. Punishment for Obstructing or impersonating an Inspector

Whoever threatens, obstructs, impersonates, intimidates, or assaults an Inspector while he is performing any function in relation to this Act, shall be guilty of an offence punishable with imprisonment for a term which may extend to three months and also with fine which may extend to Rupees one hundred thousand or both.

39. Punishment for carrying out Business without License

If any person is required to obtain a license under this Act for any business and he operates that business without the appropriate license he shall be punishable with imprisonment which may

extend to Rupees five hundred thousand or imprisonment which may extend to one monthor both.

40. Selling Meat of Dead Animal

Whosoever sells or causes or allows to be sold for muslim, human consumption, haram animal produce shall be liable to a penalty which may extend to Rupees one hundred thousand or imprisonment which may extend to 3 months or both.

41. Sale/slaughter of uncertified animals at slaughterhouses

Any person who sells or causes to be sold or allows the sale of uncertified animal or animals or slaughters or causes to be slaughtered uncertified animal or animals at a slaughterhouse shall be guilty of an offence punishable with fine which may extend to Rupees 50,000.

42. Placing unsafe animal products in commerce

Whosoever contravenes a regulation issued under this Act and places into commerce an unsafe animal produce he shall be guilty of an offence punishable with imprisonment which may extend to three months or fine which may extend to Rupees 500,000 or both.

43. Ordinary violations

Whosoever contravenes a regulation issued under this Act not otherwise punishable under this Act shall be punishable with fine that may extend to Rupees 50,000 for each violation.

44. Factors to be taken into consideration by courts in arriving at verdict and sentence

1) In arriving at a verdict whether animal produce is unsafe or injurious to health, a court shall have regard to the following:
   (a) Extent of deviation from standards specifying healthy and safe animal produce
   (b) Extent of violation of a provision of this Act or regulation(s) issued under this Act
   (c) Probable cumulative toxic effect
   (d) Extent of danger or probable danger to human and animal health

2) While judging the quantum of penalty under this chapter, the court, shall have due regard to the following:
   (a) Amount of gain or unfair advantage, where ever quantifiable, made as a result of the contravention
   (b) Amount of loss caused or likely to cause to any person as a result of the contravention,
   (c) Repetitive nature of the contravention
   (d) Knowledge of contravention, and
   (e) Efforts were made by the person to comply with the provisions of this Act

45. Reward to informers:
Every person who informs that failure to abide by any provision of this Act or a regulation made there under has resulted in unsafe animal produce and that animal produce has been placed in commerce shall be entitled to one half of the fine imposed on the delinquents

46. Power of court to order confiscation of animal produce
A court trying a case under this Act may order destruction of animal produce that is found to be unsafe or unhygienic at any time.

Chapter 6: Miscellaneous

47. Jurisdiction of other courts barred
No court except a court trying a case under this Act may grant an injunction with regard to any action taken or proposed to be taken under this Act.

48. Manner of making regulations
Every regulation under this Act shall be issued after consultations with experts and after approval of the Government.

49. Regulations to be in accord with International Hazard Control Standards
Every regulation under this Act shall be in accord with international hazard control standards

50. Coming into effect of orders issued under this Act
A notification, order or regulation issued under this Act shall come into force on or after its publication in the official gazette.

51. Power to make Rules / Regulation
Government may by notification make rules for putting into effect any provision of this Act.

52. Repeal
The Punjab Animals Slaughter Control Act, 1963 is hereby repealed

Annex 4: The Punjam Animal Health Act, 2011

An Act to provide for the prevention and treatment of animal diseases and welfare of animals

Chapter 1: Preliminary

53. Short Title and Commencement
1) This Act may be called the Punjab Animal Health Act, 2011
2) It shall extend to the whole of the province of Punjab
3) It shall come into force at once

54. Definitions
Words and phrases used in this Act shall have the following meaning unless the context provides otherwise:
a) 'Animal' means livestock or dairy animal or poultry whether kept for commercial purposes or otherwise
b) 'Animal certificate or certificate' means a certificate issued by or under order of the Government which certifies one or more characteristics or conditions of an animal with reference to an animal identification tag/mark or device

c) 'Bio security measures' are measures taken to prevent the spread of causative agents of disease
d) 'Causative agent' includes any virus, bacterium and any other organism or infectious substance which may cause or transmit disease
e) 'Chief Veterinary officer' means an officer notified as such by the Government
f) 'District Veterinary officer' means an officer in charge of veterinary services in a district
g) 'Government' means the Government of the Punjab
h) 'Horse' includes a mare , a mule and a hinny
i) 'Livestock' includes cattle, buffalo, horse, sheep, goat, and camel
j) 'Local Government' means a local government established under the Punjab Local Government Ordinance 2002
k) 'Passport' means an animal certificate which allows an animal to enter a disease free area or enter or leave an eradication area
l) 'Poultry' includes chicken, turkey, duck, goose, ostrich, pheasant, quail and partridge
m) 'Slaughter house' means a place where slaughter is done for commercial purposes
n) 'Treatment' includes vaccination
o) 'Veterinary Assistant' means any person appointed by the Government or acting pursuant to a contract of services with the Government for vaccination or control of animal diseases
p) 'Veterinary officer' means an officer appointed as such by the Government or a local government for the purposes of this Act
q) 'Veterinary practitioner' means every person authorized to practice veterinary medicine/surgery and providing veterinary services with or without payment of fees

Chapter 2: Prevention and treatment of disease

55. Power to declare areas completely or substantially free of animal diseases

(1) Government may declare any area in the province as a disease free area or an eradication area for one or more animal diseases listed in Schedule I of this Act through a notification published in the official gazette
(2) A notification under section 3(1) shall be issued after a general survey and such other checks as may be found necessary
(3) A notification under sub section 3(1) shall remain valid for a period of five years unless modified, varied or annulled before that period due to occurrence of disease in a disease free area or significant increase in disease in an eradication area
(4) Delimitation of a disease free area or an eradication area shall be made in a manner that entry of animals in the same can be effectively controlled
(5) Areas subject to notification under sub section 1) may be collectively called controlled areas

4. Contents of a disease free area notification

1) Where Government declares an area as disease free it shall specify in the notification
   a. Disease(s) of which the area is completely free
   b. Passport that is required in order to move an animal into the area
   c. Points where regular checking shall take place

d. Officers who shall or may check animals and passports for purposes of allowing or disallowing entry

2) Where an area has been declared to be a disease free area the Government shall have the status of the area verified through independent inspectors once every five years

5. Contents of an eradication area notification

1) Where Government declares an area as an eradication area it shall specify in the notification,
   a. Disease(s) of which the area is substantially free
   b. Passport that is required in order to move an animal into or out of the area
   c. Points where regular checking shall take place
   d. Officers who shall or may check animals and passports for purposes or allowing or disallowing entry or exit
2) Where an area has been declared as an eradication area the Government shall take such measures as are necessary to eradicate the disease completely from that area including vaccination, disease treatment or culling

6. Survey of animal diseases

1) The Government shall within 24 months of the commencement of this Act undertake a survey of animal diseases listed in schedule I of this Act and issue appropriate notifications under section 3 for the control of animal diseases in the province
2) The Survey shall be conducted in each district and shall ensure coverage in accordance with statistical methodology
3) In addition to any survey that may be required for validation under section 3(2) the Government shall undertake a general survey of animal diseases once every 10 years subsequent to the survey under sub section 1).
4) The Government shall publish and disseminate the results of every survey.

7. Duty of certain persons to report the existence of scheduled diseases

1) In every controlled area a report that an animal is infected by one or more scheduled disease(s) shall be made to the concerned Veterinary officer by
   i. Every person in charge of an animal who comes to know that an animal is infected
   ii. Every veterinary practitioner who is called for veterinary treatment or to whom an animal is brought for treatment
   iii. Every veterinary assistant who visits an animals for provision of any veterinary service
   a. Every person who is in charge of certifying animal health in a public or private slaughter house
2) A veterinary officer to whom report has been made under sub section (1) shall immediately transmit the same to the Chief Veterinary officer where the report indicates that an animal afflicted with a disease has been found in an area which was free of that disease.
3) The Veterinary officer in addition to transmitting the report mentioned in sub section 2) shall immediately proceed to the place where the reported animal is present and determine whether the report is authentic and what if any measures are required to be taken to ensure control of disease.

4) The Veterinary officer shall intimate the measures to be taken to ensure control of disease to the District Veterinary officer and the person in charge of the infected animal.

8. Identification of animals for purposes of certification

1) Government shall by regulation provide for the marking/identification of animals for the purposes of this Act, the time of marking/obtaining identification, the maintenance of information regarding marked animals/animals carrying identification and the passport an animal shall carry when entering a disease free area or eradication area.
2) Any person who violates a provision of an identification regulation shall be guilty of an offence punishable with fine which may extend to Rs 200,000

9. Payment to veterinary practitioners reporting existence of animal disease in eradication and disease free areas

1) Government shall pay to every person including a veterinary practitioner reporting the existence of a notified animal disease in an eradication or disease free area to the District Veterinary officer/Veterinary officer such sum of money as the Government may by order determine
2) Payment under sub section 1) shall be made after the animal has been either destroyed or treated and tagged for identification.

10. Cleansing and disinfection

The Government shall by regulation provide for:
1) Cleansing and disinfection of places used for the holding of animal fairs, animal markets, exhibitions or holding places of animals, sheds and stables used for animals
2) Cleansing and disinfection of vehicles, vessels and aircraft used for the carrying of animals
3) Disinfection of clothes of person coming in contact with or employed about diseased animals or suspected animals
4) Objects and equipment coming in contact with diseased animals or suspected animals
5) Modes of cleansing and disinfection

11. Movement and removal of animals etc.

Government shall by regulation provide for:
1) Regulating the movement of animals generally and into or out of disease free or eradication areas
2) Regulating the grazing and/or drinking/watering of animals for purposes of disease control
3) Removal or disposal of carcasses/organs/secretions of diseased animals
4) Removal of fodder, litter, dung or any article which has had contact with diseased animals and may cause the spread of disease
5) Prescribing and regulating the issue and production of licenses respecting movement and removal of animals and the use of vessels for the carrying of animals or for any connected purpose
6) The recovery of expenses from owners for enforcing any regulation issued under this Section

12. Power to issue regulations concerning dogs

Government shall by regulation provide for the:

1) muzzling of dogs where necessary
2) keeping of dogs under control
3) seizure, detention and disposal of stray dogs , dogs required to be muzzled and dogs required to be kept under control
4) recovery of expenses from owners for enforcing any regulation issued under this Section

13. Separation of animals

1) Every person having in his/her possession or under his charge an animal suspected to be diseased or affected with disease shall as far as practicable keep that animal separate from animals not so affected and shall abide by any instructions given to him by the relevant veterinary officer for control of disease.
2) Government may by regulation provide for the manner of separation of animals suspected of diseases and rendering of information regarding them
3) Any person other than a person having a duty to report the existence of disease under section 7(1),who comes to know that an animal is affected by rabies, shall give notice of the fact as soon as possible to the nearest police officer.

14. Biosecurity measures

1) Government shall issue regulations to provide for appropriate biosecurity measures to be taken in relation to such scheduled diseases as may require such measures
2) Biosecurity measures under section 14(1) shall be issued after appropriate consultation with biosecurity experts

15. Treatment of notified diseases

Government may by regulation provide for the treatment of notified animal diseases, the manner of treatment, the marking of unmarked animals afflicted with disease, the keeping of records of treated animals, and the charges for treatment if any.

16. Duty of owners to treat diseases

Subject to any regulations that may be made under section 15, an owner or person in charge of an animal afflicted with disease or likely to be afflicted with disease shall cause the same to be treated from a veterinary officer or veterinary practitioner.

17. Provision of veterinary services

1) Government may provide veterinary services, including diagnostic services for a fee or for payment of a charge to persons who carry on livestock businesses.
2) Government may provide veterinary services under sub section 1) directly or through service contracts.

18. Destruction of diseased animals

1) Government may by regulation provide for the destruction of diseased animals, the compensation that will be provided and the manner of disposal of carcasses/organs and body parts/secretions.
2) Government may not grant compensation for destruction of a diseased animal kept in violation of any provision of this Act or a regulation made there under.

19. Slaughter/destruction to prevent disease

Government may by regulation provide for the slaughter/destruction of animals to prevent disease, the compensation that will be provided, and the manner of disposal/use of carcasses.

20. Identification of genotypes more susceptible to disease

Government may by regulation provide for genotypes of animals more susceptible to disease and restrict their breeding with specified animals.

Chapter 3: Enforcement

21. Power of Veterinary Officers
1) A veterinary officer may enter and inspect any place where animals are kept or a vehicle used for transport of animals for purposes of satisfying that the provisions of this Act or a regulation made there under is/are being complied with.
2) A veterinary officer may enter and inspect any place/vehicle at any time after announcing his intention to enter and inspect.
3) A veterinary officer may take photographs and obtain such samples as may be necessary for determining the health of one or more animals , the holding conditions of animals or for purposes of determining compliance with any provision of this Act
4) A veterinary officer on showing authorization may proceed to impound and/or destroy animals and/or take action for removal or destruction of the carcasses of diseased animals or animals killed in violation of any provision of this Act or a regulation made there under.
5) A veterinary officer may vaccinate or inject such medicine or diagnostic agent as may be necessary in any animal when it is necessary to prevent, diagnose or treat any disease or condition and the keeper of the animal is unwilling or incapable of preventing or treating that disease in a satisfactory manner.

22. Power to require Livestock, dairy and poultry farms to obtain licenses

1) Government may require any livestock, dairy and poultry farm to obtain license so as to ensure that the same complies with the provisions of this Act or a regulation made there under.
2) The Government may issue guidance to farmers and/or keepers of animals for complying with the provisions of this Act

23. Duties of police

1) Where a notification has been issued under section 3(1) of this Act, the Chief Police Officer in a district shall cause the notification to be circulated to the relevant police

stations and provide assistance to officers entrusted with the checking of vehicles , animals or animal carcasses

2) Where a veterinary officer wants to enter any place and requires support from the police he shall inform the Station House Officer concerned who shall provide the requisite support

24. Deliberate violation of movement prohibitions

Any person who with intent brings in or takes out animals in violation of a controlled area notification shall be guilty of an offence punishable with fine which may extend to Rs 200,000.

25. Falsely issuing certifications

Any person who issues or grants a certificate or license made or issued under or for any purposes of this Act or any regulation made there under, which is false in any date or other material particular or who grants or issues such a license, certificate or instrument not having and knowing that he has not lawful authority to grant or issue that license, certificate or instrument is guilty of an offence punishable with fine which may extend to Rs 25,000

26. Forging certificates

Any person who forges an animal certificate shall be guilty of an offence punishable with fine which may extend to Rs 100,000 and imprisonment which may extend to one month

27. Making false marks on animals

Any person who falsely, imposes an identification mark or tag or any other identification device on an animal or removes the same to impose a false mark, tag or other identification device shall be guilty of an offence punishable with fine which may extend to Rs 50,000

28. Deliberately spreading or exposing animals to diseases

Any person who knowingly and with intent to spread disease or expose animals to disease commits any act not otherwise punishable under this Act shall be guilty of an offence punishable with fine which may extend to Rs 50,000 or imprisonment which may extend to one month or both.

29. Hindering veterinary officers in performance of their functions under this Act

Any person who hinders a veterinary officer in performance of his functions under this Act or a regulation made there under shall be guilty of an offence punishable with fine which may extend to Rs 50,000

30. Sale of uncertified animals at animal fairs and markets

Any person who sells or causes to be sold or allows the sale of uncertified animal or animals at animal fairs or animal markets shall be guilty of an offence punishable with fine which may extend to Rs 25,000

31. Other contraventions

Any person who does any act prohibited under this Act or a regulation made under this Act or fails to perform a duty imposed under this Act or a regulation made under this Act in the specified manner, which is not otherwise punishable under any other provision of this Act, shall be punishable with a fine which may extend to Rs 25,000

32. Offences to be tried summarily

An offence under this Act shall be tried in a summary manner

33. Power of Government to enhance fine

Government may enhance the maximum amount of fine for any offence or contravention under this Act provided that the total amount of enhancement does not exceed Rs 50,000.

Chapter 5: Miscellaneous

34. Manner of making regulations

Government shall not issue regulations under this Act unless it has undertaken necessary consultations with experts to ensure that they are in accord with international hazard control standards.

35. Coming into effect of orders issued under this Act

A notification, order or regulation issued under this Act shall come into force on or after its publication in the official gazette.

Schedule 1: See section 3

1. Anaplasmosis
2. Anthrax
3. Babeisiosis
4. Black quarter
5. Brucellosis
6. Bovine Viral diarrhea
7. Bovine Spongiform Encephalopathy
8. Contagious Bovine Pleuropneumonia
9. Contagious CaprinePleuropneumonia
10. Enterotoxaemia
11. Foot and Mouth disease
12. Haemorrhagic Septicemia
13. Peste des Petits Ruminants
14. Rabies
15. Rinderpest
16. Scrapie
17. Sheep and goat pox
18. Surra
19. Theileriosis
20. Trypnosomiasus
21. Vesicular Stomatitis

Annex 5: The Punjab Animal Biologics Board Act, 2011

Where as it is expedient to provide for the establishment of a Board to promote the production and use of quality animal vaccines in the province of Punjab it is hereby enacted as follows:

Chapter I: Preliminary

1. Short Title and Commencement

1) This Act shall be called the Punjab Animal Biologics Board Act, 2011
2) It shall come into force at once

2. Definitions

Unless there is anything to suggest to the contrary,

1) 'Act' means the Punjab Animal Vaccine Board Act, 2011
2) 'Approved rating' means rating of banks approved by the Finance Department Government of the Punjab
3) 'Biologics' includes a livestock or poultry vaccine, a serum and a diagnostic agent
4) 'Board' means the Punjab Animal Biologics Board established under section 3(1) of the Act
5) 'Company' includes private or public limited companies
6) 'Prescribed' means prescribed by rules
7) 'Regulations' means regulations issued by the Board under section 9(1) of this Act
8) 'Vaccine units' means vaccine production units and/or vaccine research institutes established under section 6(a) or deemed to have been established under section 9 of the Act but does not include any company established by the Board under section 6(b) of the Act

Chapter II: Punjab Animal Biologics Board

3. Establishment of Punjab Animal Biologics Board

1) As soon as may be after the commencement of this Act Government shall by notification in the official gazette establish a Board to be called the Punjab Animal Biologics Board.
2) The Board shall be a body corporate, having perpetual succession and common seal with power subject to the provisions of this Act, to acquire, hold and dispose of property
3) The Board may sue and be sued in its name

4. Constitution and working of the Board

1) The Board shall consist of:
   a. Secretary Livestock and Dairy Development Punjab- Chairman
   b. Director General (Research) Livestock Department- member
   c. Head, Department of Microbiology, University of Veterinary and Animal sciences, Lahore – member
   d. Deputy Secretary(Technical) , Livestock Department- member

e. Representative of the Finance Department not below the level of Additional Secretary- member
f. Representative of the Livestock breeders Association- member
g. Representative of Pakistan Poultry Association- member
h. Head of a vaccine unit, - member
i. Chief Executive of the Board- member/secretary

2) The quorum for a meeting of the Board shall be not less than 5 members
3) The existence of any vacancy in the Board shall not invalidate any act or proceeding of the Board
4) Subject to any Rules that may be made in this behalf the Board may
   a. Regulate its meetings and manner of conduct of business
   b. constitute such executive, technical or advisory committees with such constitution and functions as may be appropriate
   c. appoint such advisors, consultants and other staff possessing such professional, technical or other qualifications as may be prescribed

5. Chief Executive of the Board

1) Subject to any rules that may be made in this behalf the Board shall appoint a chief executive officer to aid the Board in the discharge of its functions and fix his remuneration
2) The Board may delegate any of its functions to the Chief Executive except:
   a. approval of budget,
   b. approval of accounts,
   c. exercise of powers under section 4(4)(a) or 4(4)(b) of the Act,
   d. exercise of any power under section 6 of the Act, or
   e. exercise of any power under section 10(1) of the Act

6. Power of Board to establish vaccine units, companies etc and enter into contracts

Without prejudice to the generality of the powers vested in the board by this Act, the Board may:

a. Establish such vaccine production units and/or vaccine research institutes as it may deem fit.
b. Establish and register one or more companies under the Companies Ordinance for production and/or sale of vaccines on its own or in agreement with any natural or legal person.
c. Enter after approval of the Government into contracts with national or international private or public limited companies for production and/or sale of animal vaccines and as part of any such contract allow the use of any premises or facilities owned by the Board or any vaccine unit for purposes of vaccine production and /or storage.
d. Purchase land and dispose of the same

7. Payment of bonus to employees:

1) The Board may as part of a contract with a national or international private or public limited companies pursuant to the provisions of section 6(c) offer the services of employees under its control and stipulate payment of monies for the same
2) The Board may retain monies obtained under sub section 1) and use it for payment of salary to employees and for payment of bonus provided that no bonus shall be paid to an employee without first paying salary.

8. Powers and functions of the Board

The Board shall:

1) Promote production of biologics
2) Undertake scientific and technological research for the improvement of quality of Biologics and production of new biologics and utilization of such biologics
3) Plan and implement training programs in the field of biological production
4) Devise cost effective, efficient and safe methods of administration of biologics
5) Promote public private partnership in the production, storage and administration of biologics
6) Take such steps as may be necessary or conducive for the attainment of the above noted functions
7) Ensure production of quality biologics by vaccine units/companies under the control of, or in agreement with, the Board.
8) Ensure availability of quality vaccines at affordable prices to farmers

9. Power of the Government to place existing veterinary research institutes, Control and administration of Veterinary research institute and vaccine units, board to ensure adherence to quality standards, Finance, Budget, Audit and accounts

Chapter 3: Miscellaneous

Returns and statements, public servants, status of employees, Annual Report and Power to make rules

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