



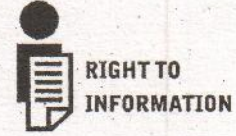
The Andhra Pradesh Fish Feed (Quality Control) Act, 2020

Act 35 of 2020

Keywords:

Adulterated Fish Feed, Distributor/Dealer, License, Manufacturer

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ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 35] AMARAVATI, WEDNESDAY, 23rd DECEMBER, 2020.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 22nd December, 2020 and the said assent is hereby first published on the 23rd December, 2020 in the Andhra Pradesh Gazette for general information :

ACT No. 35 of 2020.

**AN ACT TO REGULATE, SUPERVISE AND CONTROL THE
MANUFACTURE, SALE AND DISTRIBUTION OF FISH FEED AND TO
PROVIDE FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First Year of the Republic of India as follows,-

CHAPTER-I

PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Fish Feed (Quality Control) Act, 2020. short title, extent and Commencement.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall be deemed to have come into force on and from the 5th August, 2020.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (1) "Adulterated fish feed" means any fish feed containing any ingredient/s or additive/s which is/are not approved by Bureau of Indian Standards/Food and Agriculture Organization or by the Government of Andhra Pradesh through this Act or Rules made thereunder;

Central Act
No. 18 of 2013

- (2) "Company" means company as defined in the Companies Act, 2013;
- (3) "Controlling Authority" means the officer who is responsible for the overall enforcement of this Act in the entire State of Andhra Pradesh;
- (4) "Court" means any Court not less than a Court of Judicial Magistrate of First Class in the State of Andhra Pradesh;
- (5) "Designated Committee" means the Committee designated in the presence of which the Fish Feed Inspector shall act under sub-section (4) of section 15 under this Act;
- (6) "Distributor/Dealer" means the person/company / firm who distributes the fish feed / sells the fish feed on wholesale basis to vendors for retail sales;
- (7) "Endorsement" means endorsement done under this Act to any licence issued before commencement of this Act under any other Act. Once endorsement is done, it shall be deemed to be a fresh license issued under this Act and will be governed by provisions of this Act and Rules made thereunder;
- (8) "Farm made fish feed" means the fish feed made/manufactured in a fish farm with an intention to use all the fish feed in the same fish farm itself. Such fish feed shall not be transported out of premises of the fish farm for any purpose;

Central Act
No. 9 of 1932.

- (9) "Firm" means a firm / partnership firm registered under the Indian Partnership Act, 1932;
- (10) "Fish" means all cartilaginous and bony fishes, freshwater and marine prawn and shrimp, crustaceans, molluscs, echinoderms, amphibians, tortoises and all other aquatic organisms at all stages of their life cycle and any other animal/s declared from time to time by the Government through notification;
- (11) "Fish culture" means growing of fish from smaller size to larger size;
- (12) "Fish Farm" means any place with water body or water bodies to do fish culture;
- (13) "Fish Feed" means any substance or product, including ingredients, additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding of fish;
- (14) "Fish Feed Analysis" means procedures of Fish Feed Analysis to verify moisture, crude protein, crude fat, crude fibre, acid soluble ash, gross energy, amino acids, polyunsaturated fatty acids and other parameter/s of the fish feed sample;
- (15) "Fish Feed Analysis Laboratory" means the Fish Feed Analysis Laboratory notified/designated/ established under section 13;
- (16) "Fish Feed Analyst" means the person carrying out the fish feed analysis in the fish feed analysis laboratory;

- (17) "Fish Feed Business" means fish feed manufacture, dealership/ distribution, sale and all allied activities;
- (18) "Fish Feed Business Operations" means all the operations/activities undertaken for carrying out fish feed business;
- (19) "Fish Feed Business Operator" means any person / company/ firm carrying out fish feed business operations;
- (20) "Fish Feed Inspector" means any officer of Fisheries Department who is designated as Fish Feed Inspector under section 14;
- (21) "Fish Feed Quality Control Committee" means the committee constituted by the Government under this Act for assisting the controlling authority in all matters relating to the administration of this Act in the State;
- (22) "Government" means the State Government of Andhra Pradesh;
- (23) "License" means any license given under section 8 in favour of any person or company / firm for carrying out fish feed business operations;
- (24) "Licensing authority" means the officer who is empowered to grant licenses/endorsement to fish feed business operators under this Act;
- (25) "Manufacturer" means the person / company / firm engaged in the manufacturing of fish feed;
- (26) "Notification" means a notification published in the Andhra Pradesh Gazettee and the word 'Notified' shall be construed accordingly;
- (27) "Prescribed" means prescribed by Rules made under this Act;
- (28) "Standard fish feed" means any fish feed complying standards prescribed under this Act;
- (29) "Sub-standard fish feed" means any fish feed not in compliance with the standards prescribed under the Act and Rules made thereunder;
- (30) "Vendor" means the person/company / firm carrying out retail sale of fish feed to fish farmers/end users.

CHAPTER-II

CONTROLLING AUTHORITY AND FISH FEED QUALITY CONTROL COMMITTEE

3. The Commissioner of Fisheries or any officer empowered by him shall be the Fish Feed Controlling Authority under this Act. Controlling Authority. -
4. The District Collector/ District Fisheries Officer or any other Fisheries Department Officer not below the rank of Assistant Director of Fisheries empowered by the Controlling Authority shall be the Licensing Authority. Licensing Authority. -

- Fish Feed Quality Control Committee.** 5. (1) The Government may, by notification constitute the Fish Feed Quality Control Committee to advise the Controlling Authority on all matters relating to registration, licensing and control of fish feed business operations and to enforce the provisions of the Act and the rules made thereunder.
- (2) This Committee shall consist of the following members, namely,-
- (i) Dean, Faculty of Fishery Science, Sri Venkateswara Veterinary University, Tirupati shall be Chairman of the Committee;
 - (ii) Principal, State Institute of Fisheries Technology (SIFT), Kakinada shall be one of the members;
 - (iii) One member not below the rank of Joint Director of Fisheries Department nominated by the Commissioner of Fisheries;
 - (iv) Two members from the Faculty of Fishery Science, Sri Venkateswara Veterinary University nominated by the Dean, Faculty of Fishery Science, SVVU;
 - (v) One member each from Central Institute of Fisheries Technology(CIFT),Visakhapatnam, Central Institute of Brackish Water Aquaculture(CIBA),Chennai, Central Institute of Fresh Water Aquaculture(CIFA),Bhubaneswar, Food Safety and Standards Authority of India(FSSAI), Export Inspection Agency(EIA);
 - (vi) One member from Fish Feed manufacturers nominated by the Government;
 - (vii) One member from fish farmers nominated by the Government;
 - (viii) One member from the hatchery operators nominated by the Government.

Provided that Non-official member of the Fish Feed Quality Control Committee may, unless his/her seat becomes vacant earlier by resignation or otherwise, be entitled to hold office for a period of two years from the date of assumption.

Provided further that ex-officio members shall hold office, as long as he/she holds the appointment by virtue of which his/her nomination was made.

CHAPTER-III

FISH FEED BUSINESS OPERATIONS

- No Existing Fish Feed Business Operates without License /Endorsement.** 6. (1) Four (4) months time shall be given to the existing fish feed business operators to apply for the license/ endorsement under section 8.
- (2) If application is not submitted for license/ endorsement within the time limit as prescribed under sub-section (1), the Licensing Authority can order for stopping all fish feed business operations being undertaken by the person/company/ firm.

- (3) Until the time of receiving the order of acceptance or rejection of application for license / endorsement made under sub-section (1), the person/company/firm may continue to perform fish feed business operations.

7. The fish feed business operations shall be classified into such categories as may be prescribed. Classification of fish feed business operations.

CHAPTER-IV

LICENCES/ ENDORSEMENT

- 8 (1) Licences already issued to the existing Fish Feed Business Operators by any department under any other Act shall be valid and it is not necessary to apply for licence afresh. However, these old licences are to be endorsed by the licencing authority of this Act in order to consider them to be issued under this Act. Process of issuance of license/ endorsement.
- (2) The old licenses endorsed by the licencing authority under this Act, shall be deemed to be Licences issued afresh under this Act and shall be governed by the provisions of this Act with effect from the date of endorsement.
- (3) The applications received under sub-section (1) for endorsement of existing licences, the process of endorsement shall be completed by the licensing authority within fifteen (15) days, by following the prescribed procedure.
- (4) If acceptance or rejection of application made under sub-section (1) is not issued within the stipulated time of fifteen (15) days, the license shall be deemed to be endorsed.
- (5) Any person who wishes to start a new Fish Feed Business Operations/ any firm registered under the Partnership Act, 1932 / any company registered under the Companies Act, 2013 which desires to start new Fish Feed Business Operations shall apply for the licence under prescribed category of Fish Feed Business Operations along with the prescribed licence fee to the Licencing Authority in the manner prescribed under Rules to be framed under this Act. Central Act No. 9 of 1932. Central Act No. 18 of 2013.
- (6) In case, if any person/ firm/ company wishes to undertake more than one Fish Feed Business Operations shall need to tick concerned business operations in the application and need to remit license fee for each type of business operation separately.
- (7) If any application under sub-section (5) is submitted, the Licencing Authority:-

- (a) If satisfied that the applicant has fulfilled all the terms and conditions of application for carrying out the Fish Feed Business Operations, the Licensing Authority shall issue the license within fifteen (15) days from the date of application; or
 - (b) If the Licensing Authority is of the opinion that the applicant has not fulfilled majority of the prescribed terms and conditions, the applicant shall be informed the same and be given an opportunity to furnish documents before rejecting the application within fifteen (15) days from the date of receipt of letter issued by licencing authority;
 - (c) if acceptance or rejection of application made under sub-section (5) is not issued within the stipulated time of fifteen (15) days, the licence shall be deemed to be issued.
- (8) if any person/firm, carrying out the Fish Feed Business Operations without any licence immediately before commencement of this Act, the person/company/firm shall apply to the Licencing Authority within a period of four (4) months from the appointed date as prescribed.
- (9) If application is not submitted for licence within the time limit as prescribed under sub-section (8), the Licencing Authority can order for stopping all Fish Feed Business Operations being undertaken by the person/company/ firm.
- (10) If any application under sub-section (8) is submitted, the Licensing Authority:-
- (a) If satisfied that the applicant has fulfilled all the terms and conditions of application for carrying out the Fish Feed Business Operations, the Licencing Authority shall issue the license within fifteen (15) days from the date of application; or
 - (b) If the Licensing Authority is of the opinion that the applicant has not fulfilled majority of the prescribed terms and conditions, the applicant shall be informed the same and be given an opportunity to furnish documents before rejecting the application within fifteen (15) days from the date of receipt of letter issued by licensing authority;
 - (c) Till the time of receiving acceptance or rejection of application made under sub-section (8), the applicant may continue to operate fish feed business operations;
 - (d) If acceptance or rejection of application made under sub-section (8) is not issued within the stipulated time of Fifteen (15) days, the licence shall be deemed to be issued.

- (11) The licencing authority shall make sure all the applications for issuance of license / endorsement of license are in full shape so that the rate of rejection is as minimum as possible. The licensing authority shall facilitate the application process and shall render all possible support and assistance to the applicants.
9. Licence / Endorsement Fee shall be as prescribed. Licence / Endorsement Fee.
10. Licences issued under this Act shall be valid for lifetime and shall not require any further renewal. Duration of Licence.
11. (1) The licence is liable to be suspended if the licensing authority is satisfied that either on a reference made to it in this behalf or otherwise, that - Suspension / Cancellation of Licence.
- any offence, listed in rules for which suspension of licence is prescribed, was committed by the licensee or his representative, without prejudice to any other penalty to which the holder of the Licence may be liable under this Act and Rules made thereunder.
- (2) The licence is liable to be cancelled if licensing authority is satisfied that either on a reference made to it in this behalf or otherwise, that -
- any offence, listed in rules for which cancellation of licence is prescribed, was committed by the licensee or his representative, without prejudice to any other penalty to which the holder of the Licence may be liable under this Act or Rules made thereunder. The Licensing Authority may, after giving the holder of the Licence an opportunity of showing cause, cancel the Licence as per the procedure as may be prescribed.

CHAPTER-V FISH FEED STANDARDS

12. (1) These standards prescribed under this section shall be applicable to,- Standards to be maintained for Fish Feed.
- (i) the fish feed manufactured in the State and sold within the State;
- (ii) fish feed manufactured in other States and brought into the State for distribution / sales;
- (iii) manufactured in other countries and imported into the State for distribution and sales in the State.
- (2) The manufacturer of fish feed shall comply with the available standards of Bureau of Indian Standards (BIS) amended from time to time.
- (3) In case BIS prepares standards for any new species, they shall be followed by the fish feed manufacturers.

- (4) In case of non-availability of BIS standards for any approved species, the Controlling Authority shall prepare standards with the help of Fishery Faculty of Sri Venkateswara Veterinary University, SIFT, Labs/Institutes of Fisheries Department, ICAR Institutes and other research/technical Institutes and the Fish Feed Quality Control Committee shall approve new standards by following the procedure as may be prescribed.
- (5) The controlling authority shall do the needful for BIS approval of standards prepared under sub-section (4).
- (6) As a stop gap arrangement, till the approval of standards under sub-section (4), Fish Feed Quality Control Committee may compile FAO standards with necessary modifications, if any, to suit to the local conditions, and make it available in the public domain.
- (7) Till the time of preparation of standards under sub-section (4), fish feed manufacturers shall follow FAO standards compiled under sub-section (6).
- (8) The fish feed shall not contain any antibiotic or pharmacologically active substances under any circumstances and shall be certified accordingly on fish feed bag.
- (9) To suit to the local conditions/ requirements, deviations with regard to few parameters of BIS standards like (i) pellet size, (ii) packing material, (iii) methods of analysis etc., may be permitted through Rules under this Act. Under any circumstances, all other quality standards like proximate composition etc., of fish feed shall not be deviated.
- (10) In case if standards for any particular variant of fish feed like floating pellet, micro-encapsulated feed, ornamental feeds, hatchery feeds etc., are not available, such standards shall be prescribed.
- (11) If any fish feed manufacturer makes a new fish feed/ variant / functional feed / medicated feed / product and wishes to get approval for it, the licensee may apply in prescribed form to the Controlling Authority for approval of such a new fish feed/ variant / functional feed / medicated feed / product. The controlling authority do the needful for approval of such new fish feed/ variant / functional feed / medicated feeds / product by BIS duly following the procedure as may be prescribed.
- (12) If any fish feed manufacturer feels that any ingredient / additive other than those approved by BIS / Rules under this Act, will substantially increase the quality of fish feed, he/she may apply for approval of the same in prescribed format to the Controlling Authority, along with the sample of the ingredient / additive. On receipt of such application and sample, the Controlling Authority shall refer the matter to "Fish Feed Quality Control Committee". By duly following the prescribed procedure, the Controlling Authority may do the needful for approval of such new ingredient / additive by it and subsequently by BIS duly following the procedure as may be prescribed.
- (13) Any fish feed shall contain only those ingredients / additives that are approved by BIS / Government of Andhra Pradesh."

- (14) Label of Fish Feed bag shall consist of all the information / details as may be prescribed.
- (15) Other additional criteria/ parameters to be complied by the manufacturers/ dealers/ vendors of fish feed/ fish feed ingredients shall be prescribed.
13. The Government may notify one Referral Fish Feed Analysis Laboratory and one or more Fish Feed Analysis Laboratories as may be prescribed. Feed Analysis Laboratories.
14. Fisheries Development Officer or any other Gazetted Officer of Fisheries Department who is designated by the Controlling Authority shall be the Fish Feed inspector. Fish Feed Inspector.
15. (1) The Fish Feed Inspector may,- Powers, Role and Responsibilities of the Fish Feed inspector.
- (a) enter and search the premises of Fish Feed manufacture / Storage facilities and sale points at all reasonable times, with such assistance, if any, when he/she receives any complaint or if he/she considers necessary, any place in which he/she has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any fish feed in respect of which the offence has been or is being committed, not to dispose of any stock of fish feed for a specific period not exceeding seven (7) days or, unless the alleged offence is such that the defect may be rectified by the possessor of the fish feed, restrict the stock of such fish feed from being sold;
- (b) take samples of fish feed,-
- (i) from any fish feed manufacture unit / storage facility, sale points from any person/firm selling or offering to sell such fish feed ; or
- (ii) from any person who is in the course of conveying or delivering or preparing to deliver such fish feed to a purchaser or a consignee; or
- (iii) upon receipt of complaint, from any consignee or purchaser after delivery of such fish feed to him/her by following procedure prescribed under rules.
- (c) send such sample for analysis to the Fish Feed Analysis Laboratory as mentioned in section 17;
- (d) examine any record, register document or any other material object found in any place mentioned in clause (a) and seize the same if he/she has any reason to believe that it may provide evidence of the commission of an offence punishable under this Act; and
- (e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any Rules made thereunder.

(2) Where any sample of any Fish Feed is taken under sub-clauses (i) and (ii) of clause (b) of sub-section (1), its cost, calculated at the rate at which such Fish Feed is usually sold to fish farmers shall be paid in cash to the person from whom it is being taken under proper cash bill/ invoice.

(3) The power conferred under this section includes power to break-open any facility / container in which any fish feed may be contained or to collect the fish feed from fish feed manufacturing unit/ godown / warehouse / shop or any other place where any such fish feed may be kept for sale and distribution:

Note: Provided that, the power to collect the fish feed from fish feed manufacturing unit/ godown / warehouse / shop or any other place shall be exercised only after the owner or any other person in occupation of the premises, if present, therein, refuses to allow collection of the fish feed sample on being called upon to do so.

(4) Where the Fish Feed Inspector takes any action under sub-section (3), he shall, as far as possible, ask the Committee, designated for the purpose under rules of this Act, to be present at the time when such action proposed to be taken and take the signatures of the Designated Committee members on a memorandum to be prepared in such form as may be prescribed.

Responsibility of Licensee.

16. Whenever Fish Feed Inspector enters into premises of a licensee, -

(1) The owner or occupier or every person found therein shall give the Fish Feed Inspector best possible assistance in his/her power/ capacity to enable the Fish Feed Inspector to carry out his/her duties and functions under this Act and shall furnish him/her with such information with respect to the administration of this Act and the regulation as he/she may reasonably require.

(2) No person shall obstruct or deceive or mislead Fish Feed Inspector in carrying out his/her duties or functions under this Act.

(3) If any offence is committed under sub-section (2), the Fish Feed Inspector shall take the assistance of one or two witnesses and shall discharge his/her duties.

(4) In case, if same offence is repeated again by the owner or occupier or any person found in the premises, the Fish Feed Inspector shall lodge a complaint in the nearest police station.

Central Act 2 of 1974.

(5) Offence committed under sub-section (2) and / or (4) is punishable under the Code of Criminal Procedure, 1973 and/or any other appropriate law.

(6) The fish feed manufacturer shall send two fish feed samples of prescribed quantity from each batch produced in the feed manufacturing unit under seal to Fish Feed Inspector as may be prescribed for usage as reference samples when required under clause (g) under sub-section (3) of section 17.

17. (1) Samples collected as per sub-section (6) of section 16 shall be sent to Fish Feed Analysis Laboratory and Referral Fish Feed Analysis Laboratory by the Fish Feed Inspector as may be prescribed. These samples are to be preserved by both the laboratories as reference samples till the date of expiry of fish feed.
- Collection and Analysis of Fish Feed Sample.
- (2) Whenever a Fish Feed Inspector intends to take sample of any Fish Feed of required quantity for analysis, he/she shall,-
- (a) give notice in writing, then and there, of such intention to the person/firm from whom he/she intends to take sample as may be prescribed;
 - (b) except in special cases provided by rules made under this Act, fish feed samples are collected only if the date of expiry of fish feed is more than seven(7) days on the intended date of sample collection;
 - (c) except in special cases provided by rules made under this Act, take four representative samples in the prescribed manner and quantity and mark and seal or fasten up each sample in such manner as its nature permits;
 - (d) except in special cases provided by Rules made under this Act, on receipt of a complaint and on the payment of prescribed sample analysis fee, sample shall be collected from a purchaser or a consignee;
 - (e) in case of collection of sample as per clause (d), name and other details of the purchaser shall be maintained in a separate register;
 - (f) except in special cases provided by Rules made under this Act, whenever a sample is collected from a purchaser or a consignee the concerned licensee, i.e. vendor/ dealer/ manufacturer shall be informed about the collection of sample so as to provide an opportunity to the licensee to make sure that reference sample from the same batch provided by him/her under sub-section (6) of section 16 is also analyzed along with the sample collected from purchaser or consignee.
- (3) when samples of any Fish Feed are taken under sub-section (2), the Fish Feed Inspector shall,-
- (a) deliver one sample to the person/firm from whom it has been taken under proper acknowledgement;
 - (b) send another sample for analysis to the notified Fish Feed Analysis Laboratory for the area within which such sample has been collected in the prescribed manner;
 - (c) send one of the samples in the prescribed manner to Referral Fish Feed Analysis Laboratory for analysis as and when required under sub-section (4) of section 18. The sample is to be preserved for a minimum period of thirty (30) days for analysis;

- (d) On request of the licensee and on payment of prescribed fee shall send one of the sample in prescribed manner to any Government approved fish feed analysis laboratory for analysis. Result of such analysis may be used by the Licensee for comparison only and it shall not be used for taking or not taking any action under the Act/Rules. Result of Fish Feed Analysis Laboratory / Referral" Fish Feed Analysis Laboratory shall supersede the result of approved laboratory in all cases without any exception;
- (e) If the person from whom the sample/s have been taken refuses to accept one of the samples, the Fish Feed Inspector shall send intimation to the Feed Analysis Laboratory of such refusal and thereupon the Fish Feed Analyst on receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Fish Feed Inspector who shall retain it for production in case legal proceedings are taken;
- (f) If samples collected as per procedure described under clause (d) of sub-section (2), shall send such samples to Fish Feed Analysis laboratory and Referral Fish Feed Analysis laboratory by filling prescribed forms under the Rules;
- (g) On receipt of sample as per clause (f), the Fish Feed Analyst at the concerned laboratory shall also analyze reference sample received under sub-section (6) of section 16 along with original sample. If there is any deviation in the results of original sample and reference sample, both the reports shall be referred to the Licensing Authority to take an appropriate decision based on the report given by concerned Fish Feed Inspector and field conditions. The decision of the Licensing Authority shall be final in this regard;
- (h) If the date of expiry of the fish feed is lesser than 60 days from the date of collection of sample, Fish Feed Inspector shall take all necessary steps to send the samples to both the Fish Feed Analysis Laboratory as well as Referral Fish Feed Analysis Laboratory immediately with a special request to analyse the samples on priority basis well before expiry date.

Report of Fish
Feed Analysis
Laboratory,

18. (1) The Fish Feed Analyst at notified Fish Feed Analysis Laboratory after the receipt of the sample under sub-section (3) of section 17, analyse the sample and deliver the report of analysis in duplicate to the Fish Feed Inspector within fifteen(15) days from the date of receipt of sample.

- (2) In case of receipt of sample with special request as per clause (h) of sub-section (3) of section 17, the analyst at fish feed analysis laboratory shall do analysis of the sample on priority basis well before the expiry date of the sample.
- (3) Fish Feed Inspector shall serve a copy of the report to the person from whom the sample has been taken under proper acknowledgement.
- (4) Before institution of prosecution under this Act, the licensee shall on payment of the prescribed fee, make an application within fifteen (15) days in the prescribed form to the Licensing Authority for analysis of the sample mentioned in clause (c) of sub-section (3) of section 17 in Referral Fish Feed Analysis Laboratory on receipt of the application, the Licensing Authority shall request the Referral Fish Feed Analysis Laboratory to analyse the sample.
- (5) The Analyst at Referral Fish Feed Analysis Laboratory shall analyse the sample and send the analysis report to the Licensing Authority in the prescribed form within fifteen(15) days from the date of receipt of the request from the Licensing Authority.
- (6) In case of receipt of sample with special request as per clause (h) of sub-section (3) of section 17, the analyst at referral laboratory shall not wait for instructions from licensing authority and shall do analysis of the sample on priority basis well before the expiry date of the sample.
- (7) The report sent by the Referral Fish Feed Analysis Laboratory shall be final and supersede the report given by the notified Fish Feed Laboratory under sub-section (1).
- (8) Where the report sent by the Referral Fish Feed Analysis Laboratory under sub-section (4) or (5) is produced in any Court proceedings, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

CHAPTER-VI

OFFENCES AND PENALTIES

19. (1) The following shall be the Offences if committed by any person/ firm or its representative,- Offences.
- (i) Doing Fish Feed business without license;
 - (ii) Distribution / sale of unapproved fish feed;
 - (iii) Distribution / sale of fish feed made for sale in other States/ Countries;

		(iv)	The License was obtained by concealment or misrepresentation as to an essential fact/s;
		(v)	Preventing the Fish Feed Inspector from exercising his/her powers delegated under this Act and Rules made thereunder;
		(vi)	not providing fish feed samples of required quantity when Fish Feed Inspectors asks for;
		(vii)	physical attack on Fish Feed Inspector or any other staff while performing his/her duty under this Act or Rules made thereunder;
		(viii)	sell or intend to sell of expired fish feed;
		(ix)	sell or intend to sell of fish feed without proper label;
		(x)	sell or intend to sell adulterated fish feed;
		(xi)	sell or intend to sell of sub-standard fish feed ;
		(xii)	carrying out any fish feed business operations other than for which license is obtained;
		(xiii)	in case of fish feeds produced in other States / Countries and contains adulterants;
		(xiv)	any other violation under the Act or Rules made thereunder;
		(xv)	any other offence may be notified by the Government from time to time.
Penalty.	20.	(1)	If any person/firm or representative commits an offense listed under section 19 of this Act, shall be punishable as may be prescribed.
		(2)	any other penalties may be notified by the Government from time to time.
Seizure /forfeiture of property.	21.	(1)	The fish feed stock shall be seized /forfeited if any person/firm or representative commits an offence for which seizure or forfeiture is prescribed under Rules.
		(2)	Government may notify other offences by committing which the fish feed stock shall be seized / forfeited.
offences by companies/firms..	22.	(1)	While applying for license, companies have to nominate a person / persons who are responsible for complying with the provisions of this Act and Rules made thereunder.
		(2)	In case of violation of any provisions of this Act and Rules made thereunder, the nominated person / persons as well as the company/firm itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

- (3) in case if nominated person/s is/are not working in the company at the time of committing violation, for any reason every person who at the time of the offence, was in-charge of and was responsible for the conduct of the business of the company/firm, as well as the company/firm itself, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER-VII APPEALS

23. (1) Any person/firm aggrieved by the decision of the Licensing Authority, may within thirty (30) days from the date on which the decision is communicated to him/her/it and on payment of such fees as may be prescribed, prefer an appeal to the Controlling Authority; Appeal in case of suspension / cancellation of lincense.

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty (30) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving an opportunity of being heard, dispose of the appeal as may be prescribed.
- (3) Every order passed by the Controlling Authority on an appeal preferred to it under this section, shall be final.

CHAPTER-VIII MISCELLANEOUS

24. (1) This Act and Rules made thereunder, shall not be applicable to, - Exemption.

(a) Fish feed manufactured and distributed by the ICAR/ SVVU/ Department of Fisheries/ and other Government agencies/ institutions for the purpose of conducting Research & Development and field trials.

(b) Fish feed manufactured by any person / firm / company on the written order by the ICAR / SVVU/ Department of Fisheries/ and other Government agencies / institutions for the purpose of conducting Research & Development and field trials.

- (2) In case, if such fish feed manufactured under sub-section (1) is sold to any fish farmer/ user on cost basis, the exemption given under sub-section (1) shall be null and void.

25. No suit, prosecution or other legal proceedings shall lie against the Government or any officer or employee of the Government for anything which is done or intended to be done in good faith under this Act or the Rules made thereunder. Protection of action taken in good faith.

Persons acting under this Act to be Public Servants.

26. Any person acting under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Central Act 45 of 1860.

Power to make Rules.

27. (1) The Government may, by notification, make Rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for, -

- (i) the functions of Controlling Authority, Licensing Authority, Fish Feed Inspector, Fish Feed Quality Control Committee ;
- (ii) Notifying one or more Fish Feed Analysis Laboratories for different areas and one or more referral laboratories for the State;
- (iii) the functions of the Fish Feed Analysis Laboratory;
- (iv) the procedure of collection, packing, sealing, marking / labeling, preservation, forwarding sample to Fish Feed Analysis Laboratory, storing and disposal of the fish feed sample collected under section 17;
- (v) the requirements which shall be complied by person/firm carrying out the business of fish feed under section 7;
- (vi) the forms of application for grant of a license under section 8, the particulars it may contain, the fees which should accompany it, the form of the License and the conditions subject to which the License may be granted;
- (vii) the standards to which Fish Feed should conform under section 12;
- (viii) the form and manner in which and the fee on payment of which an appeal may be preferred under section 23 and the procedure to be followed by the Appellate Authority in disposing of the appeal;
- (ix) the form for forwarding the sample to Fish Feed Analysis Laboratory by Fish Feed Inspector;
- (x) Form of report of result of the analysis under section 18 and the fees payable in respect of such report;
- (xi) the records to be maintained by a person/firm carrying out the business referred to in section 7 and the particulars which such records shall contain;
- (xii) The procedure to issue of licenses / endorsements to 'Fish Feed Manufacturing Units, 'Fish Feed Dealers' and 'Fish Feed Vendors';
- (xiii) any other matter which is to be or may be prescribed.

- (3) Every Rule made under this Act, shall, immediately after it is made, be laid down before the Legislature of the State, if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the Rule or in the annulment of the Rule, the Rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.
28. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order published in the Andhra Pradesh Gazette, make such provision not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty. Power to remove difficulties.
- (2) Every Order made under this section shall be laid, as soon as may be after it is made, before the Houses of the State Legislature.
29. (1) The Andhra Pradesh Fish Feed (Quality Control) Ordinance, 2020 is hereby repealed. Repeal of ordinance No. 7 of 2020 and saving.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.