

Model Bye-Laws For Dairies in Municipal Corporations

It is informed to the general public that the Municipal Corporation (*Name*) is promulgating the "Municipal Corporation (*Name*) Dairy Cattle Bye-laws under the *Jammu & Kashmir Municipal Corporation Act, 2000*, to address various civic problems caused by commercial dairy premises of milch animals within the Municipal Corporation area with the objective to attain the following:

Public safety by mitigating risks posed by stray cattle on roads and public spaces, such as traffic congestion and accidents and to promote animal welfare by preventing abandoned cattle from consuming harmful materials and addressing potential health concerns. To maintain law and order by curbing illegal activities like cattle smuggling and unauthorized slaughter. Preserve environmental hygiene and public health by preventing indiscriminate defecation and urination by stray cattle from contaminating water sources, soil, and air, as well as controlling disease vector breeding. Enhance solid waste management practices by addressing cattle waste accumulation clogs drains, threatening environmental quality and public health.

In this sequence, these bye laws as required in terms of section 397 of the J&K Municipal Corporation Act, 2000 are hereby published for inviting objections and suggestions from the general public and notice is given that the said draft rules shall be taken into consideration after the expiry of a **period of 15 days from the date of publication in the Official Gazette.**

Objections or suggestions, if any may be sent to the Office of -----or on email id-----

Any objections or suggestion which may be received after the expiry of period of 15 days shall not be considered.

A. Provision under the *Jammu & Kashmir Municipal Corporation Act, 2000*: -

Section 395 grants powers to the Corporation to formulate bye-laws.

- Section 395(f) - empowers Municipal Corporation to make bye-laws to regulate or prohibit actions that pose a threat to public safety or create a nuisance, and create rules to prevent the mentioned actions, where no other provisions exist in the Act.

Section 43(f) makes it incumbent on the Corporation to make adequate provisions by any means or measures which it may lawfully use or take for the construction and maintenance of cattle pound

Section 333(1)(q) provides for matters related to cattle pounds and the prevention of cruelty to animals to be included in an improvement scheme.

Section 42(1)(b)(xii) empowers the Corporation with powers and authority necessary for it to function as an institution of Local Self Government with regard to cattle pounds and the prevention of cruelty to animals.

Section 44(n) states that the Corporation may provide, either wholly or in part, for the organization and management of farms and dairies within or outside the municipal area for the supply, distribution, and processing of milk and milk products for the benefit of the residents of the municipal area.

Section 324(1)(b) establishes the Municipal Commissioner's authority to regulate activities and deny license to premises for any purpose deemed dangerous or a nuisance

Section 324(1)(c) mandates obtaining a license from the Commissioner of Municipal Corporation to use premises for keeping animals for transportation, sale, hire, or selling their produce.

Section 356(3) empowers the Corporation to suspend or revoke any license/permission granted under the Act or bylaws.

Section 384 provides for penalty clause.

B. Point 7 of Central Pollution Control Board's Guidelines for Environmental Management of Dairy Farms and Gaushalas provides for regulatory/monitoring mechanism for Dairy Farms & Gaushalas

As per point 7(i) of the guidelines, Municipal Corporations should carry out an inventory of Dairy units and Gaushals located in their jurisdiction using the inventory proforma given in Annexure-IV. This inventory should be updated annually on a calendar year basis and shared with Jammu & Kashmir State Pollution Control Board /Pollution Control Committee (PCC).

In accordance with point 7(ii), Municipal corporations shall publish a public notice in

newspapers and on their website for the registration of Dairy units and Gaushalas as per municipal laws and the registered establishments should be displayed on their website.

As per point 7(iv), Municipal corporations shall upload the Environmental Guidelines on their websites and also circulate the same to all registered Dairy units and Gaushalas within their jurisdiction.

Proposed final bye-laws in order to grant permission for operation of commercial dairy establishments of milch animals under Municipal Corporation, (Name) area

S.O-----In exercise of powers conferred under section 395 of the *Jammu and Kashmir Municipal Corporation Act, 2000*, the -----Corporation proposed to be promulgate the " Dairy Cattle Bye-laws, 2024". in order to permit and operate commercial dairy premises:-

1. **1.Short Title and Commencement** (1) These bye-laws may be called the [*Name of the Corporation*] Dairy Cattle Bye-laws, 2024)".

(2) These shall apply within the jurisdiction of [*Name of the Corporation*]

(3) These shall come into force on the date of their publication in the official gazette

2. Definition –

- a. "Dairy cattle" means cow, bullock, buffalo, buffalo and their progeny.
- b. "Dairy house" means the premises where milch animals are kept;
- c. "Veterinary Officer" means a Veterinary Officer deputed by the Government in a Municipal Corporation or a graduate in Veterinary Science or a higher degree holder registered with the Union or State Veterinary Council.
- d. "Commercial Dairy Premises" means any premises where 5 or more than 5 adult dairy cattle are kept.
- e. "Gaushala" means an institution of animal welfare registered with the State Animal Welfare Board, which has been established for the care of unprofitable cow progeny.
- f. "Unprofitable Cattle" means unproductive, old, sick and injured destitute cattle and case property cattle seized by the police-administration/municipal body in cases of cattle smugglers or animal cruelty.

3. No person shall use any type of premises within the limits of the Municipality without the permission given for the said purpose nor shall he allow anyone to use them.

4. Restrictions on permission .-

- (a). It will be mandatory to obtain permission from the Municipal Corporation for running dairy premises within the Municipal Corporation area or for rearing dairy animals.
- (b). In order to obtain permission for operation of dairy premises or for rearing dairy cattle within the Municipal Corporation area, the applicant will have to apply to the Municipal Corporation through the prescribed application form as per Form-1 along with the application fee prescribed by the Municipal Board. The application fee submitted by the applicant will be non-refundable.
- (c). For operation of a commercial dairy establishment, it will be necessary to obtain CTO (Consent to Operate) from Jammu & Kashmir State Pollution Control Board as per rules and attach it with the application form.
- (d). On-site inspection of commercial dairy premises will be done by the officer/officials/team authorized by Municipal Commissioner, by which the report will be submitted after on-site inspection as per Form-II.
- (e). In the light of the on-site inspection report submitted on Form-III of the authorized inspection team by Municipal Commissioner, decision will be taken in order to grant permission to the concerned commercial dairy operator. In case of suitability for grant of permission, a license will be issued as per Form-III specifying the maximum permissible number of adult and minor animals in the commercial dairy premises.
- (f). The licensee shall be bound to comply with the terms/conditions of the Commercial Dairy Premises License.
- (g). It shall be mandatory for the licensee commercial dairy premises to display the license on the main wall of its own dairy premises. If not displayed at the time of inspection, a fine of Rs.500/- will be imposed.
- (h). Within Municipal Corporation area from time to time on-the-spot inspection of

commercial dairy premises can be conducted. Violation of the terms and condition of the license by the licensed commercial dairy premises may lead to immediate suspension or complete cancellation of the license or as per Section 384 of the Act, penalty will be imposed, which will be amounting to Rs.2,000/- per violation.

- (i). The license issued by the Municipal Corporation will be valid for a total of 1 (one) year from the date of issue of the license.
- (j). In case of non-suitability for grant of license, the notice of rejection of the related matter will be issued within one month of the application.
- (k). In case of commercial dairy premises being operated without license under the Municipal Corporation area, penalty will be imposed, which can extend up to Rs.25,000/-.
- (l). It will be the responsibility of the licensee to obtain all necessary permissions issued by the competent courts/board/authority/commission/department from time to time for the dairy unit and it is mandatory to attach an affidavit to this effect with the application. Even after issuing the permission, if the dairy of the licensee is not found as per their standards by any competent court/board/authority/commission/department and any action is taken, then the permission issued by the corporation will automatically be considered revoked.

5. Renewal of license.-

For the renewal of the license, it will be the responsibility of the license holder that it will be mandatory to make his application 15 days before the expiry of the previous license.

6. Fee.- Under these bye-laws, the annual fee for the license is fixed at Rs.500/- per animal for the first time and Rs.300/- per animal in case of renewal.

- (b) Registered or recognized Gosadan/Gaushala by Jammu and Kashmir Animal Welfare Board will not be charged any fee.

7. Conditions for Grant of License.- Every license granted or issued under the said bye-laws shall be subject to the following conditions, namely:-

- a. Dairy owner shall make all the arrangements to keep each dairy floor completely dry and there shall be proper arrangements for air circulation and sunlight.

- b. Dairy owner will make all necessary arrangements to protect the animals from adverse natural conditions such as strong sunlight, heat, cold and rain etc.
- c. Dairy owner will have to make proper arrangements for the disposal of cow dung produced from his dairy, the proof of which will also have to be made available to the license officer. Cow dung will not be dumped in sewer or open drain, and will be disposed by making compost or given to any compost /cow dung product manufacturing enterprise or disposal through incineration or a biogas plant will be valid. It will be mandatory to follow the guidelines issued by the Municipal Corporation from time to time regarding the disposal of cow dung and an affidavit of the same will also have to be submitted along with the application.
- d. The licensee shall immediately inform the licensing officer about any outbreak of any contagious disease in the dairy and shall be bound to seek appropriate treatment from a veterinarian registered with his Union Veterinary Council or keep the infected animals separate from the rest of the animals.

8. Registration of Animals.- It will be mandatory to register all the animals of the dairy by getting them tagged with a permanent flex tag provided under the INAPH scheme. It will be mandatory for all dairy owners to keep record of the progeny of all animals housed in the dairy throughout the year.

9. Penalty.-No dairy cattle owner shall under any circumstances leave his cattle loose on the roads or outside his premises. A fine of Rs 2000/- per cattle/per day will be levied upon the owner of the dairy.

10. Retirement and Rehabilitation of Dairy Cattle.-

- (1) License fees collected under Clause 6(a) shall be allocated to a separate fund designated as the "Retirement and Rehabilitation of Dairy Animals Fund."
- (2) In addition to the allocation from license fees, any penalties collected under these Bye-Laws, as outlined in sections 4(h), (k) and 9 shall also be deposited into the said Fund.
- (3) All monies deposited into the Retirement and Rehabilitation of Dairy Animals Fund pursuant to clauses 10(1) and (2) shall be used solely for the following purposes:

- (a) To establish and maintain retirement and rehabilitation homes for sick, injured, unproductive, old, and infirm cows within the Municipal Corporation area.
- (c) To cover the operational costs associated with managing the aforementioned retirement and rehabilitation homes.
- (4) The Municipal Commissioner shall be responsible for overseeing the administration and allocation of funds from the Retirement and Rehabilitation of Dairy Animals Fund in accordance with the objectives outlined in clause (4) of this Bye-Law.
- (5) The Municipal Corporation shall publish an annual report detailing the collection and utilization of funds within the Retirement and Rehabilitation of Dairy Animals Fund . This report shall be made available on the website of the Municipal Corporation.

11. Keeping of Accounts (records)- After obtaining the license to run a commercial dairy establishment, the account of the records shall be kept by the establishment in the register containing the following forms:-

- a. Detailed inventory of all animals kept as per the prescribed form.
- b. Particulars of the veterinary health of the animals.
- c. Details of vaccination/toxoid of animals.
- d. Details of anthelmintic drugs.
- e. Insemination/Breed details of the animals.
- f. Details of purchase and sale of animals.

12. No dairy owner can object to the licensing officer or any officer inspecting the dairy at any time.

13. A Request can be submitted to the Municipal Commissioner, Municipal Corporation, (Name) to revive the cancelled license for violation of the above bye-laws, on which the decision of the Municipal Commissioner, Municipal Corporation, (Name) or the license officer authorized by him will be final. A license which has been canceled twice cannot be revived under any circumstances. The maximum time limit for making such requests will be one month after the first disposal.

14. If an animal is sold or dies or is disposed of, it will be mandatory for the dairy

owner to submit its information to the Municipal Veterinary Officer's office within 15 days. If the dairy owner does not give this information within the said period, The fine imposed on account of the animal will have to be borne by the registered dairy owner only.

15. The dairy owner will be responsible for compliance of the *Prevention of Cruelty to Animals Act 1960*, especially, Section 11 and Section 12. The dairy owner will further be solely responsible for obtaining necessary registration/license under the *Food Safety and Standards Act 2006*.

16. The space for animals shall conform to the dimensions (BIS Standards) given in the table.

Type of animal	Floor space requirement m ²		Maximum No. of animals/pen	Height of shed at cm
	Covered Area	Open Paddock		
Bulls	12.0	24.0	1	175 cm in medium and heavy rainfalls and 220 in dry areas
Cows	3.5	7.0	50	
Buffaloes	4.0	8.0	50	
Down Calves	12.0	12.0	1	
Young calves	1.0	2.0	30	

Form-I

Application form to obtain permission for operating dairy premises.

To,
Municipal Commissioner,
Municipal Corporation, (Name)

photo of the applicant

Sir,
I request to you, Ison of
..... Ward No.....District..... .I am applying for a
license for the under mentioned dairy premises owned by me (with valid identity card).

a) Details of animals kept in dairy premises:

Species / Breed:

Tag No.:

Gender:

Colour:

Tail:

Age:

Horn:

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b) Space for animals kept in dairy premises:

- (i) Covered area :
- (ii) Open area :

c) Dairy premises :

- (i) Flooring :
- (ii) Natural light and ventilation
- (iii) arrangement for keeping sick animals separately

d) Arrangement for disposal of cow dung, urine:

e) Date of obtaining consent from Jammu & Kashmir State Pollution Control Board (with attached certificate)

I am committed to comply with all the provisions of "Municipal Corporation, *Name Dairy// Dairy Animal Bye-laws year*". I have deposited the application fee of Rs. _____ Challan no. _____ in the Municipal Corporation Fund. Therefore, it is requested that the undersigned will be pleased to issue a permit for operation of the dairy premises.

Signature of Applicant :

Application date :

Phone numbers :

Date of Receipt in Municipal Office Stamp:

Form II

Name :

Father's Name :

Address:

Contact Number :

Housing Capacity :

Area occupied by Dairy Farm (plot area)(sq.ft/sq.m):

Milk supplied to:

Total no. of animals in dairy farm:

- Adult Cows :
- Adult Bull:
- Adult Buffaloes:
- Adult Buffalo bull:
- Calves:
- Any other:

Details of animals kept in dairy premises:

<u>Species / Breed</u>	<u>Gender</u>	<u>Colour</u>	<u>Tail</u>	<u>Age</u>	<u>Pregnant</u>	<u>Horn</u>	<u>Tag.No.</u>

Space for animals kept in dairy premises:

(i) Covered area (sq.ft/sq.m) :

(ii) Open area (sq.ft/sq.m) :

Dairy premises :

(i) Flooring : Concrete/ Rubber mat / Mud / brick / Any other (specify)

(ii) Natural light and ventilation: Yes / No

(iii) Arrangement for keeping sick animals separately: Yes / No

Date of obtaining consent from Pollution Control Board :

Yes/No

Comment

(i) Drainage System :

(ii) Purchase Records:

(iii) Sale Records:

(iv) Medical treatment:

(v) Vaccination : _____

(vi) Space as per BIS Standard :

(vii) CTE/CTO from pollution control Board: .

(ix) Cattle premise Registration

(x) Is the dung collected from the floor of the shed at regular interval, so as to keep floor clean?

(xi) Are the surrounding areas cleaned regularly to prevent obnoxious smell?

(xii) Are the dairy premises and its surroundings areas properly sanitised and disinfected regularly?

(xiii) Are the hazardous wastes (vaccines, vials, medicines, syringes, etc.) disposed as per the provisions of "Solid Waste Management Rules, 2016"

Methods of disposal/utilisation of cattle dung by dairy farm/gaushala:
Composting/Vermicomposting/Biogas/Compressed biogas (CBG) production/Manufacture of dung
wood/Any other (specify) _____

Methods of disposal/utilization of wastewater by dairy farm : In drain / Field /

Any other(specify) _____

Minimum Distance from following features :

Residential:

Hospital :

School:

National Highway/State Highway:

Water Body:

Other Dairy Unit :

Signature
Inspecting Authority

FORM III

MUNICIPAL CORPORATION

DAIRY NOC

NOC NO. _____

DATE OF ISSUE:- _____

1. Name of the holder: _____
2. S/o or D/o or W/o: _____
3. Address of residential premises: _____
4. Address of dairy establishment: _____
5. NOC period: _____
6. Size of dairy plot in sqm.: _____
7. Housing capacity limit: _____

Stamp & Signature

Renewal Conditions:

- An application for renewal shall be entertained not more than one month before the date of expiry of the license.
- If the application is late for more than one year after the date of expiry of the license, the applicant should undergo all the formalities to obtain a fresh licence.
- If the application for renewal is made previous to, or not more than 30 days after the date of expiry of the license, the renewal will be made with effect from the date of its expiry.
- Compliance with environmental standards as per the CENTRAL POLLUTION CONTROL BOARD/State Pollution Control Board is mandatory.

Requirements :

Copy of CTO/CTE from State Pollution Control Board.

Copy of any Proof of Address(PoA) document valid as on date of application.(AADHAAR Card, PAN Card, Indian Passport, Voter Identity Card, Electricity bill)

Copy of any Proof of Identity(PoI) document valid as on date of application.(AADHAAR Card, PAN Card, Indian Passport, Voter Identity Card, Electricity bill.)

For assistance, please contact [Contact Information].