



ཚོ་ནམ་དང་ནགས་ཚལ་ལྷན་ཁག  
 ROYAL GOVERNMENT OF BHUTAN  
 Ministry of Agriculture and Forests  
 Thimphu : Bhutan



འབྲུག་གི་འཕུལ་བྱེད་པུན་པོ་ལྷན་ཁག་གི་འགན་འཁུར་བ་  
 SECRETARY

MoAF/LD/1/2021-22/ 136

Date: 29/04/2022

The Offtg. Secretary  
 Cabinet Secretariat  
 Gyal Yong Tshogkhang

**Subject: Submission of Legislative Proposal for revision of Livestock Act, 2001**

Dasho,

The Ministry would like to submit the Legislative Proposal for revision of the Livestock Act, 2001. The Act is proposed to be revised mainly to streamline the procedure for trade of animal and animal products through adoption of standards and code, incorporate pertinent animal health and production issues in the bill and harmonize the revised Act with other existing laws in the country among others.

Therefore, the Ministry would like to seek the approval on the Legislative Proposal to undertake the Legislative Impact Assessment of the Livestock Act, 2001 as required by the RoP for Legislative Impact Assessment, 2020.

Yours sincerely,

(Lobzang Dorji)  
 Offtg. Secretary

*Legal  
 pls review and brief.  
 02.05.22*

Copy to:

1. The Hon'ble Minister, MoAF for Your Excellency's kind information.
2. The Director, DoL for information

*498  
 3/05/22*

*785  
 6/05/22*

## LEGISLATIVE PROPOSAL

### 1. Title of the proposal:

- (1) Type of Legal Measure: Act
- (2) Lead Ministry/Commission/Agency: Ministry of Agriculture and Forests
- (3) Expected Date of Adoption: 2024

### 2. PROBLEM IDENTIFICATION

The revision of Livestock Act, 2001 aims to streamline the procedure for trade of animal and animal products through adoption of standards and code, incorporate new issues in the bill and harmonize the revised Act with other existing laws in the country. The following are the main problem that this revision is expected to correct:

#### *(1) Violation of fundamental rights*

Section 25.2 and 25.3 of the Act is not in line with the fundamental rights enshrined in the Constitution of Kingdom of Bhutan. The Act provides absolute power to the Inspector to enter into any premise, search and seize without Court warrant, which would result in violation of fundamental rights. These powers have to be linked with Civil and Criminal Procedure Code.

#### *(2) Contradiction with other specific laws:*

##### *(a) Bhutan Standard Act*

Section 5.2 of the Act is in conflict with the Bhutan Standard Act on the authority to prescribe standard for laboratory unit. While Livestock Act authorizes the Ministry to prescribe the standards, the Bhutan Standard Act mandates Bhutan Standard Bureau to formulate and approve all standards in the country.

##### *(b) Medicine Act of Bhutan*

Section 10.1 of the Act authorizes the Inspector under the Ministry to inspect veterinary drugs whereas, the Medicine Act of Bhutan authorizes officials of Drugs Regulatory Authority with the inspection authority to inspect drugs including veterinary drugs.

Section 18.1 of the Act is in direct conflict with Medicine Act of Bhutan, 2003 on the authority to register and issue license for importation, production and distribution of biological and therapeutic substances. The Livestock Act authorizes the Ministry to register and issue license, whereas the Medicine Act authorizes the Drug Regulatory Authority the same function. Therefore, it is recommended for harmonization between the two laws.

(c) Not in line with Penal Code of Bhutan

The substantive laws prescribing legal sanctions are not in line with Penal Code of Bhutan and there is ambiguity between the two laws

(d) Lack of clear segregation between the civil and criminal offence

The Livestock Act do not provide clear distinction between the civil and criminal laws, although the revised Livestock Rules and Regulation, 2017 has made the distinction. However, it is important that such substantive distinction should be provided by the parent Act and not in the delegated legislation.

(e) Harmonization with International Standards and Code

The existing Livestock Act does not confirm to the International Standards and Code. Therefore, this revision will incorporate and integrate the OIE standards, guidelines and recommendations with regard to adoption of necessary sanitary measures and other standards while dealing with international and regional trade of animal and animal products.

### **3. OBJECTIVE OF THE PROPOSAL**

The following are the objectives of the proposal:

- (1) Ensure that the new Act provides for formulation of Standards and guidelines to regulate the trade of animal and animal product.
- (2) Ensure that the new issues or issues which are not addressed by the current Act are adequately incorporated in the Act;
- (3) Have a statutory body to regulate veterinary and para-veterinary professional in the country; and

(4) Align with the Constitution, Civil and Criminal Procedure Code, Penal Code of Bhutan, Forest and Nature Conservation Act and with other existing legislations of the country.

#### **4. POLICY OPTIONS**

The Department of Livestock in consideration to accommodate the implementation issues has revised the Livestock Rules and Regulation, 2008 in 2017. However, due to the lack of legal basis in the Act, the revision could not accommodate or resolve all the pertinent issues; and the issues have remained unresolved. Thus, in trying to correct all the problems and incorporate issues listed above, there is a need for repeal of the existing Act and carry out complete revision of the Act itself rather than revising the subsidiary legislation i.e the Rules and Regulations.

#### **5. IMPACTS- POSITIVE AND NEGATIVE**

The Livestock Act of Bhutan is pre-Constitutional law and over the period of nearly two decades, the Act has become obsolete with many issues pertaining to animal health and safety; and compliance to standards on trade of animal and their products lacking.

Thus, revision of Livestock Act has become pertinent to address issues and ambiguity in order to solve the practical problems faced by the implementers and regulators in the field. Therefore, it is important to review the current Act to address the issues in the Act for its smooth implementation. The probable impacts that are expected from the proposed revision of the Livestock Act are expressed in terms of social, economic and environmental context and some of the pertinent impacts are as follows:

##### *(1) Social impacts*

The revised Act will ensure compliance with the standards and guidelines during the trade of animal and animal products. Stringent compliance to these standards and guideline will ensure that the Bhutan's trade, especially the import of animal and their product will be regulated as per the standard, thereby resulting in import of healthy and safe animal and animal products, which will be healthy and safe to consume thereby minimizing the public health hazards.

##### *(2) Economic impacts*

The revised Act will impose strict regulation on trade of animal and animal product at the international and regional level. Although, at the current scenario Bhutan does not export animal product, imports of animal product from the neighboring country in compliance with the

standards and guidelines will enhance the shelf life of the product and reduce damages, thereby making the healthy products readily available to the consumers at the reasonable price.

In the future, if Bhutan choose to export animal products, the quality, health and safety of such products would fetch good price; which will improve the economic capacity of the people thereby improving their livelihood.

*(3) Environmental impacts*

Rampant release of animals in the wild have been a concern for both the veterinarian from the risk of disease outbreak or spread and to the conservationist from the adverse impact such animals have on the forest through unregulated grazing. The revise Act will have provisions to regulate rampant release of animals in the wild, thereby minimizing the impacts to the environment significantly.

*(4) Who will be affected?*

The Livestock Act, 2001 falls short of many issues concerning animal health, animal product and compliance measures to regulate safety during the trade of such products. Non-implementation of standards, safety and guidelines pertaining to animal product and food of animal origin will compromise the safety and quality of food system in the Bhutanese food market, which will have adverse impact on the public health of the general people, thus draining out public fund towards curing of lifestyle related disease resulting from unsafe and unhealthy food. Therefore, the general public and the government will be directly impacted if the existing Act is not revised to incorporate all aspect of animal health and production.