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**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY
AND FOOD PROCESSING**

(2021-2022)

SEVENTEENTH LOK SABHA

**MINISTRY OF AGRICULTURE AND FARMERS WELFARE
(DEPARTMENT OF AGRICULTURE AND FARMERS WELFARE)**

"THE PESTICIDE MANAGEMENT BILL, 2020"

THIRTY SIXTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

DECEMBER, 2021/AGRAHAYANA, 1943 (SAKA)

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"THE PESTICIDE MANAGEMENT BILL, 2020"

Presented to Lok Sabha on	21.12.2021
Laid on the Table of Rajya Sabha on	21.12.2021



LOK SABHA SECRETARIAT
NEW DELHI

December, 2021/Agrahayana, 1943 (Saka)

COA No. 435

Price : Rs.

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Sixteenth Edition) and Printed by Lok Sabha Secretariat

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COMPOSITION OF THE STANDING COMMITTEE ON AGRICULTURE (2020-21)

Shri P.C. Gaddigoudar- Chairperson

MEMBERS

LOK SABHA

2. Shri Afzal Ansari
3. Shri Horen Sing Bey
4. Shri Devendra Singh 'Bhole'
5. Shri A. Ganeshamurthi
6. Shri Kanakmal Katara
7. Shri Abu Taher Khan
8. Shri Mohan Mandavi
9. Shri Devji Mansingram Patel
10. Smt. Shardaben Anilbhai Patel
11. Shri Bheemrao Baswanthrao Patil
12. Shri Shrinivaas Dadasaheb Patil
13. Shri Kinjarapu Ram Mohan Naidu
14. Shri Vinayak Bhaurao Raut
15. Shri Pocha Brahmananda Reddy
16. Shri Mohammad Sadique
17. Shri Virendra Singh
18. Shri V.K. Sreekandan
19. Shri Mulayam Singh Yadav
20. Shri Ram Kripal Yadav
- §21. VACANT

RAJYA SABHA

22. Shri Partap Singh Bajwa
23. Sardar Sukhdev Singh Dhindsa
24. Shri Kailash Soni
- #25. Shri Ram Nath Thakur
26. Shri Vaiko
27. Smt. Chhaya Verma
28. Shri Harnath Singh Yadav
- §29. VACANT
- §30. VACANT
31. VACANT

Dr. Chandrapal Singh Yadav ceased to be a Member of the Committee on his retirement from Rajya Sabha w.e.f 25.11.2020 vide CB-I Note dated 06.10.2020.

Shri R. Vaithilingam ceased to be a Member of the Committee on his resignation from Rajya Sabha w.e.f. 07.05.2021.

Nominated to the Committee as a Member w.e.f 11.06.2021 vide Bulletin Part-II No. 2509 dated 16.06.2021

\$ Shri Bhagwanth Khuba, MP Lok Sabha, Shri Narayan Rane, MP Rajya Sabha and Shri B.L. Verma, MP Rajya Sabha ceased to be the Member of the Committee on being appointed as the Minister on 07.07.2021

**COMPOSITION OF THE STANDING COMMITTEE ON AGRICULTURE, ANIMAL
HUSBANDRY AND FOOD PROCESSING* (2021-22)**

Shri P.C. Gaddigoudar- Chairperson

MEMBERS

LOK SABHA

2. Shri Afzal Ansari
3. Shri Horen Sing Bey
4. Shri Devendra Singh 'Bhole'
5. Shri A. Ganeshamurthi
6. Shri Kanakmal Katara
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15. Shri Pocha Brahmananda Reddy
16. Shri Rajiv Pratap Rudy
17. Shri Mohammad Sadique
18. Shri Virendra Singh
19. Shri V.K. Sreekandan
20. Shri Mulayam Singh Yadav
21. Shri Ram Kripal Yadav

RAJYA SABHA

22. Shri Partap Singh Bajwa
23. Smt. Ramilaben Becharbhai Bara
24. Sardar Sukhdev Singh Dhindsa
25. Shri Surendra Singh Nagar
26. Shri Kailash Soni
27. Shri Ram Nath Thakur
28. Shri Vaiko
29. Shri Harnath Singh Yadav
30. VACANT
31. VACANT

* Standing Committee on Agriculture renamed as Standing Committee on Agriculture, Animal Husbandry and Food Processing vide Para No. 3293, Bulletin Part-II, dated 23.11.2021.

SECRETARIAT

- | | | | |
|----|---------------------|---|-------------------|
| 1. | Shri Shiv Kumar | - | Joint Secretary |
| 2. | Smt. Juby Amar | - | Director |
| 3. | Shri Nagender Singh | - | Executive Officer |

INTRODUCTION

I, the Chairperson, Standing Committee on Agriculture, Animal Husbandry and Food Processing (2021-22), having been authorized by the Committee to submit the Report on their behalf, present this Thirty Sixth Report on 'The Pesticide Management Bill, 2020' of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare).

2. One of the functions of the Committee as laid down in Rule 331 E(1)(b) of 'The Rules of Procedure and Conduct in Business in Lok Sabha' is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha as the case may be, and make Report thereon. In pursuance of this Rule, Hon'ble Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha referred the Pesticide Management Bill, 2020, as introduced in Rajya Sabha, to the Standing Committee on Agriculture on 02.06.2021 for examination and report within three months i.e. by 01.09.2021. The Committee obtained extension of time from Hon'ble Speaker upto the last day of the Winter Session 2021 of the House to present the Report as the deliberations on the Bill could not be completed within the stipulated time.

3. The Committee held five sittings for detailed examination of this Bill. During first sitting held on 29.06.2021, the Committee took briefing of the representatives of Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare). During this Sitting, Hon'ble Members emphasized for wider consultation on the Bill with various stakeholders such as Farmer Organizations, Industry Representatives, Experts, etc. in view of the large ramifications of the proposed Bill on the Agriculture Sector of the Country. Accordingly, a Press Communiqué inviting Suggestions/Views of the various stakeholders such as Farmer Organizations, Industry Representatives, Experts, Individuals, etc on the above Bill was published on 23rd July, 2021 in the leading National and Regional Newspapers. The Committee Branch received a total of 88 (Eighty Eight) Memoranda from various stakeholders on the Bill.

4. During the second sitting of the Committee held on 13.07.2021 on this Bill, the representatives of Organizations – ASHA Kisan Swaraj; Confederation of NGOs of Rural India (CNRI); Associated Chambers of Commerce and Industry of India (ASSOCHAM); and CropLife India deposited before the Committee. In the third Sitting held on 05.08.2021, the representatives of Organizations - Bhartiya Krishak Samaj; Bhartiya Kishan Sangh; Biological Agri Solutions Association of India; and Crop Care Federation of India appeared before the Committee to present their views on the Bill. Further, in the fourth sitting held on 24.08.2021, the Committee heard the views of Experts - Dr. Trilochan Mohapatra, Secretary, DARE; Dr. J. Alice R.P.

Sujeetha, Director, NIPHM; and Dr. Anupama Singh, Head of Department Division of Agro Chemicals, IARI and representatives of the Organizations - Pesticides Manufacturers & Formulators Association of India (PMFAI); and PRS Legislative Research on various aspects of the Bill. During fifth Sitting held on 12.11.2021, the Committee heard views of representatives of the Organizations - Federation of Indian Chambers of Commerce and Industry (FICCI); and Centre for Economic Policy Research followed by oral evidence of the representatives of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare).

5. The Committee considered and adopted this Report during their Sitting held on 16.12.2021.

6. The Committee express their thanks to the Stakeholders such as Experts/Farmer Organizations/ Industry Associations/NGOs/Individuals who gave their valuable suggestions/views on the Bill to enable the Committee to understand the various Clauses of the Bill, in depth.

7. The Committee wish to express their thanks to the Officials of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare) for appearing before the Committee and furnishing the information that they desired in connection with the examination of the Bill.

8. The Committee would also like to place on record their deep sense of appreciation for the invaluable assistance rendered to them by the officials of Lok Sabha Secretariat attached to the Committee.

NEW DELHI;
16 December, 2021
25 Agrahayaha, 1943 (Saka)

P.C. GADDIGUDAR
Chairperson,
Standing Committee on Agriculture,
Animal Husbandry and Food Processing

CHAPTER I

AN OVERVIEW

A. Introductory

1.1. Pesticides play an important role in sustaining Agricultural Production by protecting crops from pests. Availability of safe and efficacious pesticides and their judicious use by the farming community is critical to long term sustainability of Agricultural Production and Productivity. Pesticides are also useful to Public Health Programmes in controlling vectors responsible for diseases like malaria. However, pesticides have toxic properties and need a well ordered system of management and regulation encompassing all important stages in their life-cycle, from manufacture, import, packaging, labeling, pricing, storage, advertisement, sale, transport, distribution, use and disposal in order to ensure the availability of safe and effective pesticides, and to strive to minimize risk to human beings, animals, living organisms other than pests, and the environment.

1.2. The existing legislation for regulation of pesticides is the Insecticides Act, 1968 and the Insecticides Rules, 1971. This Act regulates import, manufacture, sale, transport, distribution and use of insecticides with a view to preventing risk to human beings or animals, and matters connected therewith. There exists a Central Insecticides Board (CIB) which advises the Government on technical matters which may include the safety aspects of insecticides (Section 4). Substances bearing insecticidal properties are notified and included in the Schedule to the Act, which are then required to be registered for import or manufacture by a Registration Committee constituted under (Section 5) of the Act. Any person desirous to manufacture, sale, stock, exhibition for sale or distribution of any insecticide, requires a license under (Section 13) from the licensing officer appointed by the State Governments. There is a system of quality control of insecticides. Insecticide Inspectors appointed by the Central or State Governments (Section 20) have been vested with powers to search premises, seize documents, stop distribution or sale of insecticides and take insecticide samples for analysis (Section 21). Such analyses are carried out by Insecticide Analysts appointed by Central or State Governments (Section 19).

1.3. Dispute over Analytical Test Reports are resolved through confirmatory tests in the Central Insecticides Laboratory (CIL), which is established under (Section 16). Offences related to import, manufacture or sale or 'misbranded' insecticides 'which include use of deceptive or faulty labels, use of improper packaging, higher toxicity or counterfeiting of the product etc. are punishable with imprisonment up to two years, or with fine between Rs. 10,000 to 50,000, or with both (Section 29).

1.4. The experience of the Government in administering the Insecticides Act, 1968 over five decades and feedback received from various stakeholders had necessitated a re-evaluation of the existing legislation. Recommendations for amendments to the Act were made by the Parliamentary Standing Committee on Agriculture in 2000-01 and for increase in the punishment for sale of spurious insecticides. The Parliamentary Standing Committee on Petroleum and Chemicals recommended more stringent punishment for manufacturers of spurious insecticides and penalties commensurate with violations. This Committee endorsed a proposal for introducing educational qualification for sale licensees (2002). The Joint Parliamentary Committee on Pesticide Residues and Safety Standards for soft drinks, fruit juices and other beverages recommended that pesticides be registered only after fixation of Maximum Residue Limits (2003).

1.5. Taking this into account, the Department of Agriculture and Cooperation formulated the Pesticides Management Bill, 2008, after due consultations with stakeholders and concerned Ministries/Departments. The Bill was approved by the Cabinet on 24.04.2008 and introduced in the Rajya Sabha on 21.10.2008. The Pesticides Management Bill, 2008 was referred to the Standing Committee on Agriculture. The Standing Committee, after ascertaining the views of various experts, representatives of pesticides industry, farmers, and representatives of the Ministry of Agriculture, presented its Report to the Parliament on 18.02.2009. The Committee had made thirty seven Recommendations in their Report. Some of the important Recommendations made by the Committee include - ensuring representation of farmers in Central Pesticides Board, NABL Accreditation for all Pesticide Testing Laboratories, Data Protection for New Molecules, Time limit for fixation of MRL of

Pesticides, Accountability of Pesticide Inspectors, Analysis of Pesticide Residue in imported consignments, etc. Majority of the Recommendations of the Standing Committee had been accepted by the Department and suitably incorporated in the Bill.

1.6. With the dissolution of the 15th Lok Sabha, this Bill was subjected to an in-house review and was placed before the Cabinet with New Amendments for consideration. It was suggested by the Legislative Department, Ministry of Law and Justice that instead of moving official amendments to rectify the changes and to add more than 90 Enactments for repeal by way of lengthy Amendments, it would be preferable, to withdraw 'The Pesticide Management Bill, 2008, and introduce a new Bill.

1.7. As per the suggestion, The Pesticide Management Bill 2017 was drafted and circulated to concerned Ministries, States and UTs in June, 2017. A stakeholders meeting was held on 11.01.2018 to further improve upon the proposed Bill. The copy of PMB-2017 was hosted on the website of Department of Agriculture Cooperation and Farmers Welfare inviting comments and suggestions from the stakeholders on 19.02.2018. The Department received a large number of suggestions and comments from stakeholders. The same were examined and as per requirement, were suitably incorporated in the Bill.

1.8. As per the information submitted by the Department, the Cabinet Note and the Pesticide Management Bill, 2020 (PMB-2020) was also circulated to Central Government Ministries and Departments in December 2019. Comments of various Departments were received and duly considered and suitably incorporated in the proposed Bill. It is in this background that, 'The Pesticides Management Bill', 2020 incorporating the required official amendments and other suitable suggestions as on date has been introduced in the Rajya Sabha on 23rd March 2020.

1.9. 'The Pesticide Management Bill, 2020', as introduced in Rajya Sabha, was referred by Hon'ble Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha to the Standing Committee on Agriculture on 2nd June, 2021 for examination and report within three months i.e by 1st September, 2021. The Committee sought

extension of time as the deliberations on the Bill could not be completed within the prescribed time. The Committee held five meetings and heard views of various stakeholders such as Farmer Organizations, Industry Representatives, Experts, etc. followed by evidence of the Representatives of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare).

1.10. The salient features of 'The Pesticide Management Bill, 2020' according to the Ministry are as follows:

- In brief, the term 'insecticide' has been replaced by a more inclusive and appropriate term 'Pesticide' in the title. The long title has been expanded to regulate pesticides, including their manufacture, import, packaging, labelling, pricing, storage, advertisement, sale, transport, distribution, use and disposal in order to ensure the availability of safe and effective pesticides, and to strive to minimize risk to human beings, animals, living organisms other than pests, and the environment with an endeavour to promote pesticides that are biological and based on traditional knowledge.
- Number and scope of definitions has been increased to provide greater clarity and wider management.
- More experts along with designated ex-officio members have been included in the Central Pesticides Board. Two farmers, of whom at least one shall be a female, will be nominated by the Central Government, as Members of the Board. More representation to States (from 2 to 5) has also been given in the Board.
- The Registration Committee will now also have designated representative of the Hazardous Substances Management Division, Ministry of Environment, Forest and Climate Change, Department of Chemicals and Petro Chemicals, Ministry of Chemical and Fertilizers and a dedicated toxicologist from a reputed Institute as members. The functions of these bodies have been proposed to be expanded.
- To ensure transparency and effective implementation, the manner in which the powers and functions of the Registration Committee would be exercised shall be prescribed by the Central Government.
- Provision has been made for promoting pesticides that are biological and based

on traditional knowledge and for encouraging indigenous manufacturing.

- While registering a Pesticide the Registration Committee apart from evaluating its safety and efficacy would also be guided by factors like necessity, end use, risk involved and availability of safer alternatives.
- Fixations of maximum residue limits for pesticides have been proposed to be made mandatory.
- Repeat registration of Pesticides under the provisions of the Bill has been termed as “Generic Pesticides”.
- Review, suspension and cancellation of registration and ban on pesticides have been provisioned.
- State Government may prescribe qualifications for licencing officer, pesticide inspector and pesticide analyst and appointed by it. The State Government may also notify a person for sale by prescription of extremely toxic or highly toxic category of Pesticides. A provision for deemed revocation of licences in case of cancellation of registration of a Pesticide has been introduced.
- The Central Government may by notification specify ordinary use pesticides in respect of which a licence to sell or stock will not be required.
- Provision has been made in the Bill to accredit private laboratories to carry out any or all functions of Pesticides Testing Laboratory by the Central Government or the State Government authorised in this behalf, on compliance of prescribed standards.
- Offences have been categorised separately in terms of the degree of severity as ‘Punishment for obstruction’, ‘Punishment on violations of conditions of registration and licensing’, ‘Punishment for activities related to import and export of pesticides’, ‘Punishment for activities involving unregistered and unlicensed pesticides’, ‘Punishment for activities involving falsified pesticides’ which includes deliberately or fraudulently misrepresenting the identity, composition or source of a pesticide, ‘Punishment for activities involving banned pesticides’, ‘Punishment for causing hurt, grievous hurt or death’ . Also a provision of not less than twice the fine that was imposed at the time of the first conviction, irrespective of the maximum fine provided for such offence has been made in case of subsequent offences by a person. This has been done with a view to deter repeat offender. Further, it has also been provided that if a person is convicted for third time or more for violations of conditions of registration

and licencing, then he shall be liable to imprisonment for a term extending up to one year. Punishment of fine ranges from ₹ 25000 to 50 lakh, with imprisonment for a term, which may extend up to 5 years or both have been provided for the various offences as per severity.

- It has been envisioned that the fine imposed under the penalty clauses shall be credited to a fund for, inter alia, making ex-gratia payments to persons or their legal heirs, as the case may be, who have suffered hurt, grievous hurt or have died in the course of poisoning due of occupational exposure to Pesticide. The Central Government will also contribute to this fund.
- Provision has been made that if the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to exercise such powers and perform such functions relating to regulate the price of pesticides.
- The Central Government may give direction to a State Government, the Central Pesticide Board and in case of exigency to the Registration Committee.

1.11. The Committee before going into detailed examination of the Bill invited Memoranda from Agriculture Research Institutions, Pesticide Manufacturing Associations, scientists, experts, Farmer Organizations and other interested groups/individuals through a Press Release issued in various National and Regional Newspapers across the country. Based on the Memoranda received by the Committee, various Stakeholders were invited before the Committee to present their views on the Bill. The expert views on various Clauses have immensely helped the Committee to understand the intricacies of the contentious issues involved in the Bill and to arrive at consensual decisions.

1.12. The Committee have gone through the Bill threadbare and clause-wise Comments /Recommendations have been given in Chapter - II of this Report. For facility of reference and convenience, the Comments/Recommendations of the Committee have been printed in bold letters. The Clauses which have not been covered/commented upon in the Report are found to be in order. However, some of the important Recommendations of the Committee which will have far reaching effects

on the implementation of 'The Pesticide Management Bill, 2020' have been summarized hereunder:-

B. DATA PROTECTION FOR NEW MOLECULES

1.13. The Committee note that 'The Pesticide Management Bill, 2020' does not contain any provision for Data Protection for the introduction of new Pesticide molecules in the Country. The Committee have received representations on this issue from many stakeholders.

1.14. Some stakeholders have advocated for inclusion of Data Protection in this Bill as India has an obligation under Rule 39.3 of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. Further, it has been submitted to the Committee that due to climate change and changing crop patterns, newer pests/diseases/weeds are emerging like fall army worm, pink boll worm, phalaris minor etc. Therefore the farmers require newer and broader based crop protection solutions. Hence, the provision of Data Protection will help our farmers to get new Pesticides to face new challenges.

1.15. Highlighting the same, the representative of Federation of Indian Chambers of Commerce and Industry (FICCI) stated during evidence:-

“Sir, our country became the signatory of WTO in the year 2005, when it became the signatory of TRIPS, there was provision for data protection. For clarification on that, a committee was formed by our government under the chairmanship of Sathawanth Reddy, Secretary, Chemical Fertilizers, who after consulting the entire industry and interministerial group gave a recommendation that there should be data protection for three years. We have mentioned it here in.

Sir, that committee was formed. After that I also appeared in front of the Committee that presented 46th Report in the year 2009. The Hon'ble member and chairman of that standing committee recommended data protection for five years. Just now our Hon'ble Prime Minister has formed the Ashok Dalwai Committee – on doubling farmers' income. He also recommended data

protection. In other countries of the world, data protection for five to seven years is given and under which law it is given, we have submitted that too inside the folder. If today we have to compete in the world, then we cannot stay in isolation by making law or its implementation. If we have to take our country forward with the world, then there is a need to review our laws in the light of Laws of the World while respecting them. This is my humble request to you."

1.16. Some other stakeholders have stated that India is the fourth largest manufacturer of generic pesticides in the world. Once patent expires, Indian companies manufacture generic version of Pesticides and make it available to the farmers at a price which is 50 to 80% lower than inventors. This has been the history of so many Pesticides in the last 20 years. It substitutes imports to save foreign exchange and encourages exports. If Data Protection is allowed, Indian players will not be able to do indigenous production, which will hamper scaling up production for domestic consumption. The Committee sought clarification on the issue of Data Protection from the Department and asked the Department whether the absence of Data Protection will lead to non-introduction and non-availability of new Pesticide in the Country. The Department in its reply, submitted:-

"Patent provide 'Commercial Protection' for 20 years from the date of patent being granted. No Protection for Regulatory Data (PRD) is required for molecules till they are covered by patent. PRD is needed only for an off-Patented Molecule, when it is being introduced for the first time in the Country. Protection of Regulatory Data implies that the Data submitted for first time registration in a Country may not be relied upon by other applicants or registrants to support registration without the permission of the data submitter. It is expected that the exclusive rights given for 20 years under patent shall be sufficient to recover the cost of development of a pesticide. It is a considered view that no data protection should be provided beyond the patent period as this may lead to delay in the grant of registration of Me-too/(generic) Applicants as Me-too Registrations are granted under simplified guidelines based on the data submitted by the Original registrants. The Industries should bring New Molecules to India within the patent period for benefit of our farmers".

1.17. The Representative of the Department further submitted:-

“Sir, this has been discussed for many days. The industry stood in its favour, but we tried to see at it from the perspectives of farmers. Sir, under patent law, when a molecule is discovered in the world, it gets a patent for twenty years. If a molecule is discovered in the world and if they apply, then after two years they get a license and they will have protection for the next ten years. No one else can make it. Those who have been running their business for twenty years all over the world, they will get full benefit of their patents. Now they are saying that many industries have come to the country and the entire patent has been removed. Twenty years ago, a lot of experiments were being done in the world, they say that now we bring it to your country, then you give me 'India Special' patent for 5 years. We said that when your product is free from patent, then why should it be given a patent. Foreign companies want that they should be given a patent under 'Me Too' and they will bring 20 years old pesticides in our country, so we said that we will not give you data protection for this, you should bring new technology. First we accepted this and discussed it with everyone. Like you said it takes seven years for large molecules to be allowed because the system was that all had to follow the line. If they come late, their number will come later. We said that you should bring new molecules. The whole team will be there for you.”

1.18. The Committee have deliberated over the arguments raised by both the sides. The Committee appreciate the fact that 'No Provision' of Data Protection for the introduction of New Molecules/ Products has been consciously incorporated in the Pesticide Management Bill, 2020 by the Government as it will not only protect the domestic industry which primarily relies on production of the 'Generic Pesticides' but also the farmers, who will be benefitted by the availability of cheaper pesticides. The Committee also believe that India has a very large and growing market of Agrochemicals and with huge arable land, it will be able to attract introduction of New Molecules from Foreign as well as Domestic Companies even without provision for any Data Protection. The Committee feel totally convinced by the arguments advanced by the Government

that the Patent period of 20 years is sufficient for inventors to gain benefits for the investments made in discovery/introduction of New Molecules provided that New Molecules are introduced within the Patent Period in the Country.

C. STRATEGY TO COUNTER DEVELOPMENT OF PESTICIDE RESISTANCE AMONG PESTS

1.19. Some experts have submitted before the Committee due to non-judicious and indiscriminate use of pesticides, there is growing concern of development of pesticides resistance among pests which is rendering the Pesticides ineffective.

1.20. When asked by the Committee about specific provisions in the Bill to address the issue of increasing pest resistance for pesticides, the Department replied:-

“There are no specific provisions in the Bill to address the Issue of Pest Resistance for Pesticides as the same will be addressed through Integrated Pest Management (IPM) that is an environmentally friendly comprehensive ecological approach to manage pest problems by imparting trainings to farmers and State Extension Officers through Farmer Field Schools and HRD Programs. During the trainings, major emphasis is given on judicious use of chemical pesticide as a last resort, safety in use of pesticides, alternate tools for pest management viz; cultural, physical, mechanical methods of pest control as well as use of bio- pesticides and bio-control agents, effects of pesticides on natural enemies of pests, do’s and don’ts of pesticide including proper application equipment and technique.”

1.21. Another expert, Dr. Trilochan Mohapatra, Secretary, Department of Agricultural Research and Education and DG-ICAR, while elaborating on the approach for resistance management suggested that the provisions to label pesticides with mode of action group (Insecticide Resistant Action Committee- IRAC or Fungicide Resistant Action Committee –FRAC) number (numerical) should be there.

1.22. The Committee note that the development of Pesticide Resistance is a very serious issue which may render various pesticides which are in use

currently, ineffective. This will seriously threaten the crop security. The Committee also observe that 'No Specific Provision' has been made in this Bill to counter this. The Committee are of the considered opinion that there is an urgent need to raise awareness among users especially the farmers about the problem of Pesticide Resistance. Accordingly, the Committee recommend that there is an imperative need to initiate Mode of action in regard to Numbering on the Label of the Containers of Pesticides, in tune with, the International Guidelines to this effect and in such a way so as to ensure that even an illiterate farmer is able to differentiate between two pesticides. The Committee further desire that while Reviewing Pesticides by an appointed committee, it is important to consider the role of MODE of Action in Resistance Management and control of invasive species of Insects/Pests. The Committee also recommend that a suitable provision should be incorporated in the Bill to address this serious issue.

D. QUALIFICATION FOR RETAILERS AND PERSONS DISPENSING PESTICIDES AT COMPANY OUTLETS

1.23. There is no provision on qualification for retailers and the persons dispensing pesticides at company outlets in the Bill. When asked by the Committee on the requirement of qualification for retailer for selling pesticides, an expert, Dr. Anupama Singh, Head, Agro-Chemical Division, IARI, stated during evidence:-

“I am a strong supporter of this, Sir. In one of the conferences which was organized by Dr. Dalvai during his Committee, I had suggested that there should be plant health clinics at every block level and in those plant health clinics should plant doctors. We have so many educated youths who are educated till graduation level. Those who are graduates in either agricultural or in basic sciences can be offered some sort of diploma courses across the laboratories of the ICAR and the SAUs and that would build capacity like anything. We will have the unemployment issue also resolved. I think this kind of a provision of plant health clinics and plant doctors could be built into the PMB.”

1.24. During evidence, the Representative of Bhartiya Krishak Samaj submitted:-

“In this we request that earlier the state government departments used to give advice to the farmers, now that work is not done. The farmer goes straight to the dealer, the dealer tells the farmer to take this, it is very good. This is the reality. You all know it as you all are from village background. There is no awareness program regarding the time the pesticide should be used, in quantity to be used, in which direction of the blowing wind, it should not be done in the opposite direction, these are small details. Earlier there used to be one Krishi Vigyan Kendra in each district but now two of them have been made. They should be given the responsibility to guide the farmers in their respective areas.”

1.25. Representative of another Organization, Bhartiya Kishan Sangh, added further on the issue:-

“If the company has a direct outlet, then the company should appoint a person to prescribe or the retailer who prescribes or tells him to spray it and give anything. I will talk about the rest of the subject. Some certified person or having specific certificate should sit there. Just like you do in MBBS or other things, because it is a matter of life and death of man. So many people are dying because of pesticide. You will have this data, we also have this data, we will give it to you. There should be some accountability of the retailer to restrict this. He should not prescribe anything unnecessarily. We will come to that topic at the end. Some specific certified certificate holder person should be there. He may be B.Sc (AG), he may be a trained man in NIPAC, you decide something like that. Something like this should happen.”

1.26. The Committee are of the firm opinion that certain minimum qualification standards are necessary for Sellers/Dealers/Stockiests, etc. of Pesticides; as they deal with hazardous substances and awareness is the key as the retailers are the point of contact for farmers. The Committee believe that farmers usually buy those pesticides which are recommended by the retailers hence minimum qualification standards need to be provided for. The Committee, therefore, recommend that suitable qualifications, but not less than Higher Secondary in

Science/Agriculture/Horticulture streams may be prescribed for Sellers/Dealers/Stockiests, etc., of Pesticides. Also, before issuing Licence, effective training for handling of pesticides should be provided to them by the Government. They should be asked to exhibit their Licence-certificates at the shops/points of sale.

E. PROMOTION OF R&D IN PESTICIDE SECTOR

1.27. There is no provision for Promotion of Research and Development in Pesticide Sector in the Bill. During evidence, Dr. Anupama Singh, an expert, stated:-

“I would request that the enabling environment to create and to promote the indigenous R&D in the country, when we are saying Make in India, then the mechanism of that should be very well defined in the PMB.

1.28. On the query of R&D in Pesticide Sector, another expert, Dr. Trilochan Mohapatra, has stated during evidence:-

“Sir, no new molecule has been discovered in the country yet. All are of foreign origin. Technical grades that are brought from outside have mostly external molecules as they require heavy investment. To discover this, we will find thousands of molecules, test them, then find one of them, then it is nano-tested. Big multinational private companies invest in it and discover it. Multinational companies and companies that exist in our country, they bring and use from there. If there is any off-patent in it, then there is no restriction in it and it gets used immediately. Patent is taken after talking to the company.

1.29. On being asked by the Committee about efforts being made by the Government to promote R&D in Pesticide Sector, the Department replied:-

“In order to promote Research and Development in Pesticide Sector, Central Government has given exemption under Section 38(2) of Insecticide Act to Laboratories of Government or private or pesticide Industry accredited with NABL or GLP for importing samples of Pesticides for Research and Development purposes (up to 2 kg for technical grade pesticide, 10kg for formulation and 500

g for Plant Growth Regulator). Similar provisions will be made while framing rules.”

1.30. The Committee observe that in order to promote R&D in Pesticide Sector in the existing Insecticides Act, 1968 under Section 38(2), certain exemptions had been given to Labs of Government or Private or Pesticide industry accredited with National Accreditation Board for Testing and Calibration Laboratories (NABL) or Good Lab Practices (GLP) for importing Samples of pesticides for R&D. However, no such provision has been made in the present Bill, despite the fact that No New Molecule has been discovered in the country till date. Almost all the pesticide molecules which are used in the country are of foreign origin. The Committee, therefore, recommend that at least similar provisions as existing in Section 38(2) of Insecticides Act, 1968, rather more encouraging provisions be made in the Act itself, instead of the Rules. The Committee further recommend that a Dedicated Centre for Research for Development of Newer Agrochemical Molecules and Innovation Product Technology should be setup by the Government to carry out research activities. Further, a holistic Research Development Programme comprising of academia, Indian Companies or Multinational Companies and experts in the Agro-chemical field should be envisaged so that the country has a robust research ecosystem for R&D in the Pesticide Sector.

F. EXTENSION SERVICES TO FARMERS

1.31. Many stakeholders have emphasized on the need for strengthening the Extension Services and have highlighted the absence of any such Provision in the Bill.

1.32. Representative of Confederation of NGOs of Rural India (CNRI) stated during Evidence on the role of Extension Services to farmers:-

“Sir, till the farmers are not aware, like where to use a milligram, they are using ten grams there. They need to be made aware. There is an extension facility with the State Government and with the Union Government. There are vighan kendras also. Even the private sector can be roped in for providing extension

services. The very first challenge is that they are not aware how to use the pesticide or the judicious use of pesticide.”

1.33. Highlighting the need for creating awareness among farmers, Dr. Anupama Singh, an expert, has submitted during evidence:-

“Awareness generation among the farmers is the key. I think this should find the first place in the PMB. Awareness generation just like it is done in the most advanced countries should be done here also. It must be done at all costs by the Government. Once the farmer comes to know that I am befooled here, then he will become cautious and when he becomes cautious then all sorts of problems like spurious pesticides, like giving the same pesticides over and over again by the dealer which leads to resistance development for the pest and the disease can be avoided. So, awareness generation for the farmer, I think, is the underlining part of everything.”

1.34. The Committee are of the opinion that awareness among farmers and other end users about the safe pesticide usages is essential for countering harmful effects of pesticides on farmers, crops and environment as a whole. However, the Committee are unhappy to note that Extension Services currently provided to farmers for pesticide use/to be provided further, do not find a mention in this Bill. The Committee have been informed that due to non-judicious and indiscriminate use of pesticides, the pests are developing resistance against commonly used pesticides. This adversely affects not only the crop security but also the health of humans as the pesticide residues in food crops are very high on account of improper application of pesticides. The Committee recommend that Agri-Clinics and Agri-Business Centres be roped in for generating awareness amongst farmers. The Committee also recommend that Extension services to be provided for 'safe pesticide usage' should be incorporated in the 'Statement of Objects and Reasons' of the Bill and suitable provisions to this effect should be made at appropriate places in the Bill.

G. INTEGRATED PEST MANAGEMENT

1.35. Some experts and Associations, in their submissions before the committee, have emphasized on the need of 'Integrated Pest Management, which is safe and more effective method of controlling pests.

1.36. A representative of Bhartiya Kishan Sangh stated during evidence:-

“Sir, I want to mention a different topic here that why should we kill insects? This is a new topic placed before you. Instead please try to repel them from our crop fields.”

1.37. Expert, Dr. Anupama Singh, has further elaborated on Integrated Pest Management during evidence:

“In this, it is told that to use the pesticide as the last tool. First of all use good variety seeds, your field should be in good condition, it should have complete nutrition. You add bio-pesticides to your farm, add quality bio-pesticides, beware of fake pesticides and then if needed, then in the least amount, as per experts' advice, apply pesticides in the field. On this subject, a wide range of programs are run by the Ministry of Agriculture, Government of India and experts work in it.”

1.38. When asked by the Committee about provisions in the Bill regarding promotion of 'Integrated Pest Management', the Department replied:-

“There are no specific provisions to Promote Integrated Pest Management'. However, enabling provision has been made in Clause 17 (1) for promoting pesticides which are biological and based on traditional knowledge. Further, as per clause 8(1) Central Pesticide Board powers & functions include

(d) to research on:—

(i) the development and availability of safer alternatives to existing pesticides, including agro ecological practices;”

1.39. The Committee note that No Specific Provision has been made in this Bill to promote 'Integrated Pest Management (IPM)'. The Committee are of the opinion that IPM is the need of the hour as it is safe, effective and non-toxic

method of protecting crops from pests. The Committee are informed that under IPM, the pesticides are used as tool of the last resort. IPM is a long term strategy wherein a holistic approach is adopted for crop protection rather-than simply eliminating pests using chemicals, emphasis is laid on identifying the environmental factors, in which, pests thrive, use of healthy and good quality pest resistant, use of bio-pesticides, use of modern and Scientific Agriculture Methods, etc. which in turn, help in crop protection. Keeping these aspects in mind, the Committee desire that the Integrated Pest Management should find a place in this Bill at appropriate places. The Government should strive hard to popularize this method of crop protection among farmers by way of Extension Services provided to them.

H. STREAMLINING PROCESS OF SAMPLING AND TESTING OF PESTICIDES

1.40. Many stakeholders and experts have submitted before the Committee that there is an increase in number of illegal, fake and sub-standard pesticides in the Country which adversely affects farmers and agriculture. It was suggested by stakeholders that the issue of spurious and counterfeit pesticides can be tackled only by streamlining the process of sampling of pesticides and their subsequent testing in NABL Accredited Laboratories.

1.41. When enquired by the Committee about Consignments/Batches of spurious Pesticides seized in the last three years, the Department replied:-

“With respect to sale of spurious pesticides, State Governments of Punjab, Himachal Pradesh, Uttarakhand, Rajasthan, Uttar Pradesh, Jharkhand, Bihar, Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra, Andhra Pradesh, Tamilnadu, Goa, Assam, Manipur, Meghalaya; Union territories of Jammu & Kashmir, Chandigarh have reported that no cases of sale of spurious pesticides have been reported in their States during the year 2014 to 2020. However, State Government of Haryana, Kerala, Gujarat and Karnataka have reported that 07, 21, 50 and 255 cases of spurious pesticides were reported in their States respectively during 2014 to 2020. Government of Telangana has reported that during 2020-21, a total of 55 No. cases of spurious pesticides have been

reported in the State.

State Government of Haryana has reported that in one case FIR has been filed, in 4 cases warnings have been issued and two cases are under process. State Government of Kerala has reported that in one case fine of Rupees Twenty Thousand has been imposed and in 19 cases, process for launching prosecution has been initiated. State Government of Gujarat has reported that in all 50 instances, court cases have been registered against companies involved in manufacturing and sale of spurious pesticides under the Insecticide Act, 1968. State Government of Karnataka has reported that 59 sale licences of dealers have been suspended and 35 cases have been booked. State Government of Telangana has reported that in all 55 cases, cheating cases have been filed against dealers/manufacturers involved in sale/ manufacturing of spurious pesticides.”

1.42. The representative of CropLife India highlighted the lacunae in collection of samples of pesticides during evidence:-

“Sir, just imagine, there are 5,000 manufacturing units and three lakh registrations. There is no system in the world which can take care of the quality from all the manufacturers. On the other hand, it is the responsibility of the inspectors that you will give 200 samples. he thinks, talk to good company, settlement is done with dealers and distributors. Sir, there is rate contracts everywhere.But we have not done anything in the PMB to ensure how we can set that system right.”

1.43. Elaborating further on the same, Dr. Anupama Singh, an expert, submitted during evidence:-

“As I have already submitted, Sir, (1) capacity building, (2) accountability setting, (3) ensuring harmonized sampling from across the industry, should be done. Sampling should not be done in a discreet manner in bits and pieces. There should be a harmonized grid system based on the industry which is there. Then there should be online supervision of the acts of the inspectors. They should be able to document the activities that they are doing. They must register it online so

that the status of their inspection can also be tracked. Reports should also be submitted online. They should be made public. These things will bring in the element of transparency and they will also think twice before committing something which is unethical of their profession.”

1.44. The Committee observe that the issue of sale of spurious, counterfeit and sub-standard pesticides need to be addressed in the Act. The Committee opine that capacity building of Inspectors and establishing a robust sampling process are necessary to strengthen the system to deal with this menace. The Committee, therefore, recommend that an On-line Portal should be created wherein the Inspectors are required to fill the details of the sample collected on a real time basis, uploading of documentary evidences such as pictures of samples, facility from where sample collected, etc. There should be On-line supervision of the acts of Inspectors. The status of sample collected for testing should be updated on the portal on real time basis and the Reports of tests should be made available On-line. The Committee desire that these suggestions should be suitably incorporated in the Act/Rules.

I. ACCOUNTABILITY OF PESTICIDE INSPECTORS

1.45. Various Organizations and experts have raised the issue of Accountability of pesticide inspectors and pesticide Analysts who exercise their power without reasonable grounds or test samples without following the prescribed protocols.

1.46. A representative of the PRS Legislative Research stated during evidence:-
“Under the Bill, Pesticide Inspectors can enter premises, search and seize records, collect and send samples for analysis to the Pesticide Analyst, and stop the distribution of pesticides. The samples are tested by Pesticide Analysts who send reports to the Inspectors. So, what is the safeguard against vexatious action by Inspectors and Analysts? The Bill does not provide that.”

1.47. On being specifically asked by the Committee about the safeguards that have been provided in the Bill for ensuring Accountability of Pesticide Inspectors who

exercises their powers of inspection, search and seizure without reasonable grounds, the Department submitted:-

“The bill talks about this in the Clause 59, according to which the members and officers of the Board, the Registration Committee, the Licensing Officers, the Pesticide Analysts, the Pesticide Inspectors or officers exercising the powers of the Pesticide Inspector shall be deemed, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Further, Reports of Pesticide Analyst/Inspectors are subject to judicial scrutiny during the court cases. The provisions of CrPC are also applicable on public servants indulging in any criminal activities. Addition of any such specific clause on accountability may be counterproductive as it may act as deterrence from discharging their official duties”

1.48. The Committee note that 'No Specific Provision' has been incorporated in this Bill regarding accountability of Pesticide Inspectors and Pesticide Analysts. The Committee are of the opinion that the pesticide inspectors have been given sweeping powers related to search, seize, issuing of stop order for sale of pesticides, etc. under this Bill without any system of checks and balances. The Committee are of the opinion that there should be some accountability mechanism to deter Pesticides Inspectors from misusing their powers under this Bill. The Committee, therefore, recommend that Department should set up a concrete Grievance Redressal Mechanism against Inspectors and Pesticide Analysts, who act vexatiously or without any reasonable ground under Provisions of this Bill. An On-line Portal should be created to receive complaints against such Inspectors, where the status of applications of complaints should be updated regularly. The Committee further recommend that enquiry process of such complaints should be completed within thirty days and action be taken against the errant officials under relevant Conduct Rules.

J. OFFENCES AND PUNISHMENTS

1.49. The Committee have received various representations from stakeholders on Offences and Punishment mentioned in Chapter VII. The representative of Federation of Indian Chambers of Commerce and Industry (FICCI) submitted during evidence:-

"Sir, here the punishment needs to be segregated and the reason is that there can be minor variation/changes or where fraud occurs, spurious, there should be a distinction between the two. Imprisonment, where analytical error is caused by or where fraud is in case of spurious, it should be a minor punishment rather than imprisonment, and decriminalization of minor offenses should be done. Where fraud is in case of spurious, there must be criminal action. This has to be separated."

1.50. Expressing contrarian views, the representatives of Bhartiya Kishan Sangh stated during evidence:-

"The subject is that the one who commits the mistake, which is the retailer, the small shopkeeper got jailed for 6 months, got 10 thousand rupees fine, but the company escaped. There should be a provision that from the CEO of the company to even the entire marketing agents, these are all clauses, in 35(2), 44, 45(1), 46 and 48, we have suggested punishment for a slightly higher range. We have given it in writing. There should be a provision of fine of Rs, not two lakhs but, at least Rs 50 lakhs/Rs 1 crore. Not one month, or two months jail, but 5 years jail should be there. It should be a pressure that they should not commit mistakes. We We will give them fines or not, that is a different matter, but there should be pressure on them not to commit mistakes. You will increase this, our expectation is that. The punishment is not sufficient. We want it to be increased. Where there is Rs 10 lakh, we say make it Rs 50 lakh there. Where there is 50 lakh rupees, we say that there should be one crore rupees so that there is some pressure on them. Somebody doing business of Rs 100 crore, Rs 200 crore, they make progress in it, we have no objection with that."

1.51. The Committee desired to know the considered views of the Department on the Offences and Punishment prescribed in this Bill and their impact on business

sentiment, to this the Department replied:-

"The Chapter VII clause 43 to 50 of the PMB had dealt in detail with the nature of offences and consequential punishments to it, in a graded manner. Offences have been categorized separately in terms of degree of severity and Central Government has decriminalized various violations under the Bill.

Punishment for obstruction, punishment on violations of rules, regulations, conditions of registration and licensing has monetary fines only in contrast to the present Insecticides Act. Violations of the conditions of registration or licensing are punishable, for the first two offences only with a fine; imprisonment for a term up to one year is attracted **only in the case of a third conviction**.

More serious offences, however, such as activities involving unlicensed or unregistered pesticides or banned pesticides or pesticides whose identity, composition or source have deliberately or fraudulently been misrepresented, attract a higher penalty.

The punishment provided in IA, 1968 are very low and inadequate and are not categorized specifically. This has resulted in scope for interpretations, delays, disputes and litigation. Stringent penal provisions are required to deal specifically with cases of violations of the provisions of the Bill. Higher penalties are required for safeguarding the interest of farmers/consumers which is jeopardized by the rampant availability of the pesticides which are of dubious and deceptive identity, composition and source. Fine and punishment were negligible under IA, 1968.

Various Committees including the Standing Committee on Agriculture, Farmer Associations and States have advocated for stricter punishment. Therefore the same has been strengthened firmly in the present PMB."

1.52. The Committee have gone through the arguments raised for Offences and Punishment under this Bill. The Committee are of the opinion that the provisions in the Bill regarding Offences and Punishment are essential in order to ensure

deterrence. The Committee know that country is facing huge challenges in the form of fake and spurious pesticides, which are being sold to the farmers. This adversely affects them. It has been suggested to the Committee that stringent penal provisions should be there to counter this. The Department has also stated that the offences under this Bill are graded and only third conviction attracts higher penalty. Further, more serious offences like sale of unlicensed or unregistered, banned pesticides attract more stringent penalty. The Committee appreciate the Government for incorporating such penal provisions, which will go a long way in ensuring safety and security to farmers/ other end users as well as the environment.

K. SAFETY OF HANDLERS AND ANTIDOTE AVAILABILITY

1.53. Highlighting the importance of safety of end users of pesticides, the representatives of Centre for Economic Policy Research (CEPR) submitted during evidence:-

"The new Bill misses out on many key points. For instance, the new Bill does not specifically and mandatorily list factors such as antidote availability. Suppose, if someone has consumed or happened due to an accident, then what will be its antidote. There are no provisions about it. We need to strengthen that from the point of view of safety. Like the respected Hon'ble Chairman also said that this bill is not only for production but also in terms of safety, we have to present this bill. From this point of view we have to say that the new Bill does not specifically and mandatorily list factors such as antidote availability, transparent and independent scrutiny of information on need, alternatives and long-term comprehensive bio-safety of a pesticide. The legal language used in the Bill makes such testing optional. The testing that it is, it becomes optional, the legal language that has been included in it. That legal language should be properly mandated, not kept optional."

1.54. Some other stakeholders have raised the issue of supply of Personal Protective Equipment (PPE) Kits to farmers alongwith the pesticides.

1.55. When enquired by the Committee regarding provisions made in the Bill for ensuring personal safety of end users like farmer while using pesticides, the Department replied:-

"The bill talks about various provisions which says that while registering Pesticides, the Registration Committee apart from evaluating its safety and efficacy will also be guided by factors like necessity, end use, risk involved and availability of safer alternatives.

No Pesticide to be registered without fixation of Maximum Residue Limit(MRL).

The Bill confers on the Registration Committee the power to review, suspend and cancel registration or ban a Pesticide if it is not safe or efficacious, The thrust of the Bill is to ensure the availability of safe and effective pesticides, and to strive to minimize risk to human beings, animals, living organisms other than pests, and the environment.

"Risk" has been defined to mean the probability and severity of an adverse health or environmental effect due to exposure to a pesticide.

Moreover, a consumer of a pesticide may claim compensation from a manufacturer or distributor or stockist or retailer or pest control operator as the case may be under the Consumer Protection Act, 1986 for any loss or injury in respect of pesticide."

1.56. The Committee are of the opinion that ensuring safety of end users like farmers should be accorded high priority in this Bill. The Committee desire that the label/leaflet of the pesticide should contain information related to Antidote which may be used in case of accidental consumption of the pesticide. Further, the Committee also recommend that suitable provision be incorporated in this Bill for supply of PPE Kits to farmers, especially for administering Hazardous Pesticides, by the manufacturers/sellers of such pesticides.

L. ENCOURAGING BIO-PESTICIDES

1.57. The Statement of the Objects and Reasons of the Bill States:-

“.....4(iii) provision has also been made for promoting pesticides that are biological and based on traditional knowledge.....”

1.58. During evidence, an expert, Dr. Anupama Singh, submitted before the Committee:-

“Biopesticides are different from the chemical pesticides. In chemical pesticides, the active ingredients which are purely synthetic are taken. So, they are manmade. Whereas in the biopesticides, the bioactive principles or the microbes which are active against the pests are either taken as such in their existing form or they are extracted from the plants, microbes themselves. Then, they are formulated into the finished product. That is how the biopesticides differ from the chemical pesticides. Registration process of both is different.

However, with regard to registration, I have one suggestion. Although in the case of synthetic pesticides, the manufacturers have to face the stringent data requirements as compared to the biopesticides manufacturers, still in our country we do also need to simplify the biopesticides registration norms. The evidence of it can be seen today through this fact. Kindly correct me if I am wrong, to the best of my information, we have 11 biopesticides registered as compared to the vast amount of research and vast amount of biodiversity which is present. This is just because we do not have a mechanism to ensure the fast-track registration of the biopesticides. Biopesticide registration should be done in the fast-track mode. I would like to underline that part.”

1.59. On a specific query by the Committee about process and criteria for granting registration to chemical and Bio-Pesticide, the Department Submitted:-

“The process and criteria for Granting Registration to Chemical and Bio-Pesticides are same that require submission of data on chemistry, Bio-efficacy, Toxicology and Packaging as approved by the Registration Committee. However, the bio-pesticides are biological in origin and comparatively less toxic to

environment and human beings as compared to synthetic chemical pesticides and require lesser data with simplified guidelines for registration.”

1.60. The Department further informed the Committee as follows:

"During provisional registration granted under Section 9(3B) of the Insecticides Act, 1968, the applicant is allowed to commercialize the bio pesticide product, unlike chemical pesticide."

1.61. On this issue, the representative of the Department further clarified during evidence:-

"Sir, I'll tell you. When there was a lot of discussion about the Act, there are many other biopesticides of traditional knowledge in our country. They do not have to go through the whole system like the chemical pesticides and traditional knowledge of pesticides can be fast tracked, so we have taken the right of creating separate window regarding the same in this Bill."

1.62. The Committee note that ‘promoting pesticides that are biological and based on traditional knowledge’ is one of the objectives of this Bill. However, no specific provision has been made in the Bill in this regard. The Committee further note that the detailed provisions regarding this have been left to be enacted in the Rules later. The Committee are of the opinion that promotion and development of Bio-Pesticides is crucial to ensure availability of toxic-free food and to curb harmful effects of chemical Pesticides. The Committee, therefore, recommend that process of granting registration to Bio-Pesticides should be made easier as compared to Chemical Pesticides. And to achieve this, a separate Mechanism needs to be devised to fast-track the registration of Bio-Pesticides. Further, to encourage the use of Bio-Pesticides, the necessary infrastructure in the form of separate Labs for testing of Bio-pesticides and trained manpower in these Labs needs to be provided by the Government.

CHAPTER-II

CLAUSE-WISE ANALYSIS OF THE BILL

(i) PREAMBLE TO THE BILL AND CLAUSE 3(B)

2.1. The **Introduction of the Bill** reads:-

"A Bill to regulate pesticides, including their manufacturing, import, packaging, labelling, pricing, storage, advertisement, sale, transport, distribution' use and disposal in order to ensure availability of safe and effective pesticides, and to strive to minimize risk to human beings, animals, living organisms other than pests and the environment with an endeavour to promote pesticides that are biological and based on traditional knowledge and for matters connected therewith or incidental thereto."

2.2. When asked about the reason for not including 'Export' in the introduction of the Bill, the Department stated:-

"It is submitted that as per the existing system, the molecule to be exported will invariably be either manufactured in India or the same will be imported from outside for export purpose. In both the cases, export is regulated in reference to manufacturing and transportation. The manufacturers holding the Certificate of Registration for Indigenous manufacturing for the pesticides registered for use in the country can directly export the pesticide to other countries without any special permission. However, for export of those pesticides which are not registered for use in India, there is requirement of certificate of registration under category 'for export only' under simplified guidelines. The stake holders have objected to the presence of the word export in the preamble explicitly as the exported product will be used in other countries as per the requirements and specifications of the importing country. So, the word export has been deleted from the preamble."

2.3. On the query of omission of term 'Export' in the definition of 'banned' given under Clause 3(b), the Department replied:-

"The word 'export' is not included in the clause 3(b) as export of pesticides will be regulated in context of manufacturing and transport only. Any pesticide that is

banned for use in India, may be allowed for use in other countries by their regulatory authorities based on their requirements depending upon the cropping patterns, pest-spectrums, agro-climatic conditions etc, then export of such pesticides may be allowed to other countries with certain conditions as decided by the Central Government and same has been done for many of the registered pesticides.”

2.4. Since the export of Banned Pesticides to foreign countries has been allowed in this Bill, the Committee sought a clarification from the Department whether such an act would not deal a blow to India’s image at global level, to which the Department replied:-

“No, it will not. This is a Global practice as the use of pesticide depends upon the agro-climatic conditions, cropping pattern, climate- pest spectrum and many other biotic and abiotic factors prevalent at a particular area. Different countries have different set of regulations for different type of pesticides and its use. Moreover, there are various International obligations viz. Rotterdam Convention, Basel Convention, Stockholm Conventions, to which India is signatory, and each of which, after following due diligence, allows to do so through Prior Information Consent (PIC) before exporting such pesticides.”

2.5. On the specific query regarding provision in the Bill to regulate export of banned Pesticides, the Department submitted:-

“‘Export’ would get regulated in context of manufacturing and transport and export of banned pesticides may be allowed to other countries with certain conditions as decided by the Central Government as has been done for many of the registered pesticides. Further, explicit provisions have been provided in Clause 45: Punishment for activities related to import and export of pesticides; that prohibits and prescribes the punishment for activities related to distribution, transport, selling or undertaking pest control operations with a pesticide in India, where such pesticide has been registered for the purpose of export only.”

2.6. Elaborating further on this issue the Representative of the Department submitted during evidence:-

“Sir, I want to add a few things to this. One is to regulate, that is, to control. If someone says that it should be of this quality and there are less standards in any country, then export cannot be done in our regulation. Each country wants to take pesticide under its own provision. We have banned many pesticides according to the efficiency. But if a country desires that it needs pesticide, then according to that regulation it will not be able to export. We didn't regulate the export to other countries. Production in the country will be for export, there will be a protocol for its transportation. We will make those guidelines. From the point of view of export, the Country will earn so we did not describe export according to regulation. This will benefit our country in production. In today's date we do not use, but many countries use.”

2.7. The Committee agree with the stand of the Government that Export of Pesticides can be regulated through manufacturing and transportation Provisions. However, for those pesticides which are banned for use in our country, the Committee desire that simplified guidelines as per the need of destination country may be made for regulating exports of such Pesticides, Further, in this context, the Committee feel that to print ‘FOR EXPORT ONLY’ on the packaging of all the Pesticides meant for Export, should be made mandatory, in the Rules to be made after enactment of this Act.

(ii) PREAMBLE TO THE BILL AND CLAUSE 3(b), 18(6), 22(ii)(a), 35(2) & 35(b)

2.8. As per the Preamble to the Bill, the purpose of this Bill is 'to ensure availability of safe and effective Pesticides, and to strive to minimize risk to human beings, animals, living organisms other than pests, and the environment. The same position has been stated in the Clauses 3(b), 18(6), 22(11)(a), 35(2) and 35(6). However, in all these Clauses, the word 'Soil Health' is missing. When enquired about the same, the Department stated:-

"In the preamble to the bill and in Clauses 3(b), 18(6), 22(11)(a), 35(2) and 35(6), the word 'environment' has been mentioned specifically. The definition of 'environment' proposed in the PMB 2020 is stated as follow: “environment” includes water, air and land and the interrelationship which exists among and

between water, air and land, and human beings, other living creatures, plants, micro-organisms and property. It is submitted that 'Soil health' is inherent part of the environment and safety and bio-efficacy parameters (including residue studies etc) will be evaluated before granting registration to any pesticides, along with other factors.

Further, Soil Health Management (SHM) is one of the important interventions under the Scheme National Mission for Sustainable Agriculture(NMSA) that aims at promoting Integrated Nutrient Management (INM) through judicious use of chemical fertilisers including secondary and micro nutrients in conjunction with organic manures and bio-fertilisers for improving soil health and its productivity.

However, whenever any adverse long term/Short term effect of pesticide use on any of the sub-set of environment (soil, water, air) will be reported, all such issues will be duly considered by the Registration Committee as per the power entrusted under the Clause 22(2) and (3) ."

2.9. The Committee are of the opinion that Soil is the very basic Component in farming and is directly impacted by application of Pesticides. Hence, it is a essential to ensure 'Soil Health' for sustainable Agriculture. The Committee, therefore, recommend the Department to include the word 'Soil Health' in Preamble as well as in other Clauses as mentioned above, to make it explicit so that 'Soil Health' gets categorically emphasized in the New Act.

(iii) CLAUSE 3

2.10. **Clause 3(n)** reads:-

"leaflet" means any written, printed or graphical representation accompanying the package;"

2.11. The Committee observe that in the definition of "leaflet", the words "any written" are indicative only and not explicit in nature. The Committee, therefore, are of the view that, in addition to Hindi and English, the written information on the "leaflet" accompanying the Package of Pesticide should also be mentioned in the Regional Language of the area, where the Pesticide is meant to be sold.

2.12. **Clause 3(p)** reads:-

“manufacture” includes any process or part of a process for making, altering, finishing, packing, labelling, repacking or relabeling any pesticide or formulation with a view to its ultimate sale, distribution or use”

2.13. On the above clause, representative of Centre for Economic Policy Research (CEPR) stated:-

“The next suggestion for the Atmanirbhar Bharat is, assembly and re-packaging should not be treated as equivalent to the manufacturing as most of the importers are selling the imported pesticides by repackaging in different brands, without value additions, and threaten the survival of the domestic manufacturers. If we allow the importers to bring the product here, re-package the same and sell it as a brand, it is not good. That has to be stopped.”

2.14. On being specifically asked by the Committee about the reason for considering repackaging and relabeling of Pesticides as ‘Manufacturing’ the Department replied:-

“Compared to the existing definition under the Insecticide Act 1968, the definition for ‘manufacture’ in the PMB 2020 has been substantially simplified to include any process or part of a process for making, altering, finishing, packing, labelling, repacking or relabeling any pesticide or formulation with a view to its ultimate sale, distribution or use.

Further, in addition to the process of manufacturing, the ‘Repacking or Relabeling’ of pesticides has also been considered as manufacturing due to the reason that various pesticides are imported in bulk quantity to India and are repacked and relabeled. Keeping in view the distribution and sale of such pesticides and to regulate all such activities related to them has been considered to be manufacturing activities, irrespective of the purpose for which they are undertaken and therefore proposed to be regulated, accordingly.”

2.15. During evidence the representative of the Department stated:-

“I would like to tell about this that we bring a lot of pesticides from outside. Our pesticide distributors who sell them, do re-packing. If it doesn't come under manufacturing, we won't be able to regulate it. Those who bring in the Indigenous

imports, then make them, that's why we have mentioned here that we will bring re-packing and re-labeling to manufacturing."

2.16. The representative further added:-

"Sir, you are absolutely right. But two different things are happening here. This manufacturing does not mean that we are saying that this much production is happening in the country and it is 'Make in India'. When I say that our production is domestic, it is not a domestic production. Since there is a liability in pesticides, which have to be packaged and sold. Second, a leaflet is put in it that how you will use it as a leaflet of the RC committee, how much toxicity is there, its condition for registration. Whenever it is brought in bulk and re-packed here, then by re-packing it, whether the material is certified or not, we also do its packing material as also its leaflet, All those points will also come in the new part. I accept your point. That is domestic manufacturing, which we are talking about giving priority. Those who do domestic manufacturing, do actual manufacturing that such a percentage will be above, value addition will be such a percentage, they are talking about giving priority. It is on its packing norms. The norms of packaging are also a part of it. You clear it."

2.17. The Committee are of the considered opinion that 'Repackaging and Relabeling' of Pesticides without any notable value addition should not be considered as 'Manufacturing'. The Committee are of the opinion that while regulating 'Repackaging and relabeling' of Pesticides is essential, however they should not be regulated under 'Manufacturing'. Hence, the definition of 'Manufacturing' should be modified and provisions for their sale, distribution and use be added at appropriate places. The Committee feel that some threshold limit of value addition should be prescribed beyond which the 'Repackaging' or 'Relabeling' should be taken as 'Manufacturing'. The value addition can be in the form of preparing formulation from concentrated Technical Grade Pesticide or other such processes. The Committee desire that Repackaging and Relabeling should be separately defined in the Act. The Committee further desire that it should be made mandatory that Package of the 'Repackaged or Relabeled

Pesticide', prepared using Imported Formulations, should have the word 'IMPORTED' printed on it. The Committee believe that this will help the domestic manufacturing of Pesticides which, in turn, might result in reducing the import dependence.

2.18. **Clause 3(x)** reads:-

"(x) "pesticide" means any substance or mixture of substances, including a formulation of chemical or biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, industry, pest control operations, public health, storage or for ordinary use, and includes any substance intended for use as a plant growth regulator, defoliant, desiccant, fruit thinning agent, or sprouting inhibitor and any substance applied to crops either before or after harvest to protect them from deterioration during storage and transport."

2.19. Some Stakeholders have stated that the current definition of 'Pesticide' though very broad, can lead to uncertainty as to whether or not a particular substance is a pesticide as the definition does not refer to a definitive list of Pesticides. Further, it is not clear as to whether a person can apply for registration of a product which falls within the definition of 'pesticide' but is not notified as having 'pesticidal properties' in clause 14(f) and/or does not find mention in the 'national register of pesticides' mentioned in clause 14(e).

2.20. During evidence, the Representative of Federation of Indian Chambers of Commerce and Industry (FICCI) submitted before the Committee:-

"The definition is so broad. They have removed the schedule in it. The present 1968 Act had a schedule. Sir, that schedule should be maintained, because if you remove the schedule then any product will be used as pesticide."

2.21. The Committee believe that the broad definition of Pesticides given in clause 3(x) may lead to unintended consequences, wherein the Traditional Pest Control measures may also be treated at par with Chemical Pesticides and thus requiring to meet the same stringent registration requirements as prescribed for

Chemical Pesticides. The Committee, therefore, recommend that the Clause 3(x) may be modified as under:-

"(x) "pesticide" means any substance or mixture of substances, including a formulation of chemical or biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, industry, pest control operations, public health, storage or for ordinary use, and includes any substance intended for use as a plant growth regulator, defoliant, desiccant, fruit thinning agent, or sprouting inhibitor and any substance applied to crops either before or after harvest to protect them from deterioration during storage and transport, and shall be notified in the Schedule hereto as having pesticidal properties by the Registration Committee under Section 14(f)."

(iv) CLAUSE 5

2.22. **Clause 5(1)(e)** pertaining to composition of the Central Pesticides Board, reads as:-

"two persons to represent farmers of whom at least one shall be female, to be nominated by the Central Government—Members; and"

2.23. When the Committee enquired about the reason of using the phrase 'Two Persons to represent farmers instead of 'Two Farmer representatives' in this Clause, the Department replied:-

"This has been done as the Board is a technical body and the intention of the said provision is to provide representation to farmers in the Board meetings to bring their grass root level experience/requirement in shaping the future policy on pesticides. Further, it is a new proposal based on the recommendation of standing committee on PMB 2008. So, though re-phrasing may be considered, the intent is clear to have farmers' representation in the policy matters of Pesticide."

2.24. The Committee are of the view that the Clause 5(1)(e) should be amended in the following manner in order to ensure representation of farmers in the

Central Pesticides Board :-

“two farmer representatives of whom at least one shall be female, to be nominated by the Central Government—Members; and”

(v) CLAUSE 8

2.25. **Clause 8(1)** describes the powers and functions of the Central Pesticides Board which include the following:—

“(a) to advise the Central Government and the State Governments on scientific and technical matters arising out of the administration of the Act and on any questions that may be referred to it by the Central Government and the State Governments;

(b) to advise the Central Government in making—

(i) criteria for good manufacturing practices including processes for pesticide manufacturers;

(ii) best practices for pest control operators;

(iii) the procedure for the recall of pesticides;

(iv) the criteria for the disposal of pesticides and packages in an environmentally sound manner;

(v) standards to be observed by the Central Pesticides Laboratory and Pesticides Testing Laboratories;

(vi) standards for training and working conditions for workers;

(vii) standards for the advertisement of pesticides in all forms of media;

(viii) such other matter as may be prescribed by the Central Government;

(c) to frame model protocols to deal with occurrences of poisoning including the specification of standard operating procedures for medical facilities;

(d) to research on:—

(i) the development and availability of safer alternatives to existing pesticides, including agro-ecological practices;

(ii) the safety, efficacy and toxicity of registered pesticides;

(iii) best practices in the field of pesticide in other countries which may be adopted for parts or the whole of India;

(e) to monitor pesticide residues;

(f) to monitor global developments relating to pesticide;
(g) to review the status of applications for the registration of pesticides; and
(h) to carry out any other function as may be prescribed by the Central Government.”

2.26. The Representative of Centre for Economic Policy Research (CEPR) submitted during evidence regarding role of the Board:-

“A multi-ministerial broad-based Body with representatives from the State Governments, farmers, etc., in the form of Pesticides Management Board is being proposed in the new Bill. It is there in the Bill -- to replace the Central Insecticides Board in the extant legislation. However, it is being envisaged only as an advisory Body. This is only an advisory body -- which you are proposing -- with all regulatory authorities actually vested in the registration committee consisting of a few technical persons. The Pesticides Management Board has to become an empowered regulatory Body with oversight authority over registration committee and the proposed review committee as well. So, this Board should have an overriding right. So, it should not be an advisory Body only.”

2.27. Elaborating on this, a representative of the Asha Kishan Swaraj stated during evidence:-

“Sir, it does not give the Pesticide Management Board power to oversee the work of the Registration Committee. With the wide presence of Members within the Pesticide Management Board, it should be able to oversee the work of Registration Committee as well. That is the key factor.”

2.28. The Committee note that the Central Pesticides Board envisaged to be constituted under the new Act is mere an advisory body with all Regulatory Authority actually vested in the Registration Committee consisting of a few technical persons. The Committee are of the opinion that the Central Pesticides Board which have broad representation from Central Government, State Governments and farmers should actually be empowered to overlook the functioning of the Registration Committee. The Committee, therefore, recommend that following addition may be done to the powers and function of Board

described in Clause 8(1)(b):-

(b) To oversee the work of Registration Committee under the Act and report to the Central Government, as prescribed on an annual basis, in addition to evolving and laying down for notification by the Central Government:-

- (i) criteria for good manufacturing practices including processes for pesticide manufacturers;**
- (ii) best practices for pest control operators;**
- (iii) the procedure for the recall of pesticides;**
- (iv) the criteria for the disposal of pesticides and packages in an environmentally sound manner;**
- (v) standards to be observed by the Central Pesticides Laboratory and Pesticides Testing Laboratories;**
- (vi) standards for training and working conditions for workers;**
- (vii) standards for the advertisement of pesticides in all forms of media;**
- (viii) such other matter as may be prescribed by the Central Government;**

(vi) CLAUSE 13

2.29. Clause 13 reads as:-

"The Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it."

2.30. The Committee recommend that clause 13 of the Bill be modified in the following manner to pave the way for regulation of Registration Committee by Central Pesticide Board:-

"Clause 13 the Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it with the approval of the Board."

(vii) **CLAUSE 17**

2.31. **Clause 17(1)** reads:-

“An application for a certificate of registration shall be in such form and shall contain such information as may be prescribed by the Central Government:

Provided that different forms and information may be prescribed by the Central Government depending on whether the pesticide is proposed to be imported or manufactured, whether it is proposed to be used in India or outside, and the use for which the pesticide is intended:

Provided further that the procedure, form and information may be prescribed by the Central Government for promoting pesticides which are biological and based on traditional knowledge and for encouraging indigenous manufacturing.”

2.32. On a query by the Committee regarding Provisions made in the Bill for promoting Indigenous Manufacturing of Pesticides, the Department replied:-

“Specific Provisions for promoting pesticides that are biological and based on traditional knowledge and for encouraging indigenous manufacturing has been provided under PMB 2020, and further at the time of formulating the Rules, specific provisions to promote Indigenous Manufacturing of pesticides will be prescribed.”

2.33. Elaborating further on this issue, the representative of the Department submitted during evidence:-

"Sir, let me repeat it again. I even read 17. Speaking of which clause of 17: 'provided further that the procedure, form and information -- you can lay down in procedure -- may be prescribed...' Power taken for Three things have been put in this, what you are saying: for biologicals, based on traditional knowledge, and for encouraging indigenous manufacturing. We have written Indigenous Manufacturing in 17. For this we have made a separate provision. We have put all these three in clause 62 (L)."

2.34. The Committee recommend the following amendment to proviso to Clause 17(1) to make it explicit that adequate emphasis will be laid on 'Encouraging indigenous manufacturing of pesticides':-

“Provided further that the procedure, form and information may be prescribed by the Central Government for promoting pesticides which are biological and based on traditional knowledge and for encouraging indigenous manufacturing of Pesticides.”

2.34.A. The Committee note that 'Encouraging indigenous manufacturing of pesticides' is one of the objectives of this Bill. The same has been stated in proviso to clause 17(1). However, the Committee are surprised to note that 'No Specific Provision' has been made in this Bill to promote indigenous manufacturing. The Committee, therefore, recommend that following amendment in Clause 18 to promote domestic manufacturing of Pesticides

“Registration committee has the right to refuse the registration for import of ready-made pesticides if (a) that pesticide is already registered and being manufactured in India. (b) If Committee is satisfied that alternatives are available in the country.”

(viii) CLAUSE 18

2.35. Clause 18(4) reads:-

".....(4) While making a decision regarding the registration of a pesticide, the Registration Committee shall evaluate the information submitted by the applicant under Section 17 and shall also be guided by factors including safety, efficacy, necessity, end-use of the pesticide, risk involved and the availability of safer alternatives to the pesticide."

2.36. Stakeholders and the Experts have submitted before the Committee that there are huge, chronic delays of several years in the process of registration under the Insecticides Act, 1968 despite the fact that the time limit mentioned in the Act for grant of Registration is one year extendable by another six months. These delays dissuade investors and are antithetic to ease of doing business. Further it also delays availability of new and better molecules to farmers.

2.37. When asked by the Committee about the reasons for not providing any time limit for Registration of Pesticides by the Registration Committee in this Bill, the Department stated:-

"While administering the Insecticides Act, 1968, it has been observed that different types of applications for registration of pesticide should be accorded different timelines based on the data requirements for registration of pesticide. It is a considered view of the department that timeline with regard to registration of a pesticide in PMB2020 will be prescribed in the rules so as to have the flexibility of amending it as per the need and priorities of the Government. Further as per experience, it is contemplated that strict timelines would also be provided for each expert (legal, bio-efficacy, toxicity, chemistry, packaging) examining the application of registration."

2.38. The representative of the Department further submitted during evidence:-

"Sir, the time limit for registration of pesticides given in this is one year, extendable to 6 months. Sometimes it takes 18 months, but in a year most of the pesticides are done. This time the time lines are there, we have seen that sometimes different time lines are needed for different chemicals, different formulations, because they do not coexist in their seasons. Keeping that in mind, we have brought it in the rule that we will define it in the rule that how much time line will be there for each chemical, for each pesticide, which insecticide is coming. As the scientific evidences come and go, it keeps on changing according to it. Provision has been made to bring it in the rules, in the time-to-time guide lines."

2.39. The Committee are of the opinion that granting Registration is very important issue and it cannot be left open ended. The issue of time limit for granting Registration should find a mention in the Act itself and should not be left to be incorporated in Rules, which are framed later. Therefore, the Committee recommend that a Proviso may be added to Clause 18(4), which reads as under:-

"Provided that the Registration Committee shall dispose an application for Certificate of Registration referred to in Sub-clause (1) within a period of two years of submission of application complete in all aspects.

Provided that the Committee may, in exceptional circumstances and for reasons to be recorded in writing, extend the period up to six months."

2.40. The Committee have also received various representations expressing concern on the presence of terms such as 'necessity' and 'safer alternatives' in the above clause stating that these terms are liable to subjective interpretation.

2.41. When enquired about the tests to be applied to determine the 'safer alternatives' among pesticides, the Department replied:-

"Along with the existing parameters for accessing safety, the details and mechanism to determine relative safety of pesticides will be decided by the Registration Committee in consultation with the concerned experts and Stakeholders."

2.42. On the query about criterion to be used by Registration Committee to determine 'necessity' of a pesticide, the Department stated:-

"The details and mechanism to determine 'necessity' of a Pesticide will be decided by the Registration Committee in consultation with the concerned Experts and Stakeholders."

2.43. On the specific query of the Committee regarding definition of terms such as 'necessity' and 'safer alternatives', the representative of the Department stated during evidence:-

"Sir, our RC makes its norms. Norms cannot come under the Act."

2.44. The Committee are of the opinion that though the intention of the Government is right in incorporating the terms like 'necessity' and 'safer alternatives' for ensuring safety of the environment while granting Registration to a pesticide, the Committee feel that these terms cannot be left open ended and subjective as it may lead to delays in registration of Pesticides. The Committee,

therefore, recommend that the terms – ‘necessity’ and ‘safer alternatives’ should be clearly defined in the definitions mentioned under Clause 3.

(ix) CLAUSE 18(5) and 3(zk)

2.45. **Clause 18(5)** reads:-

“The Registration Committee shall not register a pesticide if:—

(a) the information submitted by the applicant for registration is false or misleading in any material particular;

(b) it is satisfied that the pesticide does not meet the claims of safety or efficacy submitted by the applicant;

(c) where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under the Food Safety and Standards Act, 2006.”

2.46. Many stakeholders and experts have submitted before the Committee that there is no provision of registration of ‘Technical Grade Pesticides’ of imported formulations in this Bill. The Committee have also received a large number of representations regarding the same.

2.47. The representative of Centre for Economic Policy Research (CEPR) also submitted, during evidence:-

“Sir, the core issue is the technical which is getting imported. There should be a provision to register it before getting into the formulation. This is the core of this Bill.”

2.48. The Committee also sought views of experts on this issue, Dr. Tirthankar Banerjee, Principal Scientist, IARI, an expert stated during evidence:-

“If a formulation is prepared in another country, then we are not sure about the purity of the technical grade. If the purity of the technical grade is not that good, then they might have toxic / unknown compounds of unknown toxicity and health issues may be there, which we are not aware of. If we are producing it, then we are very much confident of the quality of our technical material. If purity of the

imported technical grade is not that good, then they may leave toxic residues in the environment, which is not known to the Indian conditions.”

2.49. On being specifically asked by the Committee about reasons for no provisions of registration of ‘Technical Grade Pesticides’ for Imported formulations, the Department replied:-

“As per the existing Insecticides Act, Section 9 provides the requirement of registration of insecticides by Registration Committee for manufacture or Import after evaluating their efficacy and safety to human being and animals. There is no mention of registration of Technical grade insecticide or its formulation. All these technical issues are being considered by the Registration Committee while framing guidelines for the different categories of product to be registered (including Technical and Its formulation) with relevant data requirements. Similarly, PMB-2020 speaks about registration of Pesticide for import or manufacture after evaluation of safety, efficacy, necessity, end use, risk involved and availability of safer alternatives. Further, under clause 17 provisions have been made that “different forms and information may be prescribed by Central Government depending on whether the pesticide is proposed to be imported or manufactured, whether it is proposed to be used in India or outside, and the use for which the pesticide is intended”. These provisions will enable Central Government to prescribe the requirements of registration of Technical and its formulation while framing the rules as per the requirement of the country.”

2.50. When asked about the way in which regulation and safety be ensured by regulators in the absence of information on Technical Grade and Associated Impurities, the Department stated:-

“As per the existing system, embedded data (including Associated Impurities) on Technical grade insecticide is submitted along with application of Formulation Import and registrations are granted after evaluation of safety and efficacy of both Technical and its formulation . In PMB- 2020,Ensuring the safety is the prime objective and entire provisions of the bill have thrust to ensure the availability of safe and effective pesticides, and to strive to minimize risk to

human beings, animals, living organisms other than pests, and the environment. Clause 17 provides the requirement for different forms and information required for grant of registration by the Registration Committee for use in the country. These will be taken care off while framing the rules and guidelines for registration of pesticide.”

2.51. On the query of Toxicological effects of Associated Impurities in the Technical Grade, the Department replied:-

“Yes, The Technical Grade Pesticide also contains ‘associated impurities’ in addition to active ingredient and toxicological effects of these associated impurities are evaluated by the Registration committee based on various long term and short term exposure studies/ test report/ data on rats, mice, birds , dogs etc. The Toxicological effect may range from acute toxicological effects to long term chronic toxicity and only after satisfactory evaluation of all these parameters, approval is granted for Registration Certificate.”

2.52. On being specifically asked by the Committee regarding omission of word ‘Technical’ and addition of only ‘formulation’ in the definition of pesticides, the representative of the Department stated:-

“Sir, I want to submit my point. The decision will be yours, but our point should definitely come. Why the formulation should come in it and the technical word should not come, I am repeating it again. I read this very slowly. The rest will be your decision. In the definition of point 10 you read, it is written – ‘Pesticide means any substance or mixture of substances.’ Let me put it full stop here. In Mixture of Substances, it became a must to do technical registration according to that Act. Registered 99 percent of Technical..... I have registered Technical as a Substance. I am selling a formulation with 22 percentage. These people will also see toxicity. Toxicity will be reduced in 22%. Mixture has been made by making only solution in it. That formulation has been made. We said that the formulation will also have to be registered as a pesticide, otherwise the formulation will be exempted. Technical is already there. The formulation should not be spared, so the inclusion was done. The word inclusion is used. You also have to do the

formulation. If the word formulation is not written here, then the way Legal Interpretation advocates that the formulation is done in technical form. The formulation is not even a mixture, only the dilution has been done so that it does not escape.”

2.53. The Committee note that Registration of ‘Technical Grade Pesticides’ for imported formulation is not specifically mentioned anywhere in the Bill though the term has been defined in Clause 3(zk). The Committee have been informed that in the absence of data on ‘Technical Grade Pesticides’, the Regulating Agencies (Central Pesticide Board and Registration Committee) will not be able to monitor the toxicity of such pesticides resulting in environmental damage. The Committee also believe that import of formulations without registration of Technical Grade may result in dumping of sub-standard pesticides in the Country. The Committee, therefore, recommend following amendments to Clause 18(5):-

“The Registration Committee shall not register a pesticide if:—

(a) the information submitted by the applicant for registration is false or misleading in any material particular;

(b) ‘Technical Grade’ of pesticide is not registered in India;

(c) it is satisfied that the pesticide does not meet the claims of safety or efficacy submitted by the applicant;

(d) where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under the Food Safety and Standards Act, 2006.”

2.51.A. The Committee also recommend that reference of ‘Associated Impurities’ should also be added in Clause 3(zk) to define the ‘Technical Grade’, as this will lead to clear reflection of toxicity of ‘Associated Impurities’. Therefore, Clause 3(zk) may be amended in the following manner:-

“(zk) “technical grade pesticide” means the purest form alongwith associated impurities of a pesticide produced for commercial use; and”

(x) CLAUSE 18(5)(c)

2.54. **Clause 18(5)(c)** states:-

“(c) where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under the Food Safety and Standards Act, 2006.”

2.55. Many stakeholders have raised their concern on this Clause stating that this may lead to an anomalous situation whereby the Food Safety and Standards Authority of India (“FSSAI”) may refuse to establish Maximum Residue Limits (MRLs) owing to the fact the pesticide is not registered, and the Registration Committee would refuse registration owing to non-fixation of MRLs.

2.56. The Committee concur with the concerns raised for the Clause 18(5)(c) regarding non-registration of Pesticides without fixation of MRL by FSSAI. The Committee are of the opinion the process of registration of Pesticides should not suffer due to lack of non-fixation of MRL (Maximum Residue Limit) by FSSAI. The Committee, therefore, recommend that following Proviso may be added to Clause 18(5)(c)

“Provided that the Registration Committee and Food Safety and Standards Authority of India shall ensure that maximum residue limits of the pesticide on crops and commodities, where applicable, are specified within a period of 2 months of receipt of application for registration of the pesticides.”

(xi) CLAUSE 19(3)

2.57. **Clause 19(3)** reads:-

“If the Registration Committee is satisfied that the pesticide in respect of which the original certificate of registration was granted, has not been banned, it may allot a registration number and grant a certificate of registration to the applicant, stating that such pesticide is a generic pesticide in respect of which the original certificate of registration has been granted.”

2.58. Representative of Crop Care Federation of India submitted during evidence:-

“Sir, one point is that it has been said in this bill that the first one who brings the pesticide will be called the original. After that, as many Indian companies register, they will be called generic. Sir, you understand what is generic pesticide? Generic pesticides are those pesticides whose patents are expired in the world, and the pesticide, which is coming, is patent-expired. That itself is generic. So how can we call something original which is already generic?”

2.59. On being asked by the Committee about the reasons for making a distinction between Original and Generic Pesticides in clause 19(3), and whether this distinction will not lead to a conclusion that Generic Pesticides are inferior to the original ones, the Department replied:-

“As per the existing Insecticides Act, 1968, Registration of insecticides are granted under section 9(3) and 9(4) of the Act. Insecticides /Pesticides which are introduced in India for the first time (either by manufacture or import) are granted registration under section 9(3). These registrants are generally termed as Original Registrants. Further, where an insecticide has been registered for manufacture or import under section 9(3), any other person may also take registration of that insecticide under section 9(4) thereof on the same conditions on which the insecticide was originally registered. Such Registrants are generally termed as ‘Me-too registrations’ that may be called ‘generic pesticide’. Since me-too registrations are granted on same conditions as that of original registrants under simplified guidelines, there is no question of such pesticides of being inferior quality. Further, it is submitted that as me-too manufacturers do not pay the cost of developing/inventing the insecticides and its relevant documentation on safety, efficacy, packaging, etc, they are able to sell their products at relatively cheaper price than the original registrants.”

2.60. On the query regarding ‘Me-too Registrations’, the Department stated:-

“Me too registrations” are considered as generic registration under section 19 of PMB-2020.”

2.61. Further, the representative of the Department submitted during evidence:-

“Sir, in the Insecticides Act, 1968, there is no provision for generics, but we have made a guideline in the repeat registrations under section 9(4) that those coming from outside and if they have done the original registrant, then they can make any registration based on the data they are giving. This is called 'Me Too' registration. To promote it, we have put the word 'Generic' in it. Now indigenous manufacturing will also increase by using the generic word. That's why it has been put in it.”

2.62. The Committee note that since ‘Me-too Registrations’ (Generic Pesticides) are granted on same conditions as that of original registrants under simplified guidelines, so they are not of any inferior quality as compared to the original product. However there is a distinction made between original Registrant and ‘Generic Registrant’. The Committee are of the opinion that this distinction may lead to erroneous conclusion especially among farmers that Generic Pesticides are Sub-standard and are not as effective as ‘Original ones’. This, in the opinion of the Committee, is not desirable. The Committee, therefore, recommend that the clause 19(3) may be modified in the following manner:-

“If the Registration Committee is satisfied that the pesticide in respect of which the original certificate of registration was granted, has not been banned, it shall allot a registration number and grant a certificate of registration to the applicant in respect of which the original certificate of registration has been granted.”

(xii) CLAUSE 22(2)

2.63. **Clause 22(2)** reads:-

“(2) The Registration Committee may, at any time, review:—

(a) a certificate of registration granted under sections 18 or 19;

(b) the molecule or formulation of a pesticide in respect of which registration has been granted.”

2.64. Dr. Trilochan Mohapatra, an expert has submitted the following on the issue of Review of Pesticides by way of a Written Memorandum:-

“Presently, there is no provision in the Bill for periodic review of all the pesticides registered by CIB&RC. A provision may be created for the periodic review of all the registered pesticides after 15 years of grant of registration to ensure the safety of the consumer and environment on the basis of the latest scientific evidence. Similar procedure is also followed by FAO/WHO/JMPR/Codes Committee on Pesticide Residues.”

2.65. During evidence, the representative of Centre for Economic Policy Research submitted before the Committee:-

“The next set of suggestions is about the environmental safety, farmers’ health, and soil preservation. Processes of review of pesticides after registration have not been streamlined. The after-registration processes, the review of registrations, are not streamlined in our proposed bill. There are other countries which review every registered pesticide periodically five years after registration. There is no such provision. Now, I come to assessing the safety of the pesticide based on the latest scientific evidences. Scientific evidences keep coming. As new types of products come, according to them, the provision of reviews about their efficiency, safety, all of them should be included in it. Further, such a review requires an independent mechanism separate from the Body that does the registration in the first instance in the new Pesticides Management Bill, 2020. Registration and review are proposed to be done by the same Body. It is very strange that the registration committee will also be the same and the review will also be done by it.”

2.66. On the query of the Committee regarding Periodic Review of Pesticides by the Registration Committee, the representative of the Department of Agriculture and Farmers Welfare stated during evidence:-

“The honorable committee has said that there should have been a system for its periodic review that all the pesticides should be reviewed after three-four years. After a periodic review, all the pesticide should be re-entered into the system. We

will do it if needed. We have taken the power from Parliament, if need be, we can review. We said that doing a periodic review would not be appropriate as it also restricts the ease of business."

2.67. The Committee are of the opinion that periodic review of Pesticides registered under Section 18 or 19 is essential in order to ensure safety of both consumers as well as the environment at large. The system of review of Pesticides needs to be streamlined in the light of new scientific evidences which keep on emerging with the time. The Committee, therefore, recommend that the clause 22(2) may be modified in the following manner:-

(2) The Review Committee shall, every ten years after registration, review:-
(a) a certificate of registration granted under sections 18 or 19;
(b) the molecule or formulation of a pesticide in respect of which registration has been granted."

(xiii) CLAUSES 22(2), 22(3), 22(4), 22(5), 22(6), 22(8), 22(11), 22(13), 35(1), 35(3), 35(4), 35(5) and 35(6)

2.68. The Registration Committee has been given power to review a Pesticide under **Clause 22(2)**. Various stakeholders and experts deposed before the Committee that the process of review of pesticides after registration has not been streamlined. In this Bill, the functions of registration and review of the Pesticides are proposed to be done by the same body – the Registration Committee.

2.69. It has been suggested to the Committee by many stakeholders that the body which has registered the pesticides in the first place may not be best placed to review those pesticides later. This may lead to conflict of interest and hamper effective decision making.

2.70. On being enquired about the reviewing of pesticides to be done by the Registration Committee, the Department submitted:-

"As per the information available in records, the review of Insecticides in the existing Insecticides Act, 1968 were conducted by independent committees constituted by the Central Government or Registration Committee (RC) from time

to time. In PMB-2020, in Clause 22(2) and 22(3), the task of reviewing a Pesticide has been vested in the Registration Committee (RC) because RC, being a technical body, is well aware of the technical aspects to assess the safety and efficacy of the pesticides. Further, to have a transparent approach in review, in Clause 22(5), provisions have been made that RC while reviewing any pesticide will give an opportunity to hear the holder of certificate of Registration and if review is conducted on the basis of prohibition/ban etc. RC shall also consult Central or State Government.”

2.71. The Committee are of the opinion that the task of reviewing pesticides should be vested in a separate body different from the Registration Committee. The Committee feel that the Registration Committee, which has registered a pesticide may not be the best agency to review the registration which has been registered by it. Thus an Independent Review Committee is desirable. Also, under the existing Insecticides Act, 1968, the task of reviewing had not been assigned to Registration Committee but Independent Committees are constituted by Central Government or Registration Committee to review the Registration of pesticides. The Committee, therefore, recommend the Government to set up a Review Committee consisting of bio-safety and agro-ecology experts to carry out the function of Review of the Pesticides. The services of Government Bodies like ICAR or IARI may be taken to set up this Committee. Suitable provisions to this effect may be made in the Act. Further Clause 15 may be modified in following manner by adding two Sub-Clauses, which will pave the way for the creation of a separate Review Committee:-

“15 A. (1) The Central Government, within a period of six months from the date of commencement of the Act, shall constitute a Review Committee consisting of experts drawn from different relevant fields, to review the registered pesticides;

(2) The work of the Review Committee will be overseen by the Board, while the Committee shall meet at such times and places and shall observe such rules of procedure with regard to business at its meetings, including the

quorum at such meetings, as it may regulate in this behalf with the approval of the Board;

15 B. (1) The Central Government shall provide the Board, the Review Committee and the Registration Committee with such technical and other staff as well as infrastructure facilities as it considers necessary.

15 B. (2) The terms and conditions of service of technical and other staff shall be such as may be described by the Central Government.”

The word ‘Registration Committee’ may be deleted under Clauses 22(2), 22(3), 22(4), 22(5), 22(6), 22(8), 22(11), 22(13), 35(1), 35(3), 35(4), 35(5) and 35(6) and word ‘Review Committee’ may be substituted in these Clauses so as to facilitate creation of Review Committee.

(xiv) CLAUSE 23

2.72. **Clause 23** reads as:-

“(1) Insecticides registered under the Insecticides Act, 1968 shall be deemed to be registered under the provisions of this Act for a maximum period of two years from the date of commencement of this Act.

(2) Before the expiry of the period mentioned in sub-section (1), the holder of the certificate of registration of such insecticide shall make an application within a period of six months from the date of commencement of this Act for registration of the pesticide in such manner as may be prescribed by the Central Government.”

2.73. The Committee have received suggestions from stakeholders that Clause 23(1) should be deleted and the Pesticides registered under Insecticides Act, 1968 should be considered as deemed to be registered under the New Act. The argument put forth for deletion of this clause is that this provision may lead to sudden withdrawal of Pesticides which are in use for long and their safety and efficacy are well established. This may negatively affect the farmers as well as the manufacturers.

2.74. On being enquired by the Committee about the manner in which the Government will ensure smooth transition from Insecticides Act, 1968 to the New Act, the

Department replied:-

“Sufficient time of 2 years has been provided for transition from Insecticide Act, 1968 to PMB-2020. The certificate of Registration issued are permanent in nature and based upon which the licenses are issued in States for the manufacturing activity and this will be continued in the new bill smoothly. The facilitative modalities will be prescribed during the transition Phase.”

2.75. During evidence, the Representative of the Department clarified:-

"Sir, point wise it says that Insecticides registered under the Insecticides Act, 1968 shall be deemed to be registered under the provisions of the Act for a maximum period of two years from the date of commencement of this Act. Those old registrations are already registered two years ago. Naturally many registrations have become like this, we are not getting any database of manufacturing being done or not, what they are doing. In what name they do it, what is happening, do they exist or not and many have been closed and gone. On this pretext, they will come in the portal. Clause 2 is most important. It is written that Before the expiry of the period mentioned in sub-section (1), the holder of the certificate of registration of such insecticide shall make an application within a period of six months from the date of commencement of this Act for registration of the pesticide in such manner as may be prescribed by the Central Government. We will also have sufficient information. We are doing this to inform the government six months in advance. As far as the clause of the license is seen, the license which is running should not be disturbed, the information of its registration will come. We have to give it six months in advance. Sir, see clause 31 of page no 12, Notwithstanding anything contained in the Insecticides Act, 1968, the licence granted under that Act shall remain in force for the period specified at the time of grant of such licence under that Act.

As long as there is a license to make, it will continue. The matter of registration will go on, but what they are doing, their permission should come here, it is very important and this will make our database complete. In this view, this clause has been kept in the interest of the farmer."

2.76. The Committee are of the opinion that the clause 23 should not be deleted. However, the Committee desire that the transition from the existing Insecticides Act, 1968 to the new Act should be smooth and hassle free for both consumers as well Pesticide Manufacturers. The Committee desire that separate process of registration for pesticides already registered under Insecticides Act, 1968 should be prescribed in the New Act/Rules and these Pesticides should not be subjected to same stringent requirement for registration as has been prescribed for Registration of New Pesticides. As submitted by the Department, a Dedicated Web Portal be started to gather information about the Registered Pesticides which may be used for granting registration to such Pesticides.

(xv) CLAUSE 27

2.77. Clause 27(1) reads:-

“The State Government may, by notification, appoint a person having such qualifications as may be prescribed by the State Government as Licensing Officer for the purposes of this Act.”

2.78. Further, Clause 29(1-3) provides for pre-registration infrastructure facility inspection by Licensing Officer for subsequent grant of licence.

2.79. Elaborating on this issue, Dr. Trilochan Mohapatra, an expert, submitted before the Committee:-

“Pre - registration infrastructure facility inspection by a high powered committee should be made mandatory. Based on satisfactory facilities only licenses for manufacture/ business be issued. Government may assess the capacity and other requisite facilities before issuing license/registration to unscrupulous registrants. Timeline for grant of license to industry is proposed for 90 days. This is too long a period and can conveniently be reduced to 30 days.”

2.80. When asked by the Committee whether single Licensing Officer be sufficient to cater to the needs of the whole State, the Department replied:-

“As per the information received from States, a single Licencing Officer may not

be able to cater the need of whole states. A single Licensing Officer for grant of manufacturing Licence may be sufficient since manufacturing Plants are limited in number. However, for grant of license to sale etc, multiple licensing officer may be required for effective monitoring which State Government may decide as per their requirements and these provisions will be explored while framing rules.”

2.81. On the query of the Committee about the possible constraints before a Licensing Officer to effectively discharge his functions and the provisions made in the Bill to deal with these, the Department replied:-

“Possible constraints for licensing officer are: Verification of premises, Verification of the Storage facilities for pesticides, Ensuring that same process flow as submitted to RC is being followed or not Verification of the source raw material purity and intermediates in manufacture, Safety precautions being followed at premises, Inspection of effluent treatment, disposal of pesticides in environmentally safe manner, timely follow up on the action taken against the defaulter licensee.”

2.82. The Committee are of the opinion that a single Licensing Officer may not be able to cater to the need of the whole State. Further, one single person (Licensing Officer) can be easily manipulated to either grant licence or withhold licence by persons or groups with vested interests. This leaves a gap for corrupt practices. Therefore, the Committee, are of the opinion that instead of appointing a single person as Licensing Officer for the whole State, State Governments should appoint a High Powered Licensing Committee comprising of 3-4 persons to grant licences under provisions of this Act. The Committee, therefore, recommend that various Clauses in Chapter IV should be modified accordingly and word ‘Licensing Officer’ should be deleted and replaced with ‘Licensing Committee’ in these clauses of Chapter IV.

2.80.A. The Committee further opine that the currently mentioned period of ninety days is too long to grant licences under Clauses 29(2) & (3). The Committee are of the opinion that the sixty days time is sufficient to dispose application for grant of licence. The Committee, therefore, recommend that Clause 29(2) & (3) may be

modified in the following manner:

“(2) If the Licensing Officer, on the basis of the inspection and after evaluating the requirements under sub-section (2) of section 28, is satisfied that the conditions for the grant of a licence have been met, he may within a period of sixty days from the date of receipt of application under section 28, grant a licence to the applicant on such terms and conditions as may be specified therein.

(3) If the Licensing Officer is satisfied that applicant is not eligible for grant of licence under this Act, he may refuse to grant it and shall communicate the order of refusal to the applicant within a period of sixty days from the date of receipt of the application.”

(xvi) **CLAUSE 35**

2.83. **Clause 35(2)** reads:-

“If, on the basis of information received or otherwise, the Central Government or the State Government is of the opinion that it is expedient or necessary in the public interest to take immediate action on account of the use of any pesticide that is being distributed, manufactured, sold, stocked or used in agriculture, industry, storage, public health, ordinary use or pest control operations having had or being likely to have an adverse impact on, or posing a risk to human health, other living organisms or the environment or posing a barrier in international trade of agriculture commodities, the Central Government or the State Government, as the case may be, may, by notification, prohibit the distribution, sale or use of the pesticide or a specified batch in such area and for such period not exceeding one year.”

Clause 35(4) reads:-

“The Registration Committee shall complete its review within a period not exceeding one year from the date of the publication of the notification:

Provided that if the information available to the Committee is not sufficient to enable it to make a decision within one year, this period may be extended by a further period not exceeding one hundred and eighty days.”

2.84. Many stakeholders have raised concern on this Clause stating that it would adversely impact the fresh investments to this sector if such a threat is used without any genuine and scientific reasons. Also, prohibition by one year on suspicion, extendable by 180 days is too long a period for those cases where suspicion finally is proved unfounded. Present provisions are good enough to deal with such a contingency.

2.85. On being asked by the Committee regarding banning a pesticide for one year in public interest by the State Government, and its impact on availability of pesticide in case the ban is revoked, the Department replied:

“As per Clause 35(2), Central Government or State Government is authorized to ban a Pesticide in public interest for one year. The period of temporary ban of 1 year is justified as the decision of temporary ban is based on receipt of any new studies/ reports/ references/ information provided by States or Central Agency that use of any insecticide is likely to involve such risk to human beings or animals and such reports/instances needs further detailed investigation with respect to the safety and efficacy of that pesticide. Such investigations may include short-term or long term field studies/experiments or data on toxicology or bio- efficacy or pesticide residual etc which may take time from 1 to 2 seasons or 6 months to 1 year. The precautionary principle that is part of the right to life under Article 21 of the Constitution requires this. If there is scientific uncertainty and if there is threat to human health or safety, pending a full investigation, distribution, sale or use must be stopped.

Therefore, time line for temporary ban of 1 year is appropriate. Further, this may not have any effect on the production and availability of pesticide in case ban is revoked since most of the pesticide production is season based/crop-based and production may be restored in next season/crop-cycle.”

2.86. When the Committee enquired about reasons for discontinuing the existing prohibition period of 60 days (extendable by 30 days) as per Insecticide Act, 1968, the

Department stated:-

“The existing prohibition period of 60 days (extended by 30 days) as per the I.Act 1968 has been discontinued because it has been observed in the past instances that after the prohibition of any pesticide for 90 days, the due process of consultation with Registration Committee followed by examination by expert committee and issuance of draft notification for prohibition inviting objection and suggestion of stakeholders etc takes more than 1 year to arrive on final decision. Accordingly, the timeline of maximum up to 1 year for prohibition has been proposed.”

2.87. The Committee note that the Central & State Governments have been authorised to temporarily ban distribution, sale or use of pesticides for one year in the public interest. Many stakeholders have raised concern that this period of one year for temporary ban is too long and may drive out the manufacturer even if ban is revoked later. The Committee also note that this period of one year is further extendable by six months if the Registration Committee desires so. Thus, the cumulative period for temporary ban comes to be 18 months. The Department has informed the Committee that detailed investigation with respect to the safety and efficacy of the pesticide, in question, is needed to determine the outcome of ban. Such investigations may include short-term or long term field studies/experiments or data on toxicology or bio- efficacy or pesticide residual, etc which may take time from 1 to 2 seasons or 6 months to 1 year. The Committee are of the opinion that the Review Committee (mentioned in Para 2.69) should finish the investigation within six months as six months time is sufficient to carry out detailed investigations on the safety of the pesticide. The Committee, therefore, recommend that Clause 35 (2) and 35(4) may be modified in the following manner:-

Clause 35(2):-

“If, on the basis of information received or otherwise, the Central Government or the State Government is of the opinion that it is expedient or necessary in the public interest to take immediate action on account of the use of any pesticide that is being distributed, manufactured, sold,

stocked or used in agriculture, industry, storage, public health, ordinary use or pest control operations having had or being likely to have an adverse impact on, or posing a risk to human health, other living organisms or the environment or posing a barrier in international trade of agriculture commodities, the Central Government or the State Government, as the case may be, may, by notification, prohibit the distribution, sale or use of the pesticide or a specified batch in such area and for such period not exceeding six months.”

Clause 35(4):-

“The Review Committee shall complete its review within a period not exceeding six months from the date of the publication of the notification.”

The Committee further recommend that proviso to Clause 35(4) may be deleted.

(xvii) CLAUSE 36

2.88. Clause 36 reads:

"The State Government shall maintain a consolidated, State-level database on pesticides in digital form containing such information as may be prescribed by the Central Government."

2.89. The Committee desire that the 'State-Level' may be replaced with 'District-level' in the above Clause and the modified Clause should read as under:

"The State Government shall maintain a consolidated, District-level database on pesticides in digital form containing such information as may be prescribed by the Central Government."

(xviii) CLAUSES 37 AND CLAUSE 38

2.90. **Clause 37** reads:-

“(1) The Central Government may, by notification, establish a Central Pesticides Laboratory under the control of a Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act.

(2) The Central Government may, by notification, designate such other laboratory as it deems fit to perform such functions of a Central Pesticides Laboratory, as may be specified in the notification."

Clause 38 states:-

"(1) The Central Government or the State Government may, by notification, establish a Pesticide Testing Laboratory under the control of Director to be appointed by the Central Government or the State Government, as the case may be, respectively to carry out the functions entrusted to it by or under this Act.

(2) The Central Government or the State Government may, by notification, direct that the functions of the Pesticide Testing Laboratory shall, to such extent as may be specified in the notification, be carried out by such other public institutions and thereupon, the functions of the Director of a Pesticides Testing Laboratory shall also be performed by the head of that institution.

(3) The Central Government or the State Government authorised by it in this behalf, may recognise private laboratories to carry out all or any of the functions of Pesticide Testing Laboratory, on compliance of the standards as may be prescribed by the Central Government.

(4) No private laboratory, any director or partner or officer of which has any financial or other interest in the manufacture, import, export, stocking, distribution or sale of any pesticide or in any pest control operations, shall be recognised under sub-section (3).

(5) Any recognition made under sub-section (3) may be withdrawn by the Central Government or the State Government for reasons to be recorded in writing and after giving the concerned laboratory an opportunity of being heard."

2.91. On being asked by the Committee about the number of Pesticide Testing Laboratories and their Accreditation Status, the Department submitted:-

"In India, 70 State Pesticide Testing Laboratories (SPTL) have been established in 25 States and 2 Union Territories with a total annual testing capacity of 77,545 samples. To supplement the resources of State/UT Governments, Central

Government has established two Regional Pesticides Testing Laboratories (RPTLs) at Chandigarh and Kanpur and one Central Insecticide Laboratory (CIL) as a referral laboratory, with an annual testing capacity of 4,700 samples. Out of these, 11 SPTLs and one RPTL at Kanpur are NABL Accredited.”

2.92. During evidence, the representative of the Department submitted:-

“Sir, I told about labs that we have also put a provision in the Pesticide Management Bill that all our public institutions, their labs will not be empaneled, if they are not NABL, then there is a provision to do NABL for all of them. If there are any private labs also and they are of NABL standards, we can include those as well. We have specifically brought it under the Pesticide Management Bill, so that both our chemical, bio-pesticide can be tested simultaneously.”

2.93. The Committee are of the opinion that well equipped and technically manned Laboratories are essential to achieve higher standards of testing of Pesticides. This will help in strengthening the Pesticide Testing Mechanism in the country so as to fight the menace of spurious, sub-standard and counterfeit Pesticides. The Committee, therefore, recommend that all the Pesticides Testing Laboratories should be NABL accredited. Accordingly the following sub-clause may be added to clause 37:-

“37(3). Such Central Pesticides Laboratory shall obtain all such accreditations, certifications and/or recognitions as may be prescribed by the Central Government from time to time, within a period of one year of its establishment or designation under Section 37(1) or (2), and shall ensure that all such accreditations, certifications and/or recognitions remain valid as long as such laboratory remains the Central Pesticides Laboratory.”

2.94. The Committee also opine that Pesticide Testing Laboratories and other laboratories designated to perform the functions of PTLs shall obtain ISO:27001 Certification within a defined time period. The following sub-clause (6) may be added to clause 38 to strengthen the Pesticide Testing Laboratories:-

“38(6). Each such Pesticide Testing Laboratory shall obtain all such accreditations, certifications and/or recognitions as may be prescribed by

the Central or the State Government from time to time, within a period of one year of its establishment or designation or recognition under Section 38(1), (2), or (3), and shall ensure that all such accreditations, certifications and/or recognitions remain valid as long as such laboratory remains a Pesticide Testing Laboratory.”

(xix) CLAUSE 53

2.95. **Clause 53(1)** reads:-

“No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Central Government or any person authorised in this behalf by the Central Government or the State Government, by the State Government, as the case may be, and the consent or refusal for the institution of prosecution shall be intimated in such time as may be prescribed by the Central Government.”

2.96. The Committee desired to know the reason for not providing any time limit for giving consent or refusal for prosecution in the above clause to which the Department replied:-

“The Time Limit for giving consent or refusal for prosecution will be considered while framing rules.”

2.97. The Committee are of the opinion that deterrence in terms of prosecution and punishment is essential to counter offences committed under this Act and timely grant of consent or refusal of prosecution by the Central Government should find a mention in the Act itself and not in the Rules to be framed later. The Committee, therefore, recommend that a period of thirty days may be prescribed in the Act for granting consent or refusal of prosecution for offences committed under this Act. The Clause accordingly be modified in the following manner:

“No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Central Government or any person authorised in this behalf by the Central Government or the State Government, by the State Government, as the case may be, and the

consent or refusal for the institution of prosecution shall be intimated in thirty days by the Central Government.”

(xx) CLAUSE 57

2.98. **Clause 57** states:-

“If the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to exercise such powers and perform such functions to regulate the price of pesticides in such manner as may be prescribed by the Central Government.”

2.99. During briefing, the representative of the Department submitted the following on the issue of Price regulation of Pesticides:-

“There was no position of price control in the old Act, there was no provision of it in the Act. This time it has been put in the preamble. There was a lot of discussion on this. It has been discussed a lot at the policy level, at the level of Hon'ble Minister and in consultations. Suppose a major disease has spread and pesticide is used to control the spread of that major disease. Its suppliers are limited. He would make his price too high under Monopoly. So it has been put in this that if the Government of India wants, it is not necessary that there will be price regulation on all pesticides, as you must have seen that there is a body for the pricing of medical devices. There is no price regulation for every drug, but it is for heart and other lifesaving drugs. The Government of India reserves the right that the Government of India may, if it so desires, make a reasonable price regulation through such authority as may be required.”

2.100. The Committee note that the Provision made under Clause 57 is for meeting unforeseen circumstance and will not be used in normal circumstances as stated by the Department. The Committee are of the opinion that such safeguard is necessary to meet emergency situations such as large scale infestation by insects or emergence of any new disease which threaten the crop security of the country. The Committee also believe that the Government should

ensure availability of Pesticides at affordable prices to all especially the small and the Marginal farmers. The Committee therefore recommend that clause 57 may be modified in the following manner to ensure availability of Pesticides at affordable prices:-

“If the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to exercise such powers and perform such functions to or take other such necessary measures as it may deem necessary to regulate the price of pesticides in such manner as may be prescribed by the Central Government.”

New Delhi
20 December, 2021
29 Agrahayana, 1943(saka)

P.C. GADDIGOUDAR
Chairperson
Standing Committee on Agriculture,
Animal Husbandry and Food Processing

**STANDING COMMITTEE ON AGRICULTURE
(2020-21)**

MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 29th June, 2021 from 1500 hours to 1630 hours in Committee Room No. '3', First Floor, Block-A, Extn to Parliament House Annexe Building New Delhi.

PRESENT

Shri Parvatagouda Chandanagouda Gaddigoudar – Chairperson

MEMBERS

LOK SABHA

2. Shri Afzal Ansari
3. Shri Abu Taher Khan
4. Shri Bhagwanth Khuba
5. Shri Mohan Mandavi
6. Shri Devji Mangingram Patel
7. Smt. Sharda Anilbhai Patel
8. Shri Bheemrao Baswanthrao Patil
9. Shri Vinayak Bhaurao Raut
10. Shri Pocha Brahmananda Reddy
11. Mohammad Sadique
12. Shri Virendra Singh
13. Shri Ram Kripal Yadav

RAJYA SABHA

14. Shri Partap Singh Bajwa
15. Sardar Sukhdev Singh Dhindsa
16. Shri Kailash Soni
17. Shri Ram Nath Thakur
18. Shri B.L. Verma
19. Smt. Chhaya Verma

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri Shiv Kumar | – | Joint Secretary |
| 2. | Smt. Juby Amar | – | Director |
| 3. | Shri Prem Ranjan | – | Deputy Secretary |

REPRESENTATIVES OF MINISTRY OF AGRICULTURE AND FARMERS WELFARE (DEPARTMENT OF AGRICULTURE, CO-OPERATION AND FARMERS WELFARE)

S.No. NAME OF THE OFFICER DESIGNATION

- | | | |
|----|------------------------------|---|
| 1. | Shri Sanjay Agarwal | Secretary |
| 2. | Shri. Abhilaksh Likhi | Addl. Secretary |
| 3. | Dr. S.K. Malhotra | Agriculture Commissioner |
| 4. | Shri Ashwani Kumar | Joint Secretary |
| 5. | Dr. Ravi Prakash | Plant Protection Adviser, DPPQ&S |

2. At the outset, the Chairperson welcomed the Members and the Representatives of Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to the Sitting of the Committee convened for having a Briefing by the Representatives on 'The Pesticide Management Bill, 2020' and apprised them of the provisions of the Direction 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

3. After the introduction, a Powerpoint-presentation was made by the Representatives of the Department. Thereafter, the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from the Department:

- I. Need to strengthen and establish more Government Laboratories for testing Pesticides;
- II. To further increase the number of Farmer Representatives in the Central Pesticide Board;
- III. Need to increase Representation of States under Central Pesticide Board;
- IV. Developing Strategies to promote Bio-Pesticides to curb harmful effects of Chemical Pesticides;
- V. Focus on developing natural Pesticides from Locally Available Resources;
- VI. Need to ensure Time bound disposal of Applications received for Registration of Pesticides;

- VII. Authority to regulate prices of Pesticides in national interest;
- VIII. Provision to promote manufacturing of Indigenous Pesticides;
- IX. Focus on Regulating the Pesticides having adverse effect on Human Health;
- X. Addition of Agriculture Stream or Science Stream in Educational Qualifications of Licence Holder selling pesticides;
- XI. Need to specifically add 'Soil Health' word in the Preamble as well as in other Clauses of the Bill;
- XII. To develop strategies to counter counterfeit and spurious Pesticides; and
- XIII. Imposition of heavy fine and punishment on manufacturers of counterfeit and spurious Pesticides.

4. The Representatives of the Department responded to most of the queries raised by the Members. The Chairperson thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information which was not readily available with them to the Committee Secretariat. The Committee decided to consult various stakeholders such as Farmers Organizations/Industry Associations/ Experts/ Institutions/ Associations/ Individuals etc to gather holistic opinion on the Bill.

The Committee then adjourned.

(A copy of the verbatim proceedings of the Sitting has been kept.)

**STANDING COMMITTEE ON AGRICULTURE
(2020-21)**

MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 13th July, 2021 from 1100 hours to 1430 hours in Committee Room No. '2', First Floor, Block-A, Extn to Parliament House Annexe Building New Delhi.

PRESENT

Shri Parvatagouda Chandanagouda Gaddigoudar – Chairperson

MEMBERS

LOK SABHA

2. Shri Afzal Ansari
3. Shri A. Ganeshamurthi
4. Shri Kanakmal Katar
5. Shri Bheemrao Baswanthrao Patil
6. Shri Vinayak Bhaurao Raut
7. Shri Pocha Brahmananda Reddy
8. Shri Ram Kripal Yadav

RAJYA SABHA

9. Sardar Sukhdev Singh Dhindsa
10. Shri Kailash Soni
11. Shri Ram Nath Thakur
12. Smt. Chhaya Verma

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri Shiv Kumar | – | Joint Secretary |
| 2. | Smt. Juby Amar | – | Director |
| 3. | Shri Prem Ranjan | – | Deputy Secretary |

REPRESENTATIVES OF ORGANISATIONS/ASSOCIATIONS

ALLIANCE FOR SUSTAINABLE AND HOLISTIC AGRICULTURE (ASHA) KISAN SWARAJ

S.No NAME OF THE REPRESENTATIVE

1. **AJAY ETIKALA**
2. **NACHIKET UDUPA**

CONFEDERATION OF NGOs OF RURAL INDIA (CNRI)

S.No NAME OF THE REPRESENTATIVE

DESIGNATION

- | | | |
|----|----------------------------|--------------------------------|
| 1. | SHRI PRAKASH PAREWA | CO-CHAIRMAN, CNRI |
| 2. | BINOD ANAND | SECRETARY GENERAL, CNRI |

THE ASSOCIATED CHAMBERS OF COMMERCE AND INDUSTRY OF INDIA (ASSOCHAM)

S.No NAME OF THE REPRESENTATIVE

DESIGNATION

- | | | |
|----|-------------------------|---|
| 1. | MR SAGAR KAUSHIK | COO, UPL |
| 2. | MR RAVI HEDGE | HEAD-REGULATORY
SWAL CORPORATION |

CROP LIFE INDIA

S.No NAME OF THE REPRESENTATIVE

DESIGNATION

- | | | |
|----|---------------------------|-----------------------------------|
| 1. | SHRI ASITAVA SEN | CEO |
| 2. | SHRI SALIL SINGHAL | PESTICIDE INDUSTRY, EXPERT |

2. At the outset, the Chairperson welcomed the Members and the Representatives of the following Organizations/Associations i) ASHA Kisan Sawarj; ii) Confederation of NGOs of Rural India; iii) ASSOCHAM; and iv) Crop Life India to the Sitting of the Committee convened for having Oral Evidence by the Representatives on 'The Pesticide Management Bill, 2020' and apprised them of the provisions of the Direction 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

3. After the introduction, Powerpoint-presentations were made by the Representatives of these Organizations/Associations in the order listed above. Thereafter, the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from them:

- i. State Governments' role in banning a Pesticide;
- ii. Composition and functions of proposed Review Committee to monitor Pesticides;
- iii. Need for timely review of a Registered Pesticide;
- iv. Need to disallow use of a Pesticide banned in any other Country;
- v. Need to increase Zone-wise Representation of States under Central Pesticide Board;
- vi. Need for strict punishment to curb Manufacturing and sale of spurious, fake and Poisonous Pesticides;
- vii. Price Control of Pesticides;
- viii. Focus on Strategies to counter sale of spurious and low quality Pesticides;
- ix. Emphasis on increasing use of Bio-Pesticides;
- x. Need to reduce Pesticide usage in the Country;
- xi. Improving quality of the domestically produced Pesticides;
- xii. Need for independent monitoring of Pesticides to prevent harm to humans and other crop friendly Organisms;
- xiii. Provision for Registration of 'Technical Grade Pesticides';
- xiv. Need for streamlining the process of Pesticide Registration;
- xv. Regulation of prices of Pesticides required to be used in emergency situations; and
- xvi. Data Protection for new molecules.

4. The Representatives of the Organizations/Associations responded to most of the queries raised by the Members. The Chairperson thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information which was not readily available with them to the Committee Secretariat.

**The Committee then adjourned.
(A copy of the verbatim proceedings of the Sitting has been kept.)**

**STANDING COMMITTEE ON AGRICULTURE
(2020-21)**

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE

The Committee sat on Thursday, the 05th August, 2021 from 1500 hours to 1810 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Parvatagouda Chandanagouda Gaddigoudar – Chairperson

MEMBERS

LOK SABHA

2. Shri Afzal Ansari
3. Shri Horen Sing Bey
4. Shri Devendra Singh 'Bhole'
5. Shri A. Ganeshamurthi
6. Shri Abu Taher Khan
7. Shri Mohan Mandavi
8. Shri Devji Mansingram Patel
9. Smt. Shardaben Anilbhai Patel
10. Shri Bheemrao Baswanthrao Patil
11. Shri Shriniwas Dadasaheb Patil
12. Shri Kinjarapu Ram Mohan Naidu
13. Shri Vinayak Bhaurao Raut
14. Shri Pocha Brahmananda Reddy
15. Shri Mohammad Sadique
16. Shri V.K. Sreekandan
17. Shri Ram Kripal Yadav

RAJYA SABHA

18. Shri Partap Singh Bajwa
19. Shri Kailash Soni
20. Shri Ram Nath Thakur
21. Smt. Chhaya Verma
22. Shri Harnath Singh Yadav

SECRETARIAT

1. Shri Shiv Kumar – Joint Secretary
2. Smt. Juby Amar – Director
3. Shri Prem Ranjan – Deputy Secretary

*2. XXXX XXXX XXXX XXXX

*3. XXXX XXXX XXXX XXXX

4. Thereafter, the Chairperson welcomed the Representatives of the following Organizations/Associations to the Sitting of the Committee, in the order listed below, for Oral Evidence on 'The Pesticide Management Bill, 2020':-

BHARTIYA KRISHAK SAMAJ

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	SHRI KRISHAN BIR CHAUDHARY	PRESIDENT
2.	SHRI KAPIL DEO MISHRA	GEN. SEC. I/C MP
3.	SHRI AJIT SINGH	HARYANA STATE PRESIDENT
4.	SHRI ARUN MUKHERJEE	GEN. SEC. I/C WEST BENGAL & NE

BHARTIYA KISAN SANGH

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	SHRI BADRINARAYAN CHOUDHARY	MAHAMANTRI, BKS
2.	SHRI MOHINI MOHAN MISHRA	MANTRI, BKS
3.	SHRI SAI REDDY	MANTRI, BKS
4.	SHRI DINESH DATTATREYA KULKARNI	AKHIL BHARTIYA SANGHATAN MANTRI

BIOLOGICAL AGRI SOLUTIONS ASSOCIATION OF INDIA

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	SHRI JUZAR KHORIAKWALA	CHAIRMAN, BASAI
2.	SHRI HUZEFA KHORIAKWALA	MEMBER, BASAI
3.	SHRI VIPIN SAINI	CEO, BASAI

CROP CARE FEDERATION OF INDIA

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	SHRI RAJJU SHROFF	DIRECTOR, CCFI
2.	SHRI DEEPAK SHAH	DIRECTOR, CCFI
3.	SHRI RAJESH AGGARWAL	DIRECTOR, CCFI
4.	DR. AJIT KUMAR	DIRECTOR, CCFI (TECHNICAL EXPERT)

5. Hon'ble Chairperson apprised the Representatives of the provisions of the Direction 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings. After the introduction, Representatives of the two Organizations namely Bhartiya Krishak Samaj and Bhartiya Kisan Sangh presented their views before the Committee about 'The Pesticide Management Bill, 2020' orally and Representatives of other two Organizations viz. Biological Agri Solutions Association of India and Crop Care Federation of India made PowerPoint-presentations on the same. The following issues/points were come in for discussion during the meeting:

- i. Strengthening of Extension Services to farmers to educate them about judicious use of Pesticides;
- ii. Need to promote Organic Farming to reduce negative effects of Pesticides;
- iii. Upgrading of Market Infrastructure to facilitate Marketing of Organically produced crops;
- iv. Need to draw effective strategies to tackle spurious and counterfeit Pesticides;
- v. Need for strengthening of Penal Provisions which will act as deterrent for selling spurious and low-quality Pesticides;
- vi. Promotion of Research and Development for producing Insect Repellant instead of using Pesticide to kill insects;
- vii. Preventing adverse effects of Pesticides on the Crop Friendly Insects and other Organisms;
- viii. Need to develop strategies for safer handling of Microbial and Bio-Pesticides;
- ix. Promotion of Bio-Pesticides;
- x. Need to reduce dependence on the Imported Formulations of Pesticides;
- xi. Emphasis on overhauling of Licensing Process to grant Licenses for Pesticides;
- xii. Need to register 'Technical Grade Pesticides' alongwith their Formulations;

- xiii. Provisions for promoting Indigenous Manufacturing of Pesticides;
- xiv. Need to ensure time-bound completion of Registration process;
- xv. Ensuring Quality Control for manufacturing of Pesticides;
- xvi. Need for opening Jan Pesticide Centers providing generic pesticides on the lines of Jan Aushadhi Kendra;
- xvii. Integrated Pest Management; and
- xviii. Issue of Protection of Data used in Registration of Pesticides.

6. The Representatives of the Organizations/Associations responded to most of the queries raised by the Members. The Chairperson thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members that remained unanswered and in respect of which information was not readily available with them to the Committee Secretariat.

The Committee then adjourned.
(A copy of the verbatim proceedings of the Sitting has been kept.)

***Matter not related to this Report**

**STANDING COMMITTEE ON AGRICULTURE
(2020-21)**

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 24th August, 2021 from 1100 hours to 1520 hours in Committee Room No. '2', First Floor, Block-A, Extn to Parliament House Annexe Building New Delhi.

PRESENT

Shri Parvatagouda Chandanagouda Gaddigoudar – Chairperson

MEMBERS

LOK SABHA

2. Shri Devendra Singh 'Bhole'
3. Shri A. Ganeshamurthi
4. Shri Kanakmal Katara
5. Shri Abu Taher Khan
6. Smt. Sharda Anilbhai Patel
7. Shri Bheemrao Baswanthrao Patil
8. Shri Vinayak Bhaurao Raut
9. Shri Pocha Brahmananda Reddy
10. Mohammad Sadique

RAJYA SABHA

11. Shri Kailash Soni
12. Smt. Chhaya Verma

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri Shiv Kumar | – | Joint Secretary |
| 2. | Smt. Juby Amar | – | Director |
| 3. | Shri Prem Ranjan | – | Deputy Secretary |

REPRESENTATIVES OF ORGANISATIONS/ASSOCIATIONS

NATIONAL INSTITUTE OF PLANT HEALTH MANAGEMENT

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Dr. J. ALICE R.P. SUJEETHA	DIRECTOR
2.	Dr. NIRMALI SAIKIA	JOINT DIRECTOR AND DIRECTOR I/C (PESTICIDE MANAGEMENT DIVISION)

DIVISION OF AGRICULTURAL CHEMICALS, IARI

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Dr. ANUPAMA SINGH	HEAD
2.	Dr. TIRTHANKAR BANERJEE	PRINCIPAL SCIENTIST

DEPARTMENT OF AGRICULTURAL RESEARCH & EDUCATION (DARE)

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Dr. TRILOCHAN MOHAPATRA	SECRETARY (DARE) & DG (ICAR)
2.	Dr. S.C. DUBEY	ASSISTANT DIRECTOR GENERAL (PP&B), ICAR
3.	Dr. K.K. SHARMA	NETWORK COORDINATOR, PROJECT COORDINATING CELL

PESTICIDES MANUFACTURERS & FORMULATORS ASSOCIATION OF INDIA (PMFAI)

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Shri PRADIP DAVE	PRESIDENT, PMFAI
2.	Dr. SANDEEP SINGH	ADVISOR, SCIENTIFIC & POLICY MATTER
3.	Dr. ARCHANA KUMARI	DEPUTY REGIONAL DIRECTOR

PRS LEGISLATIVE RESEARCH

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Dr. M.R MADHAVAN	PRESIDENT
2.	Ms. PRACHEE MISHRA	HEAD OF RESEARCH
3.	Shri SAKET SURYA	SENIOR ANALYST

2. At the outset, the Chairperson welcomed the Members and the following Experts i) Dr. J. Alice R.P. Sujeetha, Director, National Institute of Plant Health Management (NIPHM) ii) Dr. Anupama Singh, Head of Department Division of Agro Chemicals, IARI; and iii) Dr. Trilochan Mohapatra, Secretary (DARE) & DG-ICAR and Representatives of the following Organizations/Associations i) Pesticides Manufacturers & Formulators Association of India (PMFAI); and ii) PRS Legislative Research to the Sitting of the Committee convened for having Oral Evidence by the Representatives on 'The Pesticide Management Bill, 2020' and apprised them of the provisions of the Direction 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

3. After the introduction, the Experts i.e. Dr. J. Alice R.P. Sujeetha, Director, National Institute of Plant Health Management (NIPHM); and Dr. Anupama, Head of Department Division of Agro Chemicals and Representatives from PRS Legislative Research orally presented their views before the Committee on 'The Pesticide Management Bill, 2020' and Experts - Dr. Trilochan Mohapatra, Secretary (DARE) and DG-ICAR and Representatives of Pesticides Manufacturers & Formulators Association of India (PMFAI) made Power-Point Presentations on the same. The briefing/Power-Point Presentations were made in the order listed at Para 2. Thereafter, the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from them:

- (i) Need to have effective mechanism to ensure disposal of those Pesticides which have outlived their shelf life;
- (ii) Issue of Export of banned Pesticides to other Countries;
- (iii) Need to promote quality Bio-Pesticides by simplifying Registration Norms;
- (iv) Need for strict monitoring and control of hazardous Pesticides;
- (v) Ban on Pesticides to be based on Scientific Data generated within the Country;
- (vi) To lay Emphasis on enhancing Testing and Analysis facilities for Pesticides;

- (vii) Issue of Re-registration of Pesticides from Old Act to the New Pesticide Management Bill, 2020;
- (viii) Ensuring accountability of Pesticide Inspectors and Analysts for collection of Pesticide samples and Analysis thereof by following due processes;
- (ix) Registration of 'Technical Grade Pesticide' alongwith its formulation;
- (x) Increasing Awareness among Farmers for safe usage of Pesticides;
- (xi) Need to tackle manufacturing and sale of spurious, low quality and false Pesticides;
- (xii) Provision for minimum qualification for Pesticide sellers;
- (xiii) Need to have provision for immediate Registration of Pesticides, in case of Pest attacks on a large scale;
- (xiv) Provision for a Committee instead of single 'Licensing Officer' for granting Licenses;
- (xv) Mentioning of dates of formation of 'Technical Grade' and its formulation on the label of Pesticide separately;
- (xvi) Provision for strengthening Indigenous Manufacturing of Pesticides;
- (xvii) Strategy to decrease import of Pesticide formulations;
- (xviii) Issue of Data Protection for Pesticide Development;
- (xix) Appropriate Ministry/Department to regulate Pesticides in the Country;
- (xx) Me Too Registration of Pesticides;
- (xxi) Amendment in Certificate of Registration;
- (xxii) Constitution of a separate Review Committee;
- (xxiii) Grouping of Pesticides;
- (xxiv) Definition of Pesticide Management Bill, 2020;
- (xxv) Addition of Schedule to the Bill;
- (xxvi) Prohibition of the import of Pesticides, whose MRLs have not been fixed by FSSAI under Food Safety and Standards Authority Act, 2006;

- (xxvii) Association of Pesticide Industry with ICAR to provide Single Window Training to Farmers for use of Pesticides; and
- (xxviii) Fixation of MRLs of Pesticides.

4. The Experts and the Representatives of the Organizations/Associations responded to most of the queries raised by the Members. The Chairperson thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information which was not readily available with them to the Committee Secretariat.

**The Committee then adjourned.
(A copy of the verbatim proceedings of the Sitting has been kept.)**

**STANDING COMMITTEE ON AGRICULTURE
(2021-22)**

MINUTES OF THE THIRD SITTING OF THE COMMITTEE

The Committee sat on Friday, the 12th November, 2021 from 1145 hours to 1330 hours and from 1415 hours to 1530 in Committee Room No. '139', First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri P.C. Gaddigoudar – Chairperson

MEMBERS

LOK SABHA

2. Shri Afzal Ansari
3. Shri Devendra Singh 'Bhole'
4. Shri Devji Mansingram Patel
5. Shri Vinayak Bhaurao Raut
6. Shri Pocha Brahmananda Reddy
7. Shri Rajiv Pratap Rudy
8. Shri Ram Kripal Yadav

RAJYA SABHA

9. Smt. Ramilaben Becharbhai Bara
10. Sardar Sukhdev Singh Dhindsa
11. Shri Kailash Soni
12. Shri Ram Nath Thakur
13. Shri Harnath Singh Yadav

SECRETARIAT

1.	Shri Shiv Kumar	–	Joint Secretary
2.	Smt. Juby Amar	–	Director
3.	Shri Prem Ranjan	–	Deputy Secretary

REPRESENTATIVES OF ORGANISATIONS/ASSOCIATIONS

FEDERATION OF INDIAN CHAMBER OF COMMERCE AND INDUSTRY (FICCI)

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Mr. R G Agarwal	Chairman, Dhanuka Group & Chairman, FICCI Committee on Crop Protection
2.	Dr. Ajeet Singh Tomar	Vice President, R&D, Dhanuka Agritech Limited
3.	Mr. R.D. Kapoor	Head-Agri Support & Alliances, PI Industries Ltd.
4.	Mr. Manoj Mehta	Director & Head - Chemicals & Petrochemicals, FICCI

CENTRE FOR ECONOMIC POLICY RESEARCH (CEPR)

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Dr. Ashwin Johar	Vice-Chairman, CEPR
2.	Dr. Ashwani Mahajan	Co-convenor, Swadeshi Jagran Manch

DEPARTMENT OF AGRICULTURE AND FARMERS WELFARE (DAFW)

<u>S.No</u>	<u>NAME OF THE REPRESENTATIVE</u>	<u>DESIGNATION</u>
1.	Shri Sanjay Agarwal	Secretary
2.	Dr. Abhilaksh Likhi	Addl. Secretary
3.	Dr. S.K. Malhotra	Agriculture Commissioner
4.	Dr. Pramod Kumar Meharda	Joint Secretary (PP)
5.	Dr. Ravi Prakash	Plant Protection Advisor
6.	Dr. J.P. Singh	APPA (CIL) & Secretary (CIB & RC)

2. At the outset, the Chairperson welcomed the Members and the Representatives of the following Organizations/Associations i) Federation of Indian Chamber of Commerce and Industries (FICCI); ii) Centre for Economic Policy and Research (CEPR) and iii) Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare) to the Sitting of the Committee convened for having Oral Evidence by the Representatives on 'The

Pesticide Management Bill, 2020' and apprised them of the provisions of the Direction 58 of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

3. After the introduction, the Representatives of Federation of Indian Chamber of Commerce and Industries (FICCI) and Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare) made Power-Point Presentations before the Committee whereas the Representatives of Centre for Economic Policy and Research (CEPR) made oral submission before the Committee. The briefing/power point presentations were made as per the order listed at Para 2. Thereafter, the Committee raised several issues/points as briefly mentioned below and sought clarifications/information thereon from them:

- i) Addition of 'Schedule' to the Definition of Pesticides;
- ii) Time bound Registration of Pesticides by Registration Committee;
- iii) Time bound grant of Licenses for Pesticides;
- iv) Compulsory Inspection of Manufacturing Premises by Licensing Officer before granting License;
- v) Punishment provisions in the Bill;
- vi) Prohibition on sale by the Pesticide Inspector;
- vii) No Data Protection for new molecules;
- viii) Reduction of Import of Pesticides;
- ix) Accountability of Pesticide Inspectors;
- x) Incentivizing Domestic Pesticide Industry by covering it under Production Linked Scheme (PLI);
- xi) Development and Promotion of Bio-Pesticides;
- xii) Promotion of 'Green Technology' in Bio-Pesticides Sector;
- xiii) Need for NABL Accreditation of Pesticides Testing Laboratories;
- xiv) Scientific Regulation of Pesticides to tackle issue of poisoning;
- xv) Promotion of Integrated Pest Management;
- xvi) Registration of Technical Grade Pesticide alongwith Impurity profile;
- xvii) Removal of advantage given to 'First Registrants' to manipulate the registration of subsequent registrants in the Country;
- xviii) Repacking and relabeling not to be considered as 'Manufacturing';
- xix) Imposition of Non-tariff barriers to reduce import dependence;

- xx) Special Provisions for Registration of Bio-Pesticides;
- xxi) Need of independent 'Review Committee' for reviewing Pesticides;
- xxii) Strengthening Central Pesticides Management Board so that it may not remain a mere advisory body;
- xxiii) Strong provisions to avoid conflict of interest in Registration Committee;
- xxiv) Clear Provision for banning Pesticides;
- xxv) Emphasis on preventing rejection of export consignments due to high Pesticide residue;
- xxvi) Removal of distinction between Original Registrants and 'Generic';
- xxvii) Issue of need of prescription for certain Pesticides;
- xxviii) Ensuring safety by incorporating Provision of Antidote on the label;
- xxix) Creation of 'Compensation Fund';
- xxx) Regulation of 'Export' of Pesticides;
- xxxi) Issue of Spurious and counterfeit Pesticides;
- xxxii) Inclusion of word 'Soil Health' in Preamble as well as in other appropriate clauses;
- xxxiii) Representation of States in Central Pesticide Management Board;
- xxxiv) Need for inclusion of Definition of terms like 'Safety', 'Efficacy', 'End-use of Pesticide' and 'Safer Alternatives';
- xxxv) Re-registration of Pesticides under the new Act within two years; and
- xxxvi) Disposal of Pesticides which have outlived their shelf lives.

4. The Representatives of the Organizations/Associations and the Ministry responded to most of the queries raised by the Members. The Chairperson thanked the witnesses for sharing valuable information with the Committee on the Subject and directed them to furnish the replies to the queries raised by the Members which remain unanswered and in respect of information which was not readily available with them to the Committee Secretariat.

**The Committee then adjourned.
(A copy of the verbatim proceedings of the Sitting has been kept.)**

**STANDING COMMITTEE ON AGRICULTURE, ANIMAL HUSBANDRY AND FOOD
PROCESSING**

(2021-22)

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE

The Committee sat on Thursday, the 16th December, 2021 from 1500 hrs. to 1600 hrs. in Committee Room "139", First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri P.C. Gaddigoudar– Chairperson

MEMBERS

LOK SABHA

2. Shri Horen Singh Bey
3. Shri Devendra Singh 'Bhole'
4. Shri A. Ganeshmurthi
5. Shri Kanakmal Katara
6. Shri Abu Taher Khan
7. Shri Mohan Mandavi
8. Shri Devji Mansingram Patel
9. Shri Vinayak Bhaurao Raut
10. Shri Pocha Brahmananada Reddy
11. Shri Rajiv Pratap Rudy
12. Shri Virendra Singh
13. Shri V.K. Sreekandan
14. Shri Ram Kripal Yadav

RAJYA SABHA

15. Shri Ramilaben Becharbhai Bara
16. Shri Kailash Soni
17. Shri Ram Nath Thakur
18. Shri Vaiko
19. Shri Harnath Singh Yadav

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri Shiv Kumar | – | Joint Secretary |
| 2. | Smt. Juby Amar | – | Director |
| 3. | Shri Prem Ranjan | – | Deputy Secretary |

2. At the outset, Chairperson welcomed the Members to the Sitting of the Committee. Thereafter, the Committee took up for consideration of the Draft Report on 'The Pesticide Management Bill, 2020' of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare). The Members of the Committee appreciated the Officials of the Committee Branch for preparing a thoroughly researched and the most purposeful ever Draft Report on the Bill with pithy Recommendations.

3. After some deliberations, the Committee adopted the Draft Report with some modifications and the Committee authorized the Chairperson to finalize and present the Report to Parliament.

The Committee then adjourned.

THE PESTICIDE MANAGEMENT BILL, 2020

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title and commencement.
2. Declaration of expediency of Union control.
3. Definitions.

CHAPTER II

CENTRAL PESTICIDES BOARD AND REGISTRATION COMMITTEE

4. Constitution of Central Pesticides Board.
5. Composition, terms and conditions of Members of Board.
6. Meetings of Board.
7. Constitution of committees and engagement of experts.
8. Powers and functions of Board.
9. Constitution, composition and term of office of Member of Registration Committee.
10. Restrictions on employment of Chairperson and Members of Board and Registration Committee.
11. Vacancies, etc., not to invalidate proceedings of Board and Registration Committee.
12. Constitution of sub-committees and co-opting of experts.
13. Meetings of Registration Committee.
14. Powers and functions of Registration Committee.
15. Secretariat for Central Pesticides Board and Registration Committee.

CHAPTER III

REGISTRATION OF PESTICIDES

16. Requirement to register pesticides.
17. Application for registration.
18. Decision regarding registration.
19. Grant of certificate of registration to generic pesticides.
20. Provisional certificate of registration pending observation.
21. Amendment of certificate of registration.
22. Review, suspension and cancellation of registration and ban on pesticides.

(ii)

CLAUSES

23. Registration under the Insecticides Act, 1968.
24. Appeal from a decision of Registration Committee.
25. Power of revision of Central Government.
26. National register of pesticides.

CHAPTER IV

GRANT OF LICENCES

27. Licensing Officer.
28. Requirement to obtain licence.
29. Grant of licence.
30. Amendment and revocation of licence.
31. Licences under the Insecticides Act, 1968.
32. Information on licences, sales and stock position.
33. Appeal from decision of licensing Officer.

CHAPTER V

PESTICIDE SURVEILLANCE AND PROHIBITION IN THE PUBLIC INTEREST

34. Notification of poisoning and constitution of fund.
35. Prohibition on pesticides in public interest and ban on pesticides.
36. State-level database on pesticides.

CHAPTER VI

PESTICIDES LABORATORIES AND ANALYSIS OF PESTICIDES

37. Central Pesticides Laboratory.
38. Pesticides Testing Laboratories.
39. Pesticide Analyst and Pesticide Inspector.
40. Powers of Pesticide Inspector.
41. Procedure to be followed by Pesticide Inspector.
42. Report of Pesticide Analysts.

CHAPTER VII

OFFENCES AND PUNISHMENT

43. Punishment for obstruction.
44. Punishment for violations of conditions of registration and licensing.
45. Punishment for activities related to import and export of pesticides.
46. Punishment for activities involving unregistered and unlicensed pesticides.
47. Punishment for activities involving falsified pesticides.
48. Punishment for activities involving banned pesticides, etc.
49. Punishment for causing hurt, grievous hurt or death.
50. Subsequent offences.
51. Actions consequent to conviction.

(iii)

CLAUSES

52. Offences by companies.
53. Cognizance and Trial of offences.
54. Defences to prosecution under this Act.

CHAPTER VIII

MISCELLANEOUS

55. Regulation of substances having pesticidal properties and disposal of pesticide.
56. Exemption.
57. Price of pesticides.
58. Power of Central Government to give directions.
59. Members of authorities and officers under this Act to be public servants.
60. Protection of action taken in good faith.
61. Compensation under the Consumer Protection Act, 1986.
62. Power of Central Government to make rules.
63. Power of State Governments to make rules.
64. Power to remove difficulties.
65. Repeal and saving.

Bill No. XXII of 2020

THE PESTICIDE MANAGEMENT BILL, 2020

A

BILL

to regulate pesticides, including their manufacture, import, packaging, labelling, pricing, storage, advertisement, sale, transport, distribution, use and disposal in order to ensure availability of safe and effective pesticides, and to strive to minimise risk to human beings, animals, living organisms other than pests, and the environment with an endeavour to promote pesticides that are biological and based on traditional knowledge and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Pesticide Management Act, 2020.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed
10 as a reference to the coming into force of that provision.

Declaration of expediency of Union control.

2. It is hereby declared that it is expedient in the public interest that Union should take under its control the regulation of pesticide industry to the extent hereinafter provided.

Definitions.

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

(a) “animal” means animal useful to human beings and includes honey bees and other beneficial insects, earthworms, fish and fowl and such kinds of wild life as the Central Government may, by notification, specify, being kinds which in its opinion, it is desirable to protect or preserve;

(b) “banned”, in relation to a molecule or formulation of a pesticide, means the prohibition of its manufacture, import, sale, distribution and use in order to protect human health, other living organisms or the environment; 10

(c) “batch” means an identifiable quantity of a technical grade pesticide or its formulation which has been manufactured and processed under uniform conditions in a single lot;

(d) “Board” means the Central Pesticides Board constituted under section 4;

(e) “Central Pesticides Laboratory” means the Central Pesticides Laboratory established under section 37; 15

(f) “certificate of registration” means a certificate of registration of a pesticide granted under sections 18, 19 and 20;

(g) “dispose” means to carry out any process that neutralises, destroys or isolates pesticides and their packages, including physico-chemical treatment, biological treatment or incineration, but does not include a process that leads to the reuse, recycling, recovery or utilisation of pesticides, including through co-processing and the terms “disposal” and “disposed” shall be construed accordingly; 20

(h) “distribution” means the process by which pesticides are supplied through trade channels to domestic or international markets; 25

(i) “environment” includes water, air and land and the interrelationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organisms and property;

(j) “export” means taking out to any place outside those territories to which this Act extends from a place inside the territories; 30

(k) “formulation” means a preparation containing one or more technical grade pesticides in specified proportions along with other ingredients in specified proportions;

(l) “import” means bringing into any place within the territories to which this Act extends from a place outside those territories; 35

(m) “label” means any written, printed or graphical representation on or attached to the immediate package, or on any covering in which the package is placed or packed;

(n) “leaflet” means any written, printed or graphical representation accompanying the package; 40

(o) “Licensing Officer” means a Licensing Officer appointed under section 27;

(p) “manufacture” includes any process or part of a process for making, altering, finishing, packing, labelling, repacking or relabeling any pesticide or formulation with a view to its ultimate sale, distribution or use;

(q) “notification” means a notification published in the Official Gazette; 45

(r) “ordinary use pesticide” means any pesticide intended for use only in households, offices and similar premises, but excludes pesticides intended for use in agriculture, industry, pest control operations, public health or storage;

5 (s) “other ingredients” means inert materials, dispersing agents, emulsifying agents, wetting agents, surfactants, stabilisers, preservatives, perfumes, colouring agents or other substances which are biologically inactive and are added in a specified proportion to a technical grade pesticide to make a formulation;

(t) “package” means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper, or other things in which a pesticide is placed or packed;

10 (u) “person” includes any individual, company, association, or body of individuals, whether incorporated or not;

15 (v) “pest” means any species, strain or biotype of plant, animal or pathogenic agent that is unwanted or injurious to plants, plant products, human beings, animals, other living creatures and the environment and includes vectors of parasites or pathogens of human and animal diseases and vermin as defined in the Wild Life (Protection) Act, 1972;
53 of 1972.

(w) “pesticidal property” means such property of a substance that have the same chemical or biological action as a pesticide;

20 (x) “pesticide” means any substance or mixture of substances, including a formulation of chemical or biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, industry, pest control operations, public health, storage or for ordinary use, and includes any substance intended for use as a plant growth regulator, defoliant, desiccant, fruit thinning agent, or sprouting inhibitor and any substance applied to crops either
25 before or after harvest to protect them from deterioration during storage and transport;

(y) “Pesticide Analyst” means a Pesticide Analyst appointed under section 39;

(z) “pest control operator” means any person other than a worker conducting pest control operations for commercial consideration, and includes the person, firm, company or organisation under whose control such person is operating;

30 (za) “Pesticide Inspector” means a Pesticide Inspector appointed under section 39;

(zb) “Pesticide Testing Laboratory” means a Pesticide Testing Laboratory established under section 38;

35 (zc) “poisoning, in relation to human beings” means the occurrence of damage or disturbance of bodily structure or function by occupational exposure to a pesticide, leading to illness, injury or death;

(zd) “premises” means any land, shop, stall or place, where any pesticide is manufactured, distributed, sold, exhibited for sale, stored, stocked, transported, used or disposed;

40 (ze) “prescribed” means prescribed by rules made under this Act;

(zf) “Registration Committee” means the Registration Committee constituted under section 9;

(zg) “risk” means the probability and severity of an adverse health or environmental effect occurring as a function of the inherent property of a pesticide and the likelihood and the extent of exposure to a pesticide;

45 (zh) “sale” means the sale of any pesticide whether for cash or on credit and whether by wholesale or retail, as a stand-alone product or as part of any other

product, and includes an agreement for sale, an offer for sale, exposing for sale or having in possession for sale any pesticide, or an attempt to sell or provide services related to the use of any pesticide;

(zi) “State Government”, in relation to a Union territory, means the administrator of that Union territory appointed by the President under article 239 of the Constitution; 5

(zj) “stock” means the storage of pesticides on premises in the course of commercial activity involving such pesticides;

(zk) “technical grade pesticide” means the purest form of a pesticide produced for commercial use; and

(zl) “worker” means any person, including an apprentice, employed to do any 10 manual or unskilled work that involves exposure to pesticides or packages for hire or reward, whether the terms of employment be express or implied.

CHAPTER II

CENTRAL PESTICIDES BOARD AND REGISTRATION COMMITTEE

Constitution of Central Pesticides Board.

4. The Central Government shall, within a period of six months from the date of 15 commencement of this Act, constitute a Board to be called the Central Pesticides Board to carry out the functions assigned to it by or under this Act.

Composition, terms and conditions of Members of Board.

5. (1) The Board shall consist of the following Members, namely:—

(a) a person having experience in the field of agriculture or chemicals or health or environment to be nominated by the Central Government—Chairperson; 20

(b) a designated representative not below the rank of Joint Director of each of the following authorities—*ex-officio* Member;—

(i) the Directorate of Plant Protection, Quarantine and Storage;

(ii) Drugs Controller General of India;

(iii) Director General, Indian Council of Agriculture Research; 25

(iv) Director General, Bureau of Indian Standards;

(v) Director General, Indian Council of Medical Research;

(vi) Director General, Council of Scientific and Industrial Research;

(vii) the Storage and Research (Technical) Division, Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution; 30

(viii) Directorate General, Factory Advice Service and Labour Institutes;

(ix) the Zoological Survey of India;

(x) the Food Safety and Standards Authority of India (FSSAI);

(xi) the Department of Animal Husbandry, Dairying and Fisheries; 35

(xii) the Department of Biotechnology, Ministry of Science and Technology;

(xiii) the Central Pesticides Laboratory;

(xiv) the Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers; 40

(xv) the National Institute of Occupational Health;

(xvi) the Ministry of Environment, Forest and Climate Change;

- (xvii) the Central Pollution Control Board;
- (xviii) the Central Ground Water Board;
- (xix) the Ministry of Commerce and Industry;
- (xx) the Ministry of Shipping and Transport;
- (xxi) the Ministry of Railways;

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(c) five Directors of Agriculture or Horticulture from State Governments, representing the five agro-climatic zones to be nominated by the Central Government—Members;

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(d) four experts each from the fields of chemistry, ecology, medical toxicology and pharmacology to be nominated by the Central Government—Members;

(e) two persons to represent farmers of whom at least one shall be female, to be nominated by the Central Government—Members; and

(f) an officer from the Directorate of Plant Protection, Quarantine and Storage, to be nominated by the Central Government—*ex officio* Member-Secretary.

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(2) The Members nominated under clauses (c), (d) and (e) of sub-section (1), shall hold office for such term and such conditions as may be prescribed by the Central Government.

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6. (1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transactions of business at its meetings, including the quorum at such meetings, as it may regulate in this behalf with the approval of the Central Government.

Meetings of Board.

(2) The Central Government may require the Board to convene a meeting when its advice is required on a matter of immediate concern.

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

7. (1) The Board may constitute such committees as it considers necessary and may appoint persons who are not Members of the Board to such committees.

Constitution of committees and engagement of experts.

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(2) The person appointed under sub-section (1) may exercise such powers and perform such duties as may be delegated to them by the Board, subject to any conditions as the Board may impose.

(3) The Members of such committees shall receive such allowances as may be prescribed by the Central Government.

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(4) The Central Government, at the request of the Board, may provide such consultants, experts, advisors or other persons whose services may be required for the efficient discharge of its functions under this Act on such terms and conditions and such allowances as may be prescribed by the Central Government.

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8. (1) The powers and functions of the Board shall include the following:—

Powers and functions of Board.

(a) to advise the Central Government and the State Governments on scientific and technical matters arising out of the administration of the Act and on any questions that may be referred to it by the Central Government and the State Governments;

(b) to advise the Central Government in making—

(i) criteria for good manufacturing practices including processes for pesticide manufacturers;

(ii) best practices for pest control operators;

- (iii) the procedure for the recall of pesticides;
- (iv) the criteria for the disposal of pesticides and packages in an environmentally sound manner;
- (v) standards to be observed by the Central Pesticides Laboratory and Pesticides Testing Laboratories; 5
- (vi) standards for training and working conditions for workers;
- (vii) standards for the advertisement of pesticides in all forms of media;
- (viii) such other matter as may be prescribed by the Central Government;
- (c) to frame model protocols to deal with occurrences of poisoning including the specification of standard operating procedures for medical facilities; 10
- (d) to research on:—
 - (i) the development and availability of safer alternatives to existing pesticides, including agro-ecological practices;
 - (ii) the safety, efficacy and toxicity of registered pesticides;
 - (iii) best practices in the field of pesticide in other countries which may be adopted for parts or the whole of India; 15
- (e) to monitor pesticide residues;
- (f) to monitor global developments relating to pesticide;
- (g) to review the status of applications for the registration of pesticides; and
- (h) to carry out any other function as may be prescribed by the Central Government. 20

(2) The Board may, subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the procedure of any committee thereof and the conduct of all business to be transacted by it or such committee.

9. (1) The Central Government shall, within a period of six months from the date of commencement of this Act, constitute a Committee to be called the Registration Committee to carry out the functions assigned to it by or under this Act. 25

(2) The Registration Committee shall consist of the following, namely:—

- (a) a person to be nominated by the Central Government who shall have expertise in the field of agriculture or pesticides and who shall possess such qualifications and experience as may be prescribed by the Central Government—Chairperson ;** 30
- (b) the Drugs Controller General of India—*ex-officio*—Member;**
- (c) designated representative of the Indian Council of Agricultural Research—*ex-officio*—Member;**
- (d) a designated representative of the Hazardous Substances Management Division, Ministry of Environment, Forest and Climate Change—*ex-officio*—Member;** 35
- (e) a designated representative of the Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers—*ex-officio*—Member;**
- (f) designated representative of any national public institution of repute conducting research in toxicology—*ex-officio*—Member;**
- (g) the Plant Protection Advisor, Government of India—*ex-officio*—Member;** 40
- (h) the Member-Secretary of the Board—Member-Secretary.**

(3) The Chairperson of the Registration Committee shall hold office for such term as may be prescribed by the Central Government.

(4) The Registration Committee may also co-opt such number of experts and for such purpose or period as it may deem fit, but any expert so co-opted shall have no right to vote.

10 **10.** The Chairperson and Member of the Board or the Registration Committee, shall not, for a period of three years from the date on which he ceases to be a Chairperson or a Member of the Board or the Registration Committee, as the case may be, without the previous approval of the Central Government, accept employment in, enter into a contract of service with, be connected with the management of or accept an appointment to the board of directors of an entity that is conducting business in any of the areas regarding which the Board or the Registration Committee conducts research and makes recommendations or advises the Central Government and the State Governments.

Restrictions on employment of Chairperson and Members of Board and Registration Committee.

15 **11.** No act or proceeding of the Board or Registration Committee shall be invalid only by reason of any vacancy in, or defect in the constitution of the Board or Registration Committee, or any defect in the appointment of a person as the Chairperson and Member of the Board or Registration Committee.

Vacancies, etc., not to invalidate proceedings of Board and Registration Committee.

20 **12.** (1) The Registration Committee may constitute one or more sub-committees to perform such duties as may be delegated to them by the committee, subject to any conditions that the committee may specify and the Registration Committee may also co-opt such number of experts and for such purpose or period as it may consider necessary.

Constitution of sub-committees and co-opting of experts.

25 (2) Any decision taken by such sub-committee must be submitted to the Registration Committee for ratification.

30 **13.** The Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it.

Meetings of Registration Committee.

35 **14.** The Registration Committee shall exercise the following powers and functions, in such manner as may be prescribed by the Central Government —

Powers and functions of Registration Committee.

40 (a) make decisions regarding the application received by it for the registration of pesticides;

 (b) specify conditions subject to which a certificate of registration is granted;

 (c) periodically review the safety and efficacy of registered pesticides and amend or cancel certificates of registration;

45 (d) review the registration of pesticides on behalf of which a reference is made, or that are prohibited by the Central Government or the State Government under section 35;

 (e) maintain a national register of pesticides;

 (f) notify substances having pesticidal properties; and

50 (g) such other functions as may be prescribed by the Central Government.

55 **15.** (1) The Central Government shall provide the Board and the Registration Committee with such technical and other staff as it considers necessary.

Secretariat for Central Pesticides Board and Registration Committee.

60 (2) The terms and conditions of service of the technical and other staff shall be such as may be prescribed by the Central Government.

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 CHAPTER III
 REGISTRATION OF PESTICIDES

65 **16.** (1) Any person desiring to import or manufacture any pesticide for ordinary use, use in agriculture, storage, industry, pest control operations or public health, shall make an application to the Registration Committee for a certificate of registration.

Requirement to register pesticides.

(2) If a person desires to import or manufacture more than one pesticide, a separate application shall be made for each pesticide.

Application
for
registration.

17. (1) An application for a certificate of registration shall be in such form and shall contain such information as may be prescribed by the Central Government:

Provided that different forms and information may be prescribed by the Central Government depending on whether the pesticide is proposed to be imported or manufactured, whether it is proposed to be used in India or outside, and the use for which the pesticide is intended:

Provided further that the procedure, form and information may be prescribed by the Central Government for promoting pesticides which are biological and based on traditional knowledge and for encouraging indigenous manufacturing.

(2) If the Registration Committee is of the opinion that the information submitted is not sufficient to enable it to make a decision about registration, it shall have the power to require the applicant to submit any additional information or to conduct any additional tests as it deems fit.

(3) The application shall be accompanied by such fees as may be prescribed by the Central Government.

Decision
regarding
registration.

18. (1) The Registration Committee shall scrutinise an application for a certificate of registration in all respects.

(2) The Registration Committee may conduct an independent enquiry to verify the information submitted by the applicant which may include:—

- (a) the conduct of tests in a manner determined by it,
- (b) consultation with such experts as it deems fit.

(3) The Registration Committee shall maintain an online database of all applications for registration received by it.

(4) While making a decision regarding the registration of a pesticide, the Registration Committee shall evaluate the information submitted by the applicant under section 17 and shall also be guided by factors including safety, efficacy, necessity, end-use of the pesticide, risk involved and the availability of safer alternatives to the pesticide.

(5) The Registration Committee shall not register a pesticide if:—

- (a) the information submitted by the applicant for registration is false or misleading in any material particular;
- (b) it is satisfied that the pesticide does not meet the claims of safety or efficacy submitted by the applicant;
- (c) where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under the Food Safety and Standards Act, 2006.

(6) The Registration Committee may refuse to register a pesticide if there is scientific uncertainty regarding its risks and benefits and there are threats of serious and irreversible damage to human health, other living organisms or the environment.

(7) The Registration Committee shall record in writing its reasons for the grant or refusal of registration to a pesticide and make them available in the public domain.

(8) When the Registration Committee decides to register a pesticide, it shall allot a registration number to the pesticide on such conditions as it deems fit and grant a certificate of registration to the applicant, in such manner as may be prescribed by the Central Government.

19. (1) Where the Registration Committee has granted a certificate of registration for a pesticide, any other person, not being the holder of the original certificate of registration granted under section 18, and desiring to import or manufacture the same pesticide shall make an application to the Committee for a certificate of registration.

Grant of certificate of registration to generic pesticides.

5 (2) An application under sub-section (1) shall be in such form, contains such information and accompanied by such fees as may be prescribed by the Central Government.

(3) If the Registration Committee is satisfied that the pesticide in respect of which the original certificate of registration was granted, has not been banned, it may allot a registration number and grant a certificate of registration to the applicant, stating that such pesticide is
10 a generic pesticide in respect of which the original certificate of registration has been granted.

(4) The certificate of registration granted under sub-section (3) shall be subject to the conditions specified at the time of grant of the original certificate of registration in respect of that pesticide as well as any additional conditions that the Registration Committee may
15 deem fit in respect of the applicant.

20. (1) Any person desiring to import or manufacture a pesticide that shall be introduced in India for the first time shall make an application to the Registration Committee containing such information, in such form and accompanied by such fees as may be prescribed by the Central Government.

Provisional certificate of registration pending observation.

20 (2) The Registration Committee may grant a provisional certificate of registration for a period not exceeding three years, pending observation during which the applicant shall generate the information necessary for the grant of a certificate of registration under section 18.

(3) During the period for which a pesticide has been granted provisional registration,
25 the distribution or sale of such pesticide shall not be permitted, except in the event of an exigency as decided by the Central Government on the recommendation of the Registration Committee.

(4) On the expiry of the period of provisional registration or at any time before such period when the information referred to in sub-section (2) has been generated, the person
30 to whom it has been granted shall make an application for a certificate of registration under section 17 if he desires to import or manufacture the pesticide.

21. (1) The holder of a certificate of registration, desiring to amend the certificate or any condition specified by the Registration Committee while granting the certificate, shall make an application to the Committee in such form and accompanied by such fees as may be
35 prescribed by the Central Government.

Amendment of certificate of registration.

(2) While considering an application made under sub-section (1), the Registration Committee shall undertake the risk assessment as it deems appropriate, on the basis of which it may approve or reject the amendment:

40 Provided that where the amendment may affect the safety or efficacy of the pesticide, including but not limited to a change in the chemical composition of the pesticide or the use for which it was approved at the time of registration, the application for amendment shall be treated as an application for registration, to which the provisions of sections 18, 19 and 20 shall apply.

(3) The amendment of a certificate of registration of a pesticide granted under
45 section 18 shall have such effect on certificates of registration granted under section 19 in such manner as may be prescribed by the Central Government.

22. (1) The holder of a certificate of registration shall intimate the Registration Committee if there is any change in the information submitted to the Committee after the grant of registration, including information related to the safety or efficacy of the pesticide or the
50 status of its registration, restriction or ban in other countries.

Review, suspension and cancellation of registration and ban on pesticides.

- (2) The Registration Committee may, at any time, review:—
- (a) a certificate of registration granted under sections 18 or 19;
 - (b) the molecule or formulation of a pesticide in respect of which registration has been granted.
- (3) A review may be initiated by the Registration Committee:—
- (a) on its own;
 - (b) on the basis of information received by it under sub-section (1) or otherwise;
 - (c) on a reference made in this behalf by the Central Government or the State Government under sub-section (1) of section 35; or
 - (d) subsequent to the prohibition of a pesticide by the Central Government or the State Government under sub-section (2) of section 35.
- (4) While conducting a review, the Registration Committee shall have the power to:—
- (a) conduct tests in a manner determined by it;
 - (b) consult with such experts as it deems fit; or
 - (c) require the concerned holder or holders of the certificate of registration, as the case may be, to submit information or conduct tests.
- (5) While conducting a review, the Registration Committee shall give an opportunity of being heard to the holder of the certificate of registration, and where the review is conducted on the basis of prohibition made under sub-section (2) of section 35, it shall consult the Central Government or the State Government, as the case may be.
- (6) After reviewing the certificate of registration under clause (a) of sub-section (2), the Registration Committee may suspend such certificate if it is satisfied that there are violations of conditions specified in the certificate of registration or provisions of this Act or the rules made thereunder, and it shall direct the holder of such certificate to comply and rectify those conditions within such period as may be prescribed by the Central Government.
- (7) If the holder of a certificate of registration, to whom directions have been issued under sub-section (6), fails to comply with the direction within the period mentioned in sub-section (6), the certificate of registration shall be cancelled on the expiry of such period.
- (8) The Registration Committee may cancel the certificate of registration, if it is satisfied that the information submitted at the time of application for registration was false or misleading in any material particular.
- (9) A certificate of registration shall be cancelled:—
- (a) where an application for registration was made to manufacture the pesticide, if the holder of the certificate of registration fails to obtain a manufacturing licence within three years of being granted the certificate; or
 - (b) where an application for registration was made to import the pesticide, if the holder of the certificate of registration fails to obtain a manufacturing licence or a licence to distribute, sell or stock the pesticide within one year of being granted the certificate.
- (10) The person whose certificate of registration has been cancelled under sub-section (7) or sub-section (8) or sub-section (9), shall not manufacture or import the pesticide in respect of which the certificate of registration was granted.
- (11) After reviewing the molecule or formulation of a pesticide under clause (b) of sub-section (2), the Registration Committee:—
- (a) may suspend all certificates of registration in respect of such molecule or formulation, whether granted under section 18 or section 19, if there is *prima facie* evidence that such molecule or formulation is likely to have an adverse impact on the

health of human beings, other living organisms or the environment or that the pesticide does not appear to have the efficacy which was claimed, and it shall require the holders of certificates in respect of that molecule or formulation to controvert this evidence within a specified period, failing which such certificates shall be cancelled;

5 (b) shall cancel all certificates of registration in respect of such molecule or formulation, whether granted under section 18 or section 19, if it is satisfied that the risk posed by the continued use of such molecule or formulation outweighs its benefits.

(12) When certificates of registration cancelled under sub-section (11), the molecule or formulation in respect of which these certificates were granted shall be deemed to be
10 banned and notified.

(13) The decision taken by the Registration Committee under this section shall be recorded in writing and made available in the public domain.

46 of 1968. **23.** (1) Insecticides registered under the Insecticides Act, 1968 shall be deemed to be
15 registered under the provisions of this Act for a maximum period of two years from the date of commencement of this Act.

Registration under the Insecticides Act, 1968.

(2) Before the expiry of the period mentioned in sub-section (1), the holder of the certificate of registration of such insecticide shall make an application within a period of six months from the date of commencement of this Act for registration of the pesticide in such manner as may be prescribed by the Central Government.

20 **24.** (1) A person whose application for a certificate of registration or its amendment or provisional registration has been refused or cancelled shall, within a period of thirty days from the date on which such decision is made available in the public domain, file an appeal to the Central Government:

Appeal from a decision of Registration Committee.

25 Provided that if the Central Government is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time, it may entertain the appeal after the expiry of the period of thirty days.

(2) The appeal shall be in such form and shall be accompanied by such fees as may be prescribed by the Central Government.

30 (3) The Central Government shall, after giving an opportunity of being heard to the appellant, dispose of the appeal within a period of six months from the date of completion of pleadings.

25. The Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under this Act and may pass any such order as it thinks fit:

Power of revision of Central Government.

35 Provided that no such order shall be passed after the expiry of one year from the date of the decision:

Provided further that the Central Government shall not pass any order prejudicial to any person unless that person has had a reasonable opportunity of being heard against the proposed order.

40 **26.** The Registration Committee shall maintain a national register of pesticides in digital form containing such information as may be prescribed by the Central Government.

National register of pesticides.

CHAPTER IV

GRANT OF LICENCES

45 **27.** (1) The State Government may, by notification, appoint a person having such qualifications as may be prescribed by the State Government as Licensing Officer for the purposes of this Act.

Licensing Officer.

(2) The Licensing Officer shall exercise such powers and functions as may be prescribed by the State Government.

Requirement to obtain licence.

28. (1) Subject to the provisions of this section, any person desiring to manufacture, distribute, exhibit for sale, sell or stock pesticides or undertake pest control operations, shall make an application in such form and with such fee as may be prescribed by the Central Government to the Licensing Officer for the grant of a licence. 5

(2) The person making an application under sub-section (1), shall possess such qualifications and meet such requirements relating to infrastructure, premises, storage and transport as may be prescribed by the Central Government.

(3) The Central Government may, by notification, specify the ordinary use pesticide in respect of which a licence to sell or stock under this Act is not required. 10

Grant of licence.

29. (1) On receipt of an application under section 28, the Licensing Officer may inspect such premises of the applicant as it deems fit.

(2) If the Licensing Officer, on the basis of the inspection and after evaluating the requirements under sub-section (2) of section 28, is satisfied that the conditions for the grant of a licence have been met, he may within a period of ninety days from the date of receipt of application under section 28, grant a licence to the applicant on such terms and conditions as may be specified therein. 15

(3) If the Licensing Officer is satisfied that applicant is not eligible for grant of licence under this Act, he may refuse to grant it and shall communicate the order of refusal to the applicant within a period of ninety days from the date of receipt of the application. 20

(4) Notwithstanding anything contained in this section, State Government may, by notification, appoint a person having such qualifications as may be prescribed by the State Government for sale of extremely toxic or highly toxic category of pesticides by prescription.

Amendment and revocation of licence.

30. (1) The Licensing Officer may amend the terms of a licence or the conditions subject to which it was granted in such manner as may be prescribed by the State Government. 25

(2) If the Licensing Officer is satisfied, either on the basis of a reference made in this behalf or otherwise that,—

(a) the information on the basis of which the licence was granted was false or misleading in any material particular; or 30

(b) the holder of the licence has violated the conditions subject to which it was granted; or

(c) the holder of the licence has contravened any of the provisions of this Act or rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the Licensing Officer may, after giving the holder of the licence an opportunity of being heard, revoke the licence. 35

(3) The licence granted to any person under this Act shall be revoked if the person is convicted of an offence under this Act.

(4) A licence to manufacture, distribute, sell, exhibit for sale, stock or transport a pesticide or to undertake pest control operations shall be deemed to be revoked, if the certificate of registration of that pesticide is cancelled by the Registration Committee. 40

Licences under the Insecticides Act, 1968.

31. (1) Notwithstanding anything contained in the Insecticides Act, 1968, the licence granted under that Act, shall remain in force for the period specified at the time of grant of such licence under that Act. 46 of 1968. 45

(2) When a licence granted under the Insecticides Act, 1968 expires, an application for grant of fresh licence shall be made in accordance with the provisions of this Act. 46 of 1968.

32. (1) The Licensing Officer shall provide to the State Government a monthly report in such manner as may be prescribed by the Central Government relating to,—

Information on licences, sales and stock position.

(a) the grant or revocation of licence of person engaged in manufacture, distribution, stocking and sale of pesticides and of persons engaged in commercial pest control operations with the use of any pesticide;

(b) infrastructure facilities possessed by every pesticide manufacturer in the State;

(c) the monitoring of the quality of pesticides and the offences and punishment awarded under this Act.

(2) The State Government shall consolidate the report received under sub-section (1) and send it to the Central Government in every six months in such manner as may be prescribed by the Central Government.

(3) The person, who sells the pesticides, shall maintain the record of the sale of pesticide and submit the record to the Licencing Officer in such manner as may be prescribed by the Central Government.

(4) Every importer or manufacturer shall maintain a register recording the stock position of pesticides in such manner as may be prescribed by the Central Government.

(5) The Central Government or the State Government may at any time, by notice in writing, require any importer or manufacturer or any other person dealing in pesticides to furnish within the time specified in the notice, such information in respect of any pesticide or any batch thereof, including the particulars of all persons to whom it has been sold or distributed, as it may consider necessary.

33. (1) Any person aggrieved by the decision of the Licensing Officer under section 29 or section 30 may, within a period of thirty days from the date on which the decision is communicated to him, prefer an appeal to the State Government in such form and accompanied by such fees as may be prescribed by the State Government:

Appeal from decision of Licensing Officer.

Provided that the State Government may entertain an appeal after the expiry of the said period, 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 State Government shall, after giving the appellant an opportunity of being heard, dispose of the appeal within a period of six months from the date of receipt of the appeal.

CHAPTER V

PESTICIDE SURVEILLANCE AND PROHIBITION IN THE PUBLIC INTEREST

34. (1) The State Government shall, by notification, require any person or class of persons specified therein to report all occurrences of poisoning coming within his or their cognizance to such officer as may be specified in the notification.

Notification of poisoning and constitution of fund.

(2) The State Government shall review and analyse occurrences of poisoning within its jurisdiction and submit a quarterly report to the Central Government.

(3) The State Government shall develop a plan to implement the model protocol framed by the Board to deal with occurrences of poisoning.

(4) The Central Government shall constitute a fund, to which shall be credited:—

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;

(b) penalties imposed by a court for the contravention of any of the provisions of this Act.

(5) The fund constituted under sub-section (4), shall be utilised to make ex gratia payment to persons or their legal heirs, as the case may be, who have suffered hurt, grievous hurt or have died in the course of poisoning.

(6) The quantum and procedure for ex gratia payment shall be such, as may be prescribed by the Central Government. 5

Prohibition on pesticides in public interest and ban on pesticides.

35. (1) The Central Government or State Government may, at any time, make a reference to the Registration Committee to review the safety or efficacy of a molecule or formulation of a pesticide in respect of which registration has been granted, and the provisions of section 22 shall apply *mutatis mutandis* to such review.

(2) If, on the basis of information received or otherwise, the Central Government or the State Government is of the opinion that it is expedient or necessary in the public interest to take immediate action on account of the use of any pesticide that is being distributed, manufactured, sold, stocked or used in agriculture, industry, storage, public health, ordinary use or pest control operations having had or being likely to have an adverse impact on, or posing a risk to human health, other living organisms or the environment or posing a barrier in international trade of agriculture commodities, the Central Government or the State Government, as the case may be, may, by notification, prohibit the distribution, sale or use of the pesticide or a specified batch in such area and for such period not exceeding one year. 10 15

(3) On publication of the notification under sub-section (2), the Registration Committee shall undertake a review of the molecule or formulation of such pesticide and the provisions of section 22 shall apply *mutatis mutandis* to such review. 20

(4) The Registration Committee shall complete its review within a period not exceeding one year from the date of the publication of the notification:

Provided that if the information available to the Committee is not sufficient to enable it to make a decision within one year, this period may be extended by a further period not exceeding one hundred and eighty days. 25

(5) The prohibition on the distribution, sale or use of the pesticide shall continue until the Registration Committee arrives at a decision in this behalf and the decision shall be available to public.

(6) If the Registration Committee is satisfied that the pesticide does not present a risk to the health of human beings, other living organisms or the environment, the prohibition on the distribution, sale or use of the pesticide shall be allowed from the date on which the decision of the Registration Committee is available to public. 30

(7) Notwithstanding anything contained in this section or in section 22, the Central Government may, by notification, ban a molecule or formulation of a pesticide in respect of which registration has been granted if— 35

(a) such ban is necessary to comply with the orders of a court of competent jurisdiction; or

(b) such molecule or formulation has been banned under any international treaty or agreement relating to pesticides to which India is a party. 40

(8) All certificates of registration granted in respect of a molecule or formulation of a pesticide banned under sub-section (7), shall be deemed to be cancelled from the date of publication of the notification.

State-level database on pesticides.

36. The State Government shall maintain a consolidated, State-level database on pesticides in digital form containing such information as may be prescribed by the Central Government. 45

CHAPTER VI

PESTICIDES LABORATORIES AND ANALYSIS OF PESTICIDES

37. (1) The Central Government may, by notification, establish a Central Pesticides Laboratory under the control of a Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act. Central Pesticides Laboratory.

(2) The Central Government may, by notification, designate such other laboratory as it deems fit to perform such functions of a Central Pesticides Laboratory, as may be specified in the notification.

38. (1) The Central Government or the State Government may, by notification, establish a Pesticide Testing Laboratory under the control of Director to be appointed by the Central Government or the State Government, as the case may be, respectively to carry out the functions entrusted to it by or under this Act. Pesticides Testing Laboratories.

(2) The Central Government or the State Government may, by notification, direct that the functions of the Pesticide Testing Laboratory shall, to such extent as may be specified in the notification, be carried out by such other public institutions and thereupon, the functions of the Director of a Pesticides Testing Laboratory shall also be performed by the head of that institution.

(3) The Central Government or the State Government authorised by it in this behalf, may recognise private laboratories to carry out all or any of the functions of Pesticide Testing Laboratory, on compliance of the standards as may be prescribed by the Central Government.

(4) No private laboratory, any director or partner or officer of which has any financial or other interest in the manufacture, import, export, stocking, distribution or sale of any pesticide or in any pest control operations, shall be recognised under sub-section (3).

(5) Any recognition made under sub-section (3) may be withdrawn by the Central Government or the State Government for reasons to be recorded in writing and after giving the concerned laboratory an opportunity of being heard.

39. (1) The Central Government or the State Government may, by notification, appoint such persons as it thinks fit, possessing such technical and other qualifications as may be prescribed by the Central Government or the State Government to be Pesticide Analyst for such areas and in respect of such pesticides or class of pesticides as may be specified in that notification: Pesticide Analyst and Pesticide Inspector.

Provided that no person who has any financial or other interest in the distribution, export, import, manufacture, exhibition for sale, sale or stocking of a pesticide or in any pest control operations, shall be appointed as a Pesticide Analyst.

(2) The Central Government or the State Government may, by notification, appoint such persons as it thinks fit, possessing such technical and other qualifications as may be prescribed by the Central Government or the State Government to be Pesticide Inspector for such areas as may be specified in that notification:

Provided that no person who has any financial or other interest in the distribution, export, import, manufacture, exhibition for sale, sale or stocking of a pesticide or in any pest control operations, shall be appointed as a Pesticide Inspector.

40. (1) Subject to the provisions of section 41, a Pesticide Inspector shall have the power to:— Powers of Pesticide Inspector.

(a) enter and search, at all reasonable times and with such assistance, if any, as he considers necessary, any premises or in the case of a vehicle, stop and search a vehicle, in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed or for the purpose of satisfying himself that the provisions of this Act or the rules made thereunder or the conditions of any certificate of registration or licence issued are being complied with;

(b) require the production of, and to inspect, examine, make copies of, take extracts from or seize any record, register, document or other material object or stock of a pesticide found on any premises or kept by a dealer, distributor, manufacturer, importer, vendor, carrier of a pesticide, pest control operator or such other person, if he has reason to believe that all or any of them may furnish evidence of the commission of an offence under this Act or the rules made thereunder; 5

(c) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or the rules made thereunder are being complied with and for that purpose stop any vehicle;

(d) take samples of any pesticide which is being manufactured, sold, stocked, exhibited, offered for sale or distributed and send such samples for test and analysis to the Pesticide Analyst within forty-eight hours and in such manner as may be prescribed by the Central Government; 10

(e) require any person for the time being in charge of any premises to disclose to the Pesticide Inspector where the pesticide is being stored or manufactured, as the case may be; 15

(f) stop, through an order in writing and with the prior permission of any person whom the State Government has appointed an Executive Magistrate under the Code of Criminal Procedure, 1973, the distribution, sale, use or disposal of a pesticide which he has reason to believe is being distributed, sold, used or disposed in contravention of the provisions of this Act or the rules, made thereunder for a specified period not exceeding sixty days or till the receipt of the report of the Pesticide Analyst, whichever is earlier; 2 of 1974. 20

Provided that if the Pesticide Inspector has not been able to take prior permission due to emergent circumstances, he shall as soon as may be, but not later than forty-eight hours, inform the Executive Magistrate and take his orders to stop the sale, distribution, use or disposal of any pesticide; 25

(g) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder:

Provided that in a custom bound area any customs officer, who has reason to believe, through a written complaint or otherwise, that an offence relating to the import or export of pesticides has been or is likely to be committed in a custom bound area, shall bring to the notice of the Directorate of Plant Protection, Quarantine and Storage, to enable further action to be taken in this regard. 30

(2) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code. 35 2 of 1974.

(3) Any person against whom an order is proposed to be passed under clause (f) of sub-section (1), shall be served notice to show cause against it in such manner as may be prescribed by the Central Government. 40

(4) The Pesticide Inspector may requisition the services of any police officer or of any other officer or of both, as the case may be, for assistance related to any of the purposes specified in sub-section (1) and it shall be the duty of every such police officer or officer to comply with such requisition.

Procedure to be followed by Pesticide Inspector.

41. (1) Where a Pesticide Inspector takes any sample of a pesticide, he shall pay the person from whom such sample is taken, the price at which the pesticide is usually sold to the public, and may require a written acknowledgement to this effect. 45

(2) Where a Pesticide Inspector seizes any record, register, document or other material object or stock of a pesticide under section 40, he shall, as soon as may be, inform a Judicial Magistrate of such seizure, and take orders as to its custody. 50

(3) Where a Pesticide Inspector passes an order under clause (f) of sub-section (I) of section 40, he shall, if he seizes the stock of the pesticide, as soon as may be, inform a Judicial Magistrate and take his orders as to the custody thereof.

(4) As soon as may be, the Pesticide Inspector may ascertain whether or not the pesticide contravenes any of the provisions of this Act or the rules made thereunder including through the testing and analysis of a sample of the pesticide in accordance with the provisions of this Act and rules.

(5) If it is ascertained that the pesticide or its sale, distribution or use does not so contravene the provisions of this Act or the rules made thereunder, the Pesticide Inspector may revoke the order passed and if the stock of the pesticide has been seized, take such action as may be necessary for its return.

(6) Without prejudice to the institution of any prosecution, if the alleged contravention be such that the defect may be remedied by the possessor of the pesticide, on being satisfied that the defect has been so remedied, immediately revoke his order, and if the stock of the pesticide has been seized, the Pesticide Inspector may take such action as may be necessary for its return.

(7) Where a Pesticide Inspector seizes the stock of any pesticide under section 40, he shall tender a receipt therefor in such form as may be prescribed by the Central Government.

(8) Where a Pesticide Inspector takes any sample of a pesticide, he shall intimate the purpose of taking sample in writing to the person from whom the sample is taken in such manner as may be prescribed by the Central Government.

(9) The Pesticide Inspector shall draw the sample in the presence of the person from whom the sample is taken, unless he wilfully absents himself and shall divide the sample into such number of portions, of such weight or volume as may be prescribed by the Central Government.

(10) The portion of the sample shall be placed in such containers and sealed and marked by the Pesticide Inspector and by the person from whom the sample is taken, in such manner as may be prescribed by the Central Government.

(11) The Pesticide Inspector shall also put his seal on the package from which the sample is taken and indicate the quantity of the sample drawn for test or analysis.

(12) The Pesticide Inspector shall deal with the portions of the samples taken under this section in such manner as may be prescribed by the Central Government.

42. (1) The Pesticide Analyst to whom a sample of any pesticide has been submitted for test or analysis under clause (d) of sub-section (I) of section 40 shall, within a period of thirty days, from the date of such submission deliver a signed report to the Pesticide Inspector in quadruplicate in such manner as may be prescribed by the Central Government.

Report of
Pesticide
Analysts.

(2) On receipt of a report from the Pesticide Analyst, the Pesticide Inspector shall, within a period of ten days, deliver a copy of the report to:—

(a) the manufacturer of the pesticide;

(b) the person from whom the sample was taken, if such person is not the manufacturer;

(c) the Plant Protection Advisor, where the Pesticide Inspector is appointed by the Central Government or the Director of Agriculture of a State, where the Pesticide Inspector is appointed by the State Government; and

(d) retain the fourth copy with him.

(3) Any document purporting to be a report signed by the Pesticide Analyst shall be the conclusive evidence of the facts stated therein, unless the person from whom the sample was taken has within twenty-eight days of the receipt of a copy of the report informed in writing to the Pesticide Inspector or the court before which any proceedings in

respect of the sample are pending that he intends to adduce evidence in controversion of the report.

(4) Unless the sample has already been tested or analysed in a Central Pesticides Laboratory, where a person has, under sub-section (3) informed his intention of adducing evidence in controversion of the report of the Pesticide Analyst, the court may, of its own motion or in its discretion, at the request either of the complainant or of the accused, cause the sample of the pesticide produced before it to be sent for test or analysis to the said laboratory, which shall, within a period of thirty days, make the test or analysis and report in writing signed by, or under the authority of the Director of the Central Pesticides Laboratory, of the result thereof, and such report shall be conclusive evidence of the facts stated therein. 10

(5) The cost of a test or analysis conducted by the Central Pesticides Laboratory under sub-section (4), shall be paid by the complainant or the accused, as the court may direct.

(6) The remains of the samples so drawn and tested shall be disposed of within a period of three years from the date of drawing of the sample in such manner as may be prescribed by the Central Government or if applicable, within three years of the conclusion of proceedings before the court or as the court may direct, whichever is later. 15

CHAPTER VII

OFFENCES AND PUNISHMENT

20

Punishment
for
obstruction.

43. Whoever obstructs an officer in exercising of powers or discharging of duties under this Act or the rules made thereunder shall be punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees.

Punishment
for violations
of conditions
of registration
and licensing.

44. Whoever manufactures, imports, distributes, sells, exhibits for sale, stocks or transports a pesticide or undertake pest control operations in violation of the conditions of registration specified by the Registration Committee, or in violation of the conditions of the licence granted by the Licensing Officer shall be punishable with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees. 25

Punishment
for activities
related to
import and
export of
pesticides.

45. (1) Whoever—

(a) exports or imports any pesticide in contravention of provisions of this Act or of any international treaty, agreement or decision relating to pesticides; 30

(b) transports or causes to be transported within the country any pesticide which is registered in India only for the purpose of export, except directly between the manufacturing premises for which a licence of manufacture has been obtained and the port of exit;

(c) distributes or sells or causes to be used or undertakes pest control operations with a pesticide in India, where such pesticide has been registered for the purpose of export only, 35

shall be punishable with imprisonment for a term which may extend to two years, or with fine which shall not be less than five lakh rupees but which may extend to twenty lakh rupees, or with both. 40

(2) Nothing in this section shall apply to the transportation of any expired pesticide for disposal in such manner as may be prescribed by the Central Government.

Punishment
for activities
involving
unregistered
and unlicensed
pesticides.

46. Whoever manufactures, imports, distributes, sells, exhibits for sale, stocks or transports a pesticide or undertakes pest control operations—

(a) with any pesticide that has not been registered in accordance with the provisions of this Act; or 45

(b) without a valid licence, where such licence is required by the provisions of this Act,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than ten lakh rupees but which may extend to forty lakh rupees, or with both.

5 **47. (I)** Whoever deliberately or fraudulently misrepresents the identity, composition or source of a pesticide in the course of its manufacture, import, distribution, sale, exhibition for sale, stocking or conduct of pest control operations, shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than ten lakh rupees but which may extend to forty lakh rupees, or with both. Punishment for activities involving falsified pesticides.

(2) The prohibition under sub-section (I) includes, but is not limited to—

10 (a) deceptive claims about the efficacy of the pesticide or the use for which it has been registered;

(b) false claims about the chemical composition of the pesticide;

(c) using a false registration number on the label or package of the pesticide;

15 (d) printing a different label of the pesticide from the one approved by Registration Committee;

(e) altering the date of manufacture of a pesticide at the time of repacking or relabelling;

(f) impersonating another manufacturer or purporting to be a manufacturer which does not exist, through the label, package or otherwise.

20 *Explanation.*—For the purposes of this section:

(a) “identity” means the common name, trade name, batch number, date of manufacture, date of expiry, labelling, packaging, quantity or other documents that support the authenticity of a pesticide;

25 (b) “composition” means the chemical composition of the pesticide, including the biological active part of the pesticide and other ingredients approved by the Registration Committee at the time of registration; and

(c) “source” means the identification, including the name and address of the manufacturer, importer or the holder of the certificate of registration or licence of the pesticide, as the case may be.

30 **48. Whoever—**

(a) manufactures, imports, distributes, sells, exhibits for sale or stocks a pesticide or undertakes pest control operations with a pesticide, the certificate of registration of which has been suspended, cancelled or is deemed to be cancelled under section 22 or a pesticide, the molecule or formulation of which is deemed to be banned under section 22 or a pesticide that has been banned by the Central Government under sub-section (7) of section 35;

(b) distributes, sells or uses any pesticide that has been prohibited by the Central Government or the State Government under sub-section (2) of section 35 for the period for which the prohibition is in force,

40 shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than ten lakh rupees but which may extend to forty lakh rupees, or with both.

49. Notwithstanding anything contained in this chapter, in contravention of any provisions of this Act:—

45 (a) whoever causes hurt to a person shall be punishable with fine which may extend to ten lakh rupees;

Punishment for activities involving banned pesticides, etc.

Punishment for causing hurt, grievous hurt or death.

(b) whoever causes grievous hurt to a person shall be punishable with fine which shall not be less than five lakh rupees but may extend to fifteen lakh rupees; and

(c) whoever causes death to a person shall be punishable with imprisonment for a term which may extend to five years, or with fine which shall not be less than ten lakh rupees but which may extend to fifty lakh rupees, or with both.

Subsequent offences.

50. If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to not less than twice the fine that was imposed at the time of the first conviction, irrespective of the maximum fine provided for such offence in this Chapter: 10

Provided that where a person is convicted of an offence under section 44 for the third time or more, he shall also be liable to imprisonment for a term which may extend to one year.

Actions consequent to conviction.

51. (1) Where any person has been convicted of an offence under this Act, the stock of the batch of the pesticide in respect of which the contravention has been made shall be liable to be confiscated: 15

Provided that during the pendency of proceedings under this Act, if the court is satisfied, on an application made by the Pesticide Inspector or otherwise and after such inquiry as may be necessary, that a pesticide is being manufactured, imported, sold, stocked, distributed or used for pest control operations in contravention of the provisions of this Act, such pesticide shall be liable to confiscation. 20

(2) Where any person has been convicted of an offence under this Act, the court before which the conviction took place may cause the offender's name and place of residence, the offence and the penalty imposed, to be published in such newspapers or in such other manner as the court may direct.

Offences by companies.

52. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of the business of, the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: 25

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. 30

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 35

Explanation:—For the purposes of this section— 40

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

Cognizance and trial of offences.

53. (1) No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Central Government or any person authorised in this behalf by the Central Government or the State Government, by the State Government, as the case may be, and the consent or refusal for the institution of prosecution shall be intimated in such time as may be prescribed by the Central Government. 45

(2) No court inferior to that of Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

54. (1) It shall be no defence in a prosecution under this Chapter to prove merely that—

5 (a) the accused was ignorant of—

(i) the nature or substance or quality of the pesticide in respect of which the offence was committed; or

(ii) the risk involved in the manufacture, sale or use of such pesticide; or

(iii) the circumstances of its import;

10 (b) a purchaser, having bought only for the purpose of test or analysis, was not prejudiced by the sale.

(2) A person, not being the importer or manufacturer of a pesticide or his agents shall not be liable for a contravention of any provision of this Act, if he proves that—

15 (a) he acquired the pesticide from a person having a valid licence to import, manufacture, sell, distribute or stock a pesticide, as the case may be;

(b) he did not know and could not with reasonable diligence, have ascertained that the pesticide received from the manufacturer or distributor is not of approved composition;

20 (c) the pesticide, while in his possession, was properly stored and remained in the same state as when he acquired it.

CHAPTER VIII

MISCELLANEOUS

25 55. (1) Substances having pesticidal properties or any preparation containing any one or more of such substances notified under clause (f) of section 14 and are not intended for use as pesticides in India may be regulated in such manner as may be prescribed by the Central Government:

Provided that the Central Government may, on the recommendations of the Registration Committee and subject to such conditions as it may specify, by notification, exempt such substances from all or any of the provisions of this Act or the rules made thereunder.

30 (2) If a batch of pesticide has out lived its shelf-life or a batch has been declared to be falsified or has been banned or cancelled under section 22, it shall be segregated and disposed of within such period and in such manner as may be prescribed by the Central Government for safe of human beings, animals and environment.

35 56. (1) No person using pesticides in his own household, kitchen-garden or land under their own cultivation shall be liable to be prosecuted for any offence under this Act.

(2) The Central Government may, by notification, and subject to such conditions as may be specified, exempt from all or any of the provisions of this Act or the rules made thereunder any use of pesticides for educational, scientific or research purposes by organisations carrying out such activities.

40 **57. If the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to exercise such powers and perform such functions to regulate the price of pesticides in such manner as may be prescribed by the Central Government.**

45 58. (1) The Central Government may give such directions as it may deem necessary to a State Government or the Board for carrying out all or any of the provisions of the Act or the rules made thereunder and the State Government or the Board, as the case may be, shall comply with such directions.

Defences to prosecution under this Act.

Regulation of substances having pesticidal properties and disposal of pesticide.

Exemption.

Price of pesticides.

Power of Central Government to give directions.

(2) The Central Government may, for matters arising out of the administration of this Act, give such directions, in an exigency to the Registration Committee and the Committee shall comply with such directions.

Members of authorities and officers under this Act to be public servants.

59. The Members and officers of the Board, the Registration Committee, the Licensing Officers, the Pesticide Analysts, the Pesticide Inspectors or officers exercising the powers of the Pesticide Inspector shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

5

45 of 1860.

Protection of action taken in good faith.

60. No prosecution, suit or other proceeding shall lie against the Government, or any officer of the Government, or the Board, the Registration Committee, or any committee of the Board or any sub-committee of the Registration Committee for anything done in good faith or intended to be done under this Act.

10

Compensation under the Consumer Protection Act, 1986.

61. A consumer of a pesticide may claim compensation from a manufacturer or distributor or stockist or retailer or pest control operator, as the case may be, under the provisions of the Consumer Protection Act, 1986 for any loss or injury in respect of pesticide.

15 68 of 1986.

Power of Central Government to make rules.

62. (1) The Central Government may, after consultation with the Board and subject to the condition of previous publication of notification, make rules for carrying out the provisions of this Act:

Provided that the consultation with the Board may be dispensed with if the Central Government is of the opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case, the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the making of such rules.

20

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

25

(a) the terms and conditions of the Members under sub-section (2) of section 5;

(b) the allowances of the Members of the Committee under sub-section (3) of section 7;

(c) the term and conditions and such allowances of consultant, experts, advisers or other persons under sub-section (4) of section 7;

30

(d) other matters under sub-clause (viii) of clause (b) of section 8;

(e) the other functions under clause (h) of sub-section (1) section 8;

(f) the qualification and experience of the Chairperson of the Registration Committee under clause (a) of sub-section (2) of section 9;

(g) the terms of the office of the Chairperson of the committee under sub-section (3) of section 9;

35

(h) other functions of the Registration Committee under clause (g) of section 14;

(i) the terms and conditions of the technical and other staff under sub-section (2) of section 15;

(j) the form and information under sub-section (1) of section 17;

40

(k) the different form and information under the first proviso to sub-section (1) of section 17;

(l) the procedure, form and information under the second proviso to sub-section (1) of section 17;

(m) the fees for application under sub-section (3) of section 17;

45

(n) the manner for grant of certificate of registration to the applicant under sub-section (8) of section 18;

(o) the form of application and fees under sub-section (2) of section 19;

(p) the form of application and fees under sub-section (1) of section 20;

5 (q) the form of application and fees for amendment of certificate of registration under sub-section (1) of section 21;

(r) the manner of amendment of certificate of registration under sub-section (3) of section 21;

(s) the period for rectification of violation under sub-section (6) of section 22;

10 (t) the manner of making application for registration of the pesticides under sub-section (2) of section 23;

(u) the form and fees of appeal under sub-section (2) of section 24;

(v) the information to be contained in the national register of pesticides under section 26;

15 (w) the application form and fees of licence under sub-section (1) of section 28;

(x) the qualifications of a person making an application and requirements related to infrastructure, premises, storage and transport under sub-section (2) of section 28;

20 (y) the manner of providing monthly report under sub-section (1) of section 32;

(z) the manner of sending report by the State Government to the Central Government under sub-section (2) of section 32;

(za) the manner of maintaining record of sale of pesticide and submission of record to the Licencing Officer under sub-section (3) of section 32;

25 (zb) the manner of maintaining register recording the stock position of pesticides under sub-section (4) of section 32;

(zc) the quantum and procedure of exgratia payment under sub-section (6) of section 34;

(zd) the information contained in the digital form under section 36;

30 (ze) the standards to be complied under sub-section (3) of section 38;

(zf) the technical and the other qualifications of a Pesticide Analyst under sub-section (1) of section 39;

(zg) the technical and other qualifications of a Pesticide Inspector undersub-section (2) of section 39;

35 (zh) the manner for sending samples for test and analysis to the Pesticide Analyst under clause (d) of sub-section (1) of section 40;

(zi) the manner of serving of notice to show cause under sub-section (3) of section 40;

(zj) the form of receipt under sub-section (7) of section 41;

40 (zk) the manner of intimation the purpose of taking sample of pesticide under sub-section (8) of section 41;

(zl) the number of portions weight or volume of the sample under sub-section (9) of section 41;

(*zm*) the manner of sealing and marking of the containers under sub-section (10) of section 41;

(*zn*) the manner of dealing with the portions of samples by the Pesticide Inspector under sub-section (12) of section 41;

(*zo*) the manner of delivering the signed report in quadruplicate under sub-section (1) of section 42; 5

(*zp*) the manner of disposal of remains of samples drawn and tested under sub-section (6) of section 42;

(*zq*) the manner of disposal of expired pesticide under sub-section (2) of section 45; 10

(*zr*) the time for intimation of consent or refusal for institution of the prosecution under sub-section (1) of section 53;

(*zs*) the manner of regulation of substances not intended for use as pesticides under sub-section (1) of section 55;

(*zt*) the period and manner of segregation and disposal of the pesticide under sub-section (2) of section 55; 15

(*zu*) the power and functions of authority and the manner to regulate the prices of pesticides under section 57;

(*zv*) any other matter which is required to be, or may be, prescribed.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as 20 may be after it is made, before each House of the Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only 25 in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Governments to make rules.

63. (1) The State Government may, after consultation with the Board and subject to the condition of previous publication make rules for carrying out the provisions of this Act and 30 not inconsistent with the rules, if any, made by the Central Government.

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

(a) the qualifications of Licencing Officer under sub-section (1) of section 27;

(b) the powers and function of Licencing Officer under sub-section (2) of section 27; 35

(c) the qualifications of a person under sub-section (4) of section 29;

(d) the terms and conditions for amendment of licence under sub-section (1) of section 30;

(e) the form and fees of appeal under sub-section (1) of section 33; 40

(f) the technical and other qualifications of the Pesticides Analyst under sub-section (1) of section 39;

(g) the technical and other qualifications of the Pesticides Inspector under sub-section (2) of section 39;

(h) any other matter which may be, or is required to be prescribed. 45

(2) Every rule made by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

5 **64.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with the provisions of this Act as it may appear to be necessary, for removing the difficulty: Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of the period of three years from the date of commencement of this Act.

10 (2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

46 of 1968. **65.** (1) The Insecticides Act, 1968, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Insecticides Act, 1968 (the Act) was enacted to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals. In the said Act, there is a lack of sufficient deterrence against violations and there is no stricter penalty to safeguard the farmers interest. There is also no mechanism to regulate pricing and disposal in an environmentally sound manner. Further, the Act is more than fifty years old and its provisions are inadequate to meet the multi-dimensional management and administration of pesticides in present times. It is also important to align India's obligations with various International forums.

2. In view of the above, stricter penalties are required for safeguarding the interest of farmers, which is jeopardised by the rampant availability of the pesticides which are of dubious and deceptive identity, composition and source. Representation of farmers and greater participation of States in formulation of technical standards for holistic management of pesticides is required. It is also pertinent to strike a balance amongst all stakeholders' aspirations.

3. In this background, a need was felt to bring a new legislation providing for better management of pesticides. With this in view, it is proposed to replace the Insecticides Act, 1968 by a new legislation, namely, the Pesticide Management Bill, 2020.

4. The proposed Bill, *inter alia*, provides for the following, namely:—

(i) to ensure transparency and effective implementation of the provisions of the proposed legislation and also to enable the Central Government to make rules relating to the manner in which the powers and functions of the Registration Committee would be exercised;

(ii) provision has been made for encouraging indigenous manufacturing;

(iii) provision has also been made for promoting pesticides that are biological and based on traditional knowledge;

(iv) while registering a pesticide, the Registration Committee apart from evaluating its safety and efficacy, would also be guided by factors like necessity, end use, risk involved and availability of safer alternatives;

(v) fixation of maximum residue limits for pesticides have been made mandatory;

(vi) provision has been made for review, suspension and cancellation of registration and ban on pesticides;

(vii) the State Governments may prescribe qualifications for Licencing Officer, Pesticide Inspector and Pesticide Analyst to be appointed by them;

(viii) provision has been made to constitute an authority to exercise such powers and perform such functions relating to regulating the price of pesticides;

(ix) provision has been made for deemed revocation of licences in case of cancellation of registration of a pesticide;

(x) the Central Government may, by notification, specify ordinary use pesticides in respect of which a licence to sell or stock will not be required;

(xi) empowering the Central Government and the State Governments to accredit private laboratories to carry out any or all functions of a Pesticide Testing Laboratory on compliance of prescribed standards;

(xii) offences have been categorised separately in terms of the degree of severity like 'punishment for obstruction', 'punishment on violations of conditions of registration and licensing', 'punishment for activities related to import and export of pesticides', 'punishment for activities involving unregistered and unlicensed pesticides', 'punishment for activities involving falsified pesticides', 'punishment for activities involving banned pesticides', 'punishment for causing hurt, grievous hurt or death', etc.;

(xiii) to deter the subsequent offences, a provision has been made for imposing a fine of not less than twice the fine that was imposed at the time of the first conviction, in case of subsequent offences, irrespective of the maximum fine provided for such offence;

(xiv) it has also been provided that if a person is convicted for third time or more for violations of conditions of registration and licencing, he shall be liable to imprisonment for a term extending up to one year;

(xv) provision has been made to empower the Central Government to constitute a fund, *inter alia*, for making *ex gratia* payments to persons or their legal heirs, as the case may be, who have suffered hurt, grievous hurt or have died in the course of poisoning due to occupational exposure to pesticide;

(xvi) to enable the Central Government to give directions to a State Government, the Central Pesticide Board and in case of exigency, to the Registration Committee for carrying out all or any of the provisions of the proposed legislation or rules made thereunder.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 15th March, 2020.

NARENDRA SINGH TOMAR

Notes on clauses

Clause 1 of the Bill seeks to provide for short title, extent and commencement of the Bill.

Clause 2 of the Bill seeks to provide for declaration of expediency of control by the Union of India.

Clause 3 of the Bill seeks to provide for the definition of the certain words and expressions used in various provisions of the Bill. These expressions, *inter alia*, include the expressions, 'label', 'pest', 'pesticide', 'poisoning', 'ordinary use pesticide', 'risk', 'technical grade pesticide', etc.

Clause 4 of the Bill seeks to provide for constitution of a Central Pesticide Board to carry out the functions assigned to it by or under this Act.

Clause 5 of the Bill seeks to provide for the composition and term and condition of office of the Member of Board.

Clause 6 of the Bill seeks to provide for meetings of the Board specifying the time and place including quorum at such meetings. It further provides that the Central Government may request the Board to convene a meeting when its advice is required on a matter of immediate concern and provides for decision making process by voting.

Clause 7 of the Bill seeks to provide for constitution of committees and engagement of expert for efficient discharge of Boards functioning under this Bill.

Clause 8 of the Bill seeks to provide for powers and functions of the Board.

Clause 9 of the Bill seeks to provide for the constitution, composition and term of office of the Chairperson and Member of Registration Committee which shall consist of a Chairperson to be nominated by the Central Government and Member Secretary of the Central Pesticides Board as its Member Secretary and six other *ex officio* members. Further, it provides that the Registration Committee to co-opt such members of experts for such purpose or period as it may deem fit.

Clause 10 of the Bill seeks to provide for the restrictions on employment of Chairperson and Members of Board and Registration Committee. The Chairperson and Member of the Board or the Registration Committee, shall not, for a period of three years from the date on which they cease to be a Chairperson or a Member of the Board or the Registration Committee, as the case may be, without the previous approval of the Central Government, accept employment in, enter into a contract of service with, be connected with the management of or accept an appointment to the board of directors of an entity that is conducting business in any of the areas regarding which the Board or the Registration Committee conducts research and makes recommendations or advises the Central Government and State Governments.

Clause 11 of the Bill seeks to provide for various factors which will not invalidate proceedings of the Board and Registration Committee.

Clause 12 of the Bill seeks to provide for constitution of sub-committees and co-opting of experts, by the Registration Committee to perform such duties as may be delegated to them by the committee. It further providing that, any decision taken by such sub-committee must be submitted to the Registration Committee for ratification.

Clause 13 of the Bill seeks to provide for the procedure and the conduct of business to be transacted by the Registration Committee.

Clause 14 of the Bill seeks to provide for the powers and functions of the Registration Committee, which, *inter alia*, include the following, namely:—

- (i) make decisions regarding the application for registration of pesticides;
- (ii) specify conditions subject to which a certificate of registration is granted;

(iii) periodically review the safety and efficacy of registered pesticides and amend or cancel certificates of registration, review the registration of a pesticide, maintain a national register of pesticides, notify substances having pesticidal properties and perform such other functions prescribed by the Central Government.

Clause 15 of the Bill seeks to provide for Secretariat with technical and other staff as it considers necessary for Central Pesticides Board and Registration Committee.

Clause 16 of the Bill seeks to provide for requirement to register pesticides, wherein, any person desiring to import or manufacture any pesticide for ordinary use, use in agriculture, storage, industry, pest control operations or public health, shall make an application to the Registration Committee for a certificate of registration, and if a person desires to import or manufacture more than one pesticide, a separate application shall be made for each pesticide.

Clause 17 of the Bill seeks to provide for application for registration of pesticides, wherein, certificate of registration shall be in such form and shall contain such information prescribed by the Central Government. It further provides that different forms and information may be prescribed depending on whether the pesticide is proposed to be imported or manufactured, or to be used in India or outside, as well as the use for which the pesticide is intended. It also provides that for promoting pesticides that are biological and based on traditional knowledge and for encouraging indigenous manufacturing, simplified procedure, forms and information may be prescribed by the Central Government.

Clause 18 of the Bill seeks to provide for the decision regarding registration, wherein, the Registration Committee shall scrutinise an application, conduct an independent enquiry to verify the information submitted by the applicant, maintain an online database of all applications for registration received, evaluate the information submitted by the applicant and also be guided by factors like safety, efficacy, necessity, end-use of the pesticide, risk involved and the availability of safer alternatives to the pesticide. Further, the Registration Committee shall not register a pesticide, if the information submitted by the applicant for registration is false or misleading in any material particular, may refuse to register a pesticide if there is scientific uncertainty regarding its risks and benefits and there are threats of serious and irreversible damage to human health, other living organisms or the environment.

Clause 19 of the Bill seeks to provide for grant of certificate of registration to generic pesticides, wherein, the Registration Committee has granted a certificate of registration for a pesticide and if any other person, not being the holder of the original certificate of registration granted under section 18, and desiring to import or manufacture the same pesticide make an application to the Committee for a certificate of registration.

Clause 20 of the Bill seeks to provide for provisional certificate of registration pending observation. If any person, desiring to import or manufacture a pesticide that shall be introduced in India for the first time, make an application to the Registration Committee containing such information, in such form and accompanied by such fees prescribed by the Central Government. It further provides that, the Registration Committee may grant a provisional certificate of registration for a period not exceeding three years, pending observation during which the applicant shall generate the information necessary for the grant of a certificate of registration under section 18. It also provides that during the period for which a pesticide has been granted provisional registration, the distribution or sale of such pesticide shall not be permitted, except in the event of an exigency as decided by the Central Government on the recommendation of the Registration Committee. It also provides that on the expiry of the period of provisional registration or at any time before such period when the information referred to in sub-section (2) has been generated, the person to whom it has been granted shall make an application for a certificate of registration under section 17 if he desires to import or manufacture the pesticide.

Clause 21 of the Bill seeks to provide for amendment of certificate of registration, wherein, the holder of a certificate of registration, desiring to amend the certificate or any condition specified by the Registration Committee while granting the certificate, shall make

an application to the Committee in such form and accompanied by such fees prescribed by the Central Government. The amendment of a certificate of registration of a pesticide granted under section 18, shall have such effect on certificates of registration granted under section 19 in such manner as may be prescribed by the Central Government.

Clause 22 of the Bill seeks to provide for review, suspension and cancellation of registration and ban on pesticides and provides the details for all these activities in relation to the registrations granted. Wherein, holder of certificate of registration shall intimate the Registration Committee if there is any change in the information submitted to the Committee after the grant of registration, including information related to the safety or efficacy of the pesticide or the status of its registration, restriction or ban in other countries. The Registration Committee may, at any time, review a certificate of registration granted under section 18 or 19, the molecule or formulation of a pesticide in respect of which registration has been granted. While, conducting review, the Registration Committee shall give an opportunity of being heard to the holder of the certificate of registration and where the review is conducted on the basis of prohibition made under sub-section (2) of section 35, it shall consult the Central Government or State Government. The decision taken by the Registration Committee shall be recorded in writing and made available in the public domain.

Clause 23 of the Bill seeks to provide for registration under the Insecticides Act, 1968, wherein the insecticides registered under therein shall be deemed to be registered under the provisions of this Act for a maximum period of two years from the date of commencement of this Act. It further provides that before the expiry of the period, the holder of the certificate of registration of such insecticide shall make an application within six months from the commencement of this Act for registration of the pesticide, in such manner as may be prescribed by the Central Government.

Clause 24 of the Bill seeks to provide for appeal from a decision of the Registration Committee to the Central Government, which shall, after giving an opportunity of being heard to the appellant, dispose of the appeal within a period of six months from the date of completion of pleadings.

Clause 25 of the Bill seeks to provide for power of revision of the Central Government, wherein, the Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under this Act and may pass any such order it thinks fit.

Clause 26 of the Bill seeks to provide for a National register of pesticides to be maintained by the Registration Committee in digital form containing such information as may be prescribed by the Central Government.

Clause 27 of the Bill seeks to provide for appointment of Licensing Officer by the State Government, having such qualifications and exercise such powers and functions as may be prescribed by the State Government.

Clause 28 of the Bill seeks to provide for the requirement to obtain licence. Any person, desiring to manufacture, distribute, exhibit for sale, sell or stock pesticides or undertake pest control operations, shall make an application in such form and with such fee as may be prescribed by the Central Government to the Licensing Officer for the grant of a licence. The Central Government may, by notification specify the ordinary use pesticide in respect of which a licence to sell or stock under this Act is not required.

Clause 29 of the Bill seeks to provide for grant of licence. Wherein, the Licensing Officer, on the basis of the inspection and after evaluating the requirements under sub-section (2) of section 28, is satisfied that the conditions for the grant of a licence have been met, he may within a period of ninety days from the date of receipt of application under section 28, grant a licence to the applicant on such terms and conditions specified therein.

Clause 30 of the Bill seeks to provide for amendment and revocation of licence. The Licensing Officer may amend the terms or conditions of a licence, if the information on the

basis of which the licence was granted was false or misleading in any material particular or the holder of the licence has violated the conditions subject to which it was granted or the holder of the licence has contravened any of the provisions of this Act or rules made thereunder.

Clause 31 of the Bill seeks to provide for licences granted under the Insecticides Act, 1968, which, shall remain in force for the period specified at the time of grant of such licence under that Act. It further provides that when a licence granted under the Insecticides Act, 1968, expires an application for grant of fresh licence shall be made in accordance with the provision of this Act.

Clause 32 of the Bill seeks to provide for information on licences, sales and stock position. The Licencing Officer shall provide a monthly report to the State Government and the State Government shall consolidate the report received and send it to the Central Government every six months in such manner as may be prescribed by the Central Government. It further provides that the person, who sells the pesticides, shall maintain the record of the sale of pesticide and submit the record to the Licencing Officer in such manner, as may be prescribed by the Central Government. Also, every importer or manufacturer shall maintain a register recording the stock position of pesticides as may be prescribed by the Central Government.

Clause 33 of the Bill seeks to provide for appeal from decision of Licensing Officer to the State Government. On receipt of an appeal, the State Government shall, after giving the appellant an opportunity of being heard, dispose of the appeal within a period of six months from the date of receipt of the appeal.

Clause 34 of the Bill seeks to provide for information related to poisoning. The State Government shall, by notification, require any person or class of persons to report all occurrences of poisoning within their cognizance to such officer as may be specified in the notification and shall review and analyse occurrences of poisoning within its jurisdiction and submit a quarterly report to the Central Government. The Central Government shall constitute a fund, to make *ex gratia* payment to persons or their legal heirs, as the case may be, who have suffered hurt, grievous hurt or have died in the course of poisoning. However, the quantum and procedure of *ex gratia* payment shall be such, as prescribed by the Central Government.

Clause 35 of the Bill seeks to provide for prohibition on pesticides in public interest and ban on pesticides. The Central Government or State Government may, at any time, make a reference to the Registration Committee to review the safety or efficacy of a molecule or formulation of a pesticide in respect of which registration has been granted and the provisions of section 22 shall apply *mutatis mutandis* to such review. The Registration Committee shall complete its review within a period not exceeding one year from the date of the publication of the notification. It further provides that if the information available to the Committee is not sufficient to enable it to make a decision within one year, this period may be extended by a further period not exceeding one hundred and eighty days. All certificates of registration granted in respect of a molecule or formulation of a pesticide banned, shall be deemed to be cancelled from the date of publication of the notification.

Clause 36 of the Bill seeks to provide for maintenance of State-level database on pesticides by the State Government in digital form containing such information, as may be prescribed by the Central Government.

Clause 37 of the Bill seeks to provide for establishment of a Central Pesticides Laboratory by the Central Government under the control of a Director to be appointed by the Central Government. The Central Government may, by notification, designate such other laboratory as it deems fit to perform such functions of a Central Pesticides Laboratory, as may be specified in the notification.

Clause 38 of the Bill seeks to provide for establishment of Pesticides Testing Laboratories by the Central Government or the State Government under the control of directors

to be appointed by the Central Government or the State Government, as the case may be. The functions of the Pesticide Testing Laboratories shall be carried out by such other public institutions as directed by the Central Government or the State Government. On compliance of the standards, the Central Government or the State Governments authorised in this behalf, may recognise private laboratories to carry out all or any of the functions of Pesticide Testing Laboratories, as may be prescribed by the Central Government.

Clause 39 of the Bill seeks to provide for appointment of Pesticide Analyst and Pesticide Inspector. Wherein, the Central Government or the State Governments may, by notification, appoint such person as Pesticide Analyst and Pesticide Inspector possessing such technical and other qualifications as may be prescribed by the Central Government or the State Government, as the case may be, and shall exercise powers and perform duties in respect of such areas, as may be specified in the notification.

Clause 40 of the Bill seeks to provide for powers of a Pesticides Inspector. Such powers may, *inter alia* provide for:—

(a) enter and search any premises in which he has reason to believe that an offence under the provisions of the Act or rules made thereunder and take samples of any pesticide which is being manufactured, sold, stocked, exhibited, offered for sale or distributed;

(b) production of and to inspect, examine and record, register, document from the manufacturer, distributor, carrier, dealer, importer, vendor, pest control operator or any person and may seize the same;

(c) stop through an order in writing with the prior permission of Executive Magistrate, the distribution, sale, use of pesticide which is being distributed or sold or used in commercial pest control operation in contravention of the provisions of the Act or the rules for a specified period not exceeding sixty days.

Clause 41 of the Bill seeks to provide for the procedure to be followed by the Pesticide Inspector. If the Pesticide Inspector seizes any record, register, document or other material object or stock of a pesticide, he shall inform a Judicial Magistrate of such seizure, and take orders as to its custody. It also provides the manner of sampling by the Pesticides Inspector.

Clause 42 of the Bill seeks to provide that the Pesticide Analyst to whom a sample of any pesticide has been submitted for test or analysis, shall within a period of thirty days, deliver to the Pesticide Inspector, a signed report in quadruplicate in such manner as prescribed by the Central Government.

Clause 43 of the Bill seeks to provide for punishment for obstruction, in exercising of powers or discharging of duties by an officer under this Act or rules made thereunder which shall be punishable with a fine which shall not be less than twenty-five thousand rupees but which may extend to fifty thousand rupees.

Clause 44 of the Bill seeks to provide for punishment for violation of conditions of registration and licensing. It provides that whoever manufactures, imports, distributes, sells, exhibits for sale, stocks or transports a pesticide or undertake pest control operations in violation of the conditions of registration specified by the Registration Committee, or in violation of the conditions of the licence granted by the Licensing Officer, shall be punishable with a fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

Clause 45 of the Bill seeks to provide for punishment for activities related to import and export of pesticides with a fine which shall not be less than five lakh rupees but which may extend to twenty lakh rupees or with imprisonment for a term which may extend to two years or with both.

Clause 46 of the Bill seeks to provide for punishment for activities involving unregistered and unlicensed pesticides with a fine which shall not be less than ten lakh

rupees but which may extend to forty lakh rupees or with imprisonment for a term which may extend to three years or with both.

Clause 47 of the Bill seeks to provide for punishment for activities involving falsified pesticides with a fine which shall not be less than ten lakh rupees but which may extend to forty lakh rupees or with imprisonment for a term which may extend to three years or with both.

Clause 48 of the Bill seeks to provide for punishment for activities involving banned pesticides, which shall be punishable with a fine which shall not be less than ten lakh rupees but which may extend to forty lakh rupees or with imprisonment for a term which may extend to three years or with both.

Clause 49 of the Bill seeks to provide for punishment for causing hurt, grievous hurt or death with a fine which shall not be less than five lakh rupees but may extend to fifteen lakh rupees; and in case of death punishable with a fine which shall not be less than ten lakh rupees but which may extend to fifty lakh rupees or with imprisonment for a term which may extend to five years or with both.

Clause 50 of the Bill seeks to provide for punishment for subsequent offences. If any person, after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted of the same offence, he shall be liable to not less than twice the fine that was imposed at the time of the first conviction, irrespective of the maximum fine provided for such offence in this Act.

Clause 51 of the Bill seeks to provide for actions consequent to conviction of an offence under this Act. The stock of the batch of the pesticide in respect of which the contravention has been made shall be liable to be confiscated. On the directions of the court, the convicted person's name, place of residence, the offence and the penalty imposed may be published in newspapers.

Clause 52 of the Bill seeks to provide for offences by companies and the *explanation* related to company and director.

Clause 53 of the Bill seeks to provide for cognizance and trial of offences. It provides that prosecution under the Act shall not be instituted without the written consent of the State Government or a person authorised by it in this behalf. It also provides that any court inferior to that of metropolitan magistrate or a judicial magistrate of first class shall not try any offence under the Act.

Clause 54 of the Bill seeks to provide for defences to prosecution under this Act.

Clause 55 of the Bill seeks to provide for regulation of substances having pesticidal properties. It also provides that the Central Government may, on the recommendations of the Registration Committee and subject to such conditions as specified by notification, exempt such substances from all or any of the provisions of this Act or rules made thereunder.

Clause 56 of the Bill seeks to provide for exemption for educational, scientific or research purpose by organisation carrying out such activities and for person using pesticides in his own household, kitchen-garden or land under their own cultivation.

Clause 57 of the Bill seeks to provide for constitution of an authority by the Central Government and to exercise such powers and perform such functions to regulate the price of pesticides in such manner as prescribed by the Central Government.

Clause 58 of the Bill seeks to provide for the Central Government to give directions to a State Government or the Board and in exigency to the Registration Committee for carrying out all or any of the provisions of the Act and the State Government or the Board or the Registration Committee shall comply with such directions.

Clause 59 of the Bill seeks to provide for members and officers of the Board, the Registration Committee, the Licensing Officers, the Pesticide Analysts, the

Pesticide Inspectors or officers exercising the powers of the Pesticide Inspector, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Clause 60 of the Bill seeks to provide for protection to the Government, or any officer of the Government, or the Board, the Registration Committee, or any committee of the Board or any sub-committee of the Registration Committee for anything done in good faith or intended to be done under this Act.

Clause 61 of the Bill seeks to provide for claim of compensation from a manufacturer or distributor or stockist or retailer or pest control operator, as the case may be, under the provisions of the Consumer Protection Act, 1986, for any loss or injury in respect of pesticide.

Clause 62 of the Bill seeks to provide for the Central Government to make rules, after consultation with the Board and subject to the condition of previous publication by notification for carrying out the provisions of this Act. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament.

Clause 63 of the Bill seeks to provide for the State Government to make rules after consultation with the Board and subject to the condition of previous publication for carrying out the provisions of this Act. Every rule made by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Clause 64 of the Bill seeks to provide for the Central Government to remove difficulties by an order, published in the Official Gazette not inconsistent with the provisions of the Act, for removing any difficulty which may have arisen in giving effect to the provisions of the Act within a period of three years from the commencement of this Act. Every such order made under this clause shall be laid, as soon as may be after it is made before each House of Parliament.

Clause 65 of the Bill seeks to provide for repeal of the Insecticides Act, 1968, and further provides anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for constitution of a Central Pesticides Board to advise the Central Government and the State Governments on scientific and technical matters arising out of the administration of the Bill.

Item (e) of sub-clause (1) of clause 5 of the Bill seeks to provide two representatives of Farmers of whom at least one shall be female to be nominated by the Central Government as members of the Board.

Sub-clause (1) of clause 7 of the Bill seeks to provide for constitution of committees and appointment of persons to such committees.

Sub-clauses (3) and (4) of clause 7 of the Bill seeks to provide for allowances of the Members of Committees of the Board, consultants, experts, advisor or other persons.

Item (d) of sub-clause (1) of clause 8 of the Bill seeks to provide Board to commission research on the development and availability of Safer alternatives to existing pesticides including agro-ecological practices. The Safer efficacy and toxicity of registered pesticides; best practice of pesticide regulation in other countries which may be adopted for parts or the whole of India.

Clause 9 of the Bill seeks to provide for constitution of a Registration Committee to carry out the functions assigned to it, or by under this Bill.

Sub-clause (1) of clause 15 of the Bill seeks to provide that the Central Government shall provide the Board and the Registration Committee with such technical and other staff as it consider necessary.

Sub-clause (4) of clause 34 of the Bill seeks to provide for the constitution of a fund to:— (a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide; and (b) penalties imposed by a court for the contravention of any of the provisions of this Bill.

Sub-clause (1) of clause 37 of the Bill seeks to establish a Central Pesticides Laboratory to carry out the functions entrusted to it by or under the Bill.

Sub-clause (1) of clause 38 of the Bill seeks to provide for establishment of Pesticide Testing Laboratories by the Central or the State Governments.

Clause 39 of the Bill seeks to provide for appointment of Pesticide Inspector and Pesticide Analysts to exercise the powers entrusted to them by or under the Bill.

Clause 57 of the Bill seeks to provide for constitution of an authority to exercise such powers and perform such functions to regulate the price of pesticides.

2. Presently, a Central Insecticides Board and the Registration Committee constituted under the provisions of the Insecticides Act, 1968 (which is being repealed by the present Bill), is in operation. Funds are allocated by Department of Agriculture, Cooperation and Farmers Welfare for the Central Sector Scheme 'Sub Mission on Plant Protection and Plant Quarantine (SMPPQ)'. Out of the allotted amount for SMPPQ, an amount of Rs. 35.25 crore have been allocated for the financial year 2018-2019 and Rs. 45.00 crore for the financial year 2019-2020, and utilised for the purposes of the administration of the Insecticides Act, 1968. The expenditure for the proposed Pesticide Management Bill, 2020 shall be primarily met out of the budgetary provisions for the administration of the Insecticides Act, 1968, which will be repealed with the passage of the present Bill.

3. The additional funds, if required, for the purpose would be provided through support from within the existing allocations of the Department of Agriculture and Farmers Welfare.

4. The Bill does not involve any other expenditure recurring or non-recurring in nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 62 of the Bill empowers the Central Government to make rules, after consultation with the Board and subject to the condition of previous publication of the notification, for carrying out the provisions of the Bill. Such rules may, *inter alia* provide for:—

- (a) the terms and conditions of the Members nominated under sub-section (2) of section 5;
- (b) the allowances of the Members of the Committee under sub-section (3) of section 7;
- (c) the term and conditions and such allowances of consultant, experts, advisers or other persons under sub-section (4) of section 7;
- (d) other matters under sub-clause (viii) of clause (b) of section 8;
- (e) the other functions under clause (h) of sub-section (1) of section 8;
- (f) the qualification and experience of the Chairperson of the Registration Committee under clause (a) of sub-section (2) of section 9;
- (g) the terms of the office of the Chairperson of the committee under sub-section (3) of section 9;
- (h) other functions of the Registration Committee under clause (g) of section 14;
- (i) the term and condition of the technical and other staff under sub-section (2) of section 15;
- (j) the form and information under sub-section (1) of section 17;
- (k) the different form and information under the first proviso to sub-section (1) of section 17;
- (l) the procedure, form and information under the second proviso to sub-section (1) of section 17;
- (m) the fees for application under sub-section (3) of section 17;
- (n) the manner for grant of certificate of registration to the applicant under sub-section (8) of section 18;
- (o) the form of application and fees under sub-section (2) of section 19;
- (p) the form of application and fees under sub-section (1) of section 20;
- (q) the form of application and fees for amendment of certificate of registration under sub-section (1) of section 21;
- (r) the manner of amendment of certificate of registration under sub-section (3) of section 21;
- (s) the period for rectification of violation under sub-section (6) of section 22;
- (t) the manner of making application registration of the pesticides under sub-section (2) of section 23;
- (u) the form and fees of appeal under sub-section (2) of section 24;
- (v) the information to be contained in the National register of pesticides under section 26;

- (w) the form of application and fees of licence under sub-section (1) of section 28;
- (x) the qualifications of a person making an application and requirements related to infrastructure, premises, storage and transport under sub-section (2) of section 28;
- (y) the manner of monthly report by licensing officer to the State Government under sub-section (1) of section 32;
- (z) the manner of sending report by the State Government to the Central Government under sub-section (2) of section 32;
- (za) the manner of maintaining record of sale of pesticide and submission of record to the Licencing Officer under sub-section (3) of section 32;
- (zb) the manner of maintaining register recording the stock position of pesticides under sub-section (4) of section 32;
- (zc) the quantum and procedure of *ex gratia* payment under sub-section (6) of section 34;
- (zd) the information contained in the digital form under section 36;
- (ze) the standards to be complied under sub-section (3) of section 38;
- (zf) the technical and other qualifications of a Pesticide Analyst under sub-section (1) of section 39;
- (zg) the technical and other qualifications of a Pesticide Inspector under sub-section (2) of section 39;
- (zh) the manner for sending samples for test and analysis to the Pesticide Analyst under clause (d) of sub-section (1) of section 40;
- (zi) the manner of serving of notice to show cause under sub-section (3) of section 40;
- (zj) the form of receipt under sub-section (7) of section 41;
- (zk) the manner of taking sample of pesticide under sub-section (8) of section 41;
- (zl) the number of portions, weight or volume of the sample undersub-section (9) of section 41;
- (zm) the manner of sealing and marking of the containers undersub-section (10) of section 41;
- (zn) the manner of dealing with the portions of samples by the Pesticide Inspector under sub-section (12) of section 41;
- (zo) the manner of delivering the signed report in quadruplicate undersub-section (1) of section 42;
- (zp) the manner of disposal of remains of samples drawn and tested under sub-section (6) of section 42;
- (zq) the manner of disposal of expired pesticide under sub-section (2) of section 45;
- (zr) the time for intimation of consent or refusal for institution of the prosecution under sub-section (1) of section 53;
- (zs) the manner of regulation of substances not intended for use as pesticides under sub-section (1) of section 55;

(zt) the period and manner of, segregation and disposal of the pesticide under sub-section (2) of section 55;

(zu) the power and functions of authority and the manner to regulate the prices of pesticides under section 57;

(zv) any other matter which is required to be, or may be prescribed.

2. Clause 63 of the Bill empowers the State Government after consultation with the Board and subject to the condition of previous publication to make rules for carrying out the provisions of this Bill. Such rules may *inter alia* provide for:—

(a) the qualifications of Licencing Officer under sub-section (1) of section 27;

(b) the powers and functions of Licencing Officer under sub-section (2) of section 27;

(c) the qualifications of a person under sub-section (4) of section 29;

(d) the conditions for amendment of licence under sub-section (1) of section 30;

(e) the form and fees of appeal under sub-section (1) of section 33;

(f) the technical and other qualifications of a Pesticide Analyst undersub-section (1) of section 39;

(g) the technical and other qualifications of a Pesticide Inspector undersub-section (2) of section 39;

(h) any other matter which may be, or is required to be prescribed.

3. The matters in respect of which rules may be made under the aforesaid provisions are matter of procedure and administrative details and it is not practical to provide for them in the Bill. The delegation of legislative powers is, therefore, of a normal character.

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to regulate pesticides, including their manufacture, import, packaging, labelling, pricing, storage, advertisement, sale, transport, distribution, use and disposal in order to ensure availability of safe and effective pesticides, and to strive to minimise risk to human beings, animals, living organisms other than pests, and the environment with an endeavour to promote pesticides that are biological and based on traditional knowledge and for matters connected therewith or incidental thereto.

(Shri Narendra Singh Tomar, Minister of Agriculture and Farmers Welfare)