

RAJYA SABHA
NOTICE OF AMENDMENTS
THE PESTICIDES MANAGEMENT BILL, 2008
(As introduced in the Rajya Sabha)
[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI SHARAD PAWAR:

1. That at page 1, line 1, *for* the word "Fifty-ninth", the word "Sixty-second" be substituted.

CLAUSE 1

BY SHRI SHARAD PAWAR:

2. That at page 1, line 4, *for* the figure "2008", the figure "2011" be substituted.

CLAUSE 3

BY SHRI SHARAD PAWAR:

3. That at page 2, line 15, *after* the words "the institution", the words "notified or laboratories" be inserted.
4. That at page 3, line 20, *for* the word "an" the word "a" be substituted.
5. That at page 3, line 24, *after* the words "any pest", the words "in agriculture, in households or for public health" be inserted.
6. That at page 3, line 30, *for* the word "an" the word "a" be substituted.
7. That at page 3, line 34, *for* the word "an" the word "a" be substituted.
8. That at page 4, line 9, *for* the word, bracket and roman numeral "clause (v)" the words, brackets, roman numeral and alphabets "sub-clause (i) of clause (za)" be substituted.
9. That at page 4, line 24, *after* the word "used;" the word "or" be inserted.
10. That at page 4, *after* line 24, the following be inserted, namely, -

“(viii) if it is manufactured, distributed or sold under a name or mark so as to pass off as the goods of another or infringes a trademark of another manufacturer:

Provided that no pesticide being manufactured, distributed or sold with the consent of such other manufacturer shall be deemed to be spurious;”.

CLAUSE 4

BY SHRI SHARAD PAWAR:

11. That at page 5, line 1, for the words "a representative of", the words "a designated representative of" be substituted.
12. That at page 5, line 13, be deleted.
13. That at page 5, line 14, for the bracket and alphabet "(j)", the bracket and alphabet "(i)" be substituted.
14. That at page 5, line 16, for the bracket and alphabet "(k)", the bracket and alphabet "(j)" be substituted.
15. That at page 5, line 18, for the bracket and alphabet "(l)", the bracket and alphabet "(k)" be substituted.
16. That at page 5, line 20, for the bracket and alphabet "(m)", the bracket and alphabet "(l)" be substituted.
17. That at page 5, line 22, for the bracket and alphabet "(n)", the bracket and alphabet "(m)" be substituted.
18. That at page 5, line 23, for the bracket and alphabet "(o)", the bracket and alphabet "(n)" be substituted.
19. That at page 5, line 24, for the bracket and alphabet "(p)", the bracket and alphabet "(o)" be substituted.
20. That at page 5, line 25, for the bracket and alphabet "(q)", the bracket and alphabet "(p)" be substituted.
21. That at page 5, line 26, for the bracket and alphabet "(r)", the bracket and alphabet "(q)" be substituted.
22. That at page 5, for lines 30 and 31, the following be substituted, namely:-

“(viii) Member-Secretary, Food Safety and Standards Authority of India, *ex-officio*”.
23. That at page 5, line 32, the word "Additional", be deleted.
24. That at page 5, line 45, the word "and", be deleted.

25. That at page 5, line 46, for the words "Central Government", the words "Central Government; and" be substituted.
26. That at page 5, after line 46, the following be inserted, namely:-
 "(xviii) two representatives of farmers, one male farmer and one female farmer, to be nominated by the Central Government."
27. That at page 6, lines 1 and 2, for the words "Directorate of Plant Protection", the words "Directorate of Plant Protection, Quarantine and Storage" be substituted.

CLAUSE 7

BY SHRI SHARAD PAWAR:

28. That at page 6, line 23, for the words "development; and", the word "development;" be substituted.
29. That at page 6, line 24, for the word "pesticides.", the words "pesticides; and" be substituted.
30. That at page 6, after line 24, the following be inserted, namely:-
 "(f) specifying of protocols, procedures and good manufacturing practices for pesticide manufacturers;

 (g) specifying of guidelines for the regulations of advertising of pesticides in all media to ensure that it is in accordance with the label directions and precautions to be observed in its application."

CLAUSE 11

BY SHRI SHARAD PAWAR:

31. That at page 7, line 5, the word "Additional", be deleted.
32. That at page 7, for lines 7 and 8, the following be substituted, namely:-
 "(g) Member-Secretary, Food Safety and Standards Authority of India;"
33. That at page 7, line 17, the words "or prohibit", be deleted.
34. That at page 7, lines 22 to 26, be deleted.
35. That at page 7, line 27, for the bracket and roman numeral "(vi)", the bracket and roman numeral "(iv)" be substituted.

36. That at page 7, line 29, for the bracket and figure “(vii)”, the bracket and figure “(v)” be substituted.
37. That at page 7, line 30, for the bracket and figure “(viii)”, the bracket and figure “(vi)” be substituted.

CLAUSE 12

BY SHRI SHARAD PAWAR:

38. That at page 8, lines 16 and 17, for the words “within a period of two years”, the words “within a period of one year from the date of receipt of the application complete in all respects” be substituted.
39. That at page 8, line 25, for the words “three years”, the words “five years” be substituted.
40. That at page 9, line 19, for the words “three years”, the words “five years” be substituted.
41. That at page 9, line 24, for the words “three years”, the words “five years” be substituted.

CLAUSE 14

BY SHRI SHARAD PAWAR:

42. That at page 10, line 18, for the words “whose decision thereon shall be final”, the words “who shall dispose of the appeal within such period not exceeding one hundred and eighty days as may be prescribed and the decision of the Central Government in the matter shall be final” be substituted.

CLAUSE 16

BY SHRI SHARAD PAWAR:

43. That at page 10, line 35, for the words “thinks fit”, the words “deems fit” be substituted.

CLAUSE 17

BY SHRI SHARAD PAWAR:

44. That at page 11, line 19, for the words "possessed by pesticide manufacturers", the words "possessed by every pesticide manufacturer in the State" be substituted.

CLAUSE 20

BY SHRI SHARAD PAWAR:

45. That at page 12, lines 2 and 3, for the words "make an endeavour to dispose of the appeal within a period of six months", the words "dispose of the appeal within a period of ninety days" be substituted.

CLAUSE 21

BY SHRI SHARAD PAWAR:

46. That at page 12, lines 6, for the words "Control of Director", the words "Control of a Director" be substituted.
47. That at page 12, lines 13 to 16, for the existing proviso, the following proviso be substituted, namely:-

"Provided further that the Central Government may recognise private laboratories that follow Good Laboratory Practices and are accredited by the National Accreditation Board for Testing and Calibration Laboratories to carry out all or any of the functions of the Central Pesticides Laboratory on fulfilment of such criteria and procedure as may be prescribed and subject to inspection by, and under the control of, the Plant Protection Adviser to the Government of India."

CLAUSE 23

BY SHRI SHARAD PAWAR:

48. That at page 13, after line 13, the following proviso be inserted, namely:-

"Provided that nothing in this sub-section shall affect transportation of any pesticide which has outlived its shelf-life for disposal in accordance with section 52."

CLAUSE 24

BY SHRI SHARAD PAWAR:

49. That at page 13, line 20, for the words "thinks fit", the words "deems fit" be substituted.

CLAUSE 25

BY SHRI SHARAD PAWAR:

50. That at page 13, line 26, for the words "thinks fit", the words "deems fit" be substituted.

CLAUSE 30

BY SHRI SHARAD PAWAR:

51. That at page 15, line 30, for the words "in triplicate", the words "in quadruplicate" be substituted.
52. That at page 15, for lines 32 to 35, the following be substituted, namely:-

“(2) Within ten days from the date of receipt of the report under sub-section (1), the Pesticide Inspector shall, after retaining a copy thereof, deliver to the following persons separately a copy of the report, namely:-

(a) manufacturer of the pesticide;

(b) the person from whom the sample was taken by the Pesticide Inspector; and

(c) the Director of Agriculture or Plant Protection Adviser as the case may be.”.

CLAUSE 37

BY SHRI SHARAD PAWAR:

53. That at page 16, line 47, for the figure "37.", the figures and bracket "37.(1)" be substituted.

54. That at page 16, for lines 47 to 50, the following be substituted, namely:-

“Whoever imports, exports, manufactures, sells, stocks, or exhibits for sale or distributes any misbranded pesticide shall be punishable with a fine which shall, in the case of the first offence, be not less than twenty-five thousand rupees but which may extend to one lakh rupees or with imprisonment for a term, which may extend to one year, or with both, and in the case of a second or subsequent offence with a fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with imprisonment for a term which may extend to two years or with both”.

55. That at page 16, after line 50, the following be inserted, namely:-

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government or a person authorised in this behalf by the State Government may, with the permission of the Court before which the prosecution for an offence under sub-section (1) is pending, compound such offence, if committed or reasonably suspected to have been committed for the first time, with a fine of not less than one lakh rupees but which may extend to five lakh rupees.”.

CLAUSE 48

BY SHRI SHARAD PAWAR:

56. That at page 20, line 17, the word “and”, be deleted.

57. That at page 20, after line 17, the following be inserted, namely:-

“(o) guidelines governing infrastructure required to be possessed by the manufacturers, importers, exporters, distributors or dealers of pesticides; and”.

58. That at page 20, line 18, for the bracket and alphabet “(o)”, the bracket and alphabet “(p)”, be substituted.

New Delhi;
February 18, 2011.

V.K. AGNIHOTRI,
SECRETARY-GENERAL.

