

Bill Summary

The Agricultural Biosecurity Bill, 2013

- The Agricultural Biosecurity Bill, 2013 was introduced in the Lok Sabha on March 11, 2013 by the Minister of Agriculture, Mr. Sharad Pawar. The Bill aims to establish an integrated national biosecurity system covering plant, animal and marine issues to combat threats of bio-terrorism from pests and weeds. Such a system would not only increase the national capacity to protect human health and agricultural production and, it would also equip the country to meet obligations under several trade and sanitary agreements in food and agricultural products.
- The Bill repeals the Destructive Insects and Pests Act, 1914 and the Livestock Importation Act, 1898.

Establishment of authority

- The Bill establishes the Agricultural Biosecurity Authority of India (Authority), whose head office shall be located at Faridabad. The Authority shall be headed by a Director General, appointed by the central government, and comprise experts in plant and animal pests and diseases, and representatives of various ministries and organisations.
- The functions of the Authority shall include: (i) regulating the import and export of plants, animals and related products; (ii) preventing the introduction of quarantine pests from outside India; and (iii) implementing post-entry quarantine measures.
- The Authority shall be bound by directions on policy as specified by the central government. The central government may prohibit import of those pests, plants or animals whose use it considers risky.
- The control of existing Plant Quarantine Stations, Central Integrated Pest Management Centres, and other laboratories under the Directorate of Plant Protection, Quarantine and Storage shall be transferred to and vested in the Authority.

Imports and exports

- No person shall import any plant, animal, and plant or animal products in contravention of notifications or guidelines issued by the Authority. Exceptions shall be provided to those imports that are issued permits by the Authority, and imports with sanitary or phytosanitary (relating to the health of plants) certificates issued by the

respective authority in the country of origin and the country of re-export.

- Exports of the above products shall not be allowed except in cases where sanitary or phytosanitary certificates have been issued by an officer of the authority. However, such certificates shall not be necessary if the country of destination does not require it.
- The Customs Act, 1962 or other laws in force, that prohibit the import of certain customs and goods shall also apply to those pests, plants and animals, which require permits or are prohibited by the Authority.
- If an officer has reason to believe that any product was imported into India in contravention of the Act, the officer may require the holder to remove the product from India within a period of thirty days. If the holder fails to do so, the officer may seize such a product from him and remove or destroy it.

Quarantine area to control pests

- No person shall possess, move, grow, raise, culture, breed or produce any plant, animal and related products if he has reason to believe that such a product is or may be carrying a quarantine pest.
- A person shall be responsible for providing information immediately when he becomes aware of the existence of quarantine pests or plant or animal diseases in an area.
- The Authority may notify any pest to be a quarantine pest. It can also notify an area to be a controlled area if it suspects or determines that the area is infested or infected with a quarantine pest.
- When an area is notified to be controlled, the Authority shall communicate the quarantine measures that the state government shall implement. Such measures shall include the treatment or disposal of plants, animals, their prohibition or control and other measures.
- If the state government fails to take measures in a controlled area, then the Authority can take necessary steps for the eradication or containment of the quarantine pest. The state government shall reimburse the costs incurred for such purposes.

Biosecurity emergencies

- The Authority may recommend that the central government declare a biosecurity emergency in an area in case of an outbreak, distribution, or spreading of a pest or organism, which has the potential to cause a significant loss to biosecurity. The central government may declare a biosecurity emergency if it is satisfied with the recommendation. The declaration shall cease to have effect after six months unless it is revoked earlier.
- During the biosecurity emergency, the centre may give directions to the Authority for managing or eradicating the organism due to which the emergency has been declared. The Authority may notify a scheme for the management or eradication of such an organism, with the prior approval of the central government.

Finances

- The central government may grant and loan money to the Authority. An Agricultural Biosecurity Fund shall be constituted which shall receive funds and be applied for the purposes specified in the Act. With the prior consent of the central government, the Authority may borrow money from any source through the issue of bonds and debentures to discharge its functions.

International conventions

- The Authority shall act as the national organisation to discharge obligations under various international

conventions such as the International Plant Protection Convention. It shall provide information related to the import, export and technical requirements for plants, plant products and other objects, to similar international, regional or other organisations, free of charge or on a reciprocal basis.

Grievance redressal mechanism

- Persons aggrieved by any order of the implementing officer, may appeal to the central government within a period of 30 days of the order. The centre may revise the order within the specified time period.

Penalties

- The Authority may award a reasonable compensation to a person for loss or damage to non-infested plants, animals or related products incurred by him as a result of any sanitary or phytosanitary measures.
- The penalty for contravening the provisions of this Act is an amount that can extend up to Rs two lakh. The punishment for interfering with seized items is imprisonment upto six months and a fine extendable to Rs two lakh. The punishment for false information, for impersonation and obstruction of a Designated Officer, contraventions in relation to imports and exports, and subsequent offences has also been specified.

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