

Government of India  
Ministry of Chemicals & Fertilizers  
Department of Fertilizers

Shastri Bhawan, New Delhi  
Dated 28<sup>th</sup> January, 2022

**Public Notice No. 23011/15/2021-P&K(Pt.)**

Department of Fertilizers (DoF) seeks views/comments on the enclosed draft of “Integrated Plant Nutrition Management Bill, 2022” from all stakeholders as required under the Pre-Legislative Consultation Policy. Draft “Integrated Plant Nutrition Management Bill, 2022” is enclosed at **Annexure-I**.

2. The views/comments on aforesaid draft bill may be communicated to this Department either through an email at [usfpp-fert@nic.in](mailto:usfpp-fert@nic.in) or through post to the Under Secretary (Fertilizers Act), Department of Fertilizers, Room No. 222, A-wing, Shastri Bhawan, New Delhi-110001.

3. The views/comments may be provided as per format enclosed at **Annexure-II** within 30 days of publication of this public notice on the official website of the Department of Fertilizers i.e. by 26<sup>th</sup> February 2022.

**Joint Secretary**

**THE INTEGRATED PLANT NUTRITION MANAGEMENT BILL, 2022**

**ACT NO. [\*] OF 2022**

[[\*], 2022]

A Bill

to promote the development and sustainable use of balanced fertilisers, including bio-fertilisers, bio-stimulates, nano-fertilisers and organic fertilisers to sustain India's food and nutritional security without causing adverse harm to the quality of the environment and health of the soil.

Whereas this Bill will simplify the process for the manufacture, production, distribution and price management of fertilisers in India, which will in turn improve the ease of doing business as well as encourage the promotion of research and innovation of high-yielding and climate smart systems of agriculture.

Whereas also this Bill will also support the welfare of farmers while promoting the optimal yields of crops in India which will promote India's mission of AatmaNirbhar or self-sufficiency.

BE it enacted by Parliament in 73rd Year of the Republic of India as follows:-

**CHAPTER 1**

**PRELIMINARY**

**1. Short title, extent and commencement.**

- (1) This Act may be called the Integrated Plant Nutrition Management Act, 2022.
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**

- (1) In this Act, unless the context otherwise requires,—
  - (a) "advertisement" shall have the same meaning as set out under sub-section (1) of section 2 of the Consumer Protection Act, 2019 (35 of 2019);
  - (b) "Authority" means the Integrated Plant Nutrition Management Authority of India as established under section 14 of this Act;
  - (c) "beneficial element" means those plant nutrients that promote plant growth but may not be absolutely necessary for the completion of the plant life cycle, and which may be notified by the Central Government from time to time;
  - (d) "bio-fertiliser" means the product containing carrier based (solid or liquid) living microorganisms which are agriculturally useful in terms of nitrogen fixation, phosphorus solubilisation or nutrient mobilization, to increase the productivity of the soil and/or crop;
  - (e) "bio-stimulant" means a substance or a microorganism or a combination of both whose primary function when applied to plants, seeds of rhizosphere etc. is to stimulate

physiological process in the plants and to enhance its nutrient uptake, growth, yield, nutrition efficiency, crop quality and tolerance to stress, regardless of its nutrient content, but does not include pesticides or plant growth regulators which are regulated under the Insecticides Act, 1968 (46 of 1968);

- (f) “complex fertiliser” means a fertiliser containing two or more nutrients during the production of which chemical reaction takes place;
- (g) “customised fertiliser” means a granular multi-nutrient carrier which contains primary, secondary and/or micro nutrient forms, both from organic and/or inorganic sources, manufactured through a systematic process of fusion blend granulation or precision blend technology formulated on the basis of soil fertility data and include 100% water soluble speciality fertiliser as customised combination products;
- (h) “dealer” means a person carrying on the business of selling fertilisers whether for wholesale or retail use and includes a manufacturer, an importer or a Fertiliser Marketing Entity carrying on such business and the agents of such persons;
- (i) “e-marketing entity” means the entity who sells, offers to sell, and carries on the business of selling fertilisers through a digital or electronic facility or platform for electronic commerce;
- (j) “fertiliser” means any essential substance, either in straight or mixed form and derived from either inorganic, organic or mixed sources, that is used or intended to be used to provide essential plant nutrients or beneficial elements or both for the soil or for the crop or makes essential plant nutrients available to the plants either directly or indirectly or by biological process or by both in the soil or plant, as notified from time to time by the Central Government and specified in rules framed under this Act and includes bio-stimulants and nano-fertilisers;

*Explanation:-* where for the purpose of fertilisers, essential plant nutrients include Primary Nutrients (nitrogen, phosphorus and potassium), Secondary Nutrients (calcium, magnesium and sulphur) and Micronutrients (zinc, manganese, copper, iron, boron and molybdenum).

- (k) “Fertiliser Inspector” means a person appointed under section 38 of this Act.
- (l) “fertiliser marketing entity” means an agency entrusted by the Central Government with functions relating to handling and distribution of imported fertilisers;
- (m) “grade” means the nutrient element contents in the fertiliser expressed in percentage;
- (n) “granulated mixture” means a mixture of fertilisers made by intimately mixing two or more fertilisers with or without inert material, and granulating them together, without involving any chemical reaction;
- (o) “importer” means a person who imports fertiliser in accordance with the Export and Import Policy of the Central Government, as may be amended from time to time;
- (p) “innovative fertilisers” means any single or complex fertiliser composed of (sub) nanomaterial, multi-component, and/or bioformulation that contains one or more nutrients that, through physical, chemical, and/or biological processes, can adapt the timing of nutrient release to the plant nutrient demand, enhancing the agronomic yields and reducing the environmental impact at sustainable costs when compared to conventional fertilisers;
- (q) “label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any fertiliser package and includes a product insert;
- (r) “manufacturer” means a person who produces fertilisers or customised fertilisers and the expression "manufacture" with its grammatical variations shall be construed accordingly;
- (s) “misbranded fertiliser” means a fertiliser,–

- I. if it is purported, or is represented to be, or is being—
    - (a) offered or promoted for sale with false, misleading or deceptive claims either;
      - (i) upon the label of the package, or
      - (ii) through advertisement, or
    - (b) sold by a name which belongs to another fertiliser; or
    - (c) offered or promoted for sale under the name of a fictitious individual or company as the manufacturer or producer of the article as borne on the package or containing the article or the label on such package; or
  - II. if the fertiliser is sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer bearing their name and address but,—
    - (a) the fertiliser is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another fertiliser under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character; or
    - (b) the package containing the article or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular, or if the package is otherwise deceptive with respect to its contents.
- (t) “nano-fertilisers” means fertilisers of nano scale which also comply with the standards specified in this regard by the Authority;
  - (u) “non-edible de-oiled cake” means substance obtained as residue after oil extraction (by expeller and/or through solvent extraction) from crushed seeds of non-edible oilseeds including Castor, Neem, Karanj, Mahua and Jatropha for use in soil as fertiliser;
  - (v) “offer for sale” includes a reference to an intimation by a person of a proposal by him for the sale of any fertiliser, made by the publication of a price list, by displaying the fertiliser for sale indicating the price, by providing a quotation of otherwise howsoever;
  - (w) “organic fertiliser” means substances made up of one or more unprocessed material(s) of a biological nature, which may have been derived from plant or animal and may include unprocessed mineral materials that have been altered through microbiological decomposition process;
  - (x) “prescribed” means prescribed by rules made by the Central Government or the State Government, as the case may be, under this Act;
  - (y) “retailer” means a person who sells fertilisers to farmers or plantations for agricultural use;
  - (z) “soil conditioner or soil amender” means agricultural materials which are used for amending the acidity of the soil, these may include such products as may be notified by the Central Government;
  - (aa) “specified” means the regulations made by the Authority under this Act, and the term “specify” shall be construed accordingly;
  - (bb) “spurious fertilisers” means a fertiliser whose nutrient content is below the prescribed nutrient content limit for sub-standard fertilisers as set out by way of rules made under this Act;
  - (cc) “State Controller” means such persons as may be appointed by the State Government as per section 35 of this Act;
  - (dd) “sub-standard fertiliser” means:

- (i) any fertiliser, other than NPK, whose nutrient content has a variation up to or less than 10% beyond tolerance limit, including variation in the particle size and moisture content of the fertiliser up to 10%; or
  - (ii) NPK fertilisers whose nutrient content has a variation up to or less than 30% beyond tolerance limit, including particle size and moisture content of the fertiliser up to 30%;or
  - (iii) any other conditions in relation to standards of fertilisers that may be specified by the Authority in this regard.
- (ee) “unfair trade practice” means such practices as defined under Section 11 of this Act.
- (ff) “wholesale dealer” means a dealer who sells fertiliser other than in retail for agricultural use such as for fertilisation of soil and increasing productivity of crops.
- (2) Words and expressions used and not defined in this Act but defined in the Fertiliser (Inorganic, Organic or Mixed) (Control) Order, 1985, the Fertiliser (Movement Control) Order, 1973 or the Essential Commodities Act, 1955 (10 of 1955) shall have the meanings respectively assigned to them in those Orders or Act.

### **3. Declaration as to expediency of control by the Union.**

It is hereby declared that it is expedient in the public interest that the Union should take under its control the distribution, price and quality of standards of fertilisers.

## **CHAPTER 2**

### **PRICE MANAGEMENT, DISTRIBUTION, IMPORT AND MOVEMENT OF FERTILISERS**

#### **4. Price Management of fertilisers.**

- (1) The Central Government may, with a view to regulating equitable distribution of fertilisers and making fertilisers available at fair prices, by notification in the Official Gazette, fix the maximum prices or rates at which any fertiliser may be sold by a dealer, manufacturer, importer or a fertiliser marketing entity.
- (2) The Central Government may have regard to the local conditions of any area, the period of storage of fertilisers and other relevant circumstances, fix different prices or rates for fertilisers having different periods of storage or for different areas or for different classes of consumers.
- (3) No dealer, manufacturer importer or fertiliser marketing entity shall sell or offer for sale any fertiliser at a price exceeding the maximum price or rate fixed under this clause.

#### **5. Display of stock position and price list of fertilisers.**

- (1) The Central Government may, by notification, determine the list of fertilisers which are to be prominently displayed at their place of business by every dealer selling or offering to sell any fertiliser.

- (2) The list of fertilisers mentioned in sub-section (1) shall include the following:—
  - (a) the quantities of opening stock of different fertilisers in holding on each day; and
  - (b) a list of prices or rates of the fertilisers being sold or offered to be sold the quantities of opening stock of different fertilisers in holding on each day.
- (1) The place of business referred to in sub-section (1) above may include the authorised website, or any other online platform through which sale of fertilisers is permitted to be made.

## **6. Restriction on the sale and use of fertilisers.**

- (1) No person shall himself, or by any person on their behalf, manufacture, import for sale, sell, offer for sale, stock, exhibit for sale or distribute any fertiliser which does not meet the standards as may be provided for under this Act, rules and regulations made thereunder.
- (2) No person shall manufacture, sell, import for sale, or market without obtaining the appropriate registration in the manner provided for under this Act.
- (3) No person shall, except with the prior permission of the Central Government and subject to such terms and conditions as may be imposed by such Government, sell or use fertiliser, for purposes other than what are permitted under this Act.
- (4) Notwithstanding what is contained in sub-section (1) of this section, a person may, sell, offer for sale or distribute such fertiliser which has been regularised in the manner which may be prescribed by way of rules made by the Central Government in consultation with the Authority.

## **7. All imports of articles of fertiliser to be subject to this Act.**

- (1) No person shall import into India,—
  - (a) any spurious or misbranded or sub-standard fertiliser;
  - (b) any product containing fertiliser for the import of which a licence or registration is required under any Act or rules or regulations, except in accordance with the conditions of such licence or registration; or
  - (c) any product containing fertiliser that contravenes any provision of this Act or any rule or regulation made thereunder, or any other Act in force in India.
- (2) Notwithstanding anything contained in this Act, rules and regulations made thereunder, the Central Government may by an order published in the Official Gazette determine specifications in respect of imported fertilisers.

## **8. Restriction on preparation of customised fertilisers.**

No person shall carry on the business of preparing any customised fertiliser, except according to this Act and rules and regulations made thereunder.

**9. Restriction on preparation of genetically modified bio-fertilisers or bio-stimulants.**

No person shall carry on the business of preparing, manufacturing, distributing, selling or importing any genetically modified bio-fertiliser or bio-stimulant without the prior approval of the Central Government.

**10. Restriction on manufacturing, distributing or selling fertilisers without appropriate packaging and labelling of fertilisers.**

No person shall manufacture, distribute, sell, despatch or deliver to any agency for the purpose of sale, any package of fertiliser which is not registered, marked or labelled in the manner as may be specified by the Authority.

**11. Restrictions of advertisement and prohibition as to unfair trade practices.**

- (1) No advertisement shall be made of any fertiliser which is misleading or deceiving or contravenes the provisions of this Act and rules and regulations made thereunder.
- (2) No person shall engage himself in any unfair trade practice for the purpose of promoting the sale, supply, use and consumption of fertiliser product or adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing or by visible representation, which-
  - (a) falsely represents that the fertilisers are of a particular standard, quality, quantity or grade-composition;
  - (b) makes a false or misleading representation concerning the need for, or the usefulness of such fertiliser; or
  - (c) gives the public any guarantee of the efficacy of a particular fertiliser that is not based on an adequate or scientific justification.

**12. Allocation of fertilisers to various States.**

The Central Government may, by way of notification in the Official Gazette, and with a view to securing equitable distribution and availability of fertilisers to the farmers in time, direct any manufacturer or importer to sell the fertilisers produced by such manufacturer or importer in such quantities and to such State or States and within such period as may be specified in the said notification.

**13. Movement of fertilisers.**

The Central Government may, through rules, prescribe the manner in which fertilisers may be moved from one state to another.

## CHAPTER 3

### INTEGRATED PLANT NUTRITION MANAGEMENT AUTHORITY OF INDIA

#### 14. Establishment of the Integrated Plant Nutrition Management Authority.

- (1) The Central Government shall, by notification, establish, for the purposes of this Act, an Authority to be called the Integrated Plant Nutrition Management Authority of India.
- (2) The Authority referred to in sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.
- (3) The head office of the Authority shall be at New Delhi.
- (4) The Authority may, with the prior approval of the Central Government, establish its offices at other places in India.

#### 15. Composition and qualifications for appointment of Members.

- (1) The Authority shall consist of the following members:
  - (a) a Chairperson;
  - (b) eight members to be appointed by the Central Government from amongst the officers of the Central Government not below the rank of Joint Secretary or equivalent, one each to represent the Department of Fertilisers, Department of Agricultural Cooperation and Farmers' Welfare, the Ministry of Legal Affairs, Ministry of Finance, NITI Aayog, Ministry of Railways, Ministry of Shipping and the Ministry of Commerce and Industry;
  - (c) two members from among the officials of the Indian Council of Agricultural Research;
  - (d) two members from among the officials of agricultural universities in every state, *ex-officio*;
  - (e) one member from among the officials of the Department for Promotion of Industry and Internal Trade;
  - (f) three members from among representatives of the fertiliser industry, which may include public sector undertakings, cooperative organisations, private companies, and the Fertiliser Association of India, *ex-officio*, with not more than one member from each such organisation; and
  - (g) three members who may be nominated by each State on a rotation basis every two years, where such members may also include persons from the farming community.
- (2) The Chairperson and every other Member shall be a person of ability, integrity and standing and who has special knowledge of, and such professional experience of not less than ten years in the areas of fertiliser research, chemistry, agronomy, agriculture, soil science, law or in any other matter, which in the opinion of the Central Government may be useful to the Authority.

- (3) The Chairperson shall also act as the Chief Executive Officer of the Authority and shall exercise such powers and perform such duties as may be prescribed by the Central Government by way of rules.
- (4) The Chairperson shall be appointed by the Central Government on the recommendation made by a three-member Selection Committee consisting of-
  - (a) Secretary of the Department of Fertilisers,
  - (b) Secretary of the Department of Agriculture, and
  - (c) Director General of Indian Agricultural Research Institute.
- (5) The procedure to be followed by the Selection Committee for recommending the names for the position of Chairperson under sub-section (4) shall be such as may be prescribed by the Central Government by way of rules.
- (6) The procedure for the appointment of all other members shall be such as may be prescribed by the Central Government, in consultation with the State Governments, by way of rules.
- (7) A vacancy caused to the office of the Chairperson or any other member of the Authority shall be filled up within a period of six months from the date on which such vacancy occurs.

#### **16. Terms and conditions of appointment.**

- (1) The term of office of the Chairperson and members (other than ex officio members) shall be five years or till they attain the age of sixty-five years, whichever is earlier, and they shall be eligible for reappointment.
- (2) The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and members shall be such as may be prescribed by the Central Government by way of rules.

#### **17. Removal of members from office.**

- (1) The Central Government may remove from office, the Chairperson, Officer, or any Member of the Authority who,-
  - (a) has been adjudged as an insolvent;
  - (b) has become physically or mentally incapable of acting as a Chairperson, or member;
  - (c) has been convicted of an offence, which in the opinion of the Central Government, involves moral turpitude;
  - (d) has so abused their position as to render their continuation in office detrimental to the public interest; or
  - (e) has acquired such financial or other interest as is likely to prejudicially affect their functions as a Chairperson or a member.

- (2) No Chairperson or any member of the Authority shall be removed under section (d) or (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard.

**18. Powers of Chairperson.**

The Chairperson of the Authority shall have powers of general superintendence and direction of the affairs of the Authority and shall also exercise all powers and do all such acts and things which may be exercised or done by the Authority under this Act.

**19. Meetings of Authority.**

The Chairperson and Members of the Authority shall meet at such times and places and shall observe such rules and procedures in regard to transaction of business at its meetings (including quorum at such meetings), as may be prescribed.

**20. Members not to participate in meetings in certain cases.**

Any Member who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Authority shall disclose the nature of their interest at such meeting, which shall be recorded in the proceedings of the Authority and such member shall not take part in any deliberation or decision of the Authority with respect to that matter.

**21. Vacancies, etc., not to invalidate the proceedings of Authority, members and employees of the Authority.**

- (1) No act or proceeding of the Authority shall be invalid merely by reason of—
- (a) any vacancy or defect in the constitution of the Authority;
  - (b) any defect in the appointment of a person as a Chairperson or member; or
  - (c) any irregularity in the procedure of the Authority not affecting the merits of the case.
- (2) The Authority may appoint such officers, other employees, consultants and experts as it may consider necessary for effectively discharging its functions under this Act in such manner as may be specified by regulations.
- (3) The salaries and allowances payable to, and other terms and conditions of service of, officers and employees of the Authority appointed under sub-section (2) shall be such as may be specified by regulations.

**22. Powers and functions of the Authority.**

- (1) It shall be the duty of the Authority to regulate the manner of registration for manufacturers of fertilisers, set out technical standards with respect to the quality of fertilisers and fertiliser products, and promote the sustainable use and development of innovative fertilisers.
- (2) Without prejudice to the generality of the foregoing and other functions of this Act, the functions of the Authority shall include—
  - (a) regulating:
    - (i) the manner of registration of manufacturers of fertilisers under this Act;
    - (ii) the exchange of information between the various enforcement authorities under this Act;
    - (iii) the method of collection, sampling and analysis of fertilisers;
    - (iv) the manner of receiving complaints under this Act;
    - (v) the manner of receiving inquiries under this Act; and
    - (vi) the manner of labelling and packaging of fertilisers under this Act.
  - (b) establishing technical standards necessary to maintain the quality of fertilisers, including:
    - (i) the permissible quantities of nutrients and contaminants in fertilisers, as well as the grades or formulations of physical or granulated mixtures of fertilisers that may be allowed to be prepared in India;
    - (ii) the procedure for the empanelment of NABL accredited laboratories for quality assistance at Central and State level;
    - (iii) the standard of laboratory equipment to be maintained by accredited laboratories;
    - (iv) the enforcement of quality control in relation to any fertiliser imported into India; and
    - (v) meeting necessary international standards with respect to quality and appropriate composition of fertilisers;
  - (c) promoting the research, development and sustainable use of innovative and alternative fertilisers, including:
    - (i) advocating and promoting general awareness regarding manufacture and use of such fertilisers for the betterment of the environment;
    - (ii) enhancing the scientific knowledge base of the fertiliser industry;
    - (iii) facilitating the capacity building of farmers to increase their use of innovative fertilisers;
    - (iv) label based fertilisers.
  - (d) any other matter referred by the Central Government to the Authority.
- (3) The Authority may, for the efficient discharge of its functions under this Act, constitute such committees as may be necessary.

### **23. Power of Authority to issue directions.**

- (1) The Authority may, for the discharge of its functions under this Act, or any rules or regulations made there under, by order, issue such directions from time to time to any entity in the chain of fertiliser market, as it may consider necessary.
- (2) Every direction issued under sub-section (1) shall be complied with by the entity in the chain of fertiliser market to whom such direction is issued.
- (3) The Authority may, on a representation made to it or on its own motion, modify, suspend, withdraw or cancel any direction issued under sub-section (1) and in doing so, may impose such conditions as it deems fit, subject to which the modification, suspension, withdrawal or cancellation shall have effect.

## **CHAPTER 4**

### **FINANCE, ACCOUNTS AND AUDIT AND ANNUAL REPORT**

#### **24. Grants by the Central Government.**

The Central Government may, after due appropriation made by Parliament by law on this behalf, make to the Authority grants of such sums of money as it may think fit for the purposes of this Act.

#### **25. Integrated Plant Nutrition Management Authority Fund.**

- (1) There shall be constituted a Fund to be called the Integrated Plant Nutrition Management Authority Fund to which the following shall be credited,—
  - (a) all Government grants, fees and charges received by the Authority under this Act; and
  - (b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.
- (2) The Integrated Plant Nutrition Management Authority Fund shall be applied for,—
  - (a) meeting the salaries, allowances and other remuneration of the Chairperson, Members, officers, employees, consultants and experts appointed by the Authority;
  - (b) activities undertaken by the Authority to improve the scientific knowledge base in relation to the fertiliser industry;
  - (c) activities undertaken by the Authority to promote the sustainable use of fertiliser in India; and
  - (d) the other expenses of the Authority in connection with the discharge of its functions under this Act.

#### **26. Accounts and Audit.**

- (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government by way of rules, in consultation with the Comptroller and Auditor-General of India.

- (2) The accounts of the Authority shall be audited annually by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts, and in particular, shall have the right to demand production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.
- (4) The accounts of the Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

## **27. Furnishing of returns etc. to the Central Government.**

- (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed by the Central Government by way of rules, or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion of awareness of innovative or alternative fertilisers, research and development of such fertilisers, as the Central Government may, from time to time require.
- (2) The Authority shall prepare once every year in such form and at such time as may be prescribed by the Central Government by way of rules, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.
- (3) A copy of the report prepared under sub-section (1) shall be laid, as soon as may be after it is received, before each House of the Parliament.
- (4) A copy of the report prepared under sub-section (1) shall also be made publicly available by the Authority.

## **CHAPTER 5**

### **REGISTRATION OF MANUFACTURERS, DEALERS AND RETAILERS**

## **28. Application for Registration as a Manufacturer of Fertilisers.**

- (1) No person shall sell, or offer for sale any fertiliser at any place as a manufacturer without being registered to carry on such business in the manner specified by regulations issued by the Authority in consultation with the State Governments.

- (2) In the event that the application for registration as a manufacturer is being made by a manufacturer that sells, or offers to sell any fertiliser:
- (a) in not more than one State, then such application shall be made to the State Controller of the State in which the manufacturer intends to sell or offer to sell such fertiliser; or
  - (b) in more than one State, then such application shall be made to the Authority,

where every such application for registration as a manufacturer shall be made in such form and manner, containing such particulars, and accompanied by such fee as may be specified by regulations issued by the Authority.

- (3) Every such application received by the Authority or the State Controller, as the case may be, and as set out under sub-section (2) shall be acknowledged within fifteen days of its receipt.
- (4) On receipt of the application under clause (a) of sub-section (2), the State Controller may, on being satisfied that the application conforms with all requirements specified under sub-section (1) grant a certificate of registration to the applicant, or else, reject by order such application:

Provided that no order rejecting the application shall be made without giving an opportunity to be heard to the applicant:

Provided further that every such order shall be communicated to the applicant within a period of thirty days.

- (5) On receipt of the application under clause (b) of sub-section (2), the Authority may, on being satisfied that the application conforms with all requirements specified under sub-section (1) grant a certificate of registration to the applicant, or else, reject by order such application:

Provided that no order rejecting the application shall be made without giving an opportunity to be heard to the applicant:

Provided further that every such order shall be communicated to the applicant within a period of thirty days.

- (6) The Authority or the State Controller, as the case may be, shall issue a certificate of registration to the applicant in such form and manner and subject to such terms and conditions as may be specified by regulations.
- (7) The Authority or the State Controller, as the case may be, may by order, suspend or cancel the certificate of registration granted to a manufacturer on any of the following grounds:

- (a) that it has obtained registration by making a false statement or misrepresentation of facts or by any other unlawful means;
- (b) that it has contravened any of the provisions of the Act or any rules or regulations made thereunder;
- (c) that it has sold or offered to sell a misbranded fertiliser;
- (d) that it has published, or is a party to the publication of an advertisement that is likely to mislead as to the nature or substance or quality of any fertiliser or gives false guarantee or claim as to the efficacy of the fertiliser;
- (e) that it has sold, or offered to sell any substance as a fertiliser which cannot be considered a fertiliser within the meaning of this Act;
- (f) that it has sold, imported for sale or marketed any fertiliser which may be sub-standard as set out under this Act; or
- (g) on any other ground as may be specified by regulations.

Provided that no order shall be made under this sub-section unless the manufacturer concerned has been given a reasonable opportunity of being heard.

Provided further that in the event that the Authority or the State Controller, as the case may be, suspends or cancels the certificate of registration granted to a manufacturer on the ground specified under clause (b) of this sub-section, then any fresh application for registration shall not be considered for a period of three years.

## **29. Registration of all dealers and retailers associated with the registered manufacturer.**

Every manufacturer registered under this Act shall furnish a list of associated dealers and retailers to the Authority in the manner specified by way of regulations by the Authority.

## **30. Registration of dealers and retailers.**

- (1) No person shall sell or offer for sale or carry on the business of selling any fertiliser at any place as a dealer or retailer without being registered to carry on such business in the manner specified by the Authority in consultation with the State Governments.
- (2) Every application for registration for a dealer or retailer shall be made to the relevant State Controller in such form and manner, containing such particulars, and accompanied by such fee as may be specified by regulations.
- (3) Every applicant for registration under sub-section (2) must also declare a nominee at the time of making the application.
- (4) Every such application for registration received by a State Controller shall be acknowledged within such period of time as may be set out under regulations.

- (5) On receipt of an application for registration under sub-section (2) above, the State Controller, on being satisfied that the application conforms with all requirements specified under sub-section (2) shall grant registration to the applicant, or else, reject by order, such application:

Provided that no order rejecting the application shall be made without giving an opportunity to be heard to the applicant.

Provided further that every order so made shall be communicated to the applicant within a period of fifteen days.

- (6) The State Controller may grant registration to a dealer or to a retailer in such form and manner as may be specified by regulations made by the Authority.
- (7) Every certificate of registration so issued by a State Controller shall be valid in perpetuity, and does not need to be renewed, except where required on the following grounds, namely:—
- (a) Upon the death of the dealer or the retailer;
  - (b) The certificate of registration has been obtained by making false statements or by misrepresentation, or by any other unlawful means;
  - (c) The applicant for obtaining the certificate of registration has contravened any of the provisions of the Act or regulations or rules made thereunder; and
  - (d) On any other ground as may be specified by regulations.
- (8) Every dealer and retailer that has been registered or granted an authorisation letter under the provisions of the Fertiliser (Control) Order, 1985 shall be permitted to continue the business of selling fertilisers for the duration of validity of such authorisation letter.
- (9) Upon expiry of the term of the authorisation letter or registration granted as set out in sub-section (8) of this section, the dealer or retailer shall re-apply for fresh registration in the manner set out under this section.
- (10) In the event of the death of a registration holder as under clause (a) of sub-section (7) of this section, the registration shall be transferred to the nominee of the registration holder, subject to the nominee meeting such qualifications as may be set out by regulations.
- (11) In the event that the nominee of the original registration holder does not meet the requisite conditions as set out under sub-section (9), then such nominee may file a fresh application for registration as set out in this Section.
- (12) The State Controller may, by order, suspend or cancel the certificate of registration granted to a dealer or retailer on any of the following grounds:

- (a) that it has obtained registration by making a false statement or misrepresentation of facts or by any other unlawful means;
- (b) that it has failed to comply with the requirements of the rules made by the State Controller;
- (c) that it has contravened any of the provisions of the Act or any rules or regulations made thereunder;
- (d) that it has sold or offered to sell a misbranded fertiliser;
- (e) that it has published, or is a party to the publication of an advertisement that is likely to mislead as to the nature or substance or quality of any fertiliser or gives false guarantee or claim as to the efficacy of the fertiliser;
- (f) that it has sold, or offered to sell any substance as a fertiliser which cannot be considered a fertiliser within the meaning of this Act;
- (g) that it has sold, imported for sale or marketed any fertiliser which may be sub-standard as set out under this Act.

Provided that no order shall be made under this subsection unless the dealer or retailer concerned has been given a reasonable opportunity to be heard.

## **CHAPTER 6**

### **GENERAL OBLIGATIONS OF MANUFACTURERS, IMPORTERS, RETAILERS AND DEALERS**

#### **31. Duties of Manufacturers, Importers, Fertiliser Marketing Entity, Retailers and Dealers.**

It shall be the duty of every manufacturer, fertiliser marketing entity and importer to undertake the following actions, namely:

- (1) Ensuring the quality of their product by possessing the minimum standards of laboratory facilities, as may be specified from time to time by the Authority.
- (2) Appointing an officer within their organisation who will be responsible for ensuring compliance with the provisions of this Act.
- (3) Facilitating the Central Government in conducting random checks of quality of fertilisers, where such checks will be conducted as per the procedure specified by regulations made by the Authority.

#### **32. Applicability of the Consumer Protection Act.**

Nothing contained in this Act shall prevent a consumer who may be aggrieved by the purchase or use of a sub-standard, misbranded or spurious fertiliser from availing the rights and protections granted to a consumer as set out under the Consumer Protection Act, 2019 (35 of 2019).

## **CHAPTER 7**

### **ENFORCEMENT OF THE ACT**

#### **33. Enforcement of this Act.**

The Authority, the Central Government and the State Government shall be responsible for the enforcement of this Act.

**34. Central Government to take *suomotu* cognizance.**

The Central Government has the power to take *suomotu* cognizance of any irregularities in the actions of manufacturers, dealers or retailers under this Act and to initiate action for inquiry or to direct the State Controller to inquire into the matter, as may be necessary.

**35. Appointment of State Controllers of Fertilisers under the Act.**

- (1) The State Government may appoint as State Controllers of Fertilisers for the purpose of this Act such persons and in such numbers as it may think fit.
- (2) The appointment shall be done by a notification in the Official Gazette.
- (3) The notification may define the limits of the area within which the State Controllers may exercise their jurisdiction.

**36. Power of the Authority or State Controllers to call for information.**

- (1) Without prejudice to the other provisions of this Act, the Authority or the State Controllers, as the case may be, may require a manufacturer, retailer or dealer, located within the limits of the area in which it may exercise its respective jurisdiction to provide such information as may be reasonably required by it for discharging its functions under this Act.
- (2) If the Authority or the State Controller, as the case may be, requires a manufacturer, retailer or dealer to provide any information under sub-section (1), it shall provide a notice in writing to the concerned party stating the reason for such requisition.
- (3) The Authority may, by way of regulations, specify the form and manner in which such information shall be provided by the manufacturer, retailer or dealer to it.
- (4) The State Government shall by way of rules, prescribe the form and manner in which such information shall be provided by the manufacturer, retailer or dealer to the State Controller.

**37. Power of Authority or State Controllers to Conduct Inquiry.**

- (1) The Authority, may on its own, or on a complaint received by it, or if so directed by the Central Government inquire or cause to be inquire, if it has reasonable grounds to believe that:

- (a) any activity of the manufacturer is being conducted in a manner that is detrimental to the interest of the purchasers of fertilisers; or
  - (b) any manufacturer has contravened any provision of this Act, or the rules or regulations made thereunder.
- (2) The State Controller, on its own or on a complaint received by it, or if so directed by the Central Government inquire or cause to be inquired, if it has reasonable grounds to believe that:
  - (a) any activity of the retailer, dealer, fertiliser marketing entity, or importer is being conducted in a manner that is detrimental to the interest of the purchasers of fertilisers; or
  - (b) any retailer, dealer, fertiliser marketing entity, or importer has contravened any provision of this Act, or the rules or regulations made thereunder.

### **38. Appointment of Fertiliser Inspector**

- (1) The State Government, or the Central Government may, by notification in the Official Gazette, appoint such a number of persons, as it thinks necessary and possessing such technical and other qualifications as may be prescribed by way of rules issued by the Central Government to be Fertiliser Inspector for the purpose of this Act and any rules and regulations made thereunder.

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 fertiliser or in any fertiliser industry shall be appointed as a Fertiliser Inspector.
- (2) The State Controller may direct Fertiliser Inspectors appointed under sub-section (1) to inquire into the activities of such retailer, importer, fertiliser marketing entity or dealer as may be required under section 37.
- (3) The Authority may direct Fertiliser Inspectors appointed under sub-section (1) to inquire into the activities of such retailer, importer, fertiliser marketing entity or dealer as may be required under section 37.
- (4) The manner in which the Fertiliser Inspector may carry out their functions shall be prescribed by the Central Government in the form of rules.
- (5) The Fertiliser Inspector, while exercising their powers under this Section shall have the same powers as are vested in a civil court under the Code of Criminal Procedure (2 of 1974) in relation to search and seizure shall, so far as may be, apply to searches and seizures under this Act.

**39. Action to be taken by the Fertiliser Inspector pursuant to an inquiry.**

- (1) Upon carrying out an inquiry pursuant to the manner prescribed by the Central Government as set out in sub-section (4) of section 38 above, the Fertiliser Inspector shall make a report detailing the results of such inquiry to the Authority or to the State Controller as the case may be.
- (2) The report as set out under sub-section (1) shall be made in such form and manner, and containing such information as may be prescribed by rules made by the Central Government.

**40. Powers of Fertiliser Inspector.**

- (1) A Fertiliser Inspector appointed under Section 38 may exercise the following powers for the purpose of securing compliance with this Act-
  - (a) require any manufacturer, importer, fertiliser marketing entity, wholesale dealer or retailer to provide any information in their possession with respect to the manufacture, storage and disposal of any fertiliser manufactured.
  - (b) draw samples of any kind of fertiliser as per the procedure prescribed by rules by the Central Government with respect to the kind of fertiliser.
  - (c) enter and search any premises where any kind of fertiliser is manufactured or imported or stored or exhibited for sale, if the Fertiliser Inspector has a reason to believe that any fertiliser has been or is being manufactured/imported, sold, offered for sale, stored, exhibited for sale or distributed in contravention to any of the provisions of this Act or the rules made under it.
  - (d) seize or confiscate any fertiliser which the Fertiliser Inspector has a reason to believe contravenesthe standards of quality established by this Act.
  - (e) seize any books of accounts or documents relating to manufacture, storage or sale of fertilisers, etc. in respect of which the Fertiliser Inspector has a reason to believe that contravention of any provision of this Act has been or is being or is about to be committed.
- (2) The Fertiliser Inspector shall give a receipt for the seized fertilisers or books of accounts to the person from whom they were seized.
- (3) The seized books of account or documents shall be returned to the person from whom they were seized after copies or their extracts have been taken.
- (4) Where any offence punishable under Section 41 has been committed, the consignment of the fertilisers in respect of which the offence has been committed shall be liable to confiscation.

## CHAPTER 8

### OFFENCES AND PENALTIES

#### 41. Offences under this Act.

- (1) Any manufacturer who fails to comply with laboratory requirements that are specified by way of regulations issued by the Authority under this Act, shall be liable to have its certificate of registration of manufacture cancelled and shall be punishable with a fine which may extend to ten lakhs rupees.
- (2) any manufacturer, retailer, importer, or dealer that sells, distributes or retails a misbranded fertiliser shall be punishable with imprisonment for a term not less than six months but which may extend to three years and also with a fine that may extend to twenty lakh rupees.
- (3) any manufacturer, retailer, importer, or dealer that retains, removes or tampers with any fertiliser, package or labelling or advertising material or other thing that has been seized under this Act, shall be punishable with imprisonment for a term not less than one month and also with a fine which may extend to five lakh rupees.
- (4) any person without a reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault any officer of the Authority or any other person vested with the power to enforce the provisions of this Act, shall be punishable with imprisonment for a term not less than one month and also with a fine which may extend to five lakh rupees.
- (5) any manufacturer, dealer, retailer, importer or fertiliser marketing entity who contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of this no penalty has been separately provided in this Chapter, shall be liable to a fine which may extend to five lakh rupees.
- (6) any manufacturer, retailer, importer, fertiliser marketing entity or dealer that sells, distributes or retails a spurious fertiliser shall be punishable with imprisonment for a term not less than six months but which may extend to three years and also with fine which may extend to twenty lakh rupees.
- (7) any manufacturer who is required to obtain a certificate of registration sells any fertiliser without the necessary certificate of registration, shall be punishable with a fine which may extend to twenty lakh rupees.
- (8) any manufacturer, dealer or retailer sells, imports for sale, or markets any fertiliser which has been defined as sub-standard under this Act in a manner that contravenes the rules by which regularisation of such sub-standard fertilisers may be done as set out under sub-section (4) of section 6, he shall be punishable with a fine which may extend to twenty lakh rupees.

#### **42. Power to initiate an action for prosecution.**

- (1) The State Controller or the Authority, as the case may be, after scrutiny of the report of Fertiliser Inspector under section 39 shall decide as to whether the contravention is punishable with imprisonment or fine in case contravention is punishable with imprisonment then he shall direct by order within fifteen days to the Fertiliser Inspector for initiating an action for prosecution in the manner prescribed by the Central Government.
- (2) No prosecution under this chapter shall be instituted except by:
  - (a) a Fertiliser Inspector; or
  - (b) any gazette officer of the Central Government or a State Government authorized in writing in this behalf by the Central Government or a State Government or by a general or special order made in this behalf by that Government; or
  - (c) the person aggrieved; or
  - (d) a recognized consumer association whether such a person is a member of that association or not.
- (3) Save otherwise provided in this Act, no court inferior to a Court of Session shall try an offence punishable under this Chapter.
- (4) Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Chapter.

#### **43. Cognizance of offences by court.**

No cognizance shall be taken by a competent court of any offence under Section 41 except on a complaint filed by the Authority or State Controller as the case may be or any other officer authorised by the Authority or the State Controller in this behalf.

#### **44. Offences by companies.**

- (1) Where an offence under this Act which has been committed by a company, every person who, at the time the offence was committed was in charge of, and 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.

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch, unit nominated by the company as responsible for quality of fertiliser shall be liable for contravention in respect of such establishment, branch or unit.

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

- (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.

*Explanation.*—For the purpose of this section,

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

#### **45. Civil Court not to have jurisdiction.**

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an appellate authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

#### **46. Compounding of Offences.**

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed for the first time, punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by an officer so authorised by the Authority or the appropriate State Controller, in such manner as may be prescribed by way of rules issued by the Central Government:

Provided that the sum so specified shall not in any case exceed the maximum amount of the fine which may be imposed under section 41 for the offence so compounded; and any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded shall be deemed to be an offence committed for the first time.

- (2) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Authority.
- (3) Every application for the compounding of an offence shall be made in such manner as may be prescribed by way of rules issued by the Central Government.
- (4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence against the offender in relation to whom the offence is so compounded.

#### **47. Appeals at Central Government Level.**

- (1) Where the act of suspension or cancellation of the certificate of registration of a manufacturer by the Authority has a detrimental effect on the allocation of fertilisers to any State as directed by the Central Government in the manner set out under Section 12 of this Act, the Central Government may:
  - (a) direct the Authority to furnish a detailed report providing a statement of reasons and the nature of contravention by the manufacturer which led the Authority to suspend or cancel the certificate of registration of such manufacturer; and
  - (b) upon examining the detailed report submitted by the Authority, as under clause (a) of this sub-section, pass such order as it may consider appropriate, confirming, modifying or annulling the order of the Authority.

Provided that if the report called by the Central Government is not received from the Authority within a period of fifteen days from the date of issue of the communication, the Central Government may decide the case without the report, on merit.

- (2) Where any person is aggrieved by or does not agree with the results of the analysis report of the NABL certified or accredited laboratories, then such person may appeal within a period of thirty days from the receipt of such analysis report,
  - (a) to the Central Government in the event that the Authority has directed the Fertiliser Inspector to draw the sample; or
  - (b) to the State Government in the event that the State Controller has directed the Fertiliser Inspector to draw the sample.

Provided that the Central Government or the State Government, as the case may be, may entertain an appeal after the expiry of said period of thirty days from the date of the order appealed, if the delay was caused due to a valid reason.

- (3) The State Governments or any person aggrieved by any direction, decision or order made by the Authority may prefer an appeal to the Central Government.

#### **48. Appeal at the State Government level.**

The State Government shall, by notification in the Official Gazette, specify such authority as the Appellate authority before whom the appeals may be filed within thirty days from the date of the order appealed against by any person, aggrieved by the order or action of the State Controller suspending or cancelling the registration of retailer or dealer

**49. Recovery of Amounts.**

All sums realised by way of penalties under this Act shall be credited to the Consolidated Fund of India.

**CHAPTER 9**

**MISCELLANEOUS**

**50. Power of the Central Government to issue directions in certain circumstances.**

- (1) The Central Government may give such directions to the Authority or any State Government as may appear to the Central Government to be necessary for executing in the State any of the provisions of this Act or any rule or an order made there under.
- (2) Without prejudice to the foregoing provisions of this Act, the Authority or the State Government, as the case may be, shall, in exercise of its powers or the performance of its functions under this Act be bound by such directions on questions of policy, as the Central Government may give, in writing to it, from time to time:

Provided that the Authority or the State Government, as the case may be, shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section:

Provided further that nothing in this section shall empower the Central Government to issue directions pertaining to technical or administrative matters undertaken by the Authority.

- (3) The decision of the Central Government, whether a question is one of policy or not, shall be final.

**51. Members, officers, etc., of the Integrated Plant Nutrition Management Authority of India to be public servants.**

The Chairperson, Members, officers and other employees of the Integrated Plant Nutrition Management Authority of India while acting or purporting to act in pursuance of the provisions of this Act, or of any rule or regulation made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**52. Protection of action to be taken in good faith.**

No suit, prosecution or other legal proceeding shall lie against the Integrated Plant Nutrition Management Authority of India or any member or any officer, or other employees of the Integrated Plant Nutrition Management Authority of India, or against the Central or State Government or any

officer of such Governments for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

**53. Power of the Central Government to make rules.**

- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.
- (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:
  - (a) The permitted levels of nutrient content that a fertiliser must have in order to not be considered sub-standard as under clause (bb) of sub-section (1) of section 2;
  - (b) manner of regularising sub-standard fertiliser for sale as under sub-section (4) of section 6;
  - (c) manner of transporting fertilisers from one state to another under section 13;
  - (d) duties to be performed by the chairperson of the Authority as under sub-section (3) of section 15;
  - (e) procedure to be followed by the Selection Committee for recommending names under sub-section (5) and procedure for the appointment of all other members under sub-section (6) of section 15;
  - (f) salaries and allowances payable to, and other terms and conditions of appointment of Chairperson and members under sub-section (2) of section 16;
  - (g) the time and place for, and the rules and procedures in regard to, transaction of business at the meetings of the Authority under section 19;
  - (h) the form and manner of the annual statement of accounts for audits under sub-section (1) of section 26;
  - (i) the form and manner for returns, statements, and particulars are to be furnished to the Central Government under sub-section (1) and form and time of annual report under sub-section (2) of section 27;
  - (j) requisite technical and other qualifications to be appointed as a Fertiliser Inspector under sub-section (1) of section 38;
  - (k) manner of carrying out the functions assigned to a Fertiliser Inspector under sub-section (4) of section 38;
  - (l) form and manner of the report detailing the results of inquiry conducted by the Fertiliser Inspector under sub-section (2) of section 39;
  - (m) procedure for Fertiliser Inspector with respect to drawing samples of any fertiliser under clause (b) of sub-section (1) of section 40;
  - (n) manner of initiating an action for prosecution by State Controller or Authority under sub-section (1) of section 42;
  - (o) manner of compounding punishment of an accused under sub-section (1) of section 46;
  - (p) manner of application for compounding an offence under sub-section (3) of section 46.

**54. Power of the State Government to make rules.**

- (1) The State Government may, after consultation with the Authority and subject to the condition of previous publication, by notification in the official Gazette make rules for the purpose of giving effect to the provisions of this Act and 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) form and manner in which information shall be provided by the manufacturer, retailer or dealer to the State Controller under sub-section (4) of section 36;
- (b) form and manner of fees payable under this act under section 59; or
- (c) any other matter which may be, or is required to be prescribed.

**55. Power to make regulations.**

- (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder, for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:
  - (a) Standards which must be satisfied by a fertiliser to be considered a nano-fertiliser as under clause (t) of sub-section (1) of section 2;
  - (b) manner and form for appropriate packaging and labelling of fertilisers under section 10;
  - (c) manner of appointing officers, other employees, consultants and experts under sub-section (2) of section 21;
  - (d) salaries and allowances payable to, and other terms and conditions of service of, officers and employees of the Authority under sub-section (3) of section 21;
  - (e) in relation to any of the functions of the Authority as set out under sub-section (2) of section 22;
  - (f) form and manner of application for registration as a manufacturer of fertilisers under sub-section (1) of section 28;
  - (g) form and manner of certificate of registration and requisite fees as a manufacturer under sub-section (2) and (6) of section 28;
  - (h) terms and conditions for suspension and cancellation of certificate of registration under clause (g) of sub-section (7) of section 28;
  - (i) form and manner in which the list of associated dealers and retailers shall be furnished to the Authority under section 29;
  - (j) the manner of carrying on business as dealer or retailer under sub-section (1) of section 30;
  - (k) form and manner of application for registration as a dealer or retailer to be made to the State Controller under sub-section (2) of section 30.
  - (l) form and manner of application for registration as a dealer or retailer to be made to the Authority under sub-section (3) of section 30;
  - (m) the manner and terms and conditions of granting certificate of registration by the State Controller under sub-section (6) of section 30;
  - (n) grounds on the basis of which renewal of certificate of registration granted by the State Controller is required under clause (e) of sub-section (7) of section 30;
  - (o) qualifications for a nominee for transfer of certificate of registration under sub-section (10) of section 30;
  - (p) terms and conditions of minimum standards of laboratory facilities to be possessed by manufacturer, fertiliser marketing entity and importer under sub-section (1) of section 31;
  - (q) procedure for conducting random quality checks of fertilisers under sub-section (3) of section 31;
  - (r) form and manner in which information may be sought as under sub-section (3) of section 36; or
  - (s) any other matter which may be, or is required to be specified.

**56. Rules and regulations to be laid before the Parliament.**

Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of 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 regulation, or both the Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only 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 or regulation.

**57. Overriding effect of this Act.**

Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

**58. Power to grant exemption from the Act.**

If the Central Government or the State Government, as the case may be, is satisfied that it is necessary in the public interest to do so, it may, by notification in the Official Gazette, be exempt generally either absolutely or subject to such conditions as may be specified in the notification; from application of the provisions of this Act.

**59. Fees.**

The fees payable under this Act shall be such as the Authority or the State Government, as the case may be, fix from time to time, subject to the maximum fees fixed for different purposes by the Central Government.

**60. Power to remove difficulties.**

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.
- (3) No order will be made under this section after the expiry of two years from the commencement of this Act.

## **61. Repeal and Savings.**

- (1) The Fertiliser (Inorganic, Organic and Mixed) (Control) Order, 1985 and Fertiliser (Movement) Control Order, 1973 are hereby repealed except,
  - (a) as respects things done or omitted to be done under the said Orders before the commencement and subsequent implementation of this Act; and
  - (b) such parts of the said Fertiliser (Inorganic, Organic and Mixed) (Control) Order, 1985 and Fertiliser (Movement) Control Order, 1973 that the Central Government may consider necessary to retain, by way of notification in the Official Gazette.
  
- (2) Notwithstanding such repeal, an order made by any authority, which is in force immediately before the commencement of this Act and which is consistent with this Act, shall continue in force and all appointments made, prices fixed, certificates granted and directions issued under repealed Fertiliser (Inorganic, Organic and Mixed) (Control) Order, 1985 or the Fertiliser (Movement) Control Order, 1973 and in force immediately before such commencement shall likewise continue in force and be deemed to be made, fixed, granted or issued in pursuance of this Act till revoked.

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