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Government of India
Ministry of Agriculture & Farmers Welfare
Department of Agriculture, Cooperation & Farmers Welfare

Dated: 19.02.2018

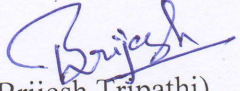
Notice

Subject: - Comments on proposed Pesticide Management Bill -2017 from stakeholders -reg.

As directed, post stakeholders meeting on PMB-2017 held on 11.01.2018 at NASC Complex, Dev Prakash Shastri Marg, Opposite Village Todapur, New Delhi-110012, the draft Pesticide Management Bill (PMB)-2017 is hereby hoisted on the official website of the DAC&FW; for comments of all concerned/ stakeholders within **fifteen days** of hoisting the same on the website.

The comments/ suggestions on the PMB-2017 may kindly be addressed to the Joint Secretary (Plant Protection), Ministry of Agriculture and Farmers Welfare, Department of Agriculture, Co-operation and Farmers Welfare, Krishi Bhawan, New Delhi-110001. The soft copy of the same may kindly be emailed also to the jspp-dac@gov.in within the stipulated time period.

This issues with the approval of competent authority.


(Brijesh Tripathi)
Assistant Director
Tel.011-23097053

Encl: As mentioned above

Copy for information to -

Sr. PPS to Secretary, DAC&FW/ PPS to AS (AD) CEO (NRAA), PPS to AS(JS)/ PPS to JS (PP) /
PS to Director (PP)/ PA to US (PP-I)

Department of Agriculture, Cooperation and Farmers Welfare

THE PESTICIDES MANAGEMENT BILL, 2017

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	<p style="text-align: center;">THE PESTICIDES MANAGEMENT BILL, 2017</p> <p style="text-align: center;">A BILL</p> <p><i>to regulate the import, manufacture, export, storage, sale, transport, distribution, quality and use of pesticides with a view to—</i></p> <p>(i) control pests;</p> <p>(ii) ensure availability of quality pesticides;</p> <p>(iii) allow its use only after assessing its efficacy and safety;</p> <p>(iv) minimize the contamination of agricultural commodities by pesticide residues;</p> <p>(v) create awareness among users regarding safe and judicious use of pesticides,</p> <p>and to take necessary measures to continue, restrict or prohibit the use of pesticides with a view to prevent its risk on human beings, animals or environment, and for matters connected therewith or incidental thereto.</p> <p>Be it enacted by Parliament in the Sixty eight Year of the Republic of India as follows:—</p>	
<p>Applications of other laws not barred.</p> <p>Definitions</p>	<p style="text-align: center;">CHAPTER I PRELIMINARY</p> <p>1. (1) This Act may be called the Pesticides Management Act, 2017.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act.</p> <p>2. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.</p> <p>3. In this Act, unless the context otherwise requires,—</p> <p>(a) "active ingredient" means biologically active part of a pesticide;</p> <p>(b) "animals" means animals useful to human beings, honey-bees, earthworms, beneficial insects and include fish and fowl, and such kinds</p>	<p>Short title, extent and commencement</p>

of wild life as the Central Government may, by notification in the Official Gazette, specify, being kinds which in its opinion is desirable to protect or preserve;

(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, or as the case may be, the institution notified or laboratories accredited under section 21;

f) "deemed registered pesticides" means the pesticides registered on the basis of their being exported, imported or manufactured immediately before the commencement of this Act;

(g) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organisms and property;

(h) "export" means taking out to any place outside those territories to which this Act extends from a place inside the territories;

(i) "formulation" means manufacture of a preparation containing one or more technical grade pesticide in a definite proportion along with other specified ingredients;

(j) "household pesticide" means any pesticide that is sold to the user for the purpose of use only in household and intended to destroy, deter, render harmless, prevent the action of or otherwise exert a controlling effect on any harmful pest by chemical or biological means, which is not used on fields or farms or for commercial storage applications;

(k) "import" means bringing into any place within the territories to which this Act extends from a place outside those territories;

l) "label" means any written, printed or graphic matter on the immediate package and on every other covering in which the package is placed or packed and includes any written, printed or graphic matter accompanying the pesticide;

(m) 'leaflet' means any written, printed or graphic matter

accompanying the pesticide;

(n) "licensing officer" means a licensing officer appointed under section 16;

(o) "manufacture", in relation to any pesticide, includes—

(i) any process or part of a process for making any pesticide or its packing and labeling with a view to its sale, distribution or use; or

(ii) any process by which a formulation containing a pesticide is made; or

(iii) any repacking or relabeling subsequent to the process of making of pesticide or formulation at clause (i) or (ii) without changing the date of making of such a pesticide or a formulation;

(p) "misbranded"—a pesticide shall be deemed to be misbranded—

(i) if its label or leaflet contains any statement, design or graphic representation relating thereto which is false or misleading in any material particular, or if its package is otherwise deceptive in respect of its contents; or

(ii) If its label or leaflet does not contain a warning or caution which may be necessary and sufficient, if complied with to prevent risk to human beings or animals; or

(iii) if any word, or statement or other information required by or under this Act to appear on the label or leaflet is not displayed thereon in such conspicuous manner as the other words, statements designs or graphic matter have been displayed on the label or leaflet in such terms as to render it likely to be read and understood by any ordinary individual under customary conditions of purchase and use; or

(iv) if it is not packed or labelled as required by or under this Act; or

(v) if the label or leaflet contains any reference to registration other than the registration number; or

(vi) if the date of manufacture and the date of expiry printed on its label or leaflet is at variance with the shelf-life as approved by the Registration Committee; or

(vii) if the date of making of a pesticide or a formulation is

	<p>altered at the time of repacking or relabeling;</p> <p>(q) "nominal value" means the registered strength of a pesticide;</p> <p>(r) "other Ingredients" means inert material, wetting agents, dispersing agents, emulsifying agents, stabilizers or other substances which are added in a specified proportion to technical grade pesticide to make a formulation;</p> <p>(s) "package" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper, or such other things as approved by the Registration Committee, in which a pesticide is placed or packed;</p> <p>(t) "pesticide" means any substance or mixture of substances of chemical or biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, in households or for public health including unwanted species of plants or animals during the production, storage, transport and distribution of agricultural commodities or animal feeds including substances intended for use as plant growth regulator, defoliant, desiccant, fruit thinning agents, or sprouting inhibitor and substances applied to crops either before or after harvest to protect them from deterioration during storage and transport;</p> <p>(u) "Pesticide Analyst" means a Pesticide Analyst appointed under section 24;</p> <p>(v) "pest control operator" means any person who undertakes pest control operations and includes the person or the firm or the company or the organization under whose control such person is operating.</p> <p>(w) "Pesticide Inspector" means a Pesticide Inspector appointed under section 25;</p> <p>(x) 'Pesticide Testing Laboratory' means a laboratory recognised by the Central Government under section 21;</p> <p>(y) "premises" means any land, shop, stall or place, where any pesticide is sold or manufactured or stored or used, and includes any vehicle carrying pesticides;</p> <p>(z) "prescribed" means prescribed by rules made under this Act;</p> <p>(za) "registered", with its grammatical variations and cognate expressions, means registered under this Act;</p> <p>(zb) "sale", with its grammatical variations and cognate expressions,</p>	
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means the sale of any pesticide whether for cash or on credit and whether by wholesale or retail, and includes an agreement for sale, an offer for sale, exposing for sale or having in possession for sale of any pesticide or an attempt to sell or provide services related to the use of any such pesticide;

(zc) "sub-standard"— a pesticide shall be deemed to be sub-standard—

i) if it does not conform to the active ingredient test approved for it by the Registration Committee and its active ingredient is within five per cent. of the nominal value when applied beyond the upper and lower limits prescribed for conforming to the test:

Provided that no tolerance limit shall apply in case of pesticides, which are registered on minimum purity basis; or

ii) if it does not conform to other tests specified or approved for it by the Registration Committee while granting registration;

(zd) "spurious"— a pesticide shall be deemed to be spurious—

(i) if it is not registered or licensed in the manner required by or under this Act; or

(ii) if on test or analysis it shows active ingredient higher or lower even beyond the limits prescribed under clause *(iv)*; or

(iii) if the container bears the name of the person or company purporting to be the manufacturer of the pesticide, which is either fictitious or does not exist; or

(iv) if the chemical composition as approved by the Registration Committee is not adhered to or is modified or changed by adding or substituting any ingredient or substance; or

(v) if it has outlived its shelf-life, as evident by the date of manufacture and the date of expiry as printed on its label, approved by the Registration Committee and displayed for sale, distribution, use or caused to be used or not disposed of as per provision under section 52; or

(vi) if its import, manufacture, use or sale is prohibited and it is found to be imported, manufactured, stocked, distributed, transported, sold or exhibited for sale, caused to be used;

(ze) "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;

	<p>(zd) "stockist" in relation to any household pesticide means, any person who purchases such packages for distribution or re-sale from any manufacturer of such pesticide;</p> <p>(zf) "technical grade pesticide" means purest form of a pesticide produced for commercial use, prior to being formulated;</p> <p>(zg) "worker" means a person employed under a contract of service or apprenticeship.</p>	
<p>Constitution of central Pesticides Board</p>	<p style="text-align: center;">CHAPTER II</p> <p style="text-align: center;">CENTRAL PESTICIDES BOARD</p> <p>4. (1) The Central Government shall, as soon as may be, constitute a Board to be called the Central Pesticides Board to advise the Central Government and the State Governments on scientific and technical matters arising out of administration of this Act and to carry out the functions assigned to it by or under this Act.</p> <p>(2) The Board shall consist of the following members, namely:—</p> <p>(i) Director General of Health Services, who shall be the Chairperson; <i>ex officio</i></p> <p>(ii) Joint Drugs Controller General of India; <i>ex officio</i></p> <p>(iii) Agriculture Commissioner, Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare; <i>ex officio</i></p> <p>(iv) the Plant Protection Adviser to the Government of India; <i>ex officio</i></p> <p>(v) a designated representative of —</p> <p>(a) Director of Storage and Inspection, Ministry of Food, Consumer Affairs and Public Distribution;</p> <p>b) Chief Adviser of Factories;</p> <p>(c) Director, National Institute of Communicable Diseases;</p> <p>(d) Director-General, Indian Council of Medical Research;</p> <p>(e) Director, Zoological Survey of India;</p> <p>(f) Director-General, Bureau of Indian Standards;</p> <p>(g) Director-General of Shipping, Ministry of Shipping;</p> <p>h) Joint Director, Traffic (General), Ministry of Railways (Railway Board);</p>	

	<p>(i) Secretary, Central Committee for Food Standards;</p> <p>(j) Animal Husbandry Commissioner, Department of Animal Husbandry, Dairying and Fisheries;</p> <p>(k) Joint Commissioner (Fisheries), Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers Welfare;</p> <p>l) Deputy Inspector-General of Forests (Wild Life), Ministry of Environment, Forest and Climate Change;</p> <p>(m) Industrial Adviser (Chemical), Department of Industrial Policy and Promotion, Ministry of Commerce;</p> <p>(n) Department of Biotechnology;</p> <p>(o) Ministry of Commerce, Department of Commerce;</p> <p>(p) Central Ground Water Board;</p> <p>(q) National Institute of Nutrition;</p> <p>(r) Department of Legal Affairs, Ministry of Law & Justice;</p> <p>(vi) Assistant Director-General (Plant Protection), Indian Council of Agricultural Research, ex officio;</p> <p>(vii) Director, Central Pesticides Laboratory, ex officio;</p> <p>(viii) representative of the Food Safety and Standards Authority of India, not below the rank of a Director, ex officio;</p> <p>(ix) Industrial Adviser (Chemicals), Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers, ex officio;</p> <p>(x) Director, Hazardous Substances Management, Ministry of Environment, Forest and Climate Change ex officio;</p> <p>(xi) Director, National Institute of Occupational Health, ex officio;</p> <p>(xii) One Pharmacologist to be nominated by the Central Government;</p> <p>(xiii) One medical toxicologist to be nominated by the Central Government;</p> <p>(xiv) One person who shall be in charge of the department dealing with public health in a State, to be nominated by the Central Government;</p> <p>(xv) Five persons who shall be Directors of Agriculture or Horticulture in States, representing five respective agro-climatic zones, to be nominated by the Central Government;</p> <p>(xvi) One person to represent the Council of Scientific and Industrial Research, to be nominated by the Central Government;</p> <p>(xvii) One ecologist to be nominated by the Central Government; and</p> <p>(xviii) Two representatives of farmers, one male farmer and one female</p>	
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<p>Term of office of nominated members.</p> <p>Vacancies etc., not to invalidate proceedings of Board, Registration Committee or any other committee.</p> <p>Functions and powers of Board.</p>	<p>farmer, to be nominated by the Central Government. Provided further that educational qualification of such representatives of farmers shall be as prescribed in rule.</p> <p>3) The Central Government may appoint an officer from the Directorate of Plant Protection, Quarantine and Storage as the Member-Secretary to the Board having such qualifications as may be prescribed.</p> <p>5. The person nominated under clauses (xii) to (xviii) of sub-section (2) of section 4 shall, unless their seats become vacant earlier by resignation, death or otherwise, hold office for a period of three years from the date of their nomination but shall be eligible for re- nomination:</p> <p>Provided that the persons nominated under clauses (vi) to (xi) shall hold office only for so long as they hold the appointments by virtue of which their nominations were made.</p> <p>6. No act or proceeding of the Board, the Registration Committee or any other committee constituted under this Act, shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board, the Registration Committee or such committee, as the case may be.</p> <p>7. The matters on which the Board may advise the Central Government and the State Governments shall, inter alia, include—</p> <p>(a) prevention of risk to human beings, animals and environment during the manufacture, sale, storage, transport, distribution, handling and use of pesticides and necessary safety measures and practices relating thereto;</p> <p>(b) monitoring performance of registered pesticides in improvement of agricultural production;</p> <p>(c) review of the toxicity and safety of pesticides from time to time;</p> <p>(d) suggest development and availability of safer alternatives to existing pesticides as per latest global research and development;</p> <p>(e) disposal of obsolete, date-expired and banned pesticides;</p> <p>(f) specifying the protocols, procedures and good manufacturing practices for pesticide manufacturers; and</p>	
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<p>Procedure, etc., of Board</p> <p>Officers and employees of Board and Registration Committee.</p> <p>Other Committees and allowances payable to members of Board, Registration Committee and other Committees.</p>	<p>(g) specifying the guidelines for the regulation of advertising of pesticides in media to ensure that it is in accordance with the label directions and precautions to be observed in its application.</p> <p>8. The Board may, subject to the previous approval of the Central Government, make regulations for the purpose of regulating its procedure and the procedure of any committee thereof and the conduct of all business to be transacted by it or such committee.</p> <p>9. The Central Government shall provide the Board and the Registration Committee with such technical and other staff, as it considers necessary.</p> <p>10. (1) The Board may constitute such committees as it considers necessary and may appoint to them, persons who are not members of the Board to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Board may impose, be delegated to them by the Board.</p> <p>(2) The members of the Board, the Registration Committee and other committees shall receive such allowances as may be prescribed.</p>	
<p>Registration Committee and its functions</p>	<p style="text-align: center;">CHAPTER III REGISTRATION OF PESTICIDES</p> <p>11. (1) The Central Government shall constitute a Registration Committee consisting of the Chairperson and following <i>ex officio</i> members, namely:—</p> <p>(a) Any expert with domain knowledge in Entomology, Plant Pathology, Toxicology, Bio-Chemistry, Chemistry and the like, as nominated by the Government in the Department of Agriculture, Cooperation and Farmers Welfare ;</p> <p>(b) Plant Protection Adviser to the Government of India;</p> <p>(c) Joint Drugs Controller General of India;</p> <p>(d) Assistant Director General (Plant Protection), Indian Council of Agricultural Research;</p> <p>(e) Director, National Institute of Occupational Health;</p> <p>(f) Industrial Adviser (Chemicals), Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers;</p> <p>(g) One representative of the Food Safety and Standards Authority of India not below the rank of Director;</p> <p>(h) Director, Hazardous Substances Management, Ministry of</p>	

	<p>Environment, Forest and Climate Change;</p> <p>(i) Director, Industrial Toxicological Research Centre;</p> <p>(j) Member-Secretary, Central Pesticide Board as Member-Secretary.</p> <p>(2) The Registration Committee shall—</p> <p>(i) register pesticides after scrutinising their formulae and verifying claims made by the importer or the manufacturer or the exporter, as the case may be, as regards their efficacy and safety to human beings, animals and environment;</p> <p>(ii) allow the continued use or restricted use and reassessment of their safety, efficacy and availability of safer alternatives as may be prescribed;</p> <p>(iii) specify such requirements of necessary infrastructure including machinery, equipment and technically qualified personnel as may be prescribed for grant of licence for manufacture and storage of pesticides;</p> <p>iv) maintain a national register of persons engaged in import, manufacture and export of pesticides;</p> <p>(v) perform such other functions as may be prescribed; and</p> <p>(vi) notify the pesticides registered under this Act from time to time; and specify the pesticides having pesticidal properties and its uses in such manner as may be prescribed.</p> <p>(3) The Registration Committee may co-opt such number of experts and for such purpose or period as it may consider necessary but the expert so co-opted shall have no right to vote.</p> <p>(4) The Registration Committee may constitute one or more sub-committees consisting of at least three persons who are members of the Committee to exercise such powers and perform functions delegated to them by the Committee, subject to such conditions, if any, as the Committee may impose;</p> <p> Provided that the sub-committee shall submit details of the decisions taken by them for the ratification by the Registration Committee.</p> <p>(5) Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it, including framing of guidelines to scrutinise the formulae of pesticides and verifying claims as regards their efficacy and safety.</p> <p>12. (1) Any person desiring to import or manufacture or export any</p>	
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<p>46 of 1968</p>	<p>pesticide shall apply to the Registration Committee for the registration of such pesticide and there shall be separate application for each pesticide:</p> <p>Provided that the insecticides registered under the provisions of the Insecticides Act, 1968, immediately before the commencement of this Act, shall be deemed to be the registered pesticides under the corresponding provisions of this Act.</p> <p>(2) Every application under sub-section (1) shall be made in such form and contain such particulars as may be prescribed, including claims regarding expected performance, efficacy and safety along with usage instructions and infrastructure available or proposed to be made available to manufacture and to stock that pesticide.</p> <p>(3) It shall be the responsibility of all applicants applying for registration to provide complete information on all the known inimical effects of the pesticide on human beings, animals and the environment.</p> <p>(4) On receipt of the application complete in all respects for the registration of a pesticide, the Committee may, after such enquiry as it considers necessary and after satisfying itself that the pesticide to which the application relates conforms to the claims made by the importer or by the manufacturer or by the exporter, as the case may be, as regards the expected performance and efficacy of the pesticide as well as its safety to human beings, animals and environment, and availability or provision of requisite minimum infrastructure to manufacture and stock that pesticide, register the pesticide on such conditions as may be specified by it and on payment of such fee as may be prescribed and allot a registration number thereto and issue a certificate of registration as a token thereof within such period as may be prescribed:</p> <p style="padding-left: 40px;">Provided that the Committee may, in exceptional circumstances and for reasons to be recorded in writing, extend the period up to six months.</p> <p>(5) No pesticide shall be registered for import or manufacture unless tolerance limits are specified for its residues on crops and commodities under the Food Safety and Standards Act, 2006.</p> <p style="padding-left: 40px;">Provided that insecticides registered under the provisions of the Insecticides Act, 1968, for which such tolerance limits have not been so notified, shall not be imported, manufactured, sold, distributed, stored or used after two years of the commencement of this Act.</p>	<p>Registration of pesticides</p> <p>34 of 2006</p>
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(6) If the Committee is of the opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings or animals are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the pesticide involves serious risk to human beings or animals or environment, or that infrastructure to manufacture or stock that pesticide is inadequate, it may refuse to register the pesticide.

(7) Where the Registration Committee is of opinion that the pesticide is being introduced for the first time in India, it may pending an enquiry, register it provisionally for a period of two years on such conditions as may be specified by it for the purpose of generation of data for making an application under sub-section (1):

Provided that the Central Government may, on the recommendation of the Registration Committee and if no other appropriate pesticide is registered or available, allow commercialization of such pesticide on such conditions as may be specified to meet national exigency.

(8) The Registration Committee may, having regard to the efficacy of the pesticide and its safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may for that purpose require the certificate-holder by giving notice in writing to produce the certificate before it within such time as may be specified in the notice.

(9) Notwithstanding anything contained in this section, where a pesticide has been registered on the application of any person, any other person desiring to import or manufacture the pesticide or engaged in the business of import or manufacture thereof, shall, on application and on payment of prescribed fee, be allotted a registration number and granted a certificate of registration in respect thereof on the same conditions on which the pesticide was registered under sub-section (4):

13. (1) If the Registration Committee, either *suo motu* or otherwise, is *prima facie* satisfied of violation of any provision of the Act or the rules framed thereunder, or any of the conditions of certificate of registration, it may, after giving an opportunity of hearing to the registrant and for reasons to be recorded in writing, suspend the registration certificate for a period not exceeding three months.

(2) The certificate of registration issued under section 12 shall be deemed cancelled if the registrant fails to submit a copy of the manufacturing licence and satisfy the Registration Committee of

Suspension or
cancellation of
registration.

having set up necessary manufacturing facilities and started production of that pesticide within a period of three years in case of manufacture or a copy of the licence to manufacture, stock, distribute or sale within a period of one year in case of import.

(3) The Registration Committee may either itself or through any of its officers, may cause the inspection of the manufacturing premises or processing facility of that registrant with respect to adequacy of infrastructure to manufacture, stock that pesticide and cancel the Certificate of Registration if the infrastructure is found inadequate.

(4) (a) The Registration Committee, having satisfied itself with the adverse impact of a pesticide of a particular registrant on crops, human beings, animals or environment or to minimize the risk of such adverse impact through risk assessment or risk benefit analysis, either on its own motion or on receiving evidence of adverse impact may after giving an opportunity of hearing to the registrant, and for the reasons to be recorded in writing, cancel the registration of that pesticide;

b) The Registration Committee, having satisfied itself with the evidence that any of the conditions of certificate of registration in respect of a pesticide has been violated, may after giving an opportunity of hearing to the registrant, and for the reasons to be recorded in writing, cancel the registration of that pesticide.

(5) The Registration Committee at any time, either *suo motu* or on the basis of a complaint, may visit and inspect any manufacturing premises or facilities, or may cause the said manufacturing premises or facility to be visited and inspected through any of its officers and if it is found by way of such inspection that the facility of manufacturing and laboratory thereof are sub-standard or that the capacity is inadequate for manufacture of registered pesticide, such registration shall be cancelled by the Registration Committee, after giving an opportunity of hearing to the registrant and for the reasons to be recorded in writing.

(6) If it is found that the data submitted by the applicant is false or misleading or has been deliberately suppressed, such registration shall be cancelled by the Registration Committee, after having been given an opportunity of hearing to the registrant and for the reasons to be recorded in writing.

<p>Appeal against refusal or suspension or cancellation registration</p> <p>Power of Central Government to review decision of Registration Committee</p>	<p>(7) If, on the ground of efficacy and safety, the registration of the pesticides is cancelled under sub- section (4), the certificate of registration granted under sub-section (9) of section 12 shall stand cancelled.</p> <p>14.(1) Any person aggrieved by a decision of the Registration Committee under section 12 or 13 may, within a period of thirty days from the date on which the decision is communicated to him, appeal in the prescribed manner and on payment of the prescribed fees to the Central Government:</p> <p style="padding-left: 40px;">Provided that the Central 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:</p> <p style="padding-left: 40px;">Provided further that no order under this section shall be made without giving an opportunity of hearing to the applicant.</p> <p>(2) The Central Government may dispose of the appeal within such period as may be prescribed and the decision of the Central Government in the matter shall be final.</p> <p>15. The Central Government may, at any time, call the record relating to any case in which the Registration Committee has given a decision under section 12 or 13 for the purpose of satisfying itself as to the grounds for arriving at any such decision and may pass any order in relation thereto as it considers necessary:</p> <p style="padding-left: 40px;">Provided that the Central Government shall not pass any order prejudicial to any person unless that person has been given a reasonable opportunity of being heard.</p>	
<p>Licensing officers</p> <p>Grant of licence.</p>	<p style="text-align: center;">CHAPTER IV GRANT OF LICENCES</p> <p>16. The State Government may, by notification in the Official Gazette, appoint such person as it deems fit to be licensing officers for the purposes of this Act having such qualifications as may be prescribed by the State Government and define the areas in respect of which they shall exercise jurisdiction.</p> <p>17. (1) Any person desiring to manufacture or sell or stock or exhibit for sale or distribute any pesticide or to undertake commercial pest control operations with the use of any pesticide, who himself possesses, or employ a person possessing, such qualifications as may be prescribed, may make an application to the licensing officer for grant of a licence:</p>	

Provided that the person except a manufacturer, holding the licence on the date of coming into force of this Act shall be exempted from the condition of himself possessing, or employing a person possessing prescribed qualification, for a period of two years.

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an application complete in all respect for the grant of a license, the licensing officer may grant a license, within a period of three months from the date of receipt of the application complete in all respect, in such form, on such conditions and on payment of such fees as may be prescribed.

(4) A licence granted under this section shall be issued for such period, which may be renewed from time to time on payment of such fees, as may be prescribed.

(5) In prescribing fees for the grant or renewal of licences under this section, different fees may be prescribed for the sale or distribution of pesticides for domestic use and for other purposes.

(6) (i) Any persons who intends to manufacture household pesticide shall obtain a separate licence for stocking, distribution or sale of each of the household pesticide.

(ii) Any persons who desires to distribute or stock for distribution household pesticides shall obtain only one licence for stocking or distribution of all the household pesticides.

(iii) A retailer shall not require a licence to sell, stock or exhibit for sale, a household pesticide.

7) The licensing officer shall—

(a) maintain a register of persons engaged in manufacture, distribution, stocking and sale of pesticides and of persons engaged in commercial pest control operations with the use of any pesticide in such form as may be prescribed;

(b) provide information to the State Government on infrastructure facilities possessed by every pesticide manufacturer in the State;

(c) provide information to the State Government on performance of registered pesticides in improving agricultural production; and

<p>Central Pesticides</p>	<p>(d) provide information to the State Government on the monitoring of the quality of pesticides and the offences and punishment awarded under this Act.</p> <p>(8) The State Government shall send a report for a period of every six months to the Central Government containing details of information under sub-section (7) in such form as may be prescribed.</p> <p>18. (1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—</p> <p>(a) The licence granted under section 17 has been granted because of misrepresentation as to an essential fact; or</p> <p>(b) the holder of a licence has failed to comply with the conditions subject to which the licence was granted or has contravened any of the provisions of this Act or the rules made thereunder,</p> <p>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 showing cause revoke or suspend the licence.</p> <p>(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 17.</p> <p>19. A licence to manufacture, sell, stock or exhibit for sale or distribute a pesticide or to undertake commercial pest control operations with the use of that pesticide shall be deemed to be suspended or cancelled, as the case may be, if the certificate of registration of that pesticide is suspended or cancelled by the Registration Committee.</p> <p>20. (1) Any person aggrieved by a decision of a licensing officer under section 17 or section 18 may, within a period of thirty days from the date on which the decision is communicated to him, appeal to such authority in the manner and on payment of such fees as may be prescribed:</p> <p>Provided that the appellate authority 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.</p> <p>2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of showing cause, dispose of the appeal within a period of ninety days and the decision of the appellate authority thereon shall be final.</p> <p>21. (1) The Central Government may, by notification in the Official</p>	<p>Revocation, suspension and amendment of licences</p> <p>Effect of suspension or cancellation of registration on licence.</p> <p>Appeal against decision of a licensing officer.</p>
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Laboratory	<p>Gazette, 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:</p> <p>Provided that if the Central Government so directs by a notification in the Official Gazette, the functions of the Central Pesticides Laboratory shall, to such extent as may be specified in the notification, be carried out by a Pesticide Testing Laboratory and thereupon the functions of the Director, be exercised by head of that Laboratory:</p> <p>Provided further that the Central Government may recognise private laboratories that are accredited to Good Laboratory Practices or to the National Accreditation Board for Testing and Calibration Laboratories to carry out all or any of the functions of the Central Pesticides Laboratory as a Pesticides Testing Laboratory on fulfillment 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.</p> <p>(2) No private laboratory, any director or partner or officer of which has any financial interest in the manufacture, import, export, stocking for distribution or sale of any pesticide or pest control operation, shall be accredited under sub-section (1).</p> <p>(3) Any accreditation granted under sub-section (1) may be withdrawn for the reasons to be recorded in writing and after giving the accredited laboratory an opportunity of being heard and such withdrawal of accreditation shall be conclusive.</p>	
Prohibition of import, export and manufacture of certain pesticides	<p style="text-align: center;">CHAPTER V PROHIBITION OF IMPORT, EXPORT AND MANUFACTURE OF CERTAIN PESTICIDES</p> <p>22. (1) No person shall, himself or by any person on his behalf, import, export or manufacture—</p> <p style="padding-left: 40px;">(a) any misbranded, sub-standard or spurious pesticide;</p> <p style="padding-left: 40px;">(b) any pesticide the sale, distribution or use of which is for the time being prohibited under section 33;</p> <p style="padding-left: 40px;">(c) any pesticide except in accordance with the condition on which it was registered; and</p> <p style="padding-left: 40px;">(d) any pesticide in contravention of any other provision of this Act or of any rule made thereunder.</p> <p>2) No person shall, himself or by any person on his behalf, manufacture any pesticide except under, and in accordance with the conditions of a</p>	

Prohibition of sales, etc of certain pesticides.

licence issued for such purpose under this Act.

(3) No person shall, himself or by any person on his behalf, import any pesticide from, or export any pesticide to, any country in contravention of the provisions of the Prior Informed Consent Procedure specified for certain hazardous chemicals and pesticides in international trade.

(4) No person shall, himself or by any person on his behalf import, export or manufacture any pesticide without mandatorily declaring stock position of the pesticide manufactured, imported or intended to be exported”

23. (1) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale, distribute, transport, use, or cause to be used—

- (a) any pesticide which is not registered under this Act;
- (b) any pesticide, the sale, distribution or use of which is for the time being prohibited under section 33;
- (c) any pesticide in contravention of any other provision of this Act or of any rule made thereunder;
- (d) any pesticide in a packing other than its original packing in which it was primarily packed by the manufacturer;
- (e) any pesticide which has outlived its shelf-life as evident from its label; and
- (f) any pesticide without disclosing its expected performance as claimed and usage instructions as suggested by the manufacturer or importer to farmers and end-users, as the case may be, while applying for grant of certificate of registration under section 12.

(2) No person shall—

- (i) transport, or cause to be transported, any pesticide, which is registered in India only for the purpose of export, within the country except directly between the premises of manufacture for which the licence has been obtained and the port of exit; or
- (ii) distribute, sell or exhibit for sale, or use or caused to be used any pesticide within the country, which is registered in India only for the purpose of export.

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

	<p>(3) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale or distribute or use for commercial pest control operations any pesticide except under, and in accordance with the conditions of, a licence issued for such purpose under this Act.</p>	
	<p style="text-align: center;">CHAPTER VI ANALYSIS OF PESTICIDES</p> <p>24. The Central Government or a State Government may, by notification in the Official Gazette, appoint such persons as it deems fit, possessing such technical and other qualifications as may be prescribed, to be pesticide Analysts for such areas and in respect of such pesticides or class of pesticides as may be specified in the notification: Provided that no person who has any financial interest in the manufacture or import or export or sale of any pesticide, shall be appointed as Pesticide Analysts.</p> <p>25. The Central Government or a State Government may, by notification in the Official Gazette, appoint such persons as it deems fit, possessing such technical and other qualifications as may be prescribed, to be Pesticide Inspectors for such areas as may be specified in the notification:</p> <p>26. (1) A Pesticide Inspector shall have power—</p> <p style="padding-left: 40px;">(a) to enter and search, at all reasonable times and with such assistance from local police/SHO, if any, as he considers necessary, any premises 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 thereunder are being complied with</p> <p style="padding-left: 40px;">(b) to require the production of, and to inspect, examine and make copies of, or take extracts from registers, records or any other documents kept by a manufacturer, distributor, carrier, dealer or any other person in pursuance of the provisions of this Act or the rules made thereunder and seize the same, if he has reason to believe that all or any of them, may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder;</p> <p style="padding-left: 40px;">(c) to make such examination and inquiry as he thinks fit in order to</p>	<p>Pesticide analysts</p> <p>Pesticide inspectors</p> <p>Power of Pesticide Inspectors</p>

<p>ascertain whether the provisions of this Act or the rules made thereunder are being complied with and for that purpose stop any vehicle;</p> <p>(d) to stop, with the permission of the Executive Magistrate, the distribution, sale or use of a pesticide which he has reason to believe is being distributed or sold or used in commercial pest control operations in contravention of the provisions of this Act, or the rules made thereunder, till the receipt of the report of the Pesticide Analyst under sub-section (1) of section 30:</p> <p>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 of any pesticide;</p> <p>(e) to make samples of any pesticide and send such samples within forty-eight hours for test and analysis to the Pesticide Analyst in such manner as they may be prescribed; and</p> <p>(f) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder.</p> <p>(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</p> <p>(3) It shall be lawful for the Police Officer in-charge of a police station within whose jurisdiction search is being, or intended to be made under this section, to provide all assistance to the Pesticide Inspector for carrying out the purpose of the act or the rules made there under.</p> <p>27. Any custom officer shall, within the custom bound area on his own volition or on receiving a written complaint about unlawful import or export of any pesticide, in contravention of the provisions of the Act forward the same to the member-secretary appointed under clause (J) sub-section (1) section 11, so as to enable him take appropriate decision in the matter.</p> <p>28. (1) Where a Pesticide Inspector seizes any record, register or document under clause (b) of sub-section (1) of section 26, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.</p> <p>(2) Where a Pesticide Inspector takes any action under clause (d) of sub-</p>	<p>ascertain whether the provisions of this Act or the rules made thereunder are being complied with and for that purpose stop any vehicle;</p> <p>(d) to stop, with the permission of the Executive Magistrate, the distribution, sale or use of a pesticide which he has reason to believe is being distributed or sold or used in commercial pest control operations in contravention of the provisions of this Act, or the rules made thereunder, till the receipt of the report of the Pesticide Analyst under sub-section (1) of section 30:</p> <p>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 of any pesticide;</p> <p>(e) to make samples of any pesticide and send such samples within forty-eight hours for test and analysis to the Pesticide Analyst in such manner as they may be prescribed; and</p> <p>(f) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder.</p> <p>(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</p> <p>(3) It shall be lawful for the Police Officer in-charge of a police station within whose jurisdiction search is being, or intended to be made under this section, to provide all assistance to the Pesticide Inspector for carrying out the purpose of the act or the rules made there under.</p> <p>27. Any custom officer shall, within the custom bound area on his own volition or on receiving a written complaint about unlawful import or export of any pesticide, in contravention of the provisions of the Act forward the same to the member-secretary appointed under clause (J) sub-section (1) section 11, so as to enable him take appropriate decision in the matter.</p> <p>28. (1) Where a Pesticide Inspector seizes any record, register or document under clause (b) of sub-section (1) of section 26, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.</p> <p>(2) Where a Pesticide Inspector takes any action under clause (d) of sub-</p>	<p>2 of 1974</p>
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Power to Customs

Procedure to be followed by Pesticide Inspectors

section (1) of section 26—

(a) he shall use all reasoning in ascertaining whether or not the pesticide or its sale, distribution or use contravenes any of the provisions of section 23 and if it is ascertained that the pesticide or its sale, distribution or use does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock seized;

(b) if he seizes the stock of the pesticide he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;

(c) 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, he shall, on being satisfied that the defect has been so remedied, forthwith revoke his order and in case where the Pesticide Inspector has seized the stock of pesticide, he shall, as soon as may be, inform a Magistrate and obtain his orders as to the release thereof.

(3) Where a Pesticide Inspector takes any sample of a pesticide, he shall issue a receipt thereof stating therein that the fair price of such sample shall be tendered by cheque if the sample, after test or analysis is not found to be misbranded, sub-standard or spurious and the Pesticide Analyst has reported to that effect and on such price having been tendered may require a written acknowledgement thereof.

(4) Where a pesticide Inspector seizes the stock of any pesticide under clause (d) of sub-section (1) of section 26, he shall tender a receipt therefor in the prescribed form.

(5) Where a Pesticide Inspector takes a sample of a pesticide for the purpose of test or analysis, he shall intimate such purpose in writing in the prescribed form to the person from whom he takes it and, in the presence of such person unless he wilfully absents himself, shall draw the sample and divide it into three portions, each of 250 millilitre of volume or 250 gram of weight, in simulated containers or glass bottles, in case of a liquid pesticide or polythene bags in case of solid pesticide from the containers carrying more than one litre of volume or one kilogram of weight, and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked and also

	<p>put his seal on the package from which the sample is drawn indicating the quantity of sample drawn for test or analysis:</p> <p>Provided further that where the pesticide is made up in containers carrying up to one litre in volume or one kilogram of weight, instead of dividing a sample as aforesaid, the Pesticide Inspector shall take three of the said containers after suitably marking the same and sealing them.</p> <p>(6) The Pesticide Inspector shall dispose of the sample so divided or containers, as the case may be, as follows:—</p> <p>(i) one portion or container, he shall restore to the person from whom he takes it, who may use it for test or analysis for adducing evidence in controversion of the report of the Pesticide Analyst under sub-section (3) of section 30;</p> <p>(ii) one portion or container, he shall send to the Pesticide Analyst within forty-eight hours for test or analysis under sub-section (1) of section 30; and</p> <p>(iii) one portion or container, he shall send within forty-eight hours to be deposited with the Director (Agriculture) in respect of Pesticide Inspectors notified by the State Government or the Plant Protection Adviser to the Government of India in respect of Pesticide Inspectors, notified by the Central Government, for producing to the court before which proceedings, if any, are instituted in respect of the pesticide for test or analysis under sub-section (4) of section 30.</p> <p>(7) The remains of the samples so drawn and tested shall be disposed of in the manner prescribed under section 52 after three years or the pendency of the proceedings before the court, whichever is earlier.</p> <p>29. Every person for the time being in charge of any premises where any pesticide is being manufactured or is kept for sale or distribution shall, on being required by a Pesticide Inspector so to do, disclose the place where the pesticide is being manufactured or is kept, as the case may be.</p> <p>30. (1) The Pesticide Analyst to whom a sample of any pesticide has been submitted for test or analysis under clause (ii) of sub-section (6) of section 28, shall, within a period of forty-five days, deliver to the Pesticide Inspector a signed report in quadruplicate in the prescribed form.</p> <p>(2) The Pesticide Inspector shall, within a period of ten days from the date of receipt of the report under sub-section (1), deliver a copy of</p>	<p>Persons bound to disclose place where pesticides are manufactured or kept.</p> <p>Report of Pesticide Analyst.</p>
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Confiscation	<p>the report to ,-</p> <ul style="list-style-type: none"> (a) manufacturer of the pesticide; (b) the person from whom the sample was taken; (c) the Director of Agriculture of the State Government, or Plant Protection Adviser, and retain a copy thereof. <p>(3) Report signed by the Pesticide Analyst shall be the evidence of the fact stated therein, and such evidence shall be conclusive unless the person from whom the sample was taken has within a period of twenty-eight days of receipt of the report, notified in writing, the Pesticide Inspector or the court before which any proceeding in respect of the sample is pending that he intends to adduce evidence controverting the report.</p> <p>(4) Unless the sample has already been tested or analysed in the Central Pesticides Laboratory, where a person has under sub-section (3) notified his intention of adducing evidence in controversion of the Pesticide Analyst's report, the court may, in its discretion or on the request, of the complainant or the accused, cause the sample of the pesticide produced before the magistrate under clause (iii) of sub-section (6) of section 28 to be sent for test or analysis to the said laboratory.</p> <p>(5) On receipt of the sample of pesticide under sub-section (4), the laboratory shall, within a period of thirty days, carry out the test or analysis and report in writing signed by, or under the authority of, the Director of the Central Pesticides Laboratory the result thereof, and such report shall be conclusive evidence of the fact stated therein.</p> <p>(6) The cost of a test or analysis made by the Central Pesticides Laboratory under sub- section (5) shall be paid by the complainant or the accused, as the court may direct.</p> <p>31. (1) Where any person has been convicted under this Act for contravening any of the provisions of this Act or of the rules made thereunder, the stock of the batch of the pesticide in respect of which the contravention has been made shall be liable to confiscation.</p> <p>(2) Without prejudice to the provisions contained in sub-section (1) where the court is satisfied on the application of a Pesticide Inspector or otherwise and after such inquiry as may be necessary, that the pesticide is misbranded, sub-standard or spurious, such pesticide shall be liable to</p>	
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<p>Notification of poisoning</p> <p>Prohibition of sale, etc., of pesticides for reasons of public safety</p> <p>Notification of cancellation of registration, etc</p>	<p>confiscation.</p> <p>32. (1) The State Government may, by notification in the Official Gazette, require any person or class of persons specified therein to report all occurrences of poisoning (through the use of handling of any pesticide) coming within his or their cognizance to such officer as may be specified in the said notification.</p> <p>(2) The State Government shall also submit a copy of the report on occurrences of poisoning to the Central Government on quarterly basis.</p> <p>33. (1) If, on receipt of a report under section 32 or otherwise, the Central Government or the State Government is of the opinion, for reasons to be recorded in writing, that the use of any pesticide specified in clause (j) or clause (t) of section 3 or any specific batch thereof is likely to involve such risk to human beings or animals as to render it expedient or necessary to take immediate action, then, that Government may, by notification in the Official Gazette, prohibit the sale, distribution or use of the pesticide or batch in such area, to such extent and for such period not exceeding one hundred and eighty days as may be specified in the notification pending investigation into the matter:</p> <p>Provided that where the investigation is not completed within the said period, the Central Government, or as the case may be, the State Government with prior approval of the Central Government, may extend it by such further period not exceeding sixty days in aggregate as it may specify in a like manner.</p> <p>(2) If, as a result of its own investigation or on receipt of the report from the State Government, and after consultation with the Registration Committee, the Central Government is satisfied that the use of the said pesticide or batch is likely to cause any risk, it may pass such order including an order refusing to register the pesticide or canceling the certificate of registration, if any, granted in respect thereof, as it deems fit, depending on the circumstances of the case.</p> <p>34. A refusal to register any pesticide or a cancellation of a certificate of registration of any pesticide shall be notified in the Official Gazette and in such other manner as may be prescribed.</p> <p style="text-align: center;">CHAPTER VII OFFENCES AND PUNISHMENT</p>	
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	<p>section (3) of section 22, shall be punishable with 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.</p> <p>39. (1) Whoever—</p> <p>(a) imports or manufactures any pesticide without a certificate of registration; or</p> <p>(b) manufactures, sells, stocks or exhibits for sale or stocks for pest control operation or distributes a pesticide without a valid licence; except the retailer for sales, stocking or exhibiting for sale any household pesticide; or</p> <p>(c) imports, manufactures, sells stocks or exhibits for sale or distributes any spurious pesticide; or</p> <p>(d) imports, manufactures, sells, stocks, or exhibits for sale or distributes any pesticide which is ineffective on particular crop for which it is intended to be used as approved by the Registration Committee or is phyto-toxic to that crop, or if it has a toxicity which is higher than the level specified; or</p> <p>(e) sells, stocks or distributes a pesticide in contravention of section 33; or</p> <p>(f) causes a pesticide, the use of which has been prohibited under section 33 to be used by any worker; or</p> <p>(g) sells, stocks or exhibits for sale or distributes or stocks for pest control operation any pesticide which is in contravention of provisions of section 23,</p> <p>“shall be punishable with 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, in addition to cancellation of licence, wherever applicable, and sealing of manufacturing premises”.</p> <p>(2) Whoever contravenes any other provisions of this Act or rule made thereunder or any condition of a certificate of registration or licence granted thereunder or fails to perform as per the claims of efficacy and safety, made under sub-section (2) of section 12 at the</p>	<p>Punishment in certain cases.</p>
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<p>Defences which may or may not be allowed in prosecution under this Act.</p>	<p>time of registration, shall be punishable with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees or with imprisonment for a term which may extend to one year, or with both.</p> <p>40. If any person convicted of an offence under this Act commits a like offence afterwards, it shall be lawful for the court before which a conviction takes place to cause the offenders 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.</p> <p>41. (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, 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:</p> <p>Provided 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 his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(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.</p> <p><i>Explanation.</i>— For the purposes of this section,—</p> <p>(a) "company" means anybody corporate and includes a firm or other association of individuals; and</p> <p>(b) "director", in relation to a firm, means a partner in the firm.</p> <p>42. (1) Save as hereinafter provided in this section, it shall be no defence in a prosecution under this Act to prove merely that the accused was ignorant of the nature or quality of the pesticide in respect of which the offence was committed or of the risk involved in the manufacture, sale or use of such pesticide or of the circumstances of its manufacture or import.</p>	<p>Publication of name, etc., of offender.</p> <p>Offences by companies.</p>
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<p>Cognizance and trial of offences.</p>	<p>(2) For the purposes of section 22, a pesticide shall not be deemed to be misbranded, sub-standard or spurious only by reason of the fact that there has been added thereto some innocuous substance or ingredient because the same is required for the manufacture or the preparation of the pesticide and not to increase the bulk, weight or measure of the pesticide or to conceal its inferior quality or other defect.</p> <p>(3) A person not being an importer or a manufacturer of a pesticide or his agent for the distribution thereof, shall not be liable for a contravention of any provision of this Act, if he proves—</p> <p>(a) that he acquired the pesticide from an importer or a duly licenced manufacturer, distributor or dealer thereof; and</p> <p>(b) that the pesticide, while in his possession, was properly stored and remained in the same state in which he acquired it.</p> <p>43. (1) No prosecution for an offence under this Act shall be instituted except by, or with the written consent of the Central Government or the State Government or a person authorised on in this fbehalf by the Central Government or the State Government, as the case may be.</p> <p>(2) No court inferior to that of a metropolitan magistrate or a judicial magistrate of first class shall try any offence under this Act.</p>	
<p>Special courts.</p>	<p>44. (1) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, notify one or more courts of judicial magistrates of first class, or as the case may be, a metropolitan magistrate, in such district or metropolitan area to be special courts for the purposes of this Act;</p> <p>(2) Unless otherwise directed by the High Court, a court notified under sub-section (1), shall exercise jurisdiction only in respect of cases under this Act.</p> <p>(3) Subject to the provisions of sub-section (2), the jurisdiction and powers of the presiding officer of the special court notified under sub-section (1) in any district or metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.</p> <p>(4) Subject to the foregoing provisions of this section, a special court notified under sub-section (1) in any district or metropolitan area shall</p>	

	<p>be deemed to be a court established under sub-section (1) of section 11, or as the case may be, sub-section (1) of section 16 of the Code of Criminal Procedure, 1973 and the provisions of that Code shall apply accordingly in relation to such courts.</p>	<p>2 of 1974.</p>
<p>45 of 1860</p>	<p style="text-align: center;">CHAPTER VIII MISCELLANEOUS</p> <p>45. (1) The Central Government may, give such directions, as deem necessary, to a State Government or the Board for carrying out all or any of the provisions of this Act and the State Government, or as the case may be, the Board, shall comply with such directions.</p> <p>(2) The Central Government may also give such directions, if deem necessary in a national exigency, to the Registration Committee, and the Committee shall comply with such directions.</p> <p>46. The members and the officers of the Board and the Registration Committee and the Pesticide Inspector or an officer exercising the power 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.</p> <p>47. 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, for anything in good faith done or intended to be done under this Act.</p> <p>48. (1) The Central Government may, after consultation with the Board and subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying out the provisions of this Act:</p> <p>Provided that consultation with the Board may be dispensed with if the Central Government is of 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 amendment of the said rules.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following</p>	<p>Power of Central Government to give directions.</p> <p>Members and officers of Board and Registration Committee and Pesticide Inspector to be public servants.</p> <p>Protection of action taken in good faith.</p> <p>Power of Central Government to make rules.</p>

matters, namely—

(a) the manner of notifying the registered pesticides and specifying the pesticides having pesticidal properties and its use under clause (vi) of sub-section (2) of section 11;

(b) the form and particulars of making application for registration of pesticides under sub-section (1), fee for its registration under sub-sections (4) and (12);

(c) the manner of making appeal and payment of fee thereon to the Central Government against the decision of the Registration Committee under section 14;

(d) the form of application for the grant of licence and the particulars relating thereto under sub-section (2); the form of licence, the conditions attached thereto and the fee payable thereof under sub-section (3); the period for which a licence may be renewed and the fee for such renewal under sub-section (4); the form of register to be maintained by the licensing office under sub-section (7); the form of report to be submitted by the State Government under sub-section (8) of section 17;

(e) the circumstances in which a licence may be varied or amended under sub-section (2) of section 18;

(f) the authority to, and the manner in, and the fee on payment of which, an appeal may be filed under section 20 and the procedure and time period to be followed by the appellate authority in disposing of the appeal;

(g) the qualifications, powers and duties of a Pesticide Analyst and a Pesticide Inspector;

(h) the manner of taking samples of any pesticide testing of such samples and the fee payable thereof;

(j) the form in which a Pesticide Analyst shall submit a report of his test or analysis to the Pesticide Inspector under sub-section (1) of section 30;

(k) the manner in which refusal to registration of a pesticide or cancellation of certificate of registration thereof may be notified;

(l) the officer or authority to whom the Central Government may

delegate any of the powers and functions conferred on it by this Act;

(m) provide for the exemption, conditionally or otherwise, from all or any of the provisions or the rules (except relating to registration, manufacture and quality control) for retailers and stockist in respect of the category of household pesticide;

(n) the manner and time of segregation and disposal of pesticides of a batch which has outlived its shelf-life or has been declared misbranded, sub-standard or spurious or has been banned;

(o) qualification of a pesticide licence under sub-section (1) of section 17;

(p) guidelines governing infrastructure required to be possessed by the manufacturers, importers, exporters, distributors or dealers of pesticides; and” under clause(iii) of sub-section (2) of section 11;

(q) direction to RC by Central Government in case of exigencies;

(r) manner of disposal of obsolete, date expired and banned pesticides under section 52;

(s) specifying of protocols, procedures and good manufacturing practices for pesticide manufacturers under sub section(f) of section 7;

(t) specifying guidelines for the regulation of advertising of pesticides in media to ensure that they are in accordance with label directions and precautions to be observed in their application under sub-section(g) of section 7;

(u) allow the continued use or restrict the use on re-assessment of the safety, efficacy and availability of safer alternatives to pesticides under clause (ii) of sub-section (2) of section 11;

v) specifying requirements of necessary infrastructure including machinery, equipment and technically qualified personnel for grant of licence for manufacture and storage of pesticides under clause (iii) of sub-section (2) of section 11;

(w) notify the pesticides registered under this Act from time to time under clause (vi) of sub-section (2) of section 11;

(x) the manner of renewal of licence under sub-section (4) of

section 17;

(y) the Central Government may cancel a Certificate of Registration after consultation with the Registration Committee having satisfied itself with the adverse impact of a pesticide or prima facie satisfied violation of any provisions of the Act or conditions of a Certificate of Registration or find inadequate infrastructure to maintain stock of a pesticide or if it is found that the data submitted by an applicant is false or misleading or has been deliberately suppressed under sub-section 5 and 6 of section 13;

(z) specifying educational or other qualifications of manufacturers or dealers of pesticides under sub-section (1) of section 17;

(za) the manner of disposal of remains of samples of pesticide in laboratories under section 52;

(zb) time period and manner of registration of a pesticide under sub-section (4) of section 12;

(zc) the criteria and procedure for recognizing a lab as pesticide testing laboratory for carrying out any of the functions of central pesticides laboratory under sub-section (1) of section 21;

(zd) manner and time period for review of a pesticide under clause (ii) of sub-section (2) of section 11;

(ze) the method of packaging and labeling;

(zf) the functions of the Board and of the Registration Committee and the travelling and other allowances payable to member of the Board, the Registration Committee and any Committee of the Board under clause (vii) of sub-section (2) of section 11, sub-section (2) of section 10, section 7;

(zg) the places at which pesticides may be imported and prohibit their import at any other place;

(zh) the functions of the Central Pesticides Laboratory under sub-section (1) of section 21;

(zi) the protective clothing and equipment to be used by workers during the manufacture, formation, transport, distribution and application of pesticides and other facilities to be provided to keep themselves and things supplied to them free from any

contamination;

(zj) the use by the workers of any such protective clothing, equipment and other facilities;

(zk) the precautions to be taken against poisoning through the use or handling of pesticides;

(zl) the measures for detecting and investigating cases in which poisoning has occurred under clause (v) of sub-section (2) of section 11;

(zm) the facilities to be provided for ensuring first-aid treatment;

(zn) the instruction and training to be provided regarding the use of things supplied to the workers for ensuring their safety under clause (v) of sub-section (2) of section 11;

(zo) the facilities for medical examination of workers engaged in the manufacture or handling of pesticides under clause (v) of sub-section (2) of section 11;

(zp) the equipment for, and method of, application of, an pesticides and the disposal of surplus material, washings and containers, following application under clause (v) of sub-section (2) of section 11;

(zq) the maintenance and inspection of records and returns under clause (v) of sub-section (2) of section 11;

(zr) the restrictions on storage of pesticides during transport or otherwise along with articles of food under clause (v) of sub-section (2) of section 11;

(zs) the maximum proportion of any pesticides which may be added to, or contained in, any preparation for domestic use and the restrictions thereon under sub-section (4) of section 12;

(zt) any other matter which has to be, or may be prescribed.

(3) 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 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

Power of State Government to make rules.

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 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.

49. (1) The State Government may, after consultation with the Board 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) the qualifications of the licensing officer under section 16;

(b) the authority to which, the manner in which, and the fee on payment of which, an appeal may be filed under section 20 and the procedure to be followed by the appellate authority in disposing of the appeal; and

(c) the delegation of any of the powers and functions conferred by this Act on the State Government to any officer or authority specified by that Government.

(3) Every rule made by the State Government under this section shall be laid as soon as it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

Exemption in certain cases.

50. (1) (a) Nothing in this Act shall apply to the use of any pesticide by any person for his own household purposes or for garden or in respect of any land under his cultivation;

(b) The Central Government may, on the recommendation of the Registration Committee and subject to such conditions as it may specify therein, exempt from any or all provisions of this Act any substance having pesticidal properties or any preparation containing any one or more such substances, if such substance or preparation is intended for the purpose

<p>68 of 1986</p>	<p>other than those mentioned under clause (j) or (s) of section 3.</p> <p>(2) The central Government may, by notification in the Official Gazette, and subject to such conditions, if any, as it may specify therein, exempt from all or any of the provisions of this Act or the rules made thereunder, any educational, scientific or research organisation engaged in carrying out experiments with pesticide.</p> <p>51. Every pesticide sold to a farmer, producer, stockist, distributor, retailer or pest control operator, as the case may be, shall disclose the expected performance, efficacy or safety of such pesticide under given conditions, and if the pesticide fails to provide the expected performance or causes any harm to human or animal health or damage to the environment by use of that pesticide, then, the farmer or the affected person may claim compensation from the 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.</p> <p>52. A batch of a pesticide that has outlived its shelf-life; or a batch has been declared to be misbranded, sub-standard or spurious or has been banned, or cancelled under sub-section (4) of section 13 shall, within a period of six months, be segregated and disposed of in such manner which is safe for human beings, animals and environment as may be prescribed:</p>	<p>Compensation to farmer or affected person.</p> <p>Segregation and disposal of pesticides.</p>
<p>46 of 1968.</p>	<p>Provided that the remains of samples of pesticides drawn by the Pesticide Inspector or any authorised officer of the Central Government or the State Government as the case may be for testing shall be disposed of in such a manner as may be prescribed.</p> <p>53. (1) The Insecticides Act, 1968, is hereby repealed.</p> <p>(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.</p> <p>54. (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:</p> <p>Provided that no order shall be made under this section after the expiry</p>	<p>Repeal and savings.</p> <p>Power to remove difficulties.</p>

	<p>of the period of two years from the date of commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	
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