

## Comparison of Text of the Bill and the Official Amendments to the Pesticides Bill, 2008

Below is a comparison of the exact text of the Pesticides Bill, 2008 and the changes made by the Official Amendments of February 18, 2011.

**Table 1: Comparison of exact text of the Pesticides Bill, 2008 and Official Amendments**

Pesticides Bill, 2008	Amendments to Pesticides Bill, Feb 18, 2011
<p>Clause 2(e) “Central Pesticides Laboratory” means the Central Pesticides Laboratory established, or as the case may be, the institution accredited under section 21.</p>	<p>The clause has been amended to allow the central government to notify certain laboratories which have received accreditation as prescribed in Clause 21 of the Bill.</p>
<p>Clause 2(s) “Pesticide” means any substance or mixture of substances of chemical or biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest 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>The definition of pesticide has been made more specific in application to pests used in agriculture, households or for public health.</p>
<p>Clause 2(zb) “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 (v); (iii) if it is an imitation of, or is sold under the name of, another pesticide; or (iv) 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 (v) 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 (vi) 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 (vii) 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.</p>	<p>A clause has been added to state that a pesticide shall also be deemed to be spurious if it is manufactured, distributed or sold under a name or mark so as to pass off as the goods of another or infringes a trademark of another manufacturer. The exception to this is that no pesticide being manufactured, distributed or sold with the consent of such other manufacturer shall be deemed to be spurious.</p>

---

**Pesticides Bill, 2008**

---

**Amendments to Pesticides Bill, Feb 18, 2011**

---

Clause 4(2)(v) The Central Pesticides Board to be established to advise the Central Government and the State Governments on scientific and technical matters shall consist of the Director General of health Services, the Joint Drugs Controller of India, the Agriculture Commissioner, the Plant Protection Adviser, and a representative of a number of other departments including the Secretary, Central Committee for Food Standards.

Clause 4(2) (viii) The Central Pesticides Board shall consist of the Assistant Director-General (Plant-Protection), Indian Council of Agricultural Research.

Clause 4(2)(ix) The Central Pesticides Board shall consist of the Additional Industrial Adviser (Chemicals), Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers.

Clause 4(2)

Clause 7 The Clause states the matters on which the Pesticides Board can advise the government. These include prevention of risk to human beings, animal and environment; monitoring the safety of registered pesticides; suggest development and availability of safer alternatives to existing pesticides; and disposal of obsolete, date-expired and banned pesticides.

Clause 11(1) The Registration Committee for registering pesticides shall consist of the Agriculture Commissioner, the Plant Protection Adviser, the Joint Drugs Controller, Director, National Institute of Public Health, Assistant Director General (Prevention of Food Adulteration), among others.

Clause 11(2) The Registration Committee shall have the power to allow the continued use or restrict or prohibit the use on reassessment of their safety and availability of safer alternatives.

Clause 14 A person aggrieved by the decision of the registration Committee can appeal to the Central Government whose decision shall be final.

Clause 20 Any person aggrieved by the decision of a licensing officer can appeal to the prescribed authority. The prescribed authority shall make an endeavour to dispose of the appeal within six months from the date of appeal.

The Board shall no longer consist of the Secretary from the Central Committee for Food Standards.

The position of the Assistant Director General (Plant-protection) has been replaced by *Member-Secretary, Food Safety and Standards*.

The Additional Industrial Adviser has been replaced by Industrial Adviser (Chemicals).

Additional representatives, one male and one female farmer will also be present on the Board. They shall be nominated by the Central Government.

The Board can also advise the government on (a) specifying of protocols and procedures for good manufacturing practices for pesticide manufacturers, and (b) specifying guidelines for the regulation of advertising of pesticides in the media to ensure it is in accordance with the label directions and mandatory precautions.

The Assistant Director General (prevention of Food Adulteration) has been replaced by Member Secretary, Food Safety and Standards Authority of India.

The power of the Committee to prohibit the use of pesticides has been removed.

The amendment requires that the central government should dispose of the appeal within 180 days, and the decision of the central government shall be final.

The prescribed authority has to dispose of the appeal within 90 days.

---

**Pesticides Bill, 2008**

---

**Amendments to Pesticides Bill, Feb 18, 2011**

---

Clause 21 The central government has the power to establish a Central Pesticides Laboratory. It can also accredit private laboratories to carry out any or all functions of the Central Pesticides Laboratory on fulfilment of such criteria and procedure as may be prescribed.

Clause 23 The clause prohibits the selling, stocking or exhibition of certain pesticides. These include pesticides which are not registered, prohibited or illegal pesticides, pesticides which are past their expiry date, etc.

Clause 27(1)(a) The Committee may, in consultation with the State Government and the State Seed Committee, accredit - organizations to carry out certification, on the fulfilment of such criteria, as may be prescribed, or individuals or seed producing organisations to carry out self-certification, in such manner as may be prescribed.

Clause 30 The Clause states that the Pesticide Analyst has to deliver a report regarding a pesticide sample submitted to him within forty five days. Within 15 days of receiving the report from the Pesticide Inspector and he shall deliver one copy of the report to the manufacturer of the pesticide.

Clause 37 Any person importing, exporting, manufacturing, selling, stocking or exhibiting for sale, or distributing misbranded pesticides shall be punishable with fines of between Rs 25,000 and Rs 1 lakh, or with imprisonment of up to one year, or both.

Clause 48 The clause enumerates the matters in which the central government has the power to make rules under the Bill.

The central government can *recognise* laboratories that follow the prescribed practises and are accredited by the Accreditation Board for Testing and Calibration Laboratories to carry out all the functions of the Central Pesticides laboratory.

The amendment adds a proviso that the provision will not affect the transportation of pesticides which are past their expiry date if they are being transported for disposal.

The State Government may with the prior approval of the Central Government, accredit the organizations owned or controlled by the Central Government or the State Governments to carry out certification, in the fulfilment of such criteria, as may be prescribed.

The Pesticide inspector now has to give the report to the manufacturer of the pesticide, the person from whom the pesticide sample was taken and the Director of Agriculture within 10 days.

Penalties have been increased. For first time offenders, fines range between Rs 25,000 and Rs 1 lakh, and imprisonment of up to one year. For subsequent offences, fines will range between Rs 1 lakh and Rs 5 lakh, and imprisonment may range between 1 – 2 years.

Clause 37 (2) has also been added to allow offences committed for the first time to be compounded with a fine of between Rs 1 lakh – Rs 5 lakh.

Another has been added. The central government may also frame guidelines governing infrastructure required to be possessed by manufacturers, importers, exporters, distributors or dealers of pesticides.

---

Sources: Pesticides management Bill, 2008; Notice of amendments to the Pesticides management Bill, 2008 introduced in the Rajya Sabha; PRS.