

Bill Summary

The Pesticide Management Bill, 2008

- The Pesticides Management Bill, 2008 was introduced in the Rajya Sabha on October 21, 2008. The Bill was referred to the Standing Committee on Agriculture (Chairperson: Shri Mohan Singh), which is scheduled to submit its report within three months.
- The Bill seeks to regulate the manufacture, quality, import, export, and sale of pesticides to control pests, ensure availability of quality pesticides, and minimize contamination of agricultural commodities with pesticide residue. It repeals the Insecticides Act, 1968.
- “Pesticide” means any substance of chemical or biological origin intended for preventing or destroying any pest, which includes unwanted plants and animals during the production, storage and distribution of agricultural commodities or animal feed.
- The central government shall constitute a Central Pesticides Board to advise the central and state governments on matters related to the law such as (a) prevention of risk to human beings, animals and environment during the manufacture, sale and transport of pesticides; (b) monitoring performance of registered pesticides; and (c) review of the safety of pesticides.
- The central government shall establish a Registration Committee to (a) register pesticides after scrutinizing their formulae and verifying claims made with regard to its efficacy and safety; (b) specify requirements of necessary infrastructure; and (c) specify protocols, and good manufacturing practices for manufacture of pesticides.
- Every person has to apply to the Registration Committee for registration in order to manufacture, import or export pesticides. No pesticide shall be registered unless its tolerance level is specified for its residues on crops and commodities under the Food Safety and Standards Act, 2006.
- The Registration Committee may suspend the registration certificate for a maximum period of three months if it is satisfied that any violation of the provisions of the Bill has taken place. It may also inspect the manufacturing premises or processing facilities of the registrant and cancel the certificate if found inadequate.
- An order of refusal, suspension or cancellation of registration certificate may be appealed to the central government within a period of 30 days.
- Any person who wants to manufacture or sell pesticides or undertake commercial pest control operations with the use of pesticides may apply for a licence. The state government may appoint licensing officers to grant such licences in the prescribed manner. The officers shall (a) maintain a register of persons engaged in manufacture or sale of pesticides; (b) provide information to the state government on performance of registered pesticides; and (c) provide information to the state government on infrastructure facilities of manufacturers.
- The licence may be revoked or suspended on grounds specified in the law. The decision can be appealed with such authority as prescribed.
- The central government may establish a Central Pesticides Laboratory under a Director and can accredit private laboratories to carry out the same functions as the Central Pesticides Laboratory.
- The Bill prohibits the manufacture, import and export of misbranded, spurious or sub-standard pesticides and any pesticide that contravenes the law. A pesticide cannot be sold, stocked or used if it is not registered.
- The central or state governments may appoint pesticide analysts and pesticide inspectors in the prescribed manner. A pesticide inspector shall have the power to enter and search a premise if he has reason to believe that a violation of the law has taken place; to take registers and records maintained by the manufacturer; to stop the distribution, sale or use of pesticide with the permission of the Executive Magistrate; and to take samples of any pesticides and send it for analysis by a pesticide analyst within 48 hours.
- The Bill also mentions the procedure to be followed by the pesticide inspector in commission of his duties. It also states that the pesticide analyst shall furnish his report within 45 days.
- The state government requires any person to report all occurrences of poisoning through handling of pesticides coming within his cognizance.
- The Bill lists a number of penalties for offences such as use of pesticide in contravention of the law and sale of misbranded or sub-standard pesticide.
- The state government may notify certain courts of judicial magistrates of first class or a metropolitan magistrate to be special courts for speedy trials.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.



Kaushiki Sanyal
kaushiki@prsindia.org

January 21, 2009