

46

STANDING COMMITTEE ON AGRICULTURE
(2008-09)

FOURTEENTH LOK SABHA

MINISTRY OF AGRICULTURE
(DEPARTMENT OF AGRICULTURE AND COOPERATION)

THE PESTICIDES MANAGEMENT BILL, 2008

FORTY-SIXTH REPORT



LOK SABHA SECRETARIAT
NEW DELHI

FEBRUARY, 2009/MAGHA, 1930 (Saka)

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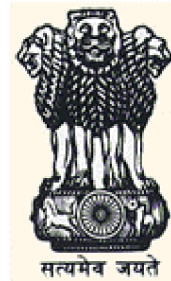
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Presented to Lok Sabha on 18.02.2009

Laid in Rajya Sabha on 18.02.2009



LOK SABHA SECRETARIAT
NEW DELHI

FEBRUARY, 2009/MAGHA, 1930 (Saka)

COA No 222

Price: Rs.

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Published under Rule 382 of the Rules of Procedure and Conduct of
Business in Lok Sabha (Twelfth Edition).

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COMPOSITION OF THE STANDING COMMITTEE ON AGRICULTURE
(2008-2009)

@ Shri Mohan Singh – Chairman

MEMBERS

LOK SABHA

2. Shri Ranen Barman
3. Shri Anil Basu
4. Shri Manoranjan Bhakta
5. Shri Girdhari Lal Bhargava
6. Shri Khagen Das
7. Shri Dharmendra
8. Shri Gadakh Tukaram Gangadhar
9. Shri Deepender Singh Hooda
10. Smt. Kalpana Ramesh Narhire
11. Shri Mahendra Prasad Nishad
12. Shri Prabodh Panda
13. Shri Raosaheb Danve Patil
14. Smt. Rupatai Diliprao Nilangekar Patil
15. Shri K.J.S.P.Reddy
16. Shri Y.S.Vivekananda Reddy
17. Shri Chandra Bhushan Singh
18. Shri M.P.Veerendra kumar
19. Shri Baleshwar Yadav
- *20. Vacant
- #21. Vacant

RAJYA SABHA

22. Shri Ishwar Singh
23. Smt. Mohsina Kidwai
24. Shri Vikram Verma
25. Shri Vinay Katiyar
26. Dr. Janardhan Waghmare
27. Shri Sharad Anantrao Joshi
28. Prof. M.S.Swaminathan
29. Shri M.Rajasekara Murthy
- §30. Shri Kore Prabhakara
- %31. Vacant

@ Shri Mohan Singh has been appointed Chairman of the Committee by Hon'ble Speaker, w.e.f. 5 December, 2008 vice Prof. Ram Gopal Yadav elected to the Rajya Sabha, w.e.f. 14.11.2008.

* Sh. Kuldeep Bishnoi ceased to be the Member of this Committee owing to disqualification under 10th Schedule by Hon'ble Speaker w.e.f. 10th September, 2008.

Sh. Hari Rama Jogaiah ceased to be the Member of the Committee owing to his Resignation from Lok Sabha w.e.f. 6 November, 2008.

§ Sh. Kore Prabhakara was nominated by the Chairman, Rajya Sabha, to be the Member of the Committee w.e.f. 1st September, 2008.

% Shri Harish Rawat ceased to be the Member of the Committee due to retirement from Rajya Sabha w.e.f. 25.11.2008.

SECRETARIAT

- | | | | |
|----|-------------------|---|---------------------|
| 1. | Shri A.K. Singh | - | Joint Secretary |
| 2. | Smt. Veena Sharma | - | Director |
| 3. | Shri N.S. Hooda | - | Deputy Secretary |
| 4. | Shri Sreekanth S. | - | Sr. Exec. Assistant |

INTRODUCTION

I, the Chairman, Standing Committee on Agriculture, having been authorized by the Committee to submit the report on their behalf, present this Forty Sixth Report on 'The Pesticides Management Bill, 2008' pertaining to the Ministry of Agriculture (Department of Agriculture and Cooperation).

2. One of the functions of the Standing Committee on Agriculture as laid down in Rule 331 E(1)(b) of 'The Rules of Procedure and Conduct of Business in Lok Sabha' is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, as the case may be, and make Report thereon. In pursuance of this Rule, Honourable Speaker referred 'The Pesticides Management Bill, 2008' to the Committee on 30th October, 2008 for examination and Report. The Committee decided to know the views of various experts/scientists/pesticide associations to enable the Members to have an in-depth knowledge about various clauses of the Bill and therefore, called for written memoranda from the experts in agricultural research & pesticide analysis and representatives of pesticide industry and farmers. The Committee also heard the views of the following experts/associations and discussed with them various provisions of the Bill:

- | | | |
|-------|--|---|
| (i) | Dr. C.D. Mayee | Chairman,
Agriculture Scientists Recruitment Board |
| (ii) | Dr. T.S. Kathpal | Ex-Sr. Pesticide Chemist (Professor)
Haryana Agriculture University Hissar |
| (iii) | Dr. Krishan Bir
Chaudhary
Shri Salil Singhal | President, Bharatiya Krishak Samaj
Chairman Emeritus, Crop Care Federation
of India |
| iv) | Shri R.G. Aggarwal | Chairman, Crop Care Federation of India |
| v) | | |

(v)

3. The Committee devoted three sittings viz. on 6th January, 2009, 29th January, 2009 and 10th February, 2009 for detailed examination of the Bill. On 6th January and 10th February, 2009, the Committee took oral evidence of the representatives of the Ministry of Agriculture (Department of Agriculture and Cooperation) and on 29th January, 2009 heard the views/suggestions of the experts.

4. The Committee express their thanks to the experts/associations who gave their valuable suggestions/views to enable the Committee to understand aspects of various clauses of the Bill.

5. The Committee also express their thanks to the representatives of the Ministry of Agriculture (Department of Agriculture & Cooperation) for making available the material and other information desired by the Committee in connection with the examination of the Bill.

6. The Committee appreciate the strenuous efforts put in by the Officers and staff of Committee Secretariat in examination of the Bill.

7. The Committee considered and adopted the report at their sitting held on 17th February, 2009.

NEW DELHI;
17 February, 2009
28 Magha, 1930 (Saka)

MOHAN SINGH
Chairman,
Standing Committee on Agriculture

REPORT

PART I

AN OVERVIEW

1. Pesticides are among the indispensable inputs in sustaining the crop production. These could be of chemical or biological origin. Pesticides are used to keep the pest population, which could be in the form of insects, diseases (including harmful bacteria and viruses), weeds, mollusks etc. below a threshold level to avoid harm to the crop output.
2. Modernization of agriculture has led to greater dependence on various agro-chemicals, especially pesticides which are highly hazardous. We are losing nearly Rs.25,000 crores worth of agricultural produce due to pests, diseases, weeds, post-harvest spoilage, etc. To protect plants from these pests, farmers normally use toxic chemicals, known as pesticides, which are highly hazardous in Nature. The past 30 years of chemicalisation of agriculture has become a severe threat to plant, animal, human life, and the fragile environment around the world.
3. Over the years, misuse of pesticides has resulted in killing of natural predators, parasites, honeybees, earthworms, etc. It has even polluted the air, soil, underground water and contaminated various foods causing threat to health of the general public. The mishandling of these powerful products has resulted in development of resistance amongst agriculture pests and vectors of human diseases, with this result; more deadly and toxic chemicals are introduced every year, which further is becoming uneconomical and detrimental to the human beings each day.
4. Approximately 3 million people are taken ill every year due to pesticide poisoning and upto 20,000 of them die in agony (WHO estimate). The maximum number of deaths take place in developing countries.

5. The situation is particularly worrisome in large agricultural countries like India, where pesticides are freely available in the market and greatly misused. This has become even more worrisome because of the fact that more and more number and variety of pesticides which are banned in the country of their origin are still being used, manufactured and distributed in India. Reason being, ignorance and lack of right education resources and extension services.

6. In the overall agricultural development of the country, the pesticides play an important role in sustaining the agricultural production by protecting all kinds of crops from pest attack and reducing the growth of pest population. Pesticides are also useful in health programmes for controlling vectors responsible for diseases, like, malaria. As the pesticides have toxic properties, therefore, they need a well ordered system of management and regulation encompassing all stages in their life-cycle, from import or production to sale and disposal.

7. It is high time that we take a comprehensive and impartial view of the whole scenario so that a national approach is adopted for pest management without hampering agricultural production and productivity.

8. Each and every law has an element of assurance for the general public. Pesticide legislations are supposed to provide assurance to the people against the possible harmful effects of pesticides on human beings and his environment. However, both the Insecticides Act and the Prevention of Food Adulteration Act (PFA Rules) have remained practically unimplemented with respect to the contamination of the environment and food.

9. The Insecticides Act, 1968 was enacted to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings of animals, and to ensure use of efficacious insecticides. However, during the years some deficiencies were noticed in its

working which were also observed by different Parliamentary Committees and stakeholders. The provisions of the Act were found to be insufficient to cover certain aspects such as the restrictive definition of 'insecticide' which does not regulate substances being used as pesticides but not included in the Schedule to the Act. Similarly, other areas requiring immediate consideration are; (i) definition of 'manufacture'; (ii) qualification for manufactures, sellers, stockists and commercial pest control operators; (iii) larger representation of experts in the Central Pesticides Board and the Registration Committee; (iv) fixation of tolerance limits of pesticides as a pre-condition of their registration; (v) suspension of cancellation of registration of pesticides on account of violations of the Act, or risk to crops, human beings and environment; and (vi) inadequate penalties and fines for contravention of the provisions of the Act.

10. The National Policy for Farmers brought out in 2007 states that "the development, introduction and diffusion of environmentally safe and effective pesticides will be given priority "while" suitable quality control, safety evaluation and other regulatory system would be strengthened". The policy highlights the need for "incorporating the use of chemical pesticides in an Integrated Pest Management System". The policy also states that "the sale of spurious and sub-standard pesticides would be prevented and bio-pesticides would be promoted".

11. The Ministry of Agriculture, having noted the problems faced by the field functionaries, the farmers and members of Pesticide Associations in the process of administration of the Insecticides Act, 1968, constituted a Group under the Chairmanship of Joint Secretary (Plant Protection) in 1996 to look into all aspects and suggest amendments to the Act and consequential changes in the Rules. This Group constituted five technical sub-groups, comprising representatives of State Governments, Pesticides Industry, Autonomous Technical Bodies etc., who held a series of meetings and suggested amendments to the Act.

12. Subsequently, in 1998, a Core Committee was constituted to consider the recommendations of the said Group. The Core Committee held series of meetings and discussed the amendments to the Act in detail. The Core Committee in its meeting on 18.05.2001 reviewed the proposals and decided to classify them into two categories - namely, (i) those which needed to be incorporated by amending the Act on priority; and (ii) those which could be considered in the second phase.

13. A meeting with the Associations of Pesticide Industry was also held in Krishi Bhawan, New Delhi on 22.05.2001 under the Chairmanship of Additional Secretary in-charge of Plant Protection for deliberating on certain aspects of the proposed amendments. The proposals invited voluminous representations from stakeholders such as the Associations of Pesticide Industry which were duly considered. Thereafter, a proposal for amendments to the Insecticides Act, 1968 was formulated. This was followed by consultation with State Governments and the ministries concerned. The proposal was also discussed with the Department of Legal Affairs as well as the Legislative Department in the Ministry of Law & Justice for finalization.

14. There were important recommendations made during this period for amendments to the Insecticides Act, 1968. The Parliamentary Standing Committee on Agriculture recommended increase in punishment for selling spurious insecticides (2000-01). The Parliamentary Standing Committee on Petroleum & Chemicals recommended stringent punishment for manufacturers of spurious insecticides and penalties commensurate with violations and also agreed with the proposal for prescription of qualification for license to sell pesticides (2002). The Joint Parliamentary Committee on Pesticide Residues and Safety Standards for Soft Drinks, Fruit Juice and Other Beverages recommended registration of pesticides only after fixation of their Maximum Residue Limits (2003). A Committee headed by the Secretary, Department of Chemicals &

Petrochemicals, also made recommendations in the context of data protection provisions of Trade Related Aspects of Intellectual Property Rights Agreement of the World Trade Organization (2007).

15. Initially, it was proposed to amend the existing Insecticides Act, 1968. However, on completion of consultation process with all the stakeholders, as the number of proposed changes was high, it was considered appropriate to replace the existing legislation with a new legislation. The multidisciplinary nature of issues involved required consultation with a large number of Ministries and Departments including Department of Agricultural Research & Education, Department of Biotechnology, Department of Chemicals & Petrochemicals, Department of Commerce, Ministry of Environment & Forests, Ministry of Health & Family Welfare, Department of Industrial Policy & Promotion and Department of Science & Technology. These processes required time to complete. Therefore, it took longer to come up with the legislation.

16. Several safeguards have been provided for prevention of ill effects of pesticides on human health in the proposed Bill.

17. The advisory functions of the Central Pesticides Board have been expanded under clause 7 of the proposed legislation to include “review of toxicity and safety of pesticides from time to time” and also “suggest development and availability of safer alternatives to existing pesticides as per latest global research and development”.

18. Similarly, the powers of the Registration Committee have also been expanded with reference to pesticides in clause 11(2) of the proposed legislation to include ‘specify requirements of necessary infrastructure including machinery, equipment and technically qualified personnel for grant of license for manufacture and storage and specify protocols, procedures and good manufacturing practices for manufacturing of pesticides’. Further, introduction of provision for suspension and cancellation of registration on non-compliance

with the conditions of registration would have deterring effect on offenders [Clause 13].

19. Exhaustive technical data would have to be submitted by applicants at the time of making application for grant of registration including disclosure of all known information about the inimical effects of pesticide on humans, animals and environment [Clause 12(3)].

20. Fixation of tolerance limits (Maximum Residue Limits) has been made a pre-requisite to grant of registration [Clause 12(5)].

21. It is proposed to prescribe minimum qualification *inter alia* for retailers of pesticides [Clause 17(1)].

22. Tougher punishments for offences relating to 'sub-standard' and 'spurious' pesticides have been proposed [Clauses 38 & 39].

The above provisions would help in preventing the ill-effects of pesticides on human beings.

23. The manufacture of quality, safe and affordable pesticides need to be encouraged while spurious and poor quality pesticides be stringently curbed. The proposed legislation seeks to achieve the following objectives:

(i) to rename it as 'pesticides' which has a broader connotation and includes insecticides, fungicides, herbicides, rodenticides, molluscicides, acaricides;

(ii) to provide for an elaborate definition of pesticides to cover any substance of chemical or biological origin intended for preventing, destroying, repelling or mitigating or controlling any pest including unwanted species of plants or animals which will enable regulation of existing pesticides as well as new discoveries;

(iii) address all aspects of development, regulation and quality monitoring, production, management, packaging, labeling, distribution, handling, application, use and control, including post-registration activities and disposal of all types of pesticides;

(iv) define household pesticides, to prohibit their field applications and to enable delicensing of their retail sale for easy availability to the consumer;

(v) effective and efficient working of the Central Pesticides Board, Registration Committee;

(vi) fixation of tolerance limits of pesticides as pre-requisite to registration;

(vii) requirement of minimum qualification of licensees;

(viii) accredit private laboratories to carry out any or all functions of the Central Pesticides Laboratory;

(ix) prescribe an elaborate procedure for drawal of pesticide samples and inspection of pesticides;

(x) make punishments more stringent to check production and sale of misbranded, sub-standard and spurious pesticides;

(xi) the disposal of date expired, misbranded, sub-standard and spurious pesticides in an environment friendly and safe manner.

24. The Committee before going into detailed examination of the Bill invited Written Memoranda from agriculture research institutions, pesticide manufacturing associations, scientists, experts, farmers organizations and other interested groups/individuals their views/suggestions/comments on the Bill based on which they were called in before the Committee for evidence to give their expert comments/views on various Clauses of the Bill. The expert views on various Clauses have immensely helped the Committee to understand the intricacies of the contentious issues involved in the Bill and to arrive at consensual decisions.

25. The Committee have gone through the Bill threadbare and clause-wise comments have been given in Part-II of this Report. The Clauses which have not been covered/commented upon in the Report are found to be in order. However, some of the important recommendations of the Committee which will have far reaching effects on the implementation of 'The Pesticides Management Bill, 2008' have been summarized hereunder.

26. The Committee feel that suitable qualifications but not less than Higher Secondary in Science streams may be prescribed for sellers/dealers/stockists, etc., of pesticides. Also, before issuing licence, effective training for handling of pesticides should be provided to them by the Government. They should be asked to exhibit their licence-certificates at the shops/points of sale. The Committee also recommend that licensee dealer/retailer should exclusively sell pesticides.

27. The technical proficiency of personnel employed in pesticide testing labs is a crucial factor in ensuring that the reports of pesticide analysis are accurate and reliable. Accordingly, the Committee recommend that the Lab-in-Charge should have a minimum educational qualifications of MSc Agri./Agri Chemicals/Analytical Chemistry/Bio-Chemistry and a desirable qualifications of Ph.D in Agri./Agri Chemicals/Analytical Chemistry/Bio-Chemistry with experience in the field of Pesticide Formulations/Pesticide Residue Analysis. Pesticide Analysts should also have a minimum educational qualifications of MSc Agri./Agri Chemicals/Analytical Chemistry/Bio-Chemistry with experience in the field of Pesticide Formulations/Pesticide Residue Analysis.

28. The Committee are of firm opinion that all Pesticide Testing Labs should follow Good Lab Practices (GLP) and should be duly accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL) within a year. Laboratories must also be made ISO 17025 compliant. It should be made mandatory that the staff posted are competent and experienced.

29. The Committee also feel that the confirmation of sample reports should be provided along with Chromatograms using Gas/High Performance Liquid Chromatographs to remove doubts about the method of testing used.

30. The Committee observe that the country at present has only one Referral Lab, i.e., the Central Pesticide Laboratory at Faridabad. It is recommended that number of Referral Labs has to be increased and till the time new Referral Labs are set up, to start with (1) Institute of Pesticide Formulation Technology (IPFT) Gurgaon, (2) Pesticide Referral Lab at Indian Agricultural Research Institute, New Delhi and (3) Central Food Technological Research Institute(CFTRI), Mysore should be upgraded and recognized as Referral Labs for testing pesticides. In addition to the present State Pesticides Testing Laboratories, other well-equipped laboratories in Agriculture Universities and other Government Institutes should be given assistance to create pesticide testing facilities. The Test Analysts in all the Referral and other State, Agriculture Universities Test Labs should be given proper requisite training before assigning them the duties to perform pesticides tests/analysis.

31. The Committee strongly recommend that the Central Pesticides Board should have at least two farmers' representatives, one male farmer and one female farmer, as its members.

32. One representative of the Pesticides Associations should also be associated with the Board.

33. In order to encourage the introduction of newer pesticide molecules in the country, the Committee recommend that the data protection period should be increased to five years. Applicants may be asked to declare in their applications the ' Trade Secret Data' that require protection. However, Central

Government should have the power to disclose the 'Trade Secret Data' information when it is absolutely essential in public interest.

34. Maximum Residue Limits (MRL) of the remaining pesticides registered under 'The Insecticides Act, 1968' should be fixed within a maximum period of one year. No pesticide should be sold in the market without its MRL fixed.

35. The Committee recommend that the Bill should have provisions to fix the liability and accountability of Pesticide Inspectors who exercise their powers without sufficient reason or in a vexatious manner, on the lines of Section 34 AA of 'The Drugs and Cosmetics Act 1940' (as amended upto and June, 2005) and Section 39 of 'the Food Safety and Standards Act, 2006'. Similarly, Pesticide Analysts who give fictitious test reports of sample or does not follow the prescribed methods, protocols or procedures in producing test reports should be held liable and punished for their actions. Punishment to derelict officials for their non-performance of duty is essential. They should be held liable as by their non performance, they hurt not only the interests of the farmers but also of the consumers and the environment.

36. The Committee feel that any user of a pesticide should have the right to get the sample of a pesticide analyzed and a suitable clause to this effect should be added to the Bill.

37. The Committee are of the opinion that only the first offence for 'misbranding' of a pesticide under the Bill can be made compoundable by paying a compounding fee not less than a fine prescribed for the offence. But no compounding can be allowed for the other offences or violations of the Act.

38. Every pesticide manufacturer in India should be made to adhere to Good Manufacturing Practices (GMP) on the lines of the pharmaceutical industry.

39. Import and export of pesticides (technical/formulations and their intermediates) should also be regulated by the Pesticide Management Act. Quality parameters of such products should be checked by the Central Pesticide Labs before release of such products for use in agriculture and public health as in the case of drugs.

40. The Committee have been apprised that there are reports of foreign countries rejecting our agricultural consignments on account of presence of unacceptable levels of pesticide residues. But there does not seem to be any report of India rejecting an import consignment of agricultural produce on account of the presence of unacceptable residues. The Referral Lab at Faridabad and other pesticide laboratories established in Central and State sectors should be entrusted with the job of analyzing pesticide residues in imported commodities. The provision to this effect should be made in the Act/Rules.

41. The Committee recommend that there should be a mechanism under the Bill to periodically re-verify the certificates of registration and manufacturing licences of pesticides issued and physical inspection of all licensed manufacturing units by the competent authorities of the Central/State Governments so as to control the manufacture and sale of spurious, sub-standard and misbranded pesticides.

42. The Committee have considered each Clause of the bill very carefully and are of the opinion that the Clauses, other than those discussed in the Report, should be made consistent with the provisions on which amendments/suggestions have been made by the Committee in the Report.

PART II

CLAUSE-WISE ANALYSIS

CLAUSE 3

1. Clause 3 deals with the definitions.

Clause 3 (o) deals with the definition of 'misbranded' pesticides.

Clause 3(o) of the Bill states as under:

"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 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 is not displayed thereon in such conspicuous manner as the other words, statements designs or graphic matter have been displayed on the label 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 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 is at variance with the shelf-life as approved by the Registration Committee;

2. The Committee recommend that sub-clause 3(o)(vii) may be added to Clause 3(o) which may read as under:

3(o)(vii) 'if it does not conform to other tests specified or approved for it by the Registration Committee while granting Registration'.

3. 3(s) The Committee recommend that since the Bill deals with all kinds of pesticides so the definition of pesticide should include the pesticides used not only in agriculture sector but also used for health care purposes.

4. 3(zb) deals with "spurious" pesticide. The Committee recommend that in addition to the given definition of "spurious" from (i) to (vii), a new sub sub-clause 3 (zb) (viii) may be added as under:

'if it is manufactured, distributed and/or sold under a name or mark so as to pass off the goods of another or infringes a trade mark of another manufacturer; provided that no pesticide being manufactured, distributed and/or sold with the consent of such other manufacturer shall be deemed to be spurious';

CLAUSE 4

5. Clause 4 deals with constitution of Central Pesticides Board.

Sub-clause 4(2)(v) says that the Board shall consist of a representative of different ministries, departments, central government offices/agencies from (a) to (r).

6. The Committee are of the firm view that only the representatives of all these authorities need not be included in the Board. However, some designated officers/experts of some of these Ministries, Departments/ Government Offices and Agencies could be made ex-officio members.

As has been agreed to by the Government also a farmer representative should also be made the member of this Board. A new sub sub-clause may be added as 4(2)(xviii):

Two representatives of farmers, one female farmer and one male farmer, to be nominated by the Central Government.

CLAUSE 7

7. Clause 7 deals with functions and powers of Central Pesticides Board.

The Committee recommend that a new sub-clause to clause 7 may be added as under:

“Specifying protocols, procedure and Good Manufacturing Practices for pesticide manufacturers”

CLAUSE 11

8. Clause 11 deals with the Registration Committee and its functions.

Clause 11(2) deals with the functions of the Registration Committee.

Clause 11(2)(ii) reads as under:

11(2) Registration Committee shall -

(ii) allow the continued use or restrict or prohibit the use on reassessment of their safety and availability of safer alternatives;

9. The Committee are of the opinion that since the prohibition of use of any pesticide is dealt with in Clause 33 and the powers to prohibit the sale, distribution or use of the pesticide or batch in any area for a specific period lies with the Central Government, therefore, the words ‘or prohibit’ in clause 11(2)(ii) should be deleted and the text should read as under:

(ii) allow the continued use or restrict the use on reassessment of their safety and availability of safer alternatives;

10. Clause 11(2)(iv) reads as under:

11(2) Registration Committee shall -

- (i) specify guidelines for the regulation of advertising of pesticides in all media to ensure that it is in accordance with label directions and precautions to be observed in its application;

11. The Committee feel that the Registration Committee cannot be expected to specify guidelines for the regulation of advertising of pesticides in the media and it should be the function of Central Pesticides Board and sub sub-clause (iv) should be deleted from Clause 11(2) and should form part of and be added to clause 7 which deals with the functions and powers of the Board.

CLAUSE 12

12. Clause 12 deals with registration of pesticides.

Clause 12(4) reads as under:

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 a period of two years:

Provided that the Committee may, in exceptional circumstances and for reasons to be recorded in writing, extend the period up to six months.

13. The Committee are of the opinion that transparency and efficiency in the functioning of Registration Committee must be ensured for grant of speedy registrations. The Committee recommend that registration certificate of a pesticide should be granted within a period of one year of its application complete in all respects. Accordingly, the words 'a period of two years' should be read as 'a period of one year' in the last line of Clause 12(4). The proviso to this sub-clause needs no modifications.

14. Clause 12(6) reads as under:

The data submitted for the purpose of registration in respect of a pesticide under this section which has not been previously registered shall not be relied upon for grant of registration of the same pesticide in respect of any other person for a period of three years.

15. The Committee recommend that the period for data protection under clause 12(6) may be raised from three to five years from the date of its registration under clause 12(4).

CLAUSE 14

16. Clause 14 deals with appeal against refusal or suspension or cancellation of registration.

Clause 14 reads as under:

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 whose decision thereon shall be final:

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:

Provided further that no order under this section shall be made without giving an opportunity of hearing to the applicant.

17. The Committee recommend that Clause 14 may be re-framed as under:

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, who shall dispose off the appeal within a prescribed time frame and whose decision thereon shall be final:

The Provisos to this clause need no change.

CLAUSE 16

18. Clause 16 deals with appointment of Licensing Officer and reads as under:

The State Government may, by notification in the Official Gazette, appoint such person as it thinks 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.

19. The word 'thinks' may be replaced by the word 'deems'.

CLAUSE 17

20. Clause 17 deals with grant of licence.

Clause 17(7)(b) reads as under:

The Licensing Officer shall-
provide information to the State Government on infrastructure facilities possessed by pesticide manufacturers;

21. To make it more clear, this Clause should read as under:

The Licensing Officer shall-
provide information to the State Government on infrastructure facilities possessed by every pesticide manufacturer in the State;

CLAUSE 20

22. Clause 20 deals with appeal against decision of a Licensing Officer.

Clause 20(2)reads as under:

On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of showing cause, make an endeavour to dispose of the appeal

within a period of six months and the decision of the appellate authority thereon shall be final.

23. The Committee recommend that in this sub-clause, the words, 'make an endeavour to' should be deleted and the words, 'six months' should be replaced by the words, 'ninety days' and the text should be read as under:

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.

CLAUSE 21

24. Clause 21 deals with Central Pesticides Laboratories.

Clause 21(1) reads as under:

The Central Government may, by notification in the Official Gazette, establish a Central Pesticides Laboratory under the Control of Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act:

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 at any such institution as may be specified therein and thereupon the functions of the Director of the Central Pesticides Laboratory shall to the extent so specified, be exercised by the head of that Institution:

Provided further that the Central Government may 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 and subject to inspection by, and control of, the Plant Protection Adviser to the Government of India.

25. The Committee recommend that the Government should recognize only those private laboratories who follow the Good Lab Practices (GLP) and are accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) under the second proviso to sub-clause 21 (1) and the text should read as under:

Provided further that the Central Government may recognize private laboratories that follow the Good Lab Practices (GLP) and accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL), to carry out any or all functions of the Central Pesticides Laboratory on fulfilment of such criteria and procedure as may be prescribed and subject to inspection by, and control of, the Plant Protection Adviser to the Government of India.

CLAUSE 23

26. Clause 23 deals with prohibition of sale, etc., of certain pesticides.

Clause 23(1) reads as under:

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 by any worker.

(e) any pesticide which has outlived its shelf-life as evident from its label; and

27. The Committee feel that sub-clause (e) needs further clarification and it should read as under:

(e) any pesticide which has outlived its shelf-life as evident from its label except as provided under clause 52; and

CLAUSE 26

28. Clause 26 deals with power of Pesticide Inspectors.

29. The Committee recommend that a new sub sub-clause(g) may be added to clause 26(1) as under:

26(1) A Pesticide Inspector shall have power-

(g) to draw a minimum of two samples, every quarter from each one of the pesticide manufacturing unit located within his area of jurisdiction

CLAUSE 28

30. Clause 28 deals with the procedure to be followed by the Pesticide Inspectors.

Clause 28(1) reads as under:

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.

31. The Committee recommend that the power of a Pesticide Inspector to seize or seal any product, record or premises under Section 26(1) should be exercised only with the prior permission of Executive Magistrate.

32. Clause 28(6)(ii) reads as under:

The Pesticide Inspector shall dispose of the sample so divided or containers, as the case may be, as follows: -

(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

33. The Committee recommend that the Pesticide Inspector shall send one portion of the sample to the Pesticide Analyst within twenty-four hours of its drawal.

34. The Committee also recommend that a new clause should be added to this Bill stating therein that Government should fix the liability and accountability of Pesticide Inspector who vexatiously and without reasonable ground exercises his powers of inspection, search and seizure under this Act and Rules made thereunder. And he be made liable for punishment with fine not less than Rs.10,000 which may extend to Rs.25,000.

35. A new clause may be added to this Bill with the following provisions:

Nothing contained in this Act shall prevent a user of any pesticide from getting it analyzed by the accredited pesticide testing labs on payment of such fees and receive a report of the same.

Provided that if the report of the pesticide analyzed prove that the sample was misbranded, sub-standard or spurious then he shall be entitled to get refund of the fee paid by him under this clause.

CLAUSE 30

36. Clause 30 deals with report of Pesticide Analyst.

Clause 30(1) reads as under:

The Pesticide Analyst to whom a sample of any pesticide has been submitted for test or analysis under clause (ii) of subsection (6) of section 28, shall, within a period of forty-five days, deliver to the Pesticide Inspector a signed report in triplicate in the prescribed form.

37. The Committee recommend that the period of test/analysis of a sample should be reduced from forty-five days to thirty days and the copies of the report should be submitted in quadruplicate along with Chromatograms using Gas Chromatograph or High Performance Liquid Chromatograph.

38. Clause 30(2) reads as under:

The Pesticide Inspector on receipt thereof shall, within a period of fifteen days, deliver two copies of the report to the person from whom the sample was taken, who shall deliver one copy to the manufacturer of that pesticide, and retain one copy for use in any prosecution in respect of the sample.

39. The Committee recommend that the delivery period of the reports under clause 30(2) should be reduced from fifteen days to ten days and the copies of the analytical report so received by the Inspector will be delivered as follows:

- (ii) one copy of the report shall be delivered to the manufacturer of that tested pesticide;
- (iii) one copy of the report shall be delivered to the stockist from whom the sample was taken;

- (iv) one copy of the report shall be delivered to the designated officer of the Government; and
- (v) last copy will be kept by the Pesticide Inspector with himself.

40. The Committee recommend that after clause 30, a new clause may be added to this Bill stating therein that Government should fix the liability and accountability of a Pesticide Analyst who vexatiously exercises his powers by giving a fictitious test result of a sample and/or tests a sample without following the prescribed method, protocols or procedures, and he should be punished with a minimum fine of Rs.25,000 extendable to Rs.1,00,000.

Clause 48

41. Clause 48 deals with power of Central Government to make rules.

Clause 48(2) provides for such rules that may provide for carrying out the provisions of this Act.

42. The Committee recommend that sub sub-clause 48(2)(o) may be read as 48(2)(p) and a new sub sub-clause 48(2)(o) may be added as under:

guidelines for the infrastructure required from the manufacturers, importers, exporters or dealers of pesticides; and

NEW DELHI;
February, 2009
Magha, 1930 (Saka)

MOHAN SINGH
Chairman,
Standing Committee on Agriculture

APPENDIX I

MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE
ON AGRICULTURE HELD ON TUESDAY, THE 6 JANUARY, 2009 AT 1500

HRS. IN COMMITTEE ROOM 'C', GROUND FLOOR, PARLIAMENT
HOUSE ANNEXE, NEW DELHI

The Committee sat from 1500 hrs to 1710 hrs.

PRESENT

Shri Mohan Singh - Chairman

MEMBERS

LOK SABHA

2. Shri Ranen Barman
3. Shri Anil Basu
4. Shri Manoranjan Bhakta
5. Shri Girdhari Lal Bhargava
6. Shri Khagen Das
7. Shri Gadakh Tukaram Gangadhar
8. Smt. Kalpana Ramesh Narhire
9. Shri Mahendra Prasad Nishad
10. Shri Prabodh Panda
11. Shri Danve Raosaheb Patil
12. Smt. Rupatai Diliprao Nilangekar Patil

RAJYA SABHA

13. Smt. Mohsina Kidwai
14. Shri Vikram Verma
15. Shri Vinay Katiyar
16. Shri Sharad Anantrao Joshi
17. Shri M.Rajasekara Murthy
18. Shri Ishwar Singh

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri A.K. Singh | - | Joint Secretary |
| 2. | Ms. Veena Sharma | - | Director |
| 3. | Shri Raj Kumar | - | Deputy Secretary |
| 4. | Shri N.S. Hooda | - | Deputy Secretary |

5. Ms. Amita Walia - Under Secretary

WITNESSES

1. Shri T.Nanda Kumar Secretary (DAC)
2. Shri P.K. Basu Additional Secretary (DAC)
3. Dr. N.B. Singh Agriculture Commissioner (DAC)
4. Shri Pankaj Kumar Joint Secretary (Plant Protection), DAC
5. Dr. P.S. Chandurkar Plant Protection Adviser, Directorate of Plant Protection Quarantine and Storage
6. Shri B.B. Mohapatra Director (Plant Protection), DAC
7. Dr. Sandhya Kulshrestha Secretary, Central Insecticides Board and Registration Committee

At the outset, the Chairman welcomed the representatives of the Ministry of Agriculture (Department of Agriculture & Cooperation) and put forward some points for discussion on 'The Pesticides Management Bill, 2008'. He then asked the Secretary (DAC) to brief the Committee on various provisions of the Bill.

2. During the briefing, the officials of the Ministry gave a brief background about the need for replacing 'The Insecticides Act, 1968' was given. The Committee were informed that the 'The Pesticides Management Bill, 2008' was drafted keeping in mind the recommendations of the Parliamentary Standing Committees of Agriculture, Petroleum & Chemicals and the Joint Parliamentary Committee on Pesticide Residues and Safety Standards for Soft Drinks, Fruit Juices and other Beverages. The representatives of the Ministry then explained the salient features of the Bill vis-à-vis the features of 'The Insecticides Act, 1968' and the measures adopted to mitigate the shortcomings of the earlier Act.

3. After the briefing, Members raised certain clarificatory queries on various aspects of the use of pesticides in agriculture and also on various clauses of 'The Pesticides Management Bill, 2008' which were answered to by the

representatives of the Ministry. The Chairman then desired that in respect of the points or queries of the Members which could not be replied to instantly, the Department may send in their replies in writing to the Committee Secretariat later within a week.

4. A verbatim record of the proceeding of the sitting has been kept.
5. The witnesses then withdrew.

The Committee then adjourned.

APPENDIX II

MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE
ON AGRICULTURE HELD ON THURSDAY, THE 29 JANUARY, 2009 AT
1100 HRS. IN COMMITTEE ROOM 'C', GROUND FLOOR, PARLIAMENT
HOUSE ANNEXE, NEW DELHI

The Committee sat from 1100 hrs to 1300 hrs.

PRESENT

Shri Mohan Singh - Chairman

MEMBERS

LOK SABHA

2. Shri Anil Basu
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Smt. Kalpana Ramesh Narhire
6. Shri Prabodh Panda
7. Shri Danve Raosaheb Patil
8. Smt. Rupatai Diliprao Nilangekar Patil
9. Shri K.J.S.P. Reddy
10. Shri M.P. Veerendra Kumar

RAJYA SABHA

11. Shri Vikram Verma
12. Shri Vinay Katiyar
13. Dr. Janardhan Waghmare
14. Shri Sharad Anantrao Joshi
15. Shri M.Rajasekara Murthy
16. Shri Ishwar Singh
17. Shri Kore Prabhakara

SECRETARIAT

1. Shri A.K. Singh - Joint Secretary

- | | | | |
|----|-----------------|---|------------------|
| 2. | Shri N.S. Hooda | - | Deputy Secretary |
| 3. | Ms. Amita Walia | - | Under Secretary |

WITNESSES

- | | | |
|----|---------------------------|--|
| 1. | Dr. C.D. Mayee | Chairman,
Agricultural Scientists Recruitment Board |
| 2. | Dr. T.S. Kathpal | Ex-Sr. Pesticide Chemist(Professor)
Haryana Agriculture University Hissar |
| 3. | Dr. Krishan Bir Chaudhary | President,
Bharatiya Krishak Samaj |
| 4. | Sh. Salil Singhal | Chairman Emeritus,
Crop Care Federation of India |
| 5. | Shri R.G. Aggarwal | Chairman,
Crop Care Federation of India |

The Chairman at the outset informed the Committee of the passing away of the former President of India Shri R. Venkataraman. He read out a condolence resolution and the Committee observed a silence for two minutes in respect of the departed soul. The Chairman then informed the Members of the Committee that as decided the Committee were to hear the views of experts in the field of pesticides, consisting of representatives of the pesticides industry, farmers, pesticide analysts, scientists, etc.

2. The witnesses were then called in for their oral evidence. Chairman welcomed them all and explained about the confidentiality of the proceedings of the Committee. Dr. C.D. Mayee, Chairman, Agriculture Scientists Recruitment Board addressed the Committee first. He stressed the need for a mechanism to re-verify the certificates of registration of pesticides licences issued to pesticide sellers/dealers. He also stressed on need to eliminate the problem of spurious pesticides and to introduce punishment provisions in the Bill to deal with errant Pesticide Inspectors & Pesticide Analysts who vexatiously do their work.

3. Dr. T.S.Kathpal, Ex. Sr. Pesticide Analyst and Professor of Haryana Agriculture University, then gave his suggestions regarding various improvements needed in the system of analysis of pesticide samples at testing

laboratories, qualifications of analysts test infrastructure, introduction of Good Lab Practices (GLP) and accreditation by National Accreditation Board for Testing and Calibration Laboratories (NABL) for pesticide testing labs, punishment for analysts providing fictitious test reports, etc.

4. The representative of farmers, Shri Krishan Bir Chaudhary then took up before the Committee issues like the need for a farmers' representative in the Central Pesticides Board, streamlining of pesticides sample collection for testing, elimination of spurious/sub-standard pesticides, etc.

5. The views/suggestions of the pesticide industry were then put forwarded by its representatives, Shri Salil Singhal & Shri R.G.Aggarwal. They drew attention to the need for a schedule to the Bill, reducing the punishment proposed for various offences in the Bill, introduction of penal provisions against errant Pesticide Analysts and Inspectors, introduction of compounding of offences by payment of fees, provision for joint analysis of disputed pesticide samples results, reduction of the time taken for issue of registration certificate, strict provisions of data protection, etc.

6. The Chairman of the Committee then thanked the experts for placing their views before the Committee.

7. A verbatim record of the proceeding of the sitting has been kept.

8. The witnesses then withdrew.

The Committee then adjourned.

APPENDIX III

MINUTES OF THE NINTH SITTING OF THE STANDING COMMITTEE
ON AGRICULTURE HELD ON TUESDAY, THE 10 FEBRUARY, 2009 AT 1100
HRS. IN COMMITTEE ROOM 'D', GROUND FLOOR, PARLIAMENT
HOUSE ANNEXE, NEW DELHI

The Committee sat from 1100 hrs to 1215 hrs.

PRESENT

Shri Mohan Singh - Chairman

MEMBERS

LOK SABHA

2. Shri Manoranjan Bhakta
3. Shri Girdhari Lal Bhargava
4. Shri Prabodh Panda
5. Shri Danve Raosaheb Patil
6. Shri M.P. Veerendra Kumar

RAJYA SABHA

7. Shri Vinay Katiyar
8. Dr. Janardhan Waghmare
9. Shri Sharad Anantrao Joshi
10. Shri M.Rajasekara Murthy
11. Shri Ishwar Singh

SECRETARIAT

- | | | | |
|----|------------------|---|------------------|
| 1. | Shri A.K. Singh | - | Joint Secretary |
| 2. | Ms. Veena Sharma | - | Director |
| 3. | Shri N.S. Hooda | - | Deputy Secretary |
| 4. | Ms. Amita Walia | - | Under Secretary |

WITNESSES

1. Shri T. Nanda Kumar Secretary (DAC)
2. Shri P.K. Basu Additional Secretary (DAC)
3. Shri A.S. Lamba Additional Secretary (DAC)
4. Dr. N.B. Singh Agriculture Commissioner (DAC)
5. Shri Pankaj Kumar Joint Secretary (Plant Protection), DAC
6. Dr. P.S. Chandurkar Plant Protection Adviser, Directorate of Plant Protection Quarantine and Storage
7. Dr. Sandhya Kulshrestha Secretary, Central Insecticides Board and Registration Committee

At the outset, the Chairman welcomed the Members and the representatives of the Ministry of Agriculture (Department of Agriculture and Cooperation) to the sitting of the Committee. The Chairman informed that based on the briefing of the Ministry and the suggestions made by experts before the Committee in their earlier sittings, the observations of the Committee on various clauses of the Bill were forwarded to the Ministry. He then requested the representatives of the Ministry to place before the Committee the views of the Government on the observations of the Committee and any other information relating to the Bill which they would like to apprise the Committee about.

2. The Secretary (DAC) and his colleagues explained their views on the various clauses of the Bill. They also answered the clarificatory queries raised by the Members on various clauses of the Bill.

3. Thereafter, the Chairman informed that the endeavour was to present the report of the Committee in the ensuing session of the Parliament and requested the Members to send their views to the Committee at their earliest.

4. A verbatim record of the proceeding of the sitting has been kept.
5. The witnesses then withdrew.

The Committee then adjourned.

APPENDIX IV

MINUTES OF THE TENTH SITTING OF THE STANDING COMMITTEE
ON AGRICULTURE HELD ON TUESDAY, THE 17 FEBRUARY, 2009 AT 1030
HRS. IN COMMITTEE ROOM 'E', BASEMENT, PARLIAMENT HOUSE
ANNEXE, NEW DELHI

The Committee sat from 1030 hrs to 1100 hrs.

PRESENT

Shri Mohan Singh - Chairman

MEMBERS

LOK SABHA

2. Shri Ranen Barman
3. Shri Girdhari Lal Bhargav
4. Shri Khagen Das
5. Smt Kalpana Ramesh Narhire
6. Shri Prabodh Panda
7. Smt Rupatai D. Patil Nilangekar
8. Shri Chandra Bhushan Singh

RAJYA SABHA

9. Shri Vikram Verma
10. Prof M.S. Swaminathan
11. Shri M. Rajasekara Murthy
12. Shri Ishwar Singh

SECRETARIAT

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|----|------------------|---|------------------|
| 1. | Shri A.K. Singh | - | Joint Secretary |
| 2. | Ms. Veena Sharma | - | Director |
| 3. | Shri N.S. Hooda | - | Deputy Secretary |
| 4. | Ms. Amita Walia | - | Under Secretary |

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members and apprised them that the Draft Report on the Bill has already been circulated to them and is ready for their consideration. The Report was then taken up for clause-by-clause consideration. The Report was unanimously adopted with minor modifications suggested by the members. The Committee also put on record their appreciation of strenuous efforts put in by the Committee Secretariat for reflecting Committee's concern and observations in drafting the Report.

2. The Committee authorized the Chairman to finalize the report and present the same to the Parliament.

The Committee then adjourned.