

**PUBLIC ACCOUNTS COMMITTEE
(1974-75)**

(FIFTH LOK SABHA)

HUNDRED AND THIRTY-SIXTH REPORT

(IMPORT OF HOP PLANTS)



**PARLIAMENT LIBRARY
DIGITIZED**

**LOK SABHA SECRETARIAT
NEW DELHI**

February, 1975/Phalgun, 1896 (Saka)

Price: Re. 1.00

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA
SECRETARIAT PUBLICATIONS**

Sl. No.	Name of Agent	Sl. No.	Name of Agent	
ANDHRA PRADESH			MAHARASHTRA	
1.	Andhra University General Cooperative Stores Ltd., Waltair (Visakhapatnam).	10.	M/s. Sunderdas Gianchand, 601, Girgaum Road, New Princess Street, Bombay-2.	
2.	G. R. Lakshmi paty Chetty and Sons, General Merchants and News Agents, Newpet, Chandragiri, Chittoor District.	11.	The International Book House, (Private) Limited, 6, Ash Lane, Mahatma Gandhi Road, Bombay-1.	
ASSAM			12. The International Book Service, Deccan Gymkhana, Poona-4.	
3.	Western Book Depot, Pan Bazar, Gauhati.	13.	Charles Lambert & Company, 10, Mahatma Gandhi Road, Opposite-Clock Tower, Fort, Bombay.	
BIHAR			14. The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-1.	
4.	Amar Kitab Ghar, Post Box 78, Diagonal Road, Jamshedpur.	15.	Deccan Book Stall, Fergusson College Road, Poona-4.	
5.	M/s. Crown Book Depot, Upper Bazar, Ranchi.	16.	M.& J. Services, Publishers Representatives, Accounts & Law Book Sellers, Bahri Road, Bombay-15.	
GUJARAT			mysore	
6.	Vijay Stores, Station Road, Anand.	17.	People Book House, Opp. Jagannath Palace, Mysore.	
7.	The New Order Book Company, Ellis Bridge, Ahmedabad-6.	RAJASTHAN		
MARYANA			18. Information Centre, Government of Rajasthan, Tripolia, Jaipur City.	
8.	M/s. Prabhu Book Service, Nai Subzi Mandi, Gurgaon.	19.	M/s. Usha Book Depot, 585/A, Chitra Bazar, Tripolia, Jaipur.	
MADHYA PRADESH			UTTAR PRADESH	
9.	Modern Book House, Shiv Vilas Palace, Indore City.	20.	Law Book Company, Sardar Patel Marg, Allahabad-1.	

Corrigenda to Hundred & Thirty Sixth Report
of the Public Accounts Committee (Fifth-Lok
Sabha) presented to Lok Sabha on 25.2.1975.

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
(v)	2	5	new-item	news-item
		13	from	form
1	1	5	Million	Millions
		10	stuned	stunned
		15	work	worm
		21	for	for a
6	3	21	publisod	published
	6	2	on	one
7	8	7	General	Central
	9	3	liccneecs	licences
		7	plants	plant
	(from bottom)			
8	10	2	withou	without
		19	new	news
12	19	8	phytosenitary	phytosanitary
	20	2-3	acceptance	acceptance of
13	22	5	"that	"There
		10	spread	, spread
14		4	citm	citrus
17	31	10	weels	weeds
19		4	No	2. No
	(from bottom)			
20		1	No	3. No
35	(b)	2	nematoes	nematodes
41	Sl.No. 110	1	Committee	Committee are
	Column 40			
	8-9		concerned	concerned auth- orities to Air Corporations and all other compa- nies concerned
Sl.No. 120		Communiculture		Communications
Column 30				

CONTENTS

<u>Page</u>		<u>PAGE</u>
	COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE (1974-75)	(iii)
	INTRODUCTION	(v)
(v)	NOTE	I—I
1	APPENDICES	19—33
	Summary of the main conclusions/recommendations	36—43
	PART II†	
1	Minutes of the sittings of the Public Accounts Committee	
6	8-7-1974 (AN)	
7	9-7-1974 (FN)	
	24-2-1975 (AN)	

† Not printed. One cyclostyled copy laid on the Table of the House and five copies placed in Parliament Library.

PUBLIC ACCOUNTS COMMITTEE

(1974-75)

CHAIRMAN

Shri Jyotirmoy Bosu

MEMBERS

2. Shri S. C. Besra
3. Shri C. D. Gautam
4. Shri Pampan Gowda
5. Shri Jagannathrao Joshi
6. Shrimati Parvathi Krishnan
7. Shri Y. S. Mahajan
8. Shri Bibhuti Mishra
9. Shri Paripoornanand Painuli
10. Shri Narain Chand Parashar
11. Shri H. M. Patel
12. Shri P. Antony Reddi
13. Shri Shiban Lal Saksena
14. Shri Biswanarayan Shastri
15. Shri Sunder Lal
16. Shrimati Pratibba Singh
17. Shri G. R. Patil
18. Shri V. B. Raju
19. Shri Mohammed Usman Arif
20. Shri T. N. Singh
21. Shri Sasankasekhar Sanyal
22. Shri A. K. A. Abdul Samad

SECRETARIAT

Shri Avtar Singh Rikhy— Additional Secretary.

Shri B. K. Mukherjee—Chief Legislative Committee Officer.

Shri N. Sunder Rajan—Senior Financial Committee Officer

INTRODUCTION

I, the Chairman of the Public Accounts Committee, having been authorised by the Committee, do present on their behalf this Hundred and Thirty-Sixth Report of the Committee (Fifth Lok Sabha) on Import of Hop Plants.

2. During the examination of paragraph 27 of the Report of the Comptroller and Auditor General of India for the year 1972-73—Union Government (Civil) relating to the Department of Food on the 8th July, 1974, the attention of the Committee had been drawn to a new-item released by the Press Trust of India on the import of worm-infested hop plants from Australia. The Committee had decided to examine this import as it had posed a potential threat to Indian farming. The Committee examined the representatives of the Ministries of Commerce and Agriculture (Directorate of Plant Protection, Quarantine and Storage) at their sitting held on the 9th July, 1974. This report was considered and finalised by the Committee at their sitting held on the 24th February, 1975 (AN). Minutes of the sittings from Part II* of the Report.

3. A statement showing the summary of the main conclusions/ recommendations of the Committee is appended to the Report. For facility of reference, these have been printed in thick type in the body of the Report.

4. The Committee place on record their appreciation of the assistance rendered to them in examining the subject by the Comptroller and auditor General of India.

5. The Committee would like to express their thanks to the Press Trust of India for revealing such a matter of vital importance which, if not checked in time, could have caused havoc to our agriculture. The Committee would also like to thank the Officers of the Ministries of Agriculture, Commerce and Finance for the cooperation extended by them in furnishing information desired by the Committee.

NEW DELHI;
25th February, 1975.
6th Phalgun, 1896 (Saka).

JYOTIRMAY BOSU,
Chairman,
Public Accounts Committee.

*Not printed. One cyclostyled copy laid on the Table of the House and five copies placed in the Parliament Library.

REPORT

IMPORT OF HOP PLANTS

The *Hindustan Times* (New Delhi) in its issue of the 5th July, 1974 published a news-item released by the P.T.I. under the caption. "When beer tycoon's greed threatened Indian farming." The text of the news-item is as follows:

"Million of the thread like worms from Australia that have never been recorded in India arrived last month at New Delhi's Palam airport in 12 huge crates.

If these worms had escaped they would have infested the Indian soil, multiplied into billions in each acre of land, stuned the crops and, in the long run, played havoc with Indian agriculture.

The worms, together with the exotic plants that harboured them, were reportedly destroyed at the Delhi electric crematorium.

Nevertheless the manner in which the work loaded shipment came, and was handled in violation of international and domestic quarantine rules has highlighted how easily Indian agriculture could be affected or even sabotaged if plant quarantine operations become slack.

The 12 huge crates brought by an Air-India plane contained hop plants, said to be worth Rs. 120,000, for leading Indian brewery.

An important ingredient in beer, hop is used by breweries around the world to give beer the characteristic bitter taste. And, it is the type of hop that distinguishes say the Australian beer from the Indian beer.

Import of plant or plant materials by air requires a permit from the director of plant protection quarantine and storage (PPQS).

His department is solely responsible for preventing the entry of pests and diseased plants into the country just as it is the task of the health department to refuse the entry to foreigners with yellow fever.

No permit

A top official of PPQS admitted that the reputed Indian brewery was not given the import permit. Not only that, but the crates, full of hop plants, were not accompanied by the "phytosanitary certificate" customarily issued by an exporting country (in this case Australia) to certify that the plants are free from germs, fungi or worms.

The issue of such a certificate by Australia was out of question. Australia does not export its hops as a measure to safeguard the secrets of its own beer in the same way India holds the secrets of its tea by prohibiting the export of its tea plants.

Sources here said that under these conditions, the Australian hops could have arrived at Delhi only by stealth.

However they came, the hops were there with neither an import permit nor the essential phytosanitary certificate, a situation that demands under the Indian quarantine rules, prompt destruction of the entire consignment.

The PPQS official said that considering the huge amount of money the brewery said it had paid for the hops, the crates were not burnt immediately but some samples were tested at the quarantine laboratory at Palam airport.

The test showed the presence of worms called nematodes never recorded on Indian soil. Once inside the soil the foreign nematodes would multiply into several billions in a short time.

One type of worm called the "golden nematode" accidentally introduced from the United Kingdom in the 1960s had wrecked the potato crop in the Nilgiris and has now started playing havoc in other areas of Tamil Nadu.

The hops were not destroyed immediately after the test. According to the PPQS official, the crates were taken to Kirti Nagar, some 30 k.m. from Palam, and put in cold storage for a few days after which samples were sent to the Indian Agricultural Research Institute (IARI) for a second confirmation test—a procedure said to be unusual considering the risk involved in transportation of the harmful nematodes from place to place.

The IARI test conducted in the presence of the brewery representative and an Australian national also confirmed

the presence of the dangerous worms whose introduction in India would have catastrophic effects. After this report, the crates were burnt, the PPQS official said.

He said the hops were burned cutting-by-cutting in the presence of quarantine inspectors and there was no chance for the brewery owners to have got hold of a handful of hops for cultivation in their farms.

Sources in the agricultural department said that a number of plant diseases in India were caused by pests imported from abroad.

The bunchy top virus disease that came from Sri Lanka in 1940 wiped out bananas in Kerala and has now spread to localised areas in Tamil Nadu, Orissa, West Bengal and Assam.

A scientist who brought 10 kg of potato from Holland in 1952 unknowingly introduced the war disease in 1,500 acres of Darjeeling and the disease has now spread to central India.

The so-called "Congress grass", a weed that causes eczema on contract, and rampant in Maharashtra is said to have come along with wheat grains imported as food from America.

Because quarantine tests are done only on "seeds" but not on foodgrains the "Congress grass" entered India undetected.

Lantana and water hyacinth weeds that choke the irrigation canals, lakes and rivers came to India from South America.

Wheat seeds can carry any of the 59 bacterial or fungal diseases. European potatos can carry two kinds of viri which, if introduced in India, would wipe out not the potato but the entire tobacco crop."

2. A reference to the above news-item was made at the sitting of the Public Accounts Committee held on the 8th July, 1974, in connection with the examination of paragraph 27 of the Report of the Comptroller & Auditor General of India for the year 1972-73—Union Government (Civil) relating to the Department of Food—Milo purchased from abroad. The Committee decided to examine the question of import of worm-infested hop-plants which posed a great

threat to Indian farming, just as Dhatura—contaminated Milo imported into the country from U.S.A. and Argentina constituted a threat to the health of the consuming public.

3. The attention of the Committee was also drawn to a letter to the Editor of the *Economic Times*, Delhi, dated the 12th July, 1974, under the caption, "Worm-loaded 'Hops' Cargo." The letter read as under:

"Sir, I am writing this with reference to an alarming report (E.T., July 5) on the dangerous worm loaded 'hops Cargo' which was stealthily brought to New Delhi's Palam airport recently in 12 huge crates allegedly by a well-known beer tycoon and which was subsequently burnt and cremated in the electric crematorium in New Delhi, and also to another story about the Indian honey-bees in some parts of the country reported to be dying in large numbers allegedly because of diseases caused by germs and parasites introduced into India from the U.S.

I was happy to read these exposure stories, which are the result of detailed and in-depth studies of painstaking correspondents, but so far, to the best of my knowledge, no paper has cared to make editorial comments on these two ominous happenings.

As regards the hops cargo, a number of important questions arise from what has been published. Off hand, I should like the following questions to be answered by the powers—that—concerning the hops cargo. First and foremost, there has been a disclosure about the name of the unscrupulous tycoon allegedly involved in this scandal; secondly, how did Air India, our so-called efficient international air service, manage to carry these 12 huge crates without knowing their contents and whether the import of such a cargo was permissible; thirdly, how did the tycoon, in the first instance, pay for the cargo; and fourthly,—and this our Government must take up with the government of Australia,—how this dangerous cargo ever allowed to be exported from Australia since this item is not exportable.

The above question apart, I should like to know—and I hope some active member of Parliament would further care to take up this matter as soon as Parliament reassembles—as to why and when this dangerous and illegally imported cargo had landed at the airport, it was not immediately

destroyed but the crates were taken to Kirti Nagar some 30 km. away from Palam Airport, and kept in a cold-store?

Subsequently, according to this report, there was a lot of procrastination when samples of hops were more than once sent for various laboratory test in the presence of the beer tycoon's representatives and the *tamasha* and why such special favours were shown to the tycoon even when the importer did not have the necessary certificate for importing this cargo?

The above are only a few of the question-marks in my mind apropos of the worm-loaded hops cargo scandal."

4. According to the Director of Horticulture (Department of Agriculture), hop flower (cone) from hop plants are used in the brewing industry all over the world including India. The plant itself has no other commercial use either to man or animal. India does not grow hops commercially. The Australian hops are richer in alpha acid content than the Indian ones.

5. According to the Head of the Division of Plant Introduction, Indian Agriculture Research Institute (IARI), New Delhi:

"Hop plant **Humulus lupulus** is native of temperate regions of the world and is extensively cultivated in U.S.A. Europe, Australia and New Zealand and South America. The plant is a climber and dioecious. Female flowers produced in scaly cone like structure, called catkins contain the resins and other bitter aromatic principles chiefly lupulin. Its main use is in the brewing industry and is added to beer during the process of its manufacture. It adds flavour, imparts the characteristic bitter taste and improves its keeping quality by preventing bacterial action.

This plant is not presently grown in the country in the required scale. Moreover, plants available in parts of India represent descendants of very old introductions which are far behind the recently evolved improved exotic varieties. Lupulin content of the plant and their adaptability to different agro-climatic conditions is a highly variable factor, as such varieties either from Australia or any other country are different from each other and it is always desirable to test various types to select the most suitable for growing under given specific climatic conditions."

6. The Committee have been informed by the Ministry of Finance (Department of Revenue & Insurance) that on consignment of hop plant root cuttings (12,000 numbers) packed in six cases (wooden boxes) was off-loaded at Palam airport on 19-5-74 from Air India's plane. The consignment was imported by M/s. United Breweries Ltd., 24 Grant Road, Bangalore, from M/s. Hoechst Ltd., Australia, against import licence No. E|A|1357325|C|XX|48|H|37.38 dated 23.10.73. The Bill of Entry was filed on 17-5-1975 by the regional office of the importer at Delhi in the name of M/s. United Breweries Ltd., 24 Grant Road, Bangalore, from M/s. Hoechst Ltd., declared at Rs. 75,217.00 was assessed to customs duty under item No. 6—I. C.T. at 60 per cent adv. plus 15 per cent adv. (auxiliary duty). An amount of Rs. 56,412.75 was collected.

Although the consignment was charged to duty, the same was not released to the party but was handed over to the Directorate of Plant Protection, Quarantine and Storage for fumigation and other relevant tests.

7. According to the Ministry of Commerce (Office of the C.C.I-&E), the import policy provides that licences for plants, living are to be granted to the accredited nurseries on the approval of the Ministry of Food and Agriculture on the recommendation of the State Director of Agriculture concerned to ensure that before recommending a case for import licence, the intending importer has complied with all other requirements. The Ministry have also stated that the consignment was covered by a valid import licence granted in favour of M/s. United Breweries Ltd., Bangalore, on the recommendation of Ministry of Agriculture and Directorate General of Technical Development.

8. The Committee wanted to know the number of cuttings of hop plants actually imported during each of the last three years together with the names of the countries from which imported. The Ministry of Commerce (Office of the C.C.I&E) in a written note, stated that the actual import of hop plants has not been separately given in the Monthly Statistics of Foreign Trade as compiled by the Director General of Commercial Intelligence and Statistics, Calcutta and as such the information is not available.

In a written note furnished to the Committee, the Deptt. of Agriculture informed the Committee that three import permits were issued by the Directorate of Plant Protection, Quarantine and Storage on 21.11.1973 to M/s. United Breweries Ltd. for the import of two dozens of hop cuttings each from West Germany, France and UK.

They have further stated that against these permits, two firm imported 21 hop cuttings from the U.K. during the first week of Feb., 1974 and these were found free from injurious diseases and pests and conformed to the phytosanitary regulations.

The Ministry of Finance (Dept. of Revenue and Insurance) subsequently informed the Committee that Collectors of Customs, Bombay, Calcutta, Madras and Collector of Customs and General Excise, Cochin had reported that during last three years there had been no imports of Hop Plants at their ports. The Collector of Central Excise, Delhi had reported that during this period only one consignment of hop plant root cuttings (12,000 numbers) was off-loaded at Palam Airport on 19.5.1974 from Air India Plane.

9. Asked to state whether any procedure for having coordination with the Directorate of Plant Protection, Quarantine and Storage (PPQS) has been laid down to ensure that the import licences obtain requisite permits from PPQS before importing hop plants, the Ministry of Commerce (Office of the C.C.I&E) have, in a written note, stated that there is no specific procedure laid down in this respect. "The Chief Controller of Imports and Exports has to consult the State Directors of Agriculture or the Ministry of Agriculture. It is proposed to make prior consultation with Plant Protection Adviser and production of a 'No Objection' certificate from the Directorate of Plant Protection & Quarantine obligatory. This is being taken up for examination in consultation with the Ministry of Commerce."

The Committee wanted to know the procedure laid down for issue of permits by the Directorate of Plant Protection, Quarantine and Storage for the import of hop plants. The Ministry of Agriculture (Department of Agriculture) have, in a written note, stated as under:

"There is no specific and different procedure laid down for the import of hop plants. Hop plants come under the category of plant material and the procedure laid down for the import of plant applies to the import of hop also. Import permit is required to be obtained from the Plant Protection Adviser in case of imports of plants material by air. Application for issue of import permit is required to be made by the importer to the Plant Protection Adviser in advance, in the prescribed form - i.e. Schedule I to the Notification dated 20th July, 1936. The Plant Protection Adviser is authorised under notification of 20th July, 1936, to withhold issue of permit without

assigning any reasons therefor. In cases where permit is decided to be issued it will be in the form prescribed in Schedule II of Notification dated 20th July 1936. Copies of this permit are sent to the Collectors of Customs, Bombay, Madras, Calcutta and Delhi. The importer is required to post the relevant copy of the permit to his foreign shipper with the request to enclose it in the consignment to be sent by air. The consignment itself is required to carry tags issued by the Plant Protection Adviser in the form in Schedule III to the Notification dated 20th July, 1936." A copy of the Notification dated 20th July, 1936 is given in Appendix I.

10. Asked to state the provisions of the Indian Quarantine Rules to deal with the cases of import of plants without phytosanitary certificates from the countries of origin, and whether the rules were strictly followed in the present case the Department of Agriculture have, in a written note, stated as under:—

"Under the notification of 20th July, 1936, plants imported should be accompanied by an official certificate (Phytosanitary certificate" in technical parlance) that they are free from injurious insects and diseases. The certificate can also be in any other form as near to the prescribed form as may be and supplying the information called for therein. Under Rule 16, in cases of imports not accompanied by phytosanitary certificate, the Plant Protection Adviser or any other duly authorised officer may release the plant if, after inspection or fumigation the said Plant Protection Adviser or such other officer is satisfied that the plant is free from injurious pests, and diseases. In the case of import of hops referred to in the new item of 5th July, 1974, the consignments were not accompanied by phytosanitary certificate nor an import permit for effecting imports by air. The Plant Quarantine Officer, Palam Airport, under the Plant Protection Adviser examined the imported material to see whether it was free from injurious pests and diseases. This was done by him in the light of the powers under para 16 referred to above. Thus, the rules were strictly followed in the case in point."

11. The Department of Agriculture have further stated that preliminary examination of the rooted hop cuttings at the Plant Quarantine and Fumigation Station indicated the presence of certain pests and diseases and since facilities for detailed examination of a plant material were not available with the Directorate of Plant

Protection, Quarantine and Storage at the Fumigation Station at Palam Airport, it was decided by the Plant Protection Adviser that a complete investigation of the samples of hop cuttings may be got carried out at the Indian Agricultural Research Institute laboratories. Pending the completion of the detailed examination it was decided to keep the consignment in a cool place to avoid any deterioration in the tropical climate prevailing in the country and in view of the nature of the packaging material. It was decided to send the consignment properly sealed, to a cold storage at Jhandewalan, at the request of the party, who were to bear the cost of storage and transportation.

12. On the request of the Plant Protection Adviser, the Indian Agricultural Research Institute, New Delhi conducted investigations of samples of hop cuttings free of cost. The findings of the IARI are as given below:

“(A) Report of Nematologist, Division of Nematology

Quarantine examination of a small portion of the samples of rooted hop cuttings have shown the presence in large numbers of viable cysts, white females and second stage larvae of the plant-parasitic nematode *Heterodera humuli* (Hop-cyst nematode in the consignment). This species has not so far been recorded in India and its presence in the imported consignment is highly undesirable. In our purely advisory role to the Plant Protection Directorate, we would strongly recommend that the consignment should not be permitted to enter the country under any circumstances. (Kindly note that in the past, we have rejected consignment of hops originating in France for the same reasons). Since cyst nematodes can survive adverse conditions for long periods, we would further recommend that proper care should be taken in disposing of the infested material (packaging material and crates included) so as to ensure a complete destruction of the nematodes.”

“(B) Report from Division of Mycology:

Rooted cuttings of hops were examined in our laboratory and following pathogens were observed on the plants:—

1. *Thievaliopsis basicola*
2. *Fusarium solani*

Both are root pathogens and infected cuttings were completely covered by the growth of pathogens. Sowing of such infected cuttings will add large amount of inoculum to the soil and once they get into the soil it is difficult to eradicate them. Besides these two pathogens, as already pointed out other diseases, i.e. downy mildew and virus diseases of hops cannot be detected in the laboratory and we cannot say, whether the cuttings are infected by these diseases or not till plants are grown; this involves risk. As such we cannot recommend the release of such infected material for growing in the country."

13 During the course of evidence, the representative of the Directorate of Plant Protection, Quarantine and Storage has stated: "After the scientific examination, it was found that the consignment was infested with a new nematode which is not found in India. So, it was given to the Plant Protection Adviser to the Government of India, and the Plant Protection Adviser, on the 3rd June, just after a few days, passed an order that the consignment should be destroyed. So, that consignment has been fully destroyed from the 6th June to 9th June, 1974. Therefore, nothing is left of it."

14. Asked to state how it was ensured that before destruction of all the infected plants, the Brewery did not take away any infected plant from the cold storage or during transit surreptitiously, the Ministry of Agriculture have, in a written note, stated as under:—

The consignments in wooden crates were wrapped with polythene sheets and sealed by the Plant Quarantine and Fumigation Station, Palam Airport, before they were kept in cold storage. After drawing samples, the crates were resealed. The cold storage was also told not to hand over the consignment to the importer until release orders issued by the Plant Quarantine and Fumigation Station, Palam Airport, was shown. Physical counting of the hop cuttings was done at the time of destruction. The number of cuttings as declared by the party was 12,000 and the detailed account of these cuttings was as under:—

(i) Total number of cuttings in consignment.	12,000
(ii) Cuttings consumed by Indian Agricultural Research Institute, New Delhi while examining the cuttings for diseases/pests.	59

(iii) Cuttings preserved in formation solution for future reference by the Plant Quarantine & Fumigation Station, Palam.	20
(iv) Cuttings destroyed on 6th and 9th June, 1974.	11,921
Total of (ii) to (iv). 12,000"	

15. Questioned whether it was absolutely essential that phytosanitary certificates had to be issued by the exporting countries in regard to the consignments of hop cuttings, the representative of the Directorate of Plant Protection, Quarantine and Storage, has stated during evidence as under:

"There were two requisites for the import of these products. The first is the import permit which is issued by the Plant Protection Adviser to the Government of India. The second is the official phytosanitary certificate on the internationally recognised form which is only issued by the country of origin. So, these two things were lacking."

He also affirmed that there was also the requirement that the import of plants or plant materials by air should be accompanied by a permit from the Directorate of Plant Protection and Quarantine and Storage.

16. The representative of the Ministry of Commerce stated during evidence that "the scheme of import of hop cuttings was approved by the Ministry of Agriculture and the DGTD also recommended the issue of the licence. It was later on discussed at an inter-departmental meeting where the representatives of the DGTD and the Ministry of Agriculture were present. It is after the discussion that the import licence was issued."

17. The Committee wanted to know whether under the Rules besides destroying the infested plants imported unauthorisedly, no other penalty is imposed on the importer. The Ministry of Agriculture have in a written note, stated that—

"No specific provision as such exists under the Destructive Insects and Pests Act or the rules made thereunder to impose penalties on persons importing plant materials in contravention of the regulations. However, the notifications issued under Section 3 of the D.I.P. Act operates in

the same manner as a notification under Section 19 of the Sea Customs Act which has now been replaced by the Customs Act 1962. Under the latter, penalties have been provided for violations of prohibitions imposed on the imports of goods."

18. The Ministry have further stated that "the Government of India are examining the question of imposition of penalties in respect of the transaction of import of hop plants in contravention of the provisions of the D.I.P. Act. The Government are also examining the need for a comprehensive revision of the D.I.P. Act. The need for provision of penalties under this statute itself for contravention of the provisions of the Act or Rules will also be considered along with this review."

19. Asked to state whether the Government of India took up the matter of despatch of hops cargo without the requisite phytosanitary certificates with the Government of Australia, the Ministry of Agriculture have, in a note, stated that " the Plant Protection Adviser to the Government of India has written to the Assistant Director General, Plant Quarantine, Department of Health, Government of Australia, Canberra, pointing out that the consignment in the question was not accompanied by phytosanitary certificates."

20. The Committee enquired whether instructions were issued to the air companies about the formalities to be observed before acceptance consignments of plant materials. The Ministry of Agriculture have, in a written note, stated that "No precise instructions have been issued by the Plant Protection Adviser to the Govt. of India or Ministry of Agriculture to the air companies, Indian or Foreign, regarding the formalities to be observed by them before acceptance of consignments of plant material. The question of issue of instructions in this respect will be examined in consultation with the Ministry of Finance, (Dept. of Revenue & Insurance) and Ministry of Tourism and Civil Aviation."

21. During the course of evidence, the Plant Protection Adviser, Ministry of Agriculture, has informed the Committee that there are recorded cases where infested potato seeds imported into the country without a certificate had to be destroyed. The Committee wanted

to have details of cases of infested potato seeds imported earlier which are stated to have caused considerable damage to potato crop in the country. The Ministry of Agriculture have, in a written note, stated as under:

"The Government of Tamil Nadu has been importing seed potato from Scotland, Ireland, Burma and Australia. The Golden Nematode was first reported from Ootacamund in Tamil Nadu State in 1961 and subsequent surveys carried out later indicated its presence in about 1200 acres. It cannot be stated when exactly the Nematode was first introduced and from which source. However, it may be pointed out that in April, 1965, 100 M.T. of Potato seeds from Scotland, and in May 1965, ten tonnes of seed potato from Northern Ireland had to be destroyed on account of infestation with Golden Nematode. On the 22nd January, 1968, about 7.25 MT of seed potato imported from West Germany was also found infested with Golden Nematode and was destroyed."

22. Asked to state whether there are any instances where weeds/pests other than infected potato seeds were imported surreptitiously or in ignorance of the possible hazards to plant life in the past, the Ministry has, in a written note stated that:

"that are no instance in our record to quote wherein any pest| disease|weed was imported surreptitiously and caused damage to Indian agriculture. However, as per our information and record, a number of pests|diseases|weeds as mentioned below have accidentally entered into our country and have multiplied spread and are now established as pests for the agricultural crops, etc.

In India, the San Jose scale (Quadrapsiditus perniciousus Comst.), a pest of apple, which seems to have been introduced into India about 50 years ago, has been causing enormous damage to apple orchards in Himachal Pradesh, Jammu and Kashmir, Punjab and U.P. in spite of the control campaigns organised against it year after year. The potato tuber moth (Gnorimoschema operculella Cell) which entered this country in 1900 from Italy, is now a widely distributed pest of stored and field potatoes all over the country. The woolly aphid (Erisome lanigerum Hausm) is yet another serious introduced pest of apple, causing substantial losses in apple growing areas in North. A large-scale campaign was organised in South India from 1946

to 1950 to keep a check the spread of the flouted scale (*Icerva purchasi* Mask), a native of Australia which entered this country through Ceylon, probably on wattles before 1928 and later became a serious pest of citm. The leaf disease of coffee (*Hemileia yastatrix* Berk. & Br.) which came into India in 1876 from Ceylon is wide-spread wherever coffee is grown. Fire blight of apple and pear (*Erwinia amylovora* (Burril) Winslow *et. al*) which was introduced from England in 1940, is well known in U.P. Late blight of potato (*Phytophthora infestans* Mont) de Bary introduced into India in 1883 from Europe, is now present in many parts of India, Flag smut of wheat (*Urocystis tritici* Koern.) introduced from Australia, is now well spread in Madhya Pradesh, Punjab, Rajasthan and U.P.

Among the more important recent introductions may be mentioned the bunchy top virus of banana and plaitain, introduced from Ceylon in 1940, which has since spread widely in Kerala, Tamil Nadu, Orissa and West Bengal, the wart disease of potato which is still confined to the Darjeeling district of West Bengal and the Golden Nematode of potato in a localised area in the Nilgiris. Apart from these, there are certain undersirable weeds that have also entered our country and are causing great harm, Among them *Argemone maxicane* L., *Eechhorina crassipes* Solms and *Lantana camara* L., are very widespread.

In the wake of the above, Government of India could not remain complacement and had taken the prudent measure by way of legislation as early as 1914 to preclude the introduction of dangerous pests and diseases. An Act called Destructive Insects and Pests Act, 1914 (Act II of 1914) was passed by Governor General in Council on 3-2-1914. Under this Act, various notifications have been issued from time to time prohibiting or restricting the import of certain plants, plant materials, insects and fungi either by air, or by sea. These regulations are called Foreign Quarantine Regulations. Regulations have also been imposed prohibiting the transport by rail, road sample post, etc., of various types of plant and propagating materials from infected areas within our country to non-infected areas, in order to hinder the spread of Potato Wart, Bunchy Top of Banana, Banana Mosaic San Jose Scale and Fluted scale. These restrictions are called Domestic Quarantine Regulations. An organised effort to implement these regulations effectively, was initiated more than about 2 decades back when the first plant Quarantine and Fumigation Station

was established in Bombay in 1949. Subsequently, a chain of 18 stations have so far been established at major seaports, international airports and land frontiers with technical personnel, laboratory facilities and provision of fumigation chambers for disinfection."

23. The Committee wanted to know why the Government did not consider it necessary to issue a press note clarifying the position after the issue of the news item in the Hindustan Times dated the 5th July, 1974. The Ministry of Agriculture have, in a note, stated that "It was not considered necessary to issue any press notes with reference to the news item, in the Hindustan Times dated the 5th July, 1974 because the position was clarified fully in reply to Unstarred Question No. 189 in the Lok Sabha on the 22nd July, 1974 and Starred Question No. 352 in the Rajya Sabha on the 7th August, 1974. A copy of the statement made by the Minister in reply to the questions in Lok Sabha and Rajya Sabha is given in Appendix II.

24. At the very outset the Committee would like to observe that the Press Trust of India which released the story about the import of worm-infested hop cuttings has rendered a signal service by exposing the inherent defects in the licensing procedure for import of plant materials. The Committee would appreciate if the Fourth Estate forsakes all inhibitions which come on the way of free and fair reporting and thus expose the actions of wrong doers creating thereby a strong public opinion against unsocial and selfish elements wherever they may exist.

25. It is on record that a number of pests|diseases|weeds have accidentally entered into our country and have multiplied, spread and are now established as pests for the agricultural crops. The Ministry of Agriculture claimed that the Government of India could not remain complacent and had taken necessary measures by way of legislation as early as 1914 to preclude the introduction of dangerous pests and diseases. Under the Destructive Insects and Pests Act, 1914 various notifications have been issued from time to time prohibiting or restricting the import of certain plants, plant materials, insects and fungi either by air, or by sea. But all the extsting Rules were breached in the present case relating to the import of hop cuttings from Australia which could have caused disaster to our agriculture and economy.

26. The Committee heard with great concern that there is no specific and different procedure laid down for the import of hop plants. Hop plants come under the category of plant material and the procedure laid down for the import of plant applies to the import of hops also. Import permit is required to be obtained from the Plant

Protection Adviser in case of imports of plant material by air. Application for issue of import permit is required to be made by the importer to the Plant Protection Adviser in advance in the prescribed form, i.e. Schedule I to the Notification dated 20th July, 1936. Further, under the notification dated 20th July, 1936, plants imported should be accompanied by an official certificate (phytosanitary certificate in technical parlance) that they are free from injurious insects and diseases. In cases of imports not accompanied by phytosanitary certificate, the Plant Protection Adviser or any other authorised officer may release the plant if, after inspection or fumigation, the said Plant Protection Adviser or such other officer is satisfied that the plant is free from injurious pests and diseases.

27. In the context of the above regulations, the case of the attempted import of one consignment of hop plant root cuttings (12,000 numbers) packed in six cases (wooden boxes) by United Breweries Ltd., Bangalore from Hoechst Ltd., Australia, against import licence No. E|A|1357325|C|XX|48|H|37.38 dated 23-10-1973 has thoroughly exposed the ineffectiveness of the age-old and outdated existing legislation and the governmental machinery and the loopholes in the regulatory measures promulgated by the Government of India from time to time to prevent the import of infested plants which constitute a great potential hazard to Indian agriculture. The whole episode is replete with glaring and unpardonable contraventions of existing rules. Firstly, the import licence was granted in favour of United Breweries Ltd., Bangalore on the recommendation of the Ministry of Agriculture and the Directorate of Technical Development. It is surprising that clearance from the Directorate of Plant Protection, Quarantine and Storage for import of hop plants was not obtained. Secondly, the procedure laid down for issue of advance permits from the Directorate of Plant Protection, Quarantine and Storage was not at all observed. The consignment of hop plant root cuttings, packed in six wooden boxes, arrived at Palam Airport on 19-5-1974 from Air India's Plane. Import permit was required to be obtained from the Plant Protection Adviser in case of imports of plant material by air in terms of the notification dated the 20th July, 1936. This was not done. Under the same notification, plants imported should be accompanied by an official certificate (phytosanitary certificate) that they are free from injurious diseases. The consignments were not accompanied by phytosanitary certificate nor an import permit for effecting imports by air. Therefore, it was obligatory on the part of the Plant Protection Officer, Palam Airport to seize and examine the material to see whether it was free from injurious pests and diseases under para 16 of the above notification.

28. It is most regrettable and alarming that the Ministry of Agriculture as also the Ministry of Commerce did not consider it necessary to lay down a definite procedure for having coordination with the Directorate of Plant Protection, Quarantine and Storage before according sanction and issuing licences for the import of hop cuttings. The Committee desire that the entire matter relating to sanction and issue of licences for the import of hop plant root cuttings should be thoroughly investigated with a view to fixing responsibility for the lapses under advice to the Committee.

29. The Committee note that the Government now only propose to make prior consultation with Plant Protection Adviser and production of a 'No objection' certificate from him obligatory before issue of import licences for import of hop plants. The Committee would require that necessary rules in this regard must be issued with utmost expedition and laid on the Table of both Houses of Parliament forthwith under advice to the Committee.

30. How a private brewery could get clearance from both the Ministries of Commerce and Agriculture and DGTD and make a daring attempt to smuggle in, in a way, infested hop cuttings by air without the necessary permits from the Directorate of Plant Protection, Quarantine and Storage is a matter which calls for a thorough investigation with a view to fixing individual responsibility. The matter should be referred to Central Vigilance Commission.

31. The Committee were surprised to hear that there are no provisions under the Destructive Insects and Pests Act or the rules made thereunder to impose penalties on persons importing plant materials in contravention of the regulations. The Committee have been informed that the Government of India are examining the question of imposition of penalties in respect of the transaction of import of hop plants in contravention of the provisions of the D.I.P. Act and that are also examining the need for a comprehensive revision of the D.I.P. Act. The Committee require that stringent legislation for precluding effectively the introduction of pests, diseases, weeds, virus, etc. should be put on the Statute Book immediately. That itself should provide for deterrent punishments against violators.

32. The Committee have been informed that the consignment of hop plant root cuttings was assessed to customs duty and an amount of Rs. 56,412.75 was collected. The Committee presume that this amount has not been refunded by the Customs authorities.

33. The Committee have been informed that the Plant Protection Adviser to the Government of India has written to the Assistant Director General, Plant Quarantine, Department of Health, Govern-

ment of Australia, pointing out that the consignment in question was not accompanied by phytosanitary certificate. The Committee would like to be informed of the reaction of the Department of Health, Government of Australia, to this communication.

34. The Committee are constrained to observe that no precise instructions have been issued by the Plant Protection Adviser to the Government of India, or the Ministry of Agriculture, to the air companies, Indian or foreign, regarding the formalities to be observed by them before acceptance of consignments of plant materials, which is deprecated. The Committee would require that in consultation with the Ministries of Finance, Tourism and Civil Aviation, precise instructions in this regard should be issued forthwith by concerned authorities to Air Corporations and all other companies concerned with the importation of plants, plant materials and other such items.

35. Apart from the instructions to be issued by the concerned Administrative Ministries in this regard, the Committee would also like to know whether any instructions have been issued by Air and Steamer companies, particularly Air India, to their offices and agents abroad on the subject of accepting for carriage consignments, the import of which into the country may have harmful effects. Since such a practice exists in certain foreign airlines, the Committee would suggest that a proper and foolproof procedure should be laid down in this regard and the categories of consignments that should not be accepted for carriage, without the production of a certificate from the competent authority in the country of import, should be clearly specified.

NEW DELHI;

25th February, 1975.

6th Phalguni, 1896 (S).

JYOTIRMOY BOSU,

Chairman,

Public Accounts Committee.

APPENDIX I.

RULES FOR REGULATING THE IMPORT OF PLANTS, ETC. INTO INDIA

Notification No. F. 320-35-A, dated the 20th July, 1936
(Corrected upto March, 1967)

In exercise of the powers conferred by sub-section (1) of Section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914) and in supersession of the notification of the Government of India in the late Department of Revenue and Agriculture, No. 580-240, dated the 22nd June 1922, the Governor General-in-Council is pleased to issue the following notification for the purpose of prohibiting, regulating and restricting the import into India of the articles hereinafter specified.

In this order—

- (i) "Official certificate" means a certificate granted by the proper officer or authority in the country of origin; and the officer, and authorities named in the 3rd column of the first Schedule appended hereto are the proper officers and authorities to grant, in the countries named in the second column, the certificates required by the provisions referred to in the first column thereof;
- (ii) "Plant" means a living plant or part thereof but does not include seeds; and
- (iii) "Prescribed Port" means any of the following ports namely, Bombay, Calcutta, Cochin, Rameshwaram, Madras, Vagapatum, Vishakhapatnam and Tuticorin;
- (iv) All provisions referring to plants or seeds shall apply also to all packing material used in packing or wrapping such plants or seeds.

No plant shall be imported into India by means of the letter or sample post; provided that sugarcane for planting intended to be grown under the personal supervision of the Government sugarcane Expert, Coimbatore, may be imported by him by such post.

No plant shall be imported into India by air.

Provided that plants which are infested with living insects and are intended for the introduction of such living insects may be so imported if they are accompanied by a special certificate from the Head of division of Entomology, Indian Agricultural Research Institute, New Delhi, or Plant Protection Adviser to the Government of India, New Delhi, or the Forest Entomologist, Forest Research Institute, Dehra Dun, certifying such plants are imported for the purpose of introducing such insects;

Provided further that plants may be imported by air subject to the following conditions;

- (i) Plants other than those species whose importation is totally prohibited or specifically restricted by the Notification of the Government of India in the Late Department of Education, Health and Lands, No. 320/35-A dated the 20th July, 1936, may be imported into India if accompanied by special permit in the form set forth in the "Schedule II" to this order.
- (ii) All applications for certificate to import plants by air shall be sent to the Plant Protection Advisor, Directorate of Plant Protection, Quarantine and Storage, Faridabad (Haryana) in advance in the form specified in the "Schedule I" to this order. The issue of certificate may be withheld without assigning any reasons therefor.
- (iii) No plant shall be imported by air except through the airport of Santa Cruz at Bombay, Meenambakum at Madras, Dum Dum at Calcutta, Palam or Safdarjang at New Delhi and Tiruchirapally.
- (iv) All plants imported by air shall be accompanied by green and Orange coloured tag, as shown in the "Schedule III" to this order issued by the Plant Protection Adviser to the government of India and shall be used according to the instruction specified on the reverse thereof.
- (v) All plants imported by air shall be inspected and if necessary, fumigated or otherwise disinfected at the port of entry by the Plant Protection Adviser to the Government of India or any other person duly empowered by him in which case the importer shall pay to such officer a fumi-

gation fee Rs. 5/- per consignment if it exceeds 6 cu. ft., but does not exceed 12 cu. ft., in volume and an equal amount for every additional 6 cu. ft., or portion thereof.

(vi) The importer shall make arrangements himself or through his agents to take delivery of the consignment from the Collector of Customs at the port of entry, after payment of dues, if any.

Provided also that the imports of plants by any research institution or organisation under the control of the Central Government or the State Governments shall be subjected to all the conditions specified in the previous proviso, except the condition relating to the special permit to be issued by the Plant Protection Adviser or the payment of the prescribed fumigation fee.

Provided also that the import by air from Afghanistan of fruits and vegetables intended for consumption may be permitted after fumigation at an airport at Amritsar, New Delhi (Safdarjang and Palam) or Bombay (Santa Cruz) on condition that the importer pays a fee of Rs. 2.00 (Rupees Two Only.) for every 50 Kilograms or part thereof to the Plant Protection Adviser to the Government of India to meet the cost of fumigation, and also acts in accordance with such instructions as may from time to time be issued by that officer; consignments of fruits not exceeding two kilograms each in weight imported as accompanied baggage by passengers shall, however, be fumigated free.

3A(1) The import into India by land from Afghanistan of fruits or vegetables intended for consumption may be permitted after inspection and also if necessary, after fumigation at Khalra in Amritsar District and Hussainwala in Firozepur District by the Plant Protection Adviser to the Government of India or any person duly empowered by him in this behalf.

(2) Whereafter inspection it is found necessary to fumigate the consignments, the importer shall pay a fee of Rs. 2/- (Rupees Two) only for every 50 kilograms of the fruits or vegetables or part thereof to the said plant protection Advisor to meet the cost of fumigation, and act in accordance with such instructions as may from time to time be issued by him.

Provided that, consignment of fruits or vegetables not exceeding two kilograms in weight imported as accompanied baggage by passengers shall, however, be fumigated free.

4. No plants other than fruits and vegetables intended for consumption, potatoes, sugarcane, and unmanufactured tobacco either

raw or cured, shall be imported into India by sea except after fumigation with hydrocyanic acid gas, nethyl bromide or thylene dibromide at prescribed port.

Provided that plants, which are infected with living fungi and cultures of living fungi and are imported for the introduction of such fungi or for similar experiments, may be imported without fumigation if they are accompanied by a special certificate from the Forest Mycologist, Forest Research Institute, Dehra Dun, that such plants are imported for the purpose mentioned above.

Provided that plants which are infested with living parasitized insects and are intended for the introduction of such parasites may be imported without such fumigation if they are accompanied by special certificate from the Head of Division of Entomology, Indian Agricultural Research Institute, Dehra Dun that such plants are imported for the purpose of introducing such parasites.

Provided further that in the case of plant breeding materials imported by the Silviculturist, Forest Research Institute, Dehra Dun, such fumigation at the prescribed Ports shall be dispensed with on the condition that he makes himself personally responsible for the effective disinfection and disinfestation under the supervision of the Forest Entomologist and Forest Mycologist of the Forest Research Institute, Dehra Dun and before release the plants are certified as free from living insects and fungi by the said officer. All such plants shall be packed in such containers as will not permit the insects reaching or leaving the plants and that such containers shall not be opened in any part of India except at Dehra Dun.

5. (i) No plants other than fruits and vegetables intended for consumption and potatoes shall be imported into India by sea unless accompanied by an official certificate that they are free from injurious insects and diseases.

(ii) The certificate shall be in the form prescribed in the Third Schedule or in a form as near thereto as may be and supplying all the information called for in that form.

6. The import of potato plant (*Solanum tuberosum*) including the tubers, is prohibited.

Provided that potato tubers for purposes of research and experimentation may be imported into India by sea and air only by scientific institutions under the Central or the State Governments, with a permit in the form prescribed in Schedule II to this Notification, through the seaports of Bombay, Calcutta, Cochin, Madras or Visha-

khapatnam and the airports of Santa Cruz (Bombay), Dum Dum (Calcutta), Meenabbakam (Madras) or Palam or Saifdarjang (New Delhi) or Tiruchirapally under the following conditions namely:—

- (1) (i) A certificate from the consigner, stating the country and the district of such country in which the potato tubers were grown, shall accompany the consignment of potato tubers.
- (ii) An official certificate stating the following shall accompany the consignment of potato tubers:—
 - (a) that the said potato tubers were grown in areas free from the Wart Disease (*Synchytrium endobioticum*) Bacterial Ring Rot (*Corynebacterium sepdoxicum*), Golden Nematode (*Heterodera rostochiensis*) and Colorado Potato Beetle (*Leptinotarsa decemlineata*);
 - (b) That there was no occurrence of Bacterial Ring Rot and Colorado Potato Beetle during the last twelve months, immediately preceding the time of lifting the said potato tubers from the fields, and of Wart Disease and Golden Nematode at any time, in any stage of development and within a radius of eight kilometres of the field wherein the potato tubers included in the consignment were grown;
 - (c) that the crop, from which the potato tubers were derived was inspected in the field at least 15 days before harvest and was found to be healthy and free from virus diseases;
 - (d) that the potato tubers immediately prior to export, were examined and found to be free from insects, diseases and soil;
 - (e) that the potato tubers included in the consignment were placed in new, clean and unused packing; and
 - (f) that the potato tubers included in the consignment are free from the Wart fungus, Bacterial Ring Rot, Golden Nematode and Colarado Potato Beetle in any of their stages;

OR

that the Wart disease of potato, Bacterial Ring Rot, Golden Nematode and Colarado Potato Beetle do not occur in the country of origin of the consignment.

(2) The quality of potato tubers imported at any one time shall not exceed the quantity to be specified in the permit prescribed in Schedule II to the said Notification.

(3) All requests for a permit to import potato tubers shall be made to the Plant Protection Adviser to the Government of India in the form prescribed in Schedule I to this notification at least two months in advance of the expected date of arrival of the consignment. A request for permit may be rejected without assigning any reasons therefor.

(4) All potato tuber consignments shall be inspected and if necessary, treated at the Plant Quarantine Stations at the port of entry by the Plant Protection Adviser to the Government of India or any person duly empowered by him in this behalf.

(5) If, in the opinion of the Plant Protection Adviser to the Government of India, or any officer duly authorised by him in this behalf, the consignment is required to be grown under quarantine, it shall be done so far at least one vegetative generation and only the healthy progeny of such tubers may be released to the consignee to the extent of the original consignment.

(6) The consignee shall make arrangement himself or through his agents to take delivery of the consignment from the Collector of Customs at the port of entry.

(7) Provided further that potatoes, grown in the countries of the South-East Asia and Pacific Region, as defined in the Plant Protection Agreement for the South East Asia and Pacific Region of the Food and Agricultural Organisation of the United Nations of 1956, may be imported by sea or by air through the ports of Calcutta or Madras, subject to conditions (1), (3), (4), (5) and (6) specified in the proceeding proviso.

7. Rubber plants shall not be imported into India by sea unless in addition to the general certificate required under paragraph 5, they are accompanied by an official certificate that the state from which the plants have originated or the individual plants are free from *Fomes lignosus* *Sphaerostilbe repens* *Dothidella ulei* (*Melanopsamopsis ulei*, *Fusicladium macrasporum*) and *Oidium heveae*.

(8A) No Lemon plants, Lime plants, Orange plants, Grape fruit plants or other citrus plants and no cuttings of such plants shall be imported into India unless, in addition to the general certificate re-

quired under paragraph 5 they are accompanied by an official certificate that they are free from the Mul Secco caused by *Deuterophoma tracheiphila* or that the disease does not exist in the country in which they are grown.

8B. (i) Unmanufactured tobacco shall not be imported into India, except through the seaports of Bombay, Calcutta, Cochin, Madras, Trivandrum and Vishakhapatnam, or the airports of Santa Cruz (Bombay), Dum Dum (Calcutta), Meenambakam (Madras) and Palam and Safdarjung (New Delhi), and unless accompanied by an official phytosanitary certificate required under paragraph 5 with the additional declaration that it is free from any stage of the tobacco moth *Ephestia elutella* Humbner or that the pest does not occur in country of origin.

Provided that consignments of unmanufactured tobacco imported by air shall not exceed 10 kilograms in gross weight and shall be packed in a manner which will not allow insects to enter into or escape from the package.

(ii) Unmanufactured tobacco shall not be imported by letter or sample post.

(iii) The consignment shall be plainly and clearly marked to show the general nature and the quantity of the contents, the locality and the country of origin of the contents and the name and address of the consignor and the consignee.

(iv) Unmanufactured tobacco shall be inspected and if necessary, fumigated or otherwise treated on arrival by the Plant Protection Adviser to the Government of India or any person duly authorised by him in this behalf on payment of a fumigation or treatment fee, as prescribed in sub-paragraph (v).

(v) A fumigation or treatment fee of Rs. 6 per consignment of 1.5 cubic meters or less in volume and Rs. 2 for every additional 1.5 cu. meters or part thereof shall be payable by the importer to the Collector of Customs concerned: provided that consignment not exceeding 10 kilograms in gross weight shall be fumigated or otherwise treated without the payment of fee.

(vi) It shall be the responsibility of the importer to bring the consignment to the Plant Quarantine Station concerned or to the place of inspection, fumigation or treatment and to open, repack, load into or unload from the fumigation chamber, seal the consignment, remove the consignment from the premises of the Plant Quarantine Station or the place of inspection, fumigation or treatment as directed

by the Plant Protection Adviser to the Government of India or any person duly authorised by him in this behalf.

(vii) The Plant Protection Adviser to the Government of India or any officer duly authorised by him in this behalf, may draw such samples from the consignment as he may deem necessary for inspection and tests.

(viii) In the case of imports of unmanufactured tobacco by sea, the importers shall inform the officer-in-charge of the Plant Quarantine Station and Collector of Customs concerned, the country of origin of the consignment, the number and size of packages or cases, the nature of packages and the probable date of the arrival of the carrier, at least fourteen days in advance of the arrival of the carrier at the concerned seaport, provided that where the ordinary length of voyage from the country of export is less than 14 days, it shall be sufficient to furnish the information not less than seven days before the arrival of the carrier.

Provided that the above condition shall not apply to the case of sample consignment not exceeding 10 kilograms gross weight.

(ix) Unmanufactured tobacco intended for other countries shall be allowed transit through India or transhipment at any of the seaports in India mentioned in sub-paragraph (i), if some consignments are landed in India. Consignments which are landed in India for the above purpose shall be governed by the provisions of this paragraph.

Provided that the sample consignments of unmanufactured tobacco by air intended for other countries shall be allowed transit through India or transhipment at any of the airports in India mentioned in sub-paragraph (i) if such consignments are packed in a container in such a way as not to allow insects to enter into or escape from it and the container is not to be opened in any part of India.

Explanation:

For the purposes of this paragraph,

- (a) a "consignment" means one or more packages of unmanufactured tobacco of any one description consigned to one consignee by one consignor at any one time.
- (b) "Unmanufactured tobacco" means unmanufactured tobacco, either raw or cured.

8C. Tobacco seeds shall not be imported into India except for experimental purposes by the Director, Central Tobacco Research

Institute, Rajahmundry, who shall ensure that the consignment of seeds so imported is accompanied by an official certificate stating that such seeds originated from a crop free from the disease known as 'Blue mould', (*Perenospora tabacina*) or that such disease does not occur in the country where such seeds originated.

9. (i) The importation of sugarcane into India by sea from the Fiji Islands, New Guinea, Australia or the Philippines Islands is prohibited absolutely.

(ii) The importation of sugarcane into India by sea from any other country is prohibited unless, in addition to the general certificate required under paragraph 5, it is accompanied by an official certificate that it has been examined and found free from cane borers, scale insects, white flies, root disease (any form), pineapple disease (*Caratostomella paradoxa Thielaviopsis paradoxa*), sereh and cane gummosis, that it was obtained from a crop which was free from said disease and that the Fiji disease of sugarcane does not occur in the country of export:

Provided that in the case of canes for planting imported direct by the Government Sugarcane Expert, Coimbatore, and intended to be grown under his personal supervision, such certificates shall be required only in respect of the freedom of the country of export from the Fiji disease of sugarcane.

10. (i) Hevea rubber plants and hevea rubber seeds shall not be imported into India from America or from the West Indies except by the Director of Agriculture, Madras.

(ii) Rubber seeds from other countries may be imported into India only after fumigation and disinfection at the port of entry namely Madras or Bombay as the case may be.

11. (i) Seeds of flax and berseem shall not be imported by letter or sample post, or otherwise than by sea.

(ii) The importation of 'Mexican Jumping Beans' (*Sebastiania palmeri* of the family Euphorbiaceae) is prohibited absolutely.

12. Coffee plants, coffee seeds and coffee beans shall not be imported into India except for experimental planting purposes only by the Director of Research, Indian Coffee Board, Bangalore, who shall take all measures necessary to ensure that such coffee plants, beans or seeds as are imported by him are free from plant diseases and injurious insects. Provided that nothing in this paragraph shall apply to roasted or ground coffee.

13. Flax seeds and berseem (Egyptian clover) seeds shall not be imported into India by sea, unless the consignee produces before the Collector of Customs a licence from a Department of Agriculture in India in that behalf.

14. (i) Unginned cotton other than cotton from a port of Saurashtra which has been produced in India shall not be imported by sea or by air.

(ii) Cotton seed shall not be imported save for experimental purposes by one of the officers named in the second schedule appended hereto and shall not be so imported by such officer save at the sea ports of Bombay, Bhavnagar, Calcutta, Cochin, and Madras or at the Airports of Bombay (Santa Cruz), Calcutta (Dum Dum), New Delhi (Palam/Safdarjung) and Madras (Meenambakam) and in quantities not exceeding one hundred weight in any one consignment and on condition that it will be fumigated on importation with Carbon disulphide or Methyl bromide:

Provided that, if the cotton seed is accompanied by a certificate from a Govt. Entomologist of the country of origin to the effect that the seed and its container have been treated in such a way as to destroy all insect life, the seed shall be examined on importation by such officer as the Central Government may appoint and shall not be required to be fumigated unless such examination shows that refumigation is necessary.

14A. Sunflower seed shall not be imported into India from Argentina and Peru by means of letter or sample post or as passenger's accompanied baggage or by any other means.

14B. No bulbs or plants or onion (*Allium cepa*), garlic (*Allium sativum*), shallot (*Allium ascalonicum*), leak (*Allium porrum*), chive (*Allium schoenoprasum*) shall be imported into India unless they are accompanied, in addition to the general certificate required under paragraph 5, by an official phytosanitary certificate guaranteeing freedom from the fungus disease *Urocystis cepulae*.

14C. (i) The importation of cocoa plants (*Theobroma cocoa* and other species of *Theobroma*) including seeds (in the unmanufactured state) from Africa, West Indies and Ceylon is prohibited.

(ii) Cocoa plants shall not be imported into India from any other country. Such import is however, allowed where it is for purposes of research and propagation by an institution or organisation under the control of the Central Government or State Government, subject to the condition that the cocoa plants are accompanied by an official

certificate, as required under paragraph 5 and are inspected and if necessary, fumigated and disinfected by the Plant Protection Adviser to the Government of India or any person duly empowered by him in this behalf at Bombay or Madras, and are also accompanied by:—

(a) a certificate from the consignor stating fully in what country and in what district the cocoa plants were grown, and

(b) an official certificate stating that the plants have been examined and found to be free from "Podrot" (*Monilia rorei*), Mealy pod' (*Trachysphaera fructigena*), 'Witches broom' (*Crinipellia perniciosus-Marasmius perniciosus*) and that the swollen Shoot' and other virus diseases of cocoa do not occur in the country of origin.

14D. The importation of seedlings and seeds of groundnut from south America, North America, West Indies, Continental China and Soviet Russia are prohibited with a view to prevent the introduction of the diseases known as groundnut rust (*Puccinia arachidis*) and *Sphaceloma arachidis*:

Provided that groundnut seedlings including decorticated seeds required for scientific purposes may be imported into India by sea and air only by scientific institutions under the Central Government or any State Government, subject to the condition that in addition to the general certificate required under paragraph 5, they are accompanied by an official certificate stating that the diseases *Puccinia arachidis* and *Sphaceloma arachidis* are not prevalent in the concerned importing country and that the seeds are disinfected with an appropriate fungicide before export from such country.

14-E. The importation of coconut plants and plant materials including seeds from Caribbean area, Jamaica, Haiti, Florida, Ghana, Togoland, Philippines, British Guiana, West Indies and Guam are prohibited with a view to prevent the introduction of Red Ring (*Aphelenchoides cocophilus*), Lethal yellowing, Kaincope disease, Cadang-cadang, Bronze leaf wilt and Gaum coconut disease:

Provided that unsprouted nuts, from which the perianth has been removed, may be imported into India by sea and air only for scientific purposes by the Central Coconut Research Stations subject to the condition that in addition to the general certificate required under paragraph 5, they are accompanied by an official certificate stating that the seeds come from trees showing no signs of any such disease:

Provided further that upon arrival in India such nuts shall be inspected and fumigated or treated by any other method considered appropriate by the Plant Protection Adviser to the Government of India or any other officer authorised by him:

Provided also that the imported seednuts shall be planted in individual containers in isolated quarantine for a period of one year and the diseased seedlings together with the containers and the planting medium, shall be destroyed by burning under supervision of an authorised officer.

14F. The importation of forest plants, namely (*Castanea*, *Ulmus* and *Pinus*, including seeds is prohibited as a safeguard against the introduction of destructive strains of disease *pathoiens* *Endothia parasitica*, *Ceratocystis ulmi* and *Cronartium ribicola*, respectively:

Provided that the import of the above mentioned forest plants and seeds is allowed where it is for purposes of research and propagation by an institution or organisation under the control of the Central Government or State Government, subject to the following conditions, namely:—

- (a) the forest plants and seeds are accompanied by an official certificate, as required under paragraph 5 and are inspected and, if necessary, fumigated and disinfected by the Plant Protection Adviser to the Government of India or any person duly empowered by him in this behalf.
- (b) the exporting country certifies that the forest plants were inspected in the field and were found to be free from any diseases and insects.
- (c) the forest plants raised from the prohibited genera named above are subject to post entry inspection at regular intervals to ensure their freedom from disease and insects.

15. Nothing in these paragraphs shall be deemed to apply to:

- (i) The bringing by sea or by air from one port or place in India to another such port or place.
- (ii) the transit of plants through India by air or their transhipment, if they are accompanied by official certificates as prescribed in clause (i) of paragraph I and are packed in such containers as will not permit the insects reaching or leaving the plant material and as are not to be opened in any part of India.

16. Where any plant which is imported into India is not accompanied by an official certificate or any other certificate required under any of the aforesaid paragraphs, the Plant Protection Adviser to the Government of India or any other officer duly authorised by him in this behalf may release that plant if, after inspection or fumigation, the said plant Protection Adviser or such other officer is satisfied that the plant is free from injurious pests and diseases:

Provided that before releasing any plant under this paragraph the said Plant Protection Adviser or such other officer shall record in writing the reason therefor.

17. (1) The high quality ornamental plants and plant materials which are not covered by the proper import permit and phytosanitary certificate may continue to remain the property of the consignee, but can be held in quarantine by the National Botanical Garden at Trombay, Bombay or the Sibpur Botanical Garden, Calcutta or the Indian Agricultural Research Institute, New Delhi or the agricultural college and Research Institute at Coimbatore for a period of six months:

Provided that it may be returned to the consignee after payment if necessary, of such quarantine charges as may be determined by the Head of the Institution under whose charge the consignment is held.

(2) The consignment shall after a lapse of the period of six months referred to sub-paragraph (1) be deemed to be the property of the Institution which held it in quarantine.

SCHEDULE I

Paragraph 3 (ii)

APPLICATION FOR PERMIT TO IMPORT PLANTS BY AIR

To

Date _____

The Plant Protection Adviser
 to the Government of India,
 Directorate of Plant Protection,
 Quarantine & Storage,
 N.H. IV, Faridabad (Haryana).

Application is hereby made for a permit authorising the importation by air of the plants described below:—

Quantity.

Exact description of the plants (State here the botanical name of the plants.)

Name of the applicant
 (IN BLOCK LETTERS)

Name and address of foreign shipper

Country and locality in which grown or
 produced.

Foreign port of departure

Approximate date of arrival in India at Santa
 Cruz Air Port, Bombay /Meenambakam,
 Madras/Dum Dum, Calcutta/Palam or
 Safdarjung, New Delhi

Specific purpose of import

I shall pay to the Government of India any fee prescribed by the Government to meet the cost of inspection and fumigation of this consignment.

(Signature of the applicant)

(Address)

(State)

SCHEDULE II

Paragraph 8 (i)

**Ministry of Food & Agriculture, Directorate of
Plant Protection, Quarantine & Storage
N.H. IV, Faridabad (Haryana)**

No. _____

PERMIT TO IMPORT PLANTS BY AIR

Valid _____

Date _____

Permission is hereby granted to _____

(Name of the permittee, broker or agent)

to import by air the plants herein specified, grown or produced in _____ from _____ (name and address of foreign shipper) _____ Through the airport of Santa Cruz, Bombay/Meenambakkam, Madras/ Dum Dum, Calcutta/Palam or Safdarjung, New Delhi.

The Plants to be imported should be :-

* Accompanied by an official phytosanitary certificate issued by an authorised officer of the country of origin.

(i)

(ii)

(iii)

QUANTITY AND DESCRIPTION

Signature of officer
authorised to issue permits.

* A copy of this permit has been sent to the Collector of Customs, Bombay/Collector of Customs, Madras/Collector of Customs Calcutta/Collector of Customs, Delhi. The permittee should post the relevant copy of this permit to his foreign shipper with the request to enclose it in the particular consignment to be sent by air.

PERMITTEE SHOULD ADVISE THE DIRECTORATE OF PLANT PROTECTION QUARANTINE AND STORAGE PROMPTLY OF ANY CHANGE OF ADDRESS.

SCHEDULE III

Paragraph 3 (iv)

Face of Tag

This package contains plant material

Deliver

To
Quarantine Inspector.

(Directorate of Plant Protection, Quarantine and Storage,
Government of India).

Santa Cruz—Bombay Dum Dum—Calcutta
Meenambakam—Madras Palam }
Safdarjung }

New Delhi

Reverse of Tag.

Directions for sending Plant Materials by air to India.

Under this tag *only* materials covered by the permit the number of which it bears, should be booked. Any other plant material may be confiscated.

Place inside the package the consignee's name and address, the invoice and *phyto-sanitary certificate issued by the proper official of your country*.

Attach this tag securely to the package.

APPENDIX II

STATEMENT REFERRED TO IN ANSWER TO LOK SABHA UNSTARRED QUESTION NO. 189 DATED THE 22ND JULY, 1974 AND RAJYA SABHA STARRED QUESTION NO. 352 DATED THE 7TH AUGUST, 1974.

(a) M/s. United Breweries Ltd. imported, by air 12,000 root cuttings of hops from Australia which arrived at Palam on the 19th May, 1974. The import had been effected under a valid import licence issued by the Chief Controller of Imports and Exports. However, the firm had not obtained an import permit from the Plant Protection Adviser as required under the Destructive Insects and Pests Act for any import to be effected by air. The material was not also accompanied by a Phyto-sanitary Certificate issued by the Australian Plant Quarantine authorities as required under the Destructive Insects and Pests Act.

(b) On a detailed inspection of the root cuttings, it was found that the material was infested with nematoes and root-rot pathogens. The release of the material would have been injurious to our agriculture and hence the material was destroyed.

(c) and (d) The import was effected under a valid import licence, issued by the competent authority. Since the import in question was made under a valid import licence, the question of any officer being responsible for helping the smuggling of hop plants does not arise. The requirements of phytosanitary Certificate and import permit of the Plant Protection Adviser have been prescribed only with the intention of ensuring that the imported plant materials do not bring with it any exotic pests or diseases into the country. The Government of India have established plant quarantine facilities at sea-ports and airports to prevent the introduction of such pests and diseases. However, in the light of the experience gained, Government propose to review the provisions of the Destructive Insect and Pest Act, 1914, to make them more stringent and comprehensive.

Summary of main conclusions/ recommendations

Sl. No.	Para No. of the Report	Ministry/Department Concerned	Conclusions/recommendations			
			1	2	3	4
1	24					<p>At the very outset the Committee would like to observe that the Press Trust of India which released the story about the import of worm-infested hop cuttings has rendered a signal service by exposing the inherent defects in the licensing procedure for import of plant materials. The Committee would appreciate if the Fourth Estate forsakes all inhibitions which come on the way of free and fair reporting and thus expose the actions of wrong doers creating thereby a strong public opinion against unsocial and selfish elements wherever they may exist.</p>
2	25	Agriculture				<p>It is on record that a number of pests diseases weeds have accidentally entered into our country and have multiplied, spread and are now established as pests for the agricultural crops. The Ministry of Agriculture claimed that the Government of India could not remain complacent and had taken necessary measures by way of legislation as early as 1914 to preclude the introduction of dangerous pests and diseases. Under the Destructive Insects and Pests</p>

Act, 1914 various notifications have been issued from time to time prohibiting or restricting the import of certain plants, plant materials, insects and fungi either by air, or by sea. But all the existing Rules were breached in the present case relating to the import of hop cuttings from Australia which could have caused disaster to our agriculture and economy.

3 26 Agriculture & Commerce

The Committee heard with great concern that there is no specific and different procedure laid down for the import of hop plants. Hop plants come under the category of plant material and the procedure laid down for the import of plant applies to the import of hops also. Import permit is required to be obtained from the Plant Protection Adviser in case of imports of plant material by air. Application for issue of import permit is required to be made by the importer to the Plant Protection Adviser in advance in the prescribed form, i.e., Schedule I to the Notification dated 20th July, 1936. Further, under the notification dated 20th July, 1936, plants imported should be accompanied by an official certificate (phytosanitary certificate in technical parlance) that they are free from injurious insects and diseases. In cases of imports not accompanied by phytosanitary certificate, the Plant Protection Adviser or any other authorised officer may release the plant if, after inspection or fumigation, the said Plant Protection Adviser or such other officer is satisfied that the plant is free from injurious pests and diseases.

-do-

4 27

In the context of the above regulations, the case of the attempted import of one consignment of hop plant root cuttings 12,000 numbers) packed in six cases (wooden boxes) by United Breweries

1 2 3

4

Ltd., Bangalore from Hoechst Ltd., Australia, against import licence No. EA71357325|CXXH|938 dated 23-10-1973 has thoroughly exposed the ineffectiveness of the age-old and out dated existing legislation and the governmental machinery and the loopholes in the regulatory measures promulgated by the Government of India from time to time to prevent the import of infested plants which constitute a great potential hazard to Indian agriculture. The whole episode is replete with glaring and unpardonable contraventions of existing rules. Firstly, the import licence was granted in favour of United Breweries Ltd., Bangalore on the recommendation of the Ministry of Agriculture and the Directorate of Technical Development. It is surprising that clearance from the Directorate of Plant Protection, Quarantine and Storage for import of hop plants was not obtained. Secondly, the procedure laid down for issue of advance permits from the Directorate of Plant Protection, Quarantine and Storage was not at all observed. The consignment of hop plant root cuttings, packed in six wooden boxes, arrived at Palam Airport on 19-5-1974 from Air India's plane. Import permit was required to be obtained from the Plant Protection Adviser in case of imports of plant material by air in terms of the notification dated the 20th July, 1936. This was not done. Under the same notification, plants imported should be accompanied by an official certificate (phytosanitary certificate) that they are free from injurious diseases. The consignments were not

accompanied by phytosanitary certificate nor an import permit for effecting imports by air. Therefore, it was obligatory on the part of the Plant Protection Officer, Palam Airport to seize and examine the material to see whether it was free from injurious pests and diseases under para 16 of the above notification.

5. 28 Agriculture & Commerce

It is most regrettable and alarming that the Ministry of Agriculture as also the Ministry of Commerce did not consider it necessary to lay down a definite procedure for having coordination with the Directorate of Plant Protection, Quarantine and Storage before according sanction and issuing licences for the import of hop cuttings. The Committee desire that the entire matter relating to sanction and issue of licences for the import of hop plant root cuttings should be thoroughly investigated with a view to fixing responsibility for the lapses under advice to the Committee.

6. 29 -Do-

The Committee note that the Government now only propose to make prior consultation with Plant Protection Adviser and production of a 'No objection' certificate from him obligatory before issue of import licences for import of hop plants. The Committee would require that necessary rules in this regard must be issued with utmost expedition and laid on the Table of both Houses of Parliament forthwith under advice to the Committee.

1	2	3	4
7.	30	—Do—	How a private brewery could get clearance from both the Ministries of Commerce and Agriculture and D.G.T.D and make a daring attempt to smuggle in, in a way, infested hop cuttings by air without the necessary permits from the Directorate of Plant Protection, Quarantine and Storage is a matter which calls for a thorough investigation with a view to fixing individual responsibility. The matter should be referred to Central Vigilance Commission.
8.	30	Agriculture	The Committee were surprised to hear that there are no provisions thereunder the <u>Destructive Insects and Pests Act</u> or the rules made thereunder to impose penalties on persons importing plant materials in contravention of the regulations. The Committee have been informed that the Government of India are examining the question of imposition of penalties in respect of the transaction of import of hop plants in contravention of the provisions of the D.I.P. Act and that they are also examining the need for a comprehensive revision of the D.I.P. Act. The Committee require that stringent legislation for precluding effectively the introduction of pests, diseases, weeds, virus, etc., should be put on the Statute Book immediately. That itself should provide for deterrent punishments against violators.
9.	32.	Finance	The Committee have been informed that the consignment of hop plant root cuttings was assessed to customs duty and an amount of Rs. 56,412.75 was collected. The Committee presume that this amount has not been refunded by the Customs authorities.

10. **33.** **Agriculture** The Committee have been informed that the Plant Protection Adviser to the Government of India has written to the Assistant Director General, Plant Quarantine, Department of Health, Government of Australia, pointing out that the consignment in question was not accompanied by phytosanitary certificate. The Committee would like to be informed of the reaction of the Department of Health, Government of Australia, to this communication.

11. **34.** **-Do-** The Committee constrained to observed that no precise instructions have been issued by the Plant Protection Adviser to the Government of India, or the Ministry of Agriculture, to the air companies, Indian or foreign, regarding the formalities to be observed by them before acceptance of consignments of plant materials, which is deprecated. The Committee would require that in consultation with the Ministries of Finance, Tourism and Civil Aviation, precise instructions in this regard should be issued forthwith by concerned with the importation of plants, plant materials and other such items.

12. **35.** **Agriculture** **Communication** Apart from the instructions to be issued by the concerned Administrative Ministries in this regard, the Committee would also like to know whether any instructions have been issued by Air and Steamer companies, particularly Air India, to their offices and agents abroad on the subject of accepting for carriage consignments, the

import of which into the country may have harmful effects. Since such a practice exists in certain foreign airlines, the Committee would suggest that a proper and foolproof procedure should be laid down in this regard and the categories of consignments that should not be accepted for carriage, without the production of a certificate from the competent authority in the country of import, should be clearly specified.