

FOURTEENTH REPORT

COMMITTEE ON PETITIONS

(SEVENTEENTH LOK SABHA)

MINISTRY OF AGRICULTURE AND FARMERS WELFARE

(DEPARTMENT OF AGRICULTURE, COOPERATION AND FARMERS WELFARE)

(Presented to Lok Sabha on 11.2.2021)



**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2021/Pausa, 1942 (Saka)

CPB. No. 1 Vol. XIV

Price: Rs.....

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Sixteenth Edition) and printed by the Manager, Government of India Press, Minto Road, New Delhi - 110002

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COMPOSITION OF THE COMMITTEE ON PETITIONS

(2020-21)

Dr. Virendra Kumar - *Chairperson*

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3. Shri Hanuman Beniwal
4. Shri Harish Dwivedi
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2. Shri Raju Srivastava - Director
3. Shri G.C. Dobhal - Additional Director
4. Shri Anand Kumar Hansda - Assistant Executive Officer

(ii)

FOURTEENTH REPORT OF THE COMMITTEE ON PETITIONS

(SEVENTEENTH LOK SABHA)

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Fourteenth Report (Seventeenth Lok Sabha) of the Committee to the House on the representation of Shri Manmohan Kalantri regarding amendments in the Insecticides Act, 1968, the Fertiliser (Control) Order, 1985 and the Seeds (Control) Order, 1983 for facilitating Agricultural Business in the country and other important issues related therewith.

2. The Committee considered and adopted the draft Fourteenth Report at their sitting held on 8 February, 2021.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

DR. VIRENDRA KUMAR,
Chairperson,
Committee on Petitions.

8 February, 2021
26 Pausa, 1942 (Saka)

REPORT

REPRESENTATION OF SHRI MANMOHAN KALANTRI REGARDING AMENDMENTS IN THE INSECTICIDES ACT, 1968, THE FERTILISER(CONTROL) ORDER, 1985 AND THE SEEDS (CONTROL) ORDER, 1983 FOR FACILITATING AGRICULTURE BUSINESS IN THE COUNTRY AND OTHER IMPORTANT ISSUES RELATED THEREWITH.

Shri Manmohan Kalantri, National President, Agro Input Dealers Association, New Delhi had forwarded a representation dated 26.07.2019 addressed to Hon'ble Chairperson, Committee on Petitions regarding amendments in the Insecticides Act, 1968, the Fertiliser (Control) Order, 1985 and the Seeds (Control) Order, 1983 in order to facilitate Agricultural Business in the country and other important issues related therewith (Annexure-I).

2. The representationist, in his representation, *inter-alia* stated that the following problems have been faced continuously on the part of the agricultural exchange Vendors of the country for the last several years:-

- (i) The Insecticides Act has earmarked old licenced traders to take a one-year course, but in the last 3 years, out of six lakh traders in the country, 10,000 traders have completed this course and if it continues at this pace, it is not possible to get every trader to complete this course in the next 15-20 years. But, so far, it has not been published as a Gazette Notification. It is, therefore, requested to recognise a 12-day crash course so that the agricultural input traders of the country can renew their licences.
- (ii) Action should be taken against the company if the sample fails. Samples of Fertiliser, Seeds and Pesticides in the country are taken from agricultural inputs traders and the licences of agricultural input traders are suspended or cancelled in case, they are non-standard from and action is taken against them while the manufacturing company is to be blamed. In case of a failed sample of Fertiliser, Seed and Pesticide, there should be a clear provision in the these Acts that the manufacturing company should be held responsible and the seller should be produced as a witness.
- (iii) Rule 10(4A) of the Insecticides Rules, 1971 provides for the mandatory linking of the principal of the company while such provision is not required after GST is implemented in the country. Rule 10(4) of the Insecticides Rules, 1971 may be abolished and all traders should be given the job of purchasing pesticides from anywhere so as to procure these items by the farmers at the lower price.

- (iv) 200 to 300 variety of products are available and, therefore, it is not possible to maintain their packing-wise stock which makes it imperative that the provision of stock register for the Dealers may be abolished and the digital stock of the company should be recognised.
- (v) When all the pesticides are sold in the original packing of pharmaceutical companies and the maximum value sale price is recorded on each packing, the provision for levying a price list at each shop should be abolished.
- (vi) During testing, if any sample of Pesticide, Seed or Fertiliser failed, the company should be held responsible for it.
- (vii) The old licensee Dealers should be given an experience certificate by the local Agriculture Department on the basis of which he can make a new licence at any other place in future and start the business. The old licensee may be allowed to be transferred in the name of his family member or someone else by his consent.
- (viii) The Seeds and Fertiliser Control Orders were introduced when there was shortage of food grains and fertilisers in the country. This was also kept under the purview of the Essential Commodities Act. Now, the Seeds and Fertiliser Control Orders should be excluded from the Essential Commodities Act.
- (ix) Since the DBT scheme has been implemented by the POS machine, traders have been facing a variety of problems and the farmers are not able to procure the goods due to non-billing on time. In many areas, the farmers are not able to get uninterrupted Internet services.
- (x) In case of failure of certified sample of seeds, the action should be taken on the certifying agency company.
- (xi) As the medical licence is exempted from selling any product, once the licence is granted, the Seeds, Fertiliser and Pesticides Acts may also provided with similar provision.

3. The representationist, in his representation, further stated that there have been detailed discussions before the Senior Officers and Ministers of the Agriculture Departments of various States on the above mentioned issues. However, the problems have not been solved. While pointing out the need for a comprehensive overhaul of the Insecticides Act, 1968 and the Fertiliser (Control) Order, 1985 and the Seed (Control) Order, 1966 in order to

facilitate Agricultural Business in the country so as to increase the agricultural production and enable to meet the target of doubling the income of farmers in the country, the representationist, Shri Manmohan Kalantri has requested to look into the matter by examining the issues/points raised in the representation.

4. The Committee on Petitions took up the representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation received from Shri Manmohan Kalantri was forwarded to the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) for furnishing their initial comments on the issues raised therein.

5. In response thereto, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) vide their communication dated 26.2.2020 had forwarded their *para-wise* comments as under:-

"Requirement of educational qualification for granting insecticide/pesticide licence

Insecticides are toxic and hazardous substances which require careful handling and strict adherence to instructions on labels and leaflets. Therefore, it was felt necessary that pesticides, Retailers/or employees at the retail outlet possess minimum educational qualification so as to provide sound guidance to farmers about the dose, frequency, methodology and timing of application of insecticides, etc. It is further stated that this Department vide Gazette Notification No. G.S.R. 07(E) dated 02.01.2020 has introduced a certificate course in Insecticide Management of 12 week duration, with one class per week, from various Universities or Institutes for the existing Retailers or Dealers possessing a valid licence without the prescribed qualification as on the 1st February, 2017. A copy of the Notification is annexed as Annexure-II.

Further the existing licencees of Pesticides, who are more than forty-five years of age and who have been running their trade either themselves or have inherited with cumulative period of experience of more than ten years as on the date of publication of these Rules as amended by the Insecticides (Second Amendment) Rules, 2017 and their annual turnover is less than Rs. five lakh are exempted from the requirement of educational qualification for the period of licence continuing in their name.

Action against Manufacturer/Producer in case of failure of samples of Fertiliser/Seed/Insecticide.

A. Fertiliser: This matter was earlier examined in the Ministry and vide Letter No. 6-2/ 91-Fert Law dated 6th December, 1991, Guidelines to ensure effective Quality Control, were issued conveying that "it is felt that as the primary objective of the FCO is to safeguard the interest of the farmers, it is the responsibility of every Dealers/Manufacturers to ensure that the material stocked/exhibited for sale/distribution should be of prescribed standard. Therefore, every Dealer or Manufacturer is independently responsible for ensuring quality of Fertilisers. Hence, the person, in whose possession such non-standard stock is detected, should be made liable to punishment. However, as the Manufacturers have a responsibility to ensure quality, wherever, samples drawn from a Dealer out of original sound stitched and sealed bags (without any mark of tampering) and are found to be non-standard, the State Enforcement Authorities may consider implicating the Manufacturer also as second party, if enough evidence is available to hold them liable".

Further, Clause 19 of the Fertiliser (Control) Order specifically prohibits sale of non-standard fertiliser. Neither the Manufacturer nor the Dealers can stock or offer for sale or exhibit for sale or distribute any fertiliser or any mixture of fertilisers which is not of prescribed standard. The Dealers cannot escape the liability of violation of the Control Order punishable under Section 3/7 of the Essential Commodities Act on the plea that the fertiliser bags were received from the manufacturer since sale or offer for sale or stock of non-standard fertiliser is prohibited. A duty is cast on the Dealers to purchase fertilisers from Manufacturers of repute. It is for them to ensure by either getting the fertiliser tested or through some other mode that they get fertiliser of prescribed standard for sale. The Dealers commit violation of Fertiliser (Control) Order by stocking, selling or offering for sale of non-standard fertiliser. Further, Section 10-C of the Essential Commodities Act which provides that in any prosecution for any offence under this Act which requires culpable mental state on the part of the accused, the Court shall presume the existence of such mental state but, it shall be the defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in the prosecution.

Explanation provides that "culpable mental state" includes intention, motive, knowledge of fact and the belief in origin to believe a fact. It is true that the culpable mental state is presumed if the accused is found to have committed violation of any Control Order punishable under Section 3/7 of the Essential Commodities Act, 1955. The presumption is however, rebuttable. The accused can prove that by reliable evidence, while selling fertiliser received from the Manufacturer, he had no

knowledge or reason to believe that the fertiliser was not of prescribed standard. If the accused are able to establish this fact beyond reasonable doubt, they may be exonerated of the offence".

B. Seed: Under the Seed Act, 1966/ Seed Rule, 1968 and Seed (Control) Order 1983, there are adequate provisions to check the quality of seed and to stop the sale of spurious seeds. State Governments under the Seed Act, 1966 are adequately empowered to take action against the seed company on violation of any of the provision, etc. of the Act. Under the Act, there is a provision for appointing the notified Seed Inspector, Seed Analyst and also of Seed Testing Laboratories. The Seed Notified Inspector is adequately empowered to take action against any of the violation of the Act.

As per these provisions, a person, institutions, shop keepers indulged in the activity of sale of low quality/spurious seeds to farmers are booked for violation of the provision of the Act. However, there is adequate provision in the Act for such person to make a defence of his innocence. The Seed Act provides an opportunity to the person to defend the matter and the responsibility of violation can be fixed accordingly either on the Dealers or Manufacturer or both.

C. Insecticide: Section 29 (1) (a) of the Insecticides Act, 1968 provides that whoever imports, manufacture, sell, stock or exhibit for sale or distribute any insecticides deemed to be misbranded under sub-clause (i) or sub-clause (iii) or sub-clause (viii) of clause (k) of Section 3 shall be punishable under the provisions of the said Act.

Section 33 provides for Offences by companies and says that;

1. Whenever an offence under this Act has been committed by a Company, every person, who at the time the offence was committed was in charge of, or was responsible to the Company for the conduct of the business of the Company, as well as the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2. Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary, or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Sub-section 3 of Section 30 of the Insecticides Act, 1968 provides for defences which may or may not be allowed in prosecutions under this Act and says that "a person not being an Importer or a Manufacturer of an insecticide or his agent for the distribution thereof, shall not be liable for contravention of any provision of this Act, if he proves:-

- a. that he acquired the insecticide from an importer or a duly licenced manufacturer, distributor, or Dealer thereof;
- b. that he did not know and could not, with reasonable diligence, have ascertained that the insecticide in any way contravened any provision of this Act; and
- c. that the insecticide, while in his possession, was properly stored and remained in the same state as when he acquired it."

Therefore, there is enough provision for a person to prove before the Court that he is not liable for contravention of any provision of the Insecticides Act, 1968.

Provision for Principal Certificate as per Rule 10(4A) of the Insecticides Rules, 1971

Rule 10(4A) provides for principal certificate. The sole object of the principal Certificate is to make available the quality insecticide to the farmers as there may be various Manufacturers for the same product and the farmers may choose the reliable and trusted product of their own choice. There is no fee prescribed under the Insecticides Rules, 1971 for the principal Certificate as it is issued by the Manufacturers (Principal) to the licenced shopkeepers/Retailers. This has been usual practice to make sure that quality insecticides made available to the farming community and with the purpose that misbranded or counterfeit products are debarred from the market as this Certificate includes name & address of the Manufacturers and types of formulation available with the Dealers.

Provision for Stock Register under the Insecticides Act, 1968

Rule 15 of the Insecticides Rules, 1971 provides that all the sale of insecticides made to a licenced Manufacturer (formulator or packer), Stockist, Distributor, Dealers, Retailer or to a bulk consumer shall be entered insecticides wise, in a register in Appendix B to Form III monthly return of all sales to actual consumers shall be sent to the Licensing Officer within 15 days from the close of the relevant month. However, many of the Dealers are maintaining the digital stock as there is no clear provision in the said act which prohibits for the same or otherwise.

Provision for display of stock and rate list under the Insecticides Act, 1968

Rule 10 D of the Insecticides Rules, 1971 provides that every Manufacturer and every Dealer who makes or offers to make a retail sale of any insecticide shall prominently display at his place of business:-

- a. the quantities of stock of different insecticides held by him on daily basis; and
- b. a list of prices or rates of such insecticides for the time being available in such place of business.

Therefore, it is stated that how will the end user or consumer know what products and on which price are being sold if they are not properly displayed. This ensures transparency and better services for the farmers.

Suggestions regarding provision for providing 'Experience Certificate' by the local Agriculture Department to an old licensee Dealers and transfer of licence to any of its family member or to any other person recommended by him

- A. **Fertiliser:** Suggestion has been noted and will be placed before the Central Fertiliser Committee.
- B. **Insecticide:** No experience is required for getting licence to sell insecticides under the Insecticides Act, 1968 but the applicant must possess or employ a person possessing the prescribed educational qualification provided under Rule 10(1A) of the Insecticides Rules, 1971.
- C. **Seed:** In Seed Act and Rule/ Seed (Control) Order, 1983 there is no provision/bar for transfer of Seed Dealers Licence to the Legal

- C. **Seed:** In Seed Act and Rule/ Seed (Control) Order, 1983 there is no provision/bar for transfer of Seed Dealers Licence to the Legal successor of next generation. However, it may be subject to the fulfillment of other permission of laws in operation in the country.

Suggestions for keeping the Seeds (Control) Order and the Fertiliser (Control) Order out of the purview of the Essential commodities Act, 1955

- A. **Fertilisers:** In order to ensure the timely availability of good quality of fertilisers, this Ministry promulgated the Fertiliser (Control) Order, 1957, which was revised and updated in 1985. The said order regulates production, distribution, quality, price, etc.

Fertiliser is a key input for increasing agriculture production and the requirement of fertiliser is not like other commodity throughout the season. Therefore, it is the mandate of the GOI to provide/ ensure the timely availability of fertilisers to farmers. The Government of India is providing more than Rs. 70,000 crores subsidy to ensure that the fertiliser is available to farmers at affordable price. Quality and timely availability of Fertiliser have a direct impact on the Agriculture productivity and food security. Therefore, it is essential to regulate the quality, distribution and Price to ensure supply of good quality of fertiliser to farmers. The standards of various fertiliser has been laid down in the Order and it is mandatory under clause 19 of the Order to sell/manufacture only such fertilisers whose standards are prescribed in Schedule 1 Part A of the Order and these standards are statutory.

In view of the above, it is apprehended that removal of Fertilisers from the list of ECA may hamper agriculture production and the food security requirement of the Nation. For ensuring the availability of above fertilisers, it is essential to have a stringent piece of legislation and ECA is such a legislation which provides adequate measures to enforce the objectives stipulated under FCO for ensuring food security. Further, FCO is a fair piece of regulation which provides adequate opportunity to the person for defending their matter in case of any violation of provision of FCO.

- B. **Seed:** Doing away of the Seed Dealers Licence as proposed in the Item No.8 may create slackness among the sellers to maintain the quality of seeds. Besides, in case of doing away of licence as proposed in Item No.8, the State will also not be able to execute the

provision of the Seeds (Control) Order, 1983 to regulate the seed business and quality of seeds sold by Dealers and State Governments will also not be aware about number of Seed Dealers in their State/ District jurisdiction.

Suggestions for problems being faced by the agricultural input Dealers in selling their products through POS for DBT implementation

A dedicated 15-member multi-lingual helpdesk has been set up to provide quick response to the queries of wide range stakeholders across the country as a preparatory to DBT implementation. The toll-free number of the helpdesk is 1800115501. Further Whatsapp/Telegram is being used extensively for quick response to grievance of various stakeholders.

To address the issues of malfunctioning POS devices, separate toll-free lines were provided by POS Vendors viz., Visiontek, Analogics and Oasys. Across all States along-with some reserved devices at district HQ for quick replacement. Further, DBT State Coordinators have been appointed by the Department of Fertilisers (DoF) in every State/ UT to monitor the implementation of DBT and for quick resolution of issues raised for better understanding of the system and operation of POS devices. As on date, 10,650 Retailers Training (in Vernacular languages) has been conducted across the country in coordination with the State Agriculture Department, Fertiliser Companies and POS Vendors.

To address network connectivity issues in the POS Devices, DoF has come up with various options as given below:-

- i. POS devices were provided with multiple connectivity options such as Wi-Fi, LAN PSTN, SIM, etc.*
- ii. A network survey/ assessment was conducted by the fertiliser companies at retail shops before deploying the POS device, to identify the telecom service providers having good connectivity in that area.*
- iii. Measures such as attaching an antenna to the POS device gave better signal reception in poor connectivity areas.*
- iv. To address peak season sales, provision was made that a single retailer can install more than one POS device at the retail point. There is a provision to use maximum up to 5 POS devices and one Desktop based POS at a single retail point under DBT system.*

Provision related to Desktop/ Laptop based POS software has also been made available to Retailers under DBT 2.0 initiative as an alternative to faulty POS Devices and an additional option for peak season sale.

Moreover, M/s. Microsave, a NITI Aayog appointed Agency had already done four rounds of survey/assessment on this Project and whatever they have recommended on the basis of survey and assessment, the Department of Fertilisers has implemented those suggestions to serve the wide range of stakeholders better.

Provision for disposal of date-expired pesticides

Rule 10 A of the Insecticides Rules, 1971 provides for segregation and disposal of date-expired pesticides as under:-

- (a) Immediately after the date of expiry all such stocks after being segregated and stamped 'not for sale' or 'not for use' or 'not for manufacture', as the case may be, shall be kept by the licensee in a separate place specially demarcated for the purpose with a declaration, date-expired insecticide, to be exhibited on the conspicuous part of the place.
- (b) All such stocks then shall be disposed of in an environment friendly manner as may be specified from time to time by the Central Government in consultation with the Central Insecticides Board and shall not be used for re-manufacture.

Consideration of suggestions given by the representationist for including them in the Pesticides Management Bill, 2019

Pesticides Management Bill, 2019 is under consideration of the Department of Agriculture, Cooperation and Farmers Welfare. The request made, in this regard, may be considered by the Department.

Provision of selling additional insecticides during currency of the licence

- A. **Insecticides:** Rule 10(4) (iii) provides that where the licensee wants to sale any additional insecticides during currency of the licence, he may apply to the licensing officer for necessary endorsement on the licence on payment of fee as specified in the Insecticides Rules, 1971. The sole object of the provision is to make available the safe and quality

insecticide to the farmers. This has been usual practice to make sure that safe and quality insecticides made available to the farming community and with the purpose that misbranded or counterfeit products are debarred from the market. There is no doubt that use of spurious insecticides can not only lead to unhappy outcomes for the farmer alone, but can have far wider repercussions on community health and environment.

B. Fertiliser: *Under the Fertiliser (Control) Order, 1985, there is no restriction on sale of Fertiliser of any company. The Dealers after obtaining the Authorisation letter can incorporate the name of the other companies by producing form 'O'. This is also essential for movement as well for disbursement of subsidy. Further this Ministry also increase the validity of Authorisation Letter from three years to 5 years.*

C. Seed: *In order to minimize the difficulty of the seed Dealers, Government of India have increased the validity of Dealers Licence from three years to 5 years.*

6. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) vide their further communication dated 20.11.2020 *inter alia* informed the Committee that the Plant Protection (PP) Division of Department of Agriculture, Cooperation and Farmers Welfare (DAC&FW) under the Ministry of Agriculture & Farmers Welfare administers the issues related to insecticides/ pesticides, as per the Insecticides Act, 1968 and the Insecticides Rules, 1971. The Integrated Nutrient Management (INM) Division administers the matters pertaining to use of fertilisers and the Fertiliser (Control) Order and the Seeds Division administers the matters pertaining to seeds.

7. On being asked by the Committee as to what education qualifications have been prescribed for the pesticides Retailers or Employees at the retail outlet(s), the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The educational qualifications of pesticide Dealers or Retailers are prescribed in sub-Rule 1A of Rule 10 of Insecticides Rules, 1971 which states that person who applies for the grant of licence to sell, stock or exhibit for sale or distribute Insecticides shall possess or employ a person possessing a graduate degree in Agricultural Sciences or Biochemistry or Biotechnology or Life Sciences or in

Science with Chemistry or Botany or Zoology from a recognized university or Institute ; or

One year diploma course in Agriculture or Horticulture or related subjects from any Government recognised university or institute with course content on Plant Protection and Pesticides Management.

Provided further that the existing licencee of pesticides, who are more than forty-five years of age and who have been running their trade either themselves or have inherited with cumulative period of experience of more than ten years as on the date of publication of these rules as amended by the Insecticides (Second Amendment) Rules, 2017 and the annual turnover is less than Rs. five lakh are exempted from the aforesaid rule for a period of licencship continuing in their name.

Provided also that all other existing Retailers or Dealers who are not covered under the second proviso, but who possess a valid licence as on the 1st February, 2017, the date of commencement of the Insecticides (Second Amendment) Rules, 2017 and are without prescribed qualification, may undergo Certificate Course of 12 week duration with one class a week in Insecticides Management from any State Agriculture University or Krishi Vigyan Kendras or National Institute of Agricultural Extension Management, Hyderabad or National Institute of Rural Development and Panchayati Raj, or National Institute of Plant Health Management, Hyderabad, State Agricultural Management and Extension Training Institute, Central or State research institutes or any other Government recognised University or Institute."

8. When asked by the Committee as to whether there is any estimation as to how many existing pesticides Retailers and Dealers possessing a valid licence in the country would be pursuing the recently introduced Certificate Course in Insecticide Management, Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"State Governments of Gujarat, Uttar Pradesh, Madhya Pradesh, Karnataka, Telangana, Odisha, Bihar, Andhra Pradesh, Assam, Himachal Pradesh, Rajasthan, Tamil Nadu, Kerala, and Goa have reported that number of Dealers and Retailers without prescribed qualification that have been identified for pursuing the Certificate Course in Insecticide Management are 17,622, 17,427, 13,775, 8,287, 4,199, 3,450, 3,031, 2,706, 2,501, 1,235, 1,205, 475, 396, and 82 respectively. State Governments of Mizoram, Tripura, Nagaland, Arunachal Pradesh, Manipur, Meghalaya and Sikkim has reported that no Dealers or Retailer with valid licence would be pursuing this Certificate Course."

9. On being asked by the Committee to furnish the details of Certificate Course in Insecticide Management started by various Universities or Institutes in the country, till date, after issuing of the Gazette Notification *ibid*, how many Retailers and Dealers have been enrolled by various Universities or Institutes, till date and how many of them have passed the said course, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply and subsequently during the evidence, submitted:-

"The Guidelines/modalities for conducting short term Certificate Course on Insecticides Management was circulated to all State Agriculture Department/ UTs vide letter dated 16.01.2020 and National Institute of Plant Health Management (NIPHM), Hyderabad is entrusted the role of coordinating agency for Certificate Course for insecticides Dealers to equip them to acquire professional competency on pesticides and pest management and advisory services thereof. The programme will be organised for a period of 12 weeks (one day in a week) for 72 hours with 6 hours per day with classes and this course is to be offered by State Agricultural Universities, Krishi Vigyan Kendra, Central and State Research Institutions, NIPHM, MANAGE, SAMETIs, other Government recognized Institutions.

As reported by NIPHM (Nodal), 82 institutes of ICAR/ KVKs/ SAUs from 17 States had submitted proposal to NIPHM for conducting 12 weeks Certificate Course in Insecticide Management out of which four States, i.e. Rajasthan (17) Maharashtra (03), Orissa (01) and Kerala (01) have started 22 batches on Certificate Course on Insecticides Management through different SIAM/ Sub-centres/ KVKs with 869 Dealers enrolled for the above said course.

State Governments of Maharashtra, Uttar Pradesh, Karnataka, Assam, Rajasthan, Uttarakhand, Chhattisgarh, Himachal Pradesh, Madhya Pradesh, Goa, Kerala, Odisha, Bihar and Mizoram have reported that Retailers and Dealers that have been enrolled by various Universities or Institutes for certificate course in Insecticide Management are 14,279, 7,332, 1,363, 1,050, 1,020, 606, 349, 269, 80, 67, 60, 60, 39, and 20 respectively."

10. The Committee, thereafter, desired to know as to whether non-exemption from the requirement of educational qualification in respect of existing licencees of pesticides who are less than 45 years of age, the period of their experience is less than 10 years on the date of publication of Rules *ibid* and their annual turnover is also more than Rs. 5 lakh is discriminatory as well as regressive and asked the Ministry to furnish their comments in this

regard with a view to giving a level playing field to individual stakeholder. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The Government in order to assure that Insecticides/Pesticides Retailers/or employees at the retail outlet possess minimum educational qualification so as to provide sound guidance to farmers for the appropriate use of pesticides which are inherently toxic and hazardous substances and require careful handling and strict adherence to instructions on labels and leaflets had introduced the requirement of educational qualification. Further, in light of objection and suggestions of stakeholders it was felt necessary to acknowledge the experience of all those small Dealers, with less than Rs 5 lakh turnover and having minimum of 10 years of experience in this business are not deprived of their vocation and their livelihood. For all other licencees it was thought appropriate that they being relatively of lesser age or having higher turnover are better placed to either acquire the educational qualification or capable enough to employ a person with required qualifications. The Department didn't have any intention of discriminating anyone.

In fact, the Department has shown further consideration by formulating the short term Certificate Course on Plant Protection & Pesticide Management so as to facilitate more and more Dealers to acquire the required qualification."

11. Notwithstanding the fact that any Dealers had purchased fertilisers from Manufacturer(s) of repute, if the sample drawn from a Dealers out of original sound stitched and sealed bags (without any mark of tampering), bought by him from the Manufacturer of repute, are found to be of non-standard quality, the Committee further desired to know as to how the State Enforcement Authorities would consider implicating the Manufacturer as "a Second Party" and not the 'First Party' for committing an offence and asked the Ministry to furnish their comments in this regard along with the need to amend the relevant Act/ Rules/ Order to make it justifiable. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Clause 19 of FCO, 1985, strictly prohibits the manufacture, sale, offer for sale or stock any fertiliser which are not of prescribed standards and in Schedule I, III, IV and V the standards of various fertiliser has been prescribed. It is mandatory for every Manufacturer, Dealers to Manufacture and sell fertiliser of prescribed standard.

Under clause 8 of FCO, it is required to obtain Authorisation Letter for carrying on the business of selling of fertiliser. Every Dealer for this purpose is required to

obtain Form 'O' i.e., certificate source issued by the Manufacturer/Wholesaler. While issuing the 'O' Form, the issuer of the certificate makes a declaration to the effect that the material is supplied, packed and marked in the container as per provisions of FCO.

Under Clause 21(b) of FCO, 1985, it is stipulated that Every container shall be so packed and sealed that the contents thereof cannot be tampered without breaking the seals.

Provided that lead sealing is not necessary:

- (i) If such bags are machine stitched in such manner that contents thereof cannot be tampered without a visible break in the stitching; and
- (ii) In case of fertilisers imported from abroad and packed in bags stitched in hands, in such manner that the contents thereof cannot be tampered without visible break in seal.

The primary objective of FCO is to safeguard the interest of farmers, it is the responsibility of every Dealer/Manufacturer to ensure that the material stocked/exhibited for sale/distribution should be of prescribed standards. Therefore, every Dealers/Manufacturer is individually responsible for quality of fertiliser. Hence, the person in whose possession such non-standard stock is detected should be made liable to punishment. Since the Manufacturer also has the responsibility to ensure quality, the Ministry had issued Guidelines on 6th December, 1991 advising the State Enforcement Authorities therein to implicate the Manufacturer also as a second party, wherever, samples drawn from a Dealers out of original sound bags (without any mark of tempering) and are found non-standard, if enough evidence available to hold them liable.

As the aforementioned Guidelines of December, 1991 are not a part of FCO, the issue is being considered to bring under FCO in order to ensure the responsibility of Manufacturer/Wholesaler/Marketer in case the samples are collected from the Retailer and found to be non-standard. Further, the issue of a mandatory provision of NABL accredited labs in all manufacturing units, under the supervisory control of DoF, is also under active consideration of this Department which will further ensure the quality control of the product."

12. The Committee asked the Ministry as to whether it is not a fact that merely pronouncing that 'sale or offer for sale or stock of non-standard fertiliser is prohibited' appears to be a subjective matter and whether the Department of Agriculture, Cooperation

and Farmers Welfare has taken any initiative to formulate a comprehensive list of 'Manufacturers of Repute' so that the Dealers could purchase their inventory only from such Manufacturers without any fear of infringing Clause 19 of the Fertiliser (Control) Order and/or Section 3/7 of the Essential Commodities Act and any resultant prosecution and asked to Ministry to furnish their comments in this regard along with the need to amend the relevant provisions. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"As explained above, in FCO quality parameters are prescribed for chemical, organic and bio-fertilisers and all the Manufacturers should adhere to the prescribed norms while manufacturing the fertilisers. As such, there is no need for a disaggregated list of "Manufacturers of Repute" The proposed provision of fixing the responsibility of Manufacturers along with Dealers under FCO (as explained above) would take care of the issue. However, it is for the Court to fix the liability of the party."

13. The Committee, thereafter, further asked to Ministry that instead of formulating a fool-proof mechanism of educating the Dealers(s) for procuring the fertiliser only of 'prescribed standard' from the Manufacturers, the Authorities concerned are encouraging the litigations *vis-a-vis* the ordeals being faced by the Dealers to prove their innocence, beyond reasonable doubt, that they had no knowledge that the fertiliser was not of prescribed standard and asked the Ministry to furnish their comments with specific reference to re-visiting the relevant Clause(s) for making appropriate amendments. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Any authorised Dealers is supposed to obtain certificate of source in form 'O' issued by the manufacturer/ wholesaler. While issuing the 'O' Form, the issuer of the certificate makes a declaration to the effect that the material is supplied, packed and marked in the container as per provisions of FCO. So, every Dealers obtaining O form is supposed to have the knowledge about the quality parameters of the Fertiliser procured for sale from manufacturer. In any case, inclusion of clause under FCO regarding fixing the responsibility of manufacturer/ Dealers is under active consideration. In addition, the issue of a mandatory provision of NABL accredited labs in all manufacturing units, under the supervisory control of DoF, is also under active consideration of this Department which will further ensure the quality control of the product."

14. When asked about the issues related to Insecticides and Seeds, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

***Insecticides:**As per the Insecticides Act, 1968 and Insecticides Rules, 1971, there are no provisions for identification/differentiation of Manufacturers of Repute. However, to ensure that only quality pesticides are manufactured by the Manufacturers, various provisions exist in the Act and the Rules which entrusts powers to Registration Committee to grant Registration Certificate to technically competent Manufacturers after evaluating the safety, efficacy, process of manufacturer and chemical composition with impurity profile of the pesticide, etc. Further, the licence to manufacture, sale, stock, exhibition for sale or distribution of any insecticides is issued by the licensing officer appointed by the State Governments after satisfying the availability of necessary plant and machinery, safety devices, first aid-facility, equipped with proper storage accommodation for avoiding any hazards etc in the premises where the insecticides is proposed to be manufactured or sale or distribution.*

Further, for ensuring the trust and confidence between the Manufacturers and Dealers, there exist a provision for Principal certificate as part of sub-rule (4) and (4A) of Rule 10. The rule states that -

Every person shall along with his application for grant of a licence to undertake operation or sell, stock or exhibit for sale or distribute Insecticides, file a certificate from the principal whom he represents or desires to represent.

The certificate to be issued by the principal shall be addressed to the licencing officer of the concerned area and shall contain full particulars of the principal including their registration and manufacturing licence numbers, full name and address of the person proposed to be authorised and also the type of formulations to be used in commercial pest control operations, sold, stocked or exhibited, for sale or distribution.

In order to verify the genuineness or otherwise of the certificate, principal shall send to the licencing officer of the State where he intends to sell his products an adequate number of copies of the specimen signature or the specimen signatures of the persons authorised in writing to issue the principal's certificate.

In case of suspension, revocation or cancellation of the certificate, the principal shall forthwith intimate the licensing officer having jurisdiction.

This system of Principal Certificate ensures the trust between the Manufacturer, Dealers and the Licencing officer and ultimately ensures the delivery of quality pesticides from the Manufacturers through their authorised Dealers to the farmers. Thus, mechanism for traceability of the pesticide manufacturer is already in place.

As per the provisions under section 30 (1) of the Insecticides Act, 1968, it shall be no defence in a prosecution to prove merely that the accused was ignorant of the nature or quality of the insecticide in respect of which the offence was committed or the risk involved of the manufacture, sale or use of the such insecticide or of the circumstances of its manufacture or import.

However, provisions has been made in section 30 (3) of the Insecticides Act, 1968 for a person who is not an importer and manufacturer of insecticide and that shall not be liable for contravention of any provision of this Act if he proves that he acquired the insecticides from an importer or duly licenced manufacturer or distributor or Dealers and that he did not know that the insecticide has contravened any provision of this act and that insecticide, while in his possession was stored properly and remained in the same state as when it was acquired by him.

Seed. *-The quality of seed is maintained as per the minimum seeds standard prescribed under section 6 (a) of the Seeds Act, 1966. In the Country, 25 State Seed Certification Agencies are certifying the seeds as per the Indian Minimum Seed Certification Standard for ensuring the seed quality. The State Governments are fully empowered to curb the sale of spurious/ sub-standard fake seeds under the relevant provisions of the Seeds Act, 1966, the Seed Rules, 1968 and the Seeds (Control) Order, 1983.*

As per section 7 and 6 (b) of the Seeds Act, 1966 and Clause 8A of the Seeds (Control) Order, 1983, every Dealers of seeds in notified kind or variety or other than notified kind or variety of seeds shall ensure that the standards of quality of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under Section 6 of the Seeds Act, 1966 and any other additional standards relating to size, colour and content of the label as may be specified. Hence, the producer or distributor or vendor or Dealers should ensure the prescribed standard for quality of seeds before selling/ distributing to the farmers."

15. The Committee, thereafter, asked the Ministry as to how many Manufacturers producing mis-branded or counterfeit products [Fertiliser, Seed and Insecticide] have been

booked/ prosecuted in the country during the last five years and to furnish year-wise and State-wise details in the matter. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Pesticides- A statement regarding number of samples drawn, prosecution launched against misbranded samples and accused convicted, during last 05 years is provided at Annexure-III.

Seeds- Status of year-wise and State-wise Seed law enforcement viz. number of seed sample drawn, number of seed sample found sub-standard and action taken are at Annexure-IV.

Fertilisers- It is the prime responsibility of the State Government to ensure quality control of Fertilisers and have been adequately empowered under various provisions of FCO. Details of Fertiliser samples collected, found non-standard and action taken, as furnished by the State Governments, are annexed Annexure-V."

16. In case, there is no explicit provision in the relevant Act/ Rules/Order which prohibits maintaining a Digital Stock, the Committee desired to know as to whether the Dealers could give away the traditional method of entering the relevant details in the register as prescribed in Appendix B to Form-III without being prosecuted and sought their detailed comments in the matter along with the need for amending the relevant Act/ Rules/ Order, in tune with the modern system of e-record/ inventory management. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Pesticides- As per the provision of the existing Insecticide Act and Rules, there is no provision for maintaining the record of Stock in digital form. However, provisions for digital forms have been proposed in Pesticide Management Bill 2020 as given under:-

"The Registration Committee shall maintain a National register of pesticides in digital form containing such information as may be prescribed by the Central Government".

"The State Government shall maintain a consolidated, State-level database on pesticides in digital form containing such information as may be prescribed by the Central Government".

These provisions will facilitate the availability of all the information in digital form at various levels.

Seeds- Under the Seeds (Control) Order, 1983, there is no restriction to maintain digital stock by the seed Dealers.

Fertilisers- Under the FCO, 1985, the Form 'N' is prescribed for maintaining records and the controller ((State) in this regard is empowered to direct, by order in writing, the Dealers, Manufacturers/ importers and pool handling agency to maintain such books of accounts, records etc. relating to business in Form 'N'. As such in FCO, no mode is mentioned in FCO in which the register/record is to be kept. However, the matter to include a specific provision for maintaining the registers/ records as e-record under FCO is already under consideration."

17. The Committee, then, asked the Ministry to furnish the details of further consequential action initiated by the Department on the suggestion of the representationist to the effect that the old Licence Holder(s)/Dealers should be issued an 'Experience Certificate' by the Agriculture Department so that these Licence Holder(s)/ Dealers could conveniently obtain a new Licence for starting their business at a new location in the country. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Pesticides- There is no provision in the Insecticides Act, 1968 and the Insecticides Rules, 1971 to issue licence based on the experience certificate. The procedure and conditions to issue the licence has been prescribed in Rule 10 of the Insecticides Rules, stating that licence to manufacture, sale, stock, exhibition for sale or distribution of any insecticides is issued by the licensing officer appointed by the State Governments after payment of the prescribed licence fee after satisfying the availability of necessary plant and machinery, safety devices, first aid-facility, equipped with proper storage accommodation for avoiding any hazards, etc., in the premises where the insecticides is proposed to be manufactured or sale or distribution.

Pesticides are inherently toxic and hazardous substances and require proper regulation to prevent risk to human beings, animal and environment. Thus, the concept of Experience Certificate may not be feasible for obtaining licence as the Licensing Officer has to fully satisfy himself that the applicant fulfills the requirements and conditions for granting licence on case to case basis.

Seeds- There is no practice of issuing experience certificate to old licence holder for starting their business at a new location in the country. Record of the licence holder is already available with the State Government. Moreover, in order to timely issuing the licence to Dealers, several State Governments made online application process for issuing the seed Dealers licence.

Fertilisers- The issue of providing of experience certificate to old Dealers in consultation with the States or any other appropriate mechanism under FCO is under consideration."

18. The Committee further asked the Ministry as to whether there is any provision in the relevant Acts/ Rules/ Order on the basis of which the old Licence Holders could transfer their licence to any of their family members and asked the Ministry to furnish the details thereof and if not, whether the suggestion of the representationist is implementable or not. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Pesticides- There is no provision in the present Act and Rules for transfer of the existing licence to specifically any of the family member. However, Rule 14 of the Insecticides Rules, 1971 prescribes the provisions for transfer of licence to any other person on payment of prescribed fee after permission of the Licensing officer. Hence a provision for transfer of licence exists.

Seeds- There is no provision available in the Seeds (Control) Order, 1983 to transfer the seed Dealers licence to any of their family members. Moreover, this suggestion may not be possible to implement as the store/ property belongs to the individual name accordingly licence issued in the individual name only. Transferring the licence to his family member need for transferring of store/ property to their family member. However, family member may get new seed Dealers licence in a faster manner as several State Governments made online application process for issuing the seed Dealers licence.

Fertilisers- Dealers licence is given to a particular individual and it is NOT transferrable. It is to further inform that the licensing procedure has been simplified and a person can also become eligible for Dealership with 2 weeks of structured training programme. Digitisation of procedure for obtaining Dealership is also under active consideration which will further simplify the procedure."

19. The Committee desired to know as to whether the Government has any proposal to introduce the Pesticide Management Bill in Parliament in the near future and also asked for

the details of the provisions of the said Bill which are proposed to be made flexible and business-friendly. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The Insecticides Act, 1968 and Insecticide Rules, 1971 have regulated and administered the import, manufacture, sale, transport, distribution and use of Insecticides for over 50 years. But with passage of time, it was felt that to meet the multi-dimensional management and administration of Pests and Pesticides spectrum which is continuously evolving with modern scientific and technical developments, a dynamic legislation was necessary. Therefore, a Pesticide Management Bill, 2020 has been formulated to repeal and replace the existing Insecticides Act, 1968. The Bill has been introduced in the Rajya Sabha on 23rd March 2020. This Bill aims at encompassing the management and regulation of all important stages in the life-cycle of pesticides including their manufacture, import, packaging, labeling, pricing, storage, advertisement, sale, transport, distribution, use and disposal in order to ensure the availability of safe and effective pesticides and to strive to minimize risk to human beings, animals, living organism other than pests and the environment with an endeavour to promote pesticides that are biological and based on traditional knowledge.

Some of the important provisions which have been proposed to strengthen the indigenous manufacturing and easing out the pesticide regulation are as follows:-

- i. The Provision for renewal of Licence for manufacturing and sale has been done away with.*
- ii. The Central Government may notify the ordinary use pesticide in respect of which a licence to sell or stock under this Act will not be required.*
- iii. Pesticide Inspector will have to take prior permission of Executive Magistrate and record his order in writing to stop sale.*
- iv. Bill facilitates the creation of more laboratories for conducting tests or analysis of Pesticides. Central and State Government may notify public institutions as Pesticide Testing Laboratories.*
- v. Powers of the Registration Committee have been restricted to technical matter like registration, reviewing, suspending or cancelling registration. All the guidelines, forms and required information for registration of a Pesticide will be revisited and prescribed afresh by the Central Government. This will help check excessive regulations.*

- vi. *Specific Provisions for promoting pesticides that is biological and based on traditional knowledge and for encouraging indigenous manufacturing has been provided. Provision for Generic Pesticides.*
- vii. *Central Government may, on the recommendations of the Registration Committee may exempt such substances having pesticidal properties from the provisions of the Act.*
- viii. *Provisions for a National Register of Pesticides and State-level database of pesticides in digital format, so that information about the registered pesticides and its authorised uses are available in the public domain."*

20. In connection with the comprehensive examination of the instant representation of Shri Manmohan Kalantri, the Committee on Petitions took oral evidence of the representatives of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) on 18 December, 2020.

21. On the issues raised during the oral evidence, the representatives of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare)deposed before the Committee and expressed their views as under:-

- (i) *As per Insecticide Rule (IR), 1971, the prescribed qualification is graduate degree in Agricultural Sciences or Biochemistry or Biotechnology or Life Sciences or Science (Chemistry/ Botany/ Zoology) or one year diploma in Agriculture/Horticulture/related subjects with course content on plant protection and pesticides management. Existing pesticide Dealers, who are more than 45 years of age, running trade either themselves or inherited with cumulative experience of more than 10 years and an annual turnover less than Rs.5 lakh are exempted. For the existing Retailers, Certificate Course of 12 week duration with one class a week in Pesticide Management has been prescribed.*
- (ii) *Total number of Dealers to be trained are 76,391 and as per National Institute of Plant Health Management (Nodal), 82 Institutes of ICAR/ KVKs/ SAUs from 17 States have submitted proposals for conducting 12 week Certificate Course in Insecticide Management. A total of 26,594 Dealers have been enrolled through SIAM/ Sub-centres/ KVKs.*
- (iii) *Under the Fertiliser Control Order, persons in whose possession non-*

standard stock is detected are liable to punishment; manufacturer are also responsible to ensure quality.

- (iv) Advisory has been issued to the State Enforcement Authorities to implicate Manufacturers also as second party, whenever samples are drawn from a Dealers out of original sound bags (without any mark of tempering) and found to be non-standard.
- (v) Amendment in the Fertiliser Control Order is under consideration of the Government to make provisions for fixing responsibility of manufacturer/ wholesaler/ marketer also in case, samples are collected from the retailer and found to be non-standard.
- (vi) Under the Seeds Act, Producer/Distributor/Vendor/Dealers are required to ensure prescribed standards for the quality of seeds before selling/ distributing to the farmers as per relevant clause of the Seeds Act, 1966, the Seeds Rules, 1968 and the Seeds (Control) Order, 1983.
- (vii) Regular training of Dealers by the Central Fertiliser Quality Control & Training Institute (CFQC&TI) and the Fertiliser Association of India (FAI) are underway.
- (viii) Under Section 30(3) of the Insecticides Act, any person other than importer and manufacturer shall not be liable for offence if he proves that he acquired the insecticides from an importer/ licenced manufacturer/ distributor/ Dealers, if the insecticide in his possession are stored properly and remained in the same state as it was acquired by him.
- (ix) Under the Fertiliser Control Order, during the last five years, 25,058 samples were found to be non standard, 1,583 prosecutions were launched and 8 were convicted.
- (x) Under the Seed Act, 7,53,261 samples have been analysed, 3,550 prosecutions have been filed and convictions have been made in 656 cases.
- (xi) Under the Insecticides Act, during last 6 years (2014-15 to 2019-20), 4,15,385 samples have been analysed and prosecutions have been filed in 4787 cases for manufacture, sale and illegal import of sub-standard/ low quality pesticides and convictions have been made in 278 cases.
- (xii) In the Fertiliser Control Order, no mode has been prescribed for keeping

register/ record. Proposal to include a specific provision for maintaining registers/ records as e-record is under consideration of the Government.

- (xiii) Under the Seeds (Control) Order, 1983, there is no restriction to maintain digital stock by the Dealers.
- (xiv) In the existing Insecticides Act and IR, no provision is there for maintaining record of stock in digital form, but it has now been proposed in the Pesticides Management Bill-2020.
- (xv) In the Fertiliser Control Order, proposal to issue Experience Certificate to old Dealers, in consultation with the States, or any other appropriate mechanism is under consideration of the Government.
- (xvi) In the Seed Act, there is no practice of issuing Experience Certificate to old licence holders for starting their business at new location.
- (xvii) There is also no provision in the Insecticides Act and IR to issue licence based on experience certificate.
- (xviii) In the Seeds (Control) Order, 1983, there is no provision to transfer seed Dealers licence to the family members.
- (xix) In the Fertiliser Control Order, the Dealer's licence is not transferrable.
- (xx) Provision in the Insecticides Act for transfer of licence to any other person including the family members subject to fulfilling the conditions have been prescribed under the Insecticide Rules.
- (xxi) Salient provisions in the Pesticides Management Bill-2020, introduced in Rajya Sabha on 23.3.2020, to strengthen indigenous manufacturing and easing of regulation of pesticides are:-
 - (a) Renewal of Licence for manufacturing and sale has been done away with.
 - (b) Pesticide Inspector to take prior permission of the Executive Magistrate and record his order, in writing, to stop the sale.
 - (c) Creation of more labs for tests/ analysis of pesticides. Besides, it has been provided that the Central and the State Governments have to

notify public institutions as Pesticide Testing Laboratories.

- (d) Promotion of pesticides that are biological and based on traditional knowledge as well as with a view to encouraging indigenous manufacturing has been prescribed.*
- (e) Provision for Generic Pesticides has also been prescribed.*
- (f) Central Government may, on the recommendations of Registration Committee, exempt dual use substances with pesticidal properties from the provisions of the Act.*
- (g) Provisions for National Register of Pesticides and State-level database of pesticides in digital format has also been prescribed.*

22. Pointing out the need for a comparative study in respect to some of the important provisions such as educational qualification(s) for Dealers and Retailers, licensing requirement(s), sample draws testing and prosecution procedure, record keeping procedure, transfer of licence, punishment clause, essential commodity status, issuance of experience certificate, etc., in the Insecticides Act, 1968, the Fertiliser (Control) Order, 1985 and the Seeds (Control) Order, 1983, the Committee during the course of oral evidence also asked the representatives of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to prepare and furnish a comparative chart, wherein, the existing provisions of all the above three legislations are mentioned which require alignment in light of the issues/ points raised in the instant representation. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The comparison of three referred legislation in Insecticides/ pesticides, Seeds and Fertilisers has been prepared and placed at Annexure-V. Harmonization of all three referred legislation would be difficult due to all together different nature of products. Pesticides have toxic properties and are categorised as hazardous substance and therefore need a well ordered system of management and regulation. Stringent provisions are required for ensuring the availability of quality pesticides and to check the sale of spurious and misbranded pesticides."

23. On the aspect of making online the short-term Certificate Course for existing licencees of Insecticides/Pesticides Dealers and Retailers, the Committee asked the representatives of the Ministry of Agriculture and Farmers Welfare (Department of

Agriculture, Cooperation and Farmers Welfare) to explore the possibility. In pursuance thereof, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The Nodal Institute National Institute of Plant Health Management (NIPHM), Hyderabad implementing the short term 12 weeks course has been requested to explore the possibility for making the entire course online. It has been opined by the NIPHM that majority of farmers procure the insecticides by following the advice from Dealers. Dealers with inadequate knowledge about the insecticides and pests may indirectly contribute for indiscriminate use of insecticides. To acquire thorough knowledge in the subject, all the Dealers should undergo rigorous practical and field visits to reap maximum benefits of the course. It is felt that the effectiveness of the programme will be more if it is conducted in physical mode. Further, keeping the present situation in cognizance and also the recommendation of the committee the Nodal Institute NIPHM has been requested to devise additionally an online mode of the certificate course for the theoretical material barring the mandatory field visits and practical sessions."

24. Further, on the aspect of lowering the educational qualification from existing Bachelor of Science to 12th standard for the grant of licences to insecticide/ pesticide Dealers and Retailers, the Committee asked the representatives of the Ministry to explore the possibility and apprise them of the same. In this regard, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Department of Agriculture Cooperation and Farmers Welfare with the Directorate of Plant Protection Quarantine and Storage and all other stakeholders, had deliberated the issues related to indiscriminate use on pesticides and other residue related matter over the time. It was the considered view and understanding of the Department that majority of farmers procure the insecticides by following the advice from Dealers. Dealers with inadequate knowledge about the insecticides and pests may indirectly contribute for indiscriminate use of insecticides. To acquire thorough knowledge in the subject, all the Dealers should undergo rigorous practical and field visits to reap maximum benefits of the theoretical, practical knowledge which are part of the course curriculum as prescribed. The Dealers without sound understanding of the pesticide type, pest, disease type and the appropriate dose, time, manner, etc., about the safe and judicious use of pesticides will not be in a position to guide the farmers and will only lead to unwanted outcomes and increase the environmental load of pesticides. Therefore, introducing educational qualification for the requirement to obtain licences for sale, store, exhibit for sale by the Dealers and

Retailers and even for manufactures for obtaining manufacturing licences was strongly felt and introduced. The Department amended Insecticides Rules, 1971 through a notification in the Gazette of India GSR 840(E) dated 05-11-2015 to this effect. One of the amendment pertained to the introduction of educational qualification for sale licencees of pesticides through insertion of Rule 10(1A) in the said Rules. The notified Rule 10(1A) is reproduced as under:-

"(1A) person who applies for the grant of licence to sell, stock or exhibit for sale or distribute insecticides shall possess or employ a person possessing a graduate degree in Agricultural Sciences or Biochemistry or Biotechnology or Life Sciences or in Science with Chemistry or Botany or Zoology from a recognized University or Institute.

Provided that all Retailers or Dealers possessing a valid licence without the prescribed qualification as on the date of notification of these rules shall be allowed a period of two years to comply the said qualifications."

However, after publication of the amendments, Department has received number of representations from Dealers of pesticides, against the introduction of educational qualification for sale/distribution licencees.

The Department reviewed the matter and considered to include a minimum one year diploma course in Agriculture or Horticulture or related subjects from any Government recognised university or institute with course content on plant protection and pesticides management as educational qualification under Rule 10(1A), in addition to the qualification that were already notified.

However, after publication of the above amendments, this Department had again received number of representations from Dealers of pesticides, and also by various agriculture student associations in favour and against the introduction of educational qualification and introduction of diploma for sale/ distribution licencees.

In view of the number of representations, this Department once again reviewed the matter and finally published the final notification in the Gazette of India GSR 106(E) dated 01.02.2017.

In light of objection and suggestions of stakeholders it was felt to acknowledge the experience of all those small and marginal Dealers, with less than Rs 5 lakh turnover, and are having minimum of 10 years of experience of their business, not to disrupt their livelihood. For all other left out licencees it was thought that they being relatively of lesser age can either acquire the educational

qualification or capable enough to employ one. The Department has never thought of discriminating any one by not exempting from the educational qualification requirement.

Further, the Department was considerate enough that for all those licencees still left out and may not like to disrupt their business by undergoing the rigors of graduation or one year diploma or to employ a person, has been further facilitated by enabling them to just under go 12 week Certificate Course on Plant Protection and Pesticide Management as per their convenience of time with large number of notified Institutions.

It may not be advisable to further dilute the requirement of educational qualification as proposed above to the level of 12th Standard as the technical knowhow of regulations on pesticides, practical and field knowledge of pesticide, pest disease, etc., are no where the part of 10+2 education curriculum. The knowledge can be gained after having the minimum experience in the field or after having the practical exposure apart from the theoretical knowledge as are also designed in 12 week certificate course for achieving minimum requirement for the existing pesticides Dealers and Retailers as on 01.02.2017, in the context of introducing the educational qualification."

25. The Committee, while referring to stringent provision(s) of over regulation/supervision with respect to inspection of insecticide/pesticide businesses, which reminds of the 'Inspector Raj' rampant in 1970s and 1980s, asked for the opinion of the representatives of the Ministry to find out ways to relax the relevant provisions of the Insecticides Act, 1968 and the Rules made thereunder. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"As far as the Insecticides Act, 1968 and the Rules, 1971 are concerned, Sections 20, 21 and 22 deal in detail with the Insecticide Inspectors, their powers and the procedure to be followed by them. As per the Insecticides Rules, 1971, the Insecticides Inspector shall have the following duties, namely:-

- i. to inspect not less than three times in a year all establishments selling insecticides within the area of his jurisdiction;
- ii. to satisfy himself that the conditions of licence are being complied with;

- iii. to procure and send for test and analysis, samples of insecticides which he has reason to suspect are being sold, stocked or accepted for sale in contravention of the provisions of the Act or rules made thereunder;
- iv. to investigate any complaint in writing which may be made to him;
- v. to institute prosecution in respect of breaches of the Act and the rules made thereunder;
- vi. to maintain a record of all inspections made and action taken by him in the performance of his duties including the taking of samples and seizure of stocks and to submit copies of such record to the licensing officer; and
- vii. to make such inquiries and inspections as may be necessary to detect the sale and use of insecticides in contravention of the Act.

There are checks and balances available in the present Act and the Rules. Further, to ease out the regulation the Department has also done way with the requirement of renewal of Licensing at the State level. However, over the time to take care of the practical experiences brought in cognizance of the Department has lead to revision of the powers and duties of the Insecticide Inspector in the proposed Pesticide Management Bill, 2020. Now the Pesticide Inspector has to take prior permission of Executive Magistrate and record his order in writing to stop sale of a pesticide for a specified period not exceeding sixty days or till the receipt of the report of the Pesticide Analyst, whichever is earlier. Also serve a notice of show cause to the retailer or person concerned.

Provision has been made to ensure that there are adequate checks against the arbitrary exercise of powers by pesticide inspectors. Any further positive development in the process of easing out the procedure may be taken up while framing the rules under the Bill."

26. The Committee, thereafter, asked the representatives of the Ministry about the procedure being followed for the segregation and disposal of expired pesticides at the Retailer, Dealers, Distributor and Manufacturer's level existing in the States, as per the Insecticides Act, 1968 and the Insecticides Rules, 1971. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"As per Rule 10 (A) of the Insecticides Rules, 1971, immediately after the date of expiry all such stocks after being segregated and stamped 'not for sale' or 'not for use' or 'not for manufacture', as the case may be, shall be kept by the licensee in a

separate place specially demarcated for the purpose with a declaration, date-expired insecticide, to be exhibited on the conspicuous part of the place. All such stocks then shall be disposed of in an environment friendly manner as may be specified from time to time by the Central Government in consultation with the Central Insecticides Board and shall not be used for re-manufacture.

Whereas Rule 44 of the Insecticides Act, 1968 and the Rules, 1971 states about the disposal of used packages, surplus materials and washings of insecticides, that it shall be the duty of Manufacturers, formulators of insecticides and operators to dispose packages or surplus materials and washing in a safe manner so as to prevent environmental or water pollution. The used packages shall not be left outside to prevent their re-use. The packages shall be broken and buried away from habitation.

The Department has requested the States for providing the requisite information and the States of Uttar Pradesh, Telangana, Karnataka, Gujarat, Meghalaya, Rajasthan, Maharashtra, Punjab and Uttarakhand have reported about the issue of date expired pesticides and procedure followed in States at different levels. Broadly all the states monitor the disposal and keep track of the disposal of pesticides through Insecticide Inspectors at the manufacture and Dealers level. In Gujarat date expired pesticides are segregated from point of warehouse and sent to manufacturing site for disposal, decant material and date expired packages and bulk empty containers are sent to Incineration at State Pollution Control Board approved hazardous waste disposal site. Odisha has mechanism placed in to keep track of all pesticides from manufacturing to consumption and storage, in case of hazardous waste disposal under the supervision by the Odisha State Pollution Control Board as per Hazardous Waste Management Rule, 2016. Similarly in Punjab, Meghalaya, Telangana and Maharashtra there is system of collecting the date expired pesticide as per the Rule 10 (A) of the Insecticides Rules, 1971, mostly by the company, Manufacturers and its safe disposal as per the State Pollution Control Board approved hazardous waste disposal site. Punjab follows the billing mechanism to track pesticides from manufacture to final disposal. The State of Uttarakhand has stated that if a pesticide is date expired then that stock is separated, sealed, labeled and stamped as 'not for sale' or 'not for use' or 'not for manufacture'. This stock is not used again and for disposing the stock, they are being sent to Government approved agencies to dispose them.

Whereas, the State of Kerala has mentioned that the State Government had enacted the Organic Farming Policy 2010, to reduce the dependence on insecticides. Based on this the Department is promoting Integrated Pest Management Strategies (IPM) and has been successful in eliminating or successfully reducing the use of pesticides in many situations. Pesticides are stocked at the retailer, Dealers, distributor Dealers

based upon field requirements and hence the quantity of date expired chemicals is negligible.

Further, the States of Uttar Pradesh, Telangana, Karnataka, Gujarat, Meghalaya, Rajasthan, Maharashtra, Punjab and Uttarakhand have reported that at the user level, for disposal of used container mostly the burial method at non-habitant land site is being followed. The Dealers and framers are also sensitized and trained for following the safe disposal of used, left over or date expired pesticide. Maharashtra, Karnataka and Telangana have reported that the used package, surplus material and washings of insecticides are being disposed of by following the Pollution Control Board norms and by incinerating them."

27. On being asked by the Committee about the reason(s) for low conviction rate under the relevant provisions of offences and punishments in the Insecticides Act, 1968 in the States, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The Department sought information from States and also consulted Insecticide Inspectors. The insecticide cases are non-cognizable offences and these are filed as a complaint case which has an extensive procedure of trial due to the reason that the prosecution evidence is to be laid pre charge stage and post charge stage, which takes a considerable amount of time. The States have reported that Insecticides case are not conducted as fast track court cases, these cases are often having lower priority and are treated as routine matter, due to priority given to other serious and heinous cognizable offences and reasons mentioned above leading to the lengthy legal procedure also there are no dedicated courts for the Insecticides Cases."

28. When the Committee desired to know from the representatives of the Ministry as to how the price of the pesticide should be controlled to prevent the variation in their MRP in the States, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"Presently in the Insecticides Act, 1968 and the Rules there is no mechanism of price control available. However, in the proposed Pesticide Management Bill -2020 it has been proposed that-"If the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to exercise such powers and perform such functions to regulate the price of pesticides in such manner as may be prescribed by the Central Government."

29. The Committee, thereafter, desired to know from the representatives of the Ministry as to whether there was shortage of onion seeds and the Government failed to provide sufficient onion seeds to farmers in the State of Maharashtra, especially in Nasik District during last Rabi season. In reply thereto, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) submitted:-

"As reported by Maharashtra, total requirement of onion seed for the upcoming season is 35,300 quintals out of which the seed that is available with different agencies is 4,227 quintals and farm saved seed is 21,000 quintals. Further, Maharashtra reported the shortage of onion seeds in the Rabi 2020-21. This shortage of onion seeds was due to heavy rain in the cropping season.

Department of Agriculture, Cooperation and Farmers Welfare has already taken step for arrangement of seeds to meet the shortfall onion seeds in Nasik, Maharashtra through national level agencies like the National Agricultural Cooperative Marketing Federation of India Ltd. (NAFED) and the National Seed Corporation Ltd. (NSC). Directions were also given to national level agencies to store onion seeds in Nasik or nearer to Nasik for smooth availability of seeds as per requirement.

Further, Department of Agriculture, Cooperation and Farmers Welfare has stopped to approve the export of onion seeds since February, 2020. 1091.142 MTs onion seeds can be made available by stopping the earlier permissions/ licence issued by the Director General of Foreign Trade.

In Maharashtra State, during seed law enforcement in Rabi 2020-21, 315 samples of onion seed were drawn and tested, out of which 33 samples were failed in germination and in Nasik area 126 samples were drawn and tested, out of which 18 samples were failed. A few complaints were reported by the Government of Maharashtra in Nasik area and appropriate actions were being taken by them."

30. On being asked by the Committee about the reason(s) for not excluding 'Seeds' from the list of essential commodities under the Essential Commodities Act (ECA), 1955, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"The Seeds Act, 1966 regulates only the notified varieties of seeds, but the un-notified varieties cannot be regulated under the Seeds Act. Notification of varieties under the Seeds Act, 1966 is voluntary and not compulsory. Deleting seeds from list of essential commodities in the Essential Commodities Act, 1955 and could no longer be regulated under the provision of the Seeds (Control) Order, 1983.

Therefore, a vacuum will be created in the regulatory framework. There is no other legal instrument available to regulate the quality of seeds of un-notified varieties which will flood spurious and poor quality seed in the market. Further, deleting seeds from the EC Act triggers States to legislate/ issue Ordinances to regulate quality of seeds in their State which will create problem of Inter-State movement and acute shortage of seeds in the Country."

31. The Committee, thereafter, desired to know from the representatives of the Ministry as to how a seed Dealers is responsible for selling a poor quality of the seeds when the producer is supplying poor quality seeds to the Dealers. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in a written reply, submitted:-

"As per Sections 7 and 6 (b) of the Seeds Act, 1966 and Clause 8A of the Seeds (Control) Order, 1983, every Dealers of seeds in notified kind or variety or other than notified kind or variety of seeds shall ensure that the standards of quality of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under Section 6 of the Seeds Act, 1966. Hence, the Producer or Distributor or Vendor or Dealers should ensure the prescribed standard for quality of seeds before selling/ distributing to the farmers. However, producer is responsible, if the seed container is not tampered."

OBSERVATIONS/RECOMMENDATIONS

Relaxation in the educational qualifications, experience and turnover criteria for Pesticide Dealers and/or Retailers

32. The Committee while examining the instant representation and in light of the submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), have gone through various provisions of the three Legislations/Orders, viz., the Insecticides Act, 1968, the Fertiliser (Control) Order, 1985 and the Seeds (Control) Order, 1983.
33. As regards the provisions regarding educational qualification(s) required for pesticide Dealers and/or Retailers or the persons employed by them, the Committee note that the Insecticides Rules, 1971 made under the Insecticides Act, 1968, prescribe for Graduate Degree in Agricultural Sciences or Biochemistry or Biotechnology or Life Sciences or in Science with Chemistry or Botany or Zoology or one year diploma course in Agriculture or Horticulture or related subjects with course contents on Plant Protection and Pesticide Management. The Committee further note that as per the Insecticides (Second Amendment) Rules, 2017, the existing pesticide Dealers who are more than forty-five years of age and have been running their trade, either themselves or have inherited with cumulative period of experience of more than ten years as on 1 February, 2017 (the date of publication of these Rules) and whose annual turnover is less than Rs. five lakh are exempted from the aforesaid requirement of possessing the requisite educational qualification(s) for the period of licence-ship continuing in their name.
34. In this chronology, the Committee also note that all other existing Dealers and/or Retailers, who are not covered under the above proviso, but possess a valid licence as on the 1 February, 2017 and are not possessing the prescribed educational qualification(s), need to undergo a Certificate Course of 12 week duration with one class a week in Pesticides/Insecticides Management from any State Agriculture University or Krishi Vigyan Kendras or National Institute of Agricultural Extension Management, Hyderabad or National Institute of Rural Development and Panchayati Raj or National Institute of Plant Health Management, Hyderabad, State Agricultural Management and Extension Training Institute, Central or State research institutes or any other Government recognised University or Institute.
35. The Committee are well aware of the fact that pesticides and/or the insecticides are toxic and hazardous substances which require its careful handling and strict adherence to the instructions contained on the labels and/or leaflets and therefore, it was felt necessary that pesticides Dealers/Retailers or at least one of

their employees at the retail outlet possess a minimum educational qualification so as to provide appropriate guidance to the farmers about the dose, frequency, methodology and timing of application/use of insecticides, etc. Notwithstanding this, the Committee feel that the pesticides, being one of the important inputs for improving agricultural productivity which has now become a source of income generation, more and more people should be encouraged to enter into the pesticide business in order to achieve the twin objectives of catering to the rising demand of agricultural and other products, thereby increasing Farmers' income and also serving as a major source of employment generation. Further, in the considered view of the Committee, pesticides Dealers/Retailers or their employees, acting as one of the important agro-input individuals/firms, are the first 'contact point' for majority of farmers and, therefore, the contribution of these persons in giving appropriate guidance to the farmers become all the more important in the present context of renewed agriculture activities, where farmers are using various modern scientific methods and machinery for increasing their crop yield and also its quality. It is also an undeniable fact that the present day farmers are rapidly diversifying their occupation by involving themselves in horticulture and other agricultural allied activities, viz., animal husbandry, dairying, honey bee farming, etc. Since the existing educational qualification(s) have been prescribed in a decade-old legislation, perhaps, keeping in view the requirements of that particular period of time, the Committee recommend that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) should explore the possibility of lowering down the requisite educational qualification(s) to Higher Secondary (Class-X) or Senior Secondary (Class-XII) in Science stream(s) for insecticides/pesticides Dealers and/or Retailers or their employees so as to include more number of candidates desirous of obtaining licence for insecticides/pesticides or employing persons in insecticides/pesticides business at their outlets to bring it in sync with the present times. However, before issuing licence, an effective training for handling of insecticides/pesticides should be imparted to the candidates, the modalities of which could be worked out by the Ministry.

36. Notwithstanding the fact that as per the Insecticides (Second Amendment) Rules, 2017, the existing pesticide Dealers who are more than forty-five years of age and have been running their trade either themselves or have inherited with a cumulative period of experience of more than ten years as on 1 February, 2017 and whose annual turnover is less than Rs. five lakh are exempted from the requirement of attaining the requisite educational qualification(s) for the period of validity of their licence in their name, the Committee desire that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) should undertake a feasibility study to relax the existing conditions of requisite experience and turnover criteria for exemption from the requirement of educational

qualification(s) in respect of existing licence holder(s) for the period of validity of their licence in their name, by way of reducing the years of previous experience of running the insecticide/pesticide business and their turnover. The Committee would like to be apprised of the necessary steps taken/proposed to be taken within three months of the presentation of this Report to the House.

Short-term Certificate Course in Insecticide Management for insecticides/pesticides Dealers/ Retailers

37. On the basis of submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), the Committee take note of the fact that the Insecticides (Second Amendment) Rules, 2017, further provide for a short-term Certificate Course in Insecticide Management for all those existing insecticides/pesticides Dealers/Retailers who are not having the prescribed educational qualifications, but are in possession of a valid licence as on 1 February, 2017 and are not covered under 'exemption clause' relating to experience and turnover criteria. Such Dealers/Retailers are required to undergo Certificate Course of 12 weeks' duration with one class a week in Insecticides Management from any State Agriculture University or Krishi Vigyan Kendras or National Institute of Agricultural Extension Management, Hyderabad or National Institute of Rural Development and Panchayati Raj or National Institute of Plant Health Management, Hyderabad, State Agricultural Management and Extension Training Institute, Central or State Research Institutes or any other Government recognised University or Institute.

38. As per an estimation provided by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) in respect of number of existing insecticides/pesticides Dealers/Retailers to be imparted training, the Committee note that the total number of such Dealers/Retailers in some States, viz., Gujarat, Uttar Pradesh, Madhya Pradesh, Karnataka, Telangana, Odisha, Bihar, Andhra Pradesh, Assam, Himachal Pradesh, Rajasthan, Tamil Nadu, Kerala, and Goa comes to 76,391. The Committee further note that the number of insecticides/pesticides Dealers/Retailers who have already been enrolled for participating in the said training through SIAM/Sub-Centres/KVKs or through various Universities/Institutes are 26,594. Juxtaposing the total number of Dealers/Retailers who are required to be imparted training with the number of Dealers/Retailers who have been enrolled for getting the requisite training, the Committee do not find the same encouraging. In this connection, the Committee also note that as per the National Institute of Plant Health Management, Hyderabad, which is the Nodal/Coordinating Agency, 82 Institutes of ICAR/KVKs/SAUs from 17 States had submitted proposal to NIPHM for conducting 12 weeks' Certificate Course in Insecticide

Management, out of which, four States, viz., Rajasthan (17) Maharashtra (03), Orissa (01) and Kerala (01) have already commenced 22 batches for the Certificate Course on Insecticides Management through different SIAM/Sub-Centres/KVKs with only 869 Dealers enrolled for the above said course.

39. The Committee are not satisfied to observe that the number of insecticides/pesticides Dealers/Retailers who have been enrolled for the short-term Certificate Course of 12 weeks in Insecticides Management is very low vis-a-vis the number of Dealers/Retailers identified for undergoing the said Course. The Committee, therefore, desire that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) should take proactive measures, in consultation with the State Governments and the National Institute of Plant Health Management, Hyderabad, for enrolling more and more number of insecticides/pesticides Dealers/Retailers who are required to undergo Certificate Course in Insecticides/Pesticides Management. For attaining the said objective, all the States should be given some incentive like giving 'Trophies' or 'Certificates' for best three performing States, on yearly basis. The Committee also recommend that the Ministry should explore the modalities of holding the said training/classes by way of distance learning mode or through online mobile applications so that the Dealers/Retailers should not face the rigors of physically going to the Institutes/Study Centres. The Committee would like to be apprised of the necessary steps taken/proposed to be taken in this regard within three months of the presentation of this Report to the House.

Fixing equal responsibility of the Manufactures for non/sub-standard fertilisers inventory

40. The Committee note from the submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) that under the relevant provision(s) of Fertiliser (Control) Order (FCO), 1985, any person in whose possession non-standard stock has been detected is liable for appropriate punishment in accordance with law. In this regard, the Ministry has also issued an Advisory on 6.12.1991 to the State Enforcement Authorities to implicate Manufacturers as a 'Second Party', wherever samples drawn from a Dealers outlet of 'original sound bags' (without any mark of tempering) and found as non-standard and if, enough evidence is available to hold them liable.

41. The Committee further note that amendments in the FCO are also under consideration of the Ministry to make appropriate provisions for fixing the responsibility of Manufacturer/Wholesaler/Marketer also, in case, the samples are collected from the Retailer and found to be non-standard. The Committee also note

that for ensuring the uncompromising quality of the product, the aspect of mandatory provision for National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited Laboratories in all the Manufacturing Units is also under the active consideration of the Department of Fertilisers (Ministry of Chemicals and Fertilisers).

42. Notwithstanding the above, the Committee feel that there should be equal treatment of offence(s) in terms of the law in force and further, 'similar offences' call for 'similar punishment' without any distinction or technical jargon. Though, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) have issued an advisory to the State Enforcement Authorities on 6.12.1991 to also implicate Manufacturers as a 'Second Party', wherever samples drawn from a Dealer out of original sound bags (without any mark of tempering) and found to be non-standard, the Committee recommend the Ministry to work out a suitable mechanism to fix the responsibility on the Manufacturers equally and also make them liable to punishment. In this effort, if need be, suitable amendment(s) in the Fertiliser (Control) Order (FCO), 1985 could also be contemplated. The Committee would like to be apprised of action taken/ proposed to be taken in this regard within three months of the presentation of this Report to the House.

Prosecution and Convictions in the cases of non-standard Fertilisers, Seeds, and Insecticides

43. As per the submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), the Committee observe that under the Fertiliser (Control) Order (FCO), 1985, during the last five years, 25,058 samples were found to be of non-standard quality which had resulted in launching of 1,583 prosecutions and 8 convictions. Similarly, under the Seed Act, a total, 7,53,261 samples were analysed and 3,550 prosecution were filed, out of which, convictions in 656 cases were made. In the Insecticides Act, 1968 during the last six years, i.e., 2014-15 to 2019-20, 4,15,385 samples were analysed, prosecutions were filed in 4,787 cases for manufacture, sale and illegal import of sub-standard/low quality pesticides and there was conviction in 278 cases.

44. The Committee are at a loss to note that the 'rate of conviction' in relation to non-standard Fertilisers, Seeds and Insecticides is abysmally low. In the considered view of the Committee, conviction in a criminal offence is the ultimate test of an established wrongdoing. In this regard, the Committee feel that low rate of conviction, primarily, depends on two aspects. One, the person has been wrongfully implicated and two, the person has been appropriately implicated, but the case file has not been made out in an articulate manner and, inadvertently or intentionally, glaring loopholes have been left in the charge-sheet due to which the

wrongdoer gets himself exonerated from the Courts. The Committee, therefore, recommend that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) should liaise with the State Governments to find out ways and means to improve the 'conviction rate' in prosecution cases of non-standard Fertilisers, Seeds and Insecticides against the shady Manufactures/Dealers to ensure that the quality of these agro-input products is not compromised and the farmers are made available these products having good quality with minimum hazards. At the same time, the State Governments should also be sensitized to ensure that no Manufacture/Dealer of Fertilisers, Seeds and Insecticides are implicated in false cases by their designated Officers/Inspectors. The Committee would like to be apprised of the concrete action taken by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) in this regard within three months of the presentation of this Report to the House.

Modern system of Record/Inventory Management/Digital Record Keeping

45. From the submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), the Committee note that in FCO, no mode has been prescribed for keeping register/record of inventory. Keeping in view this deficiency, a proposal to include a specific provision for maintaining digital registers/records is under consideration of the Ministry. Similarly, in the Insecticides Act and Rules, there is also no provision for maintaining record of Stock in a digital form. However, provision to this effect has now been made in the Pesticide Management Bill, 2020. The Committee also note that under the Seeds (Control) Order, 1983, there is no restriction to maintain digital stock by the Seed Dealers.

46. Keeping in view the much acclaimed Digital India Initiative of the Government of India, wherein, internet connectivity has been enhanced manifold, throughout the country, in the recent years, the Committee recommend to the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to work out suitable amendments in the Fertiliser (Control) Order, 1985 and the Seed (Control) Order, 1983 to make suitable provisions for maintaining record of Stock in a digital form by the Manufactures/Dealers. In the opinion of the Committee, keeping record of stock in a digital form would not only increase the transparency in the Stock Management but also simplify the verification process by the Government Agencies to a noticeable extent. The Committee would like to be apprised of the action taken/proposed to be taken in this regard within three months of the presentation of this Report to the House.

Provision of transfer of licence to any other family member in case of Fertilisers, Seeds and Insecticides

47. On the basis of averments made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), the Committee note that in the Seeds (Control) Order, 1983 and the Fertiliser (Control) Order, 1985, there is no provision to transfer the licence of the Seed Dealers to the family members, whereas, there exist provision in the Insecticides Act, 1968 and the Rules made thereunder for transfer of licence to any other person including family members subject to fulfilling certain conditions prescribed under the Rules.

48. Considering a cumbersome procedure while applying for a licence at a new location by an existing licence holder in respect of Seeds and the Fertilisers, the Committee desire that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) should work out modalities for transferability of seed and fertiliser licence to the family members of an existing licence holder and, accordingly, carry out appropriate amendments to the Seeds(Control) Order, 1983 and the Fertiliser (Control) Order, 1985. The Committee would like to be apprised of the action taken/ proposed to be taken in this regard within three months of the presentation of this Report to the House.

Proposed Pesticide Management Bill, 2020

49. The Committee note from the submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) that with a view to strengthening indigenous manufacturing and easing out regulation of pesticides, the Pesticide Management Bill, 2020 was introduced in Rajya Sabha on 23.3.2020. The said Bill *inter alia* contained the following provisions:-

- (i) Renewal of Licence for manufacturing and sale done away with;
- (ii) Pesticide Inspector to take prior permission of Executive Magistrate and record his order in writing to stop sale;
- (iii) Creation of more Laboratories for tests/analysis of pesticides. Central and State Governments to notify Public Institutions as Pesticide Testing Laboratories;
- (iv) Promotion of pesticides that are biological and based on traditional knowledge and for encouraging indigenous manufacturing;

(v) Provision for Generic Pesticides;

(vi) Central Government may, on recommendations of Registration Committee, exempt dual use substances with pesticidal properties from the provisions of Act; and

(vii) Provision for National Register of Pesticides and State-level database of pesticides in digital format.

50. Appreciating the objectives of the proposed Pesticide Management Bill, 2020, the Committee wish to urge the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to ensure that as soon as the Bill is passed by Parliament and assented to by the Hon'ble President of India, the Rules should be expeditiously formulated and laid on the Table of both the Houses so that this fine piece of legislation would further increase the overall welfare of the Farmers' community for which the Union Government has been making genuine efforts with their innovative programmes and policies.

NEW DELHI;

DR. VIRENDRA KUMAR,
Chairperson,
Committee on Petitions.

8 February, 2021

26 Pausa, 1942 (Saka)

Translated Version

Agro Input Dealers Association, New Delhi

26 July, 2019

Hon'ble Shri Om Birla Ji,
Speaker Lok Sabha
New Delhi

Subject: Request letter to solve the problems of agricultural exchange vendors of the country.

Hon'ble Sir,

The following problems have been faced continuously on the part of the agricultural exchange vendors of the country for the last several years and there have been detailed discussions before the senior officers and ministers in various States in detail, even after that, the problems have not been solved, now we have been compelled to put these problems before you so that the problems can be made so that the problems can be done through you.

Please take the stand of directing the officers of the Union Ministry of Agriculture and the State Agriculture Ministries on the following issues to help them to double the income of the farmers in increasing the agricultural production of the country.

1. The Insecticides Act has earmarked old licenced traders to take a 1-year course, but in the last 3 years, out of six lakh traders in the country, 10000 traders have not been completed, if it continues at the same pace, it is not possible to get every trader in the next 15-20 years. But, so far, it has not been made a gazette notification, please recognise the 12-day crash course by making the said gazette notification so that the agricultural input traders of the country can renew their licences.
2. Action should be taken against the company if the sample fails

Samples of fertiliser, seeds and pesticides in the country are taken from agricultural inputs traders and the licences of agricultural input traders are suspended or cancelled in case they are non-standard from 1 or 2% and action is taken against them for court case and FIR while the manufacturing company is to blame. In case of failed sample of fertiliser, seed and pesticide, there should be a clear provision in the three Acts that the manufacturing company should be made guilty and the seller should be produced as a witness to produce high quality by the company.

3. Section 10(4) of the Insecticides Act, 1968 provides for the mandatory linking of the principal of the company while such provision is not required after GST is implemented in the country. The trader should be exempted from buying goods from anywhere. Section 10(4) of the Insecticides Act, 1968 may be abolished and all traders should be given the job of purchasing pesticides from anywhere so as to provide production to the farmers at the lowest price. After taking the licence as in the medical, any company which obtains the pesticide licence should also be allowed to produce and sell pesticides. In this modern age, when the country is moving towards computers and pamphlets, the imperative of link the principal certificate of each company with the licence every year should be completely eliminated.
4. 200 to 300 variety of products are available in the value of medicines, therefore, it is not possible to maintain their packing wise stock, therefore, the provision of stock register for the dealer may be abolished and the stock of the non-company should be recognised.
5. Today, when all pesticides are sold sealed in the original packing of pharmaceutical companies and the maximum value sale price is recorded on each packing, the provision for levying a price list at each shop should be abolished.
6. Any pesticide, seed or fertiliser sample, if failed, the company should be held responsible for it.
7. The old licensee dealer should be given an experience certificate by the local Agriculture Department on the basis of which he can make a new licence at any other place in future and start the business. The old licensee may be allowed to transfer his licence to the name of his family member or someone else by his consent.
8. Seed and Fertiliser Control Orders were introduced and there was shortage of foodgrains in the country and there was shortage of fertilisers, therefore, it was kept under the purview of the Essential Commodities Act. Now, the Seed and Fertiliser Control Order should be excluded from the Essential Commodities Act.
9. Since the DBT scheme has been implemented by the POS machine, traders have been facing a variety of problems and the farmers cannot be able to complete the goods due to non-billing in time. In many areas, the farmers are not able to get benefit from the availability of Internet services.
10. If the pesticide is expired, the facility of destruction is not available with the sale and the responsibility under the Insecticides Act is with the producing company.
11. Some suggestions for the present government is likely to be submitted to the Pesticide Management Bill 2018 in the coming time should be seriously considered by us and the provisions in the interest of traders should be seriously considered.

12. In case the seed is certified sample failure, the action should be taken on the certificate agency company.
13. As the medical licence is exempted from selling any product once the licence is granted, the Seeds, Fertiliser and Pesticides Acts may also provide with the similar provision.

A number of such problems have been submitted by our organisation in detail to the officials of the Agriculture Department in the past, but no idea has been made about them in the last three years. Therefore, it is requested that the Department of Agriculture should seriously direct the officials of the Department of Fertilisers and the Seed Department to seriously consider our problems. Your Government can help in making a comprehensive overhaul of the Pesticides Act, 1968 and the Fertiliser Control Order 1985 and the Seed Control Order, 1966, to provide for facilitating trade to the traders so that the private traders meet the target of doubling the income of farmers in the country.

Thank you,

Manmohan Kaltri
National President
Agro Input Dealers Association
New Delhi

MINISTRY OF AGRICULTURE AND FARMERS WELFARE
(Department of Agriculture, Co-operation and Farmers Welfare)

NOTIFICATION

New Delhi, the 1st February, 2017

G.S.R. 106(E).—Whereas certain draft rules further to amend the Insecticides Rules, 1971, which the Central Government proposes to make in exercise of the powers conferred by section 36 of the Insecticides Act, 1968 (46 of 1968) was published under the notification of the Government of India in the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Co-operation and Farmers Welfare) vide number G.S.R. 808(E), dated 17th August, 2016, in the Gazette of India, Extraordinary Part-II, Section-3, Sub-section (i), dated 20th August, 2016, inviting objections or suggestions from all persons likely to be affected thereby, before the expiry of the period of forty five days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 20th August, 2016;

And whereas, objection or suggestion were duly considered in respect of the said notification;

And whereas, the Central Government is of the opinion that circumstances have arisen, which render it necessary to make rules without consultation with the Board;

And whereas in terms of the proviso to section 36 of the Act, the Board shall be consulted within six months of making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendments of the said rule;

Now, therefore, in exercise of the powers conferred by section 36 of the Insecticides Act, 1968 (46 of 1968), the Central Government hereby makes the following rules, further to amend the Insecticides Rules, 1971, namely:

1. Short title and commencement.—(i) These rules may be called the Insecticides (Second Amendment) Rules, 2017.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Insecticides Rules, 1971, in rule 10, for sub-rule (1A), the following shall be substituted namely:—

“(1A) Person who applies for the grant of licence to sell, stock or exhibit for sale or distribute insecticides shall possess or employ a person possessing a graduate degree in Agricultural Sciences or Biochemistry or Biotechnology or Life Sciences or in Science with Chemistry or Botany or Zoology from a recognised university or Institute; Or

One year diploma course in Agriculture or Horticulture or related subjects from any government recognised university or institute with course content on plant protection and pesticides management;

Provided that all retailers or dealers possessing a valid licence without the prescribed qualification as on the date of publication of these rules as amended by The Insecticides (Second Amendment) Rules, 2017 shall be allowed a period of two years to comply with the said qualifications:

Provided further that the existing licensee of pesticides, who are more than forty-five years of age and who have been running their trade either themselves or have inherited with cumulative period of experience of more than ten years as on the date of publication of these rules as amended by The Insecticides (Second Amendment) Rules, 2017 and the annual turn over is less than Rs. five lakh are exempted from the aforesaid rule for a period of licence ship continuing in their name.

(3) The payment of salary of the employee shall be made by licensees through digital mode or by a cheque to ensure that the person is employed with them”.

[F. No. 13035/28/2014-PP-I (vol.iii)]

ASHWANI KUMAR, Jt. Secy.

Note : The Principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1650 (E), dated 19th October, 1971, and subsequently amended vide:-

1. G.S.R. 474(E), dated 24th July, 1976,
2. G.S.R. 736(E), dated 9th December, 1977,
3. G.S.R. 1064(E), dated 7th November, 1988,
4. G.S.R. 533(E), dated 6th August, 1993,
5. G.S.R. 371(E), dated 20th May, 1999,
6. G.S.R. 372(E), dated 20th May, 1999,
7. G.S.R. 548(E), dated 12th September, 2007,

8. G.S.R. 692(E), dated 7th November, 2006,
9. G.S.R. 128(E), dated 26th February, 2009,
10. G.S.R. 174(E), dated 5th March, 2010,
11. G.S.R. 474(E), dated 11th July, 2013,
12. G.S.R. 797(E), dated 13th November, 2014,
13. G.S.R. 840(E), dated 5th November, 2015,
14. G.S.R. 104(E), dated 15th February, 2016 and
15. G.S.R. 794(E), dated 12th August, 2016

Year Wise and State wise details of misbranded or counterfeit products (Insecticide) that have been booked/prosecuted in the country during the last five years (Annexure-I)																			
	State/UT	2015-16			2016-17			2017-18			2018-19			2019-20			2020-21 (up to 31st October 2020)		
		Samples Analyzed	Prosecution Launched	Convicted by Hon'ble Court	No of samples Analyzed	Prosecution Launched	Convicted by Hon'ble Court	No of samples Analyzed	Prosecution Launched	Convicted by Hon'ble Court	No of samples Analyzed	Prosecution Launched	Convicted by Hon'ble Court	No of samples Analyzed	Prosecution Launched	Convicted by Hon'ble Court	No of samples Analyzed	Prosecution Launched	Convicted by Hon'ble Court
1	Andhra Pradesh	5194	8	-	5226	4	-	5094	62	-	5120	101	-	5116	83	0	2500	-	-
2	Arunachal Pradesh	-	-	-	-	-	-	-	-	-	-	-	-	11	0	-	-	-	-
3	Assam	-	-	-	11	-	-	31	-	-	76	-	-	-	-	-	-	-	-
4	Bihar	857	6	-	835	6	-	817	-	-	639	-	-	115	5	-	-	-	-
5	Chhattisgarh	460	-	-	470	-	-	604	-	-	599	-	-	481	11	-	-	-	-
6	Delhi	79	3	-	54	-	-	76	-	-	39	-	-	-	-	-	-	-	-
7	Goa	10	-	-	9	-	-	4	-	-	5	-	-	9	-	-	-	-	-
8	Gujarat	3252	50	29	3277	27	9	2905	59	12	4011	146	5	3961	72	5	2128	9	-
9	Haryana	1601	27	15	1216	20	11	1506	26	14	1540	58	4	2143	76	8	872	14	4
10	Himachal Pradesh	318	-	-	319	-	-	423	-	-	427	-	-	238	0	-	26	-	-
11	Jammu Kashmir	1273	27	14	852	33	11	1121	45	6	1110	20	5	1910	36	10	1307	-	-
12	Jharkhand	89	-	-	208	-	-	136	1	-	90	-	-	94	-	-	21	-	-
13	Karnataka	3358	2	-	3886	2	-	3857	7	-	3562	8	-	5964	8	-	3177	-	-
14	Kerala	1104	-	-	1489	3	-	1523	6	6	1552	6	-	1060	0	-	589	-	-
15	Lakshadw	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	cep																		
16	Madhya Pradesh	1038	2	-	844	3	-	791	-	-	680	2	-	1326	4	-	700	3	-
17	Maharashtra	6364	99	-	7584	68	-	7600	243	-	7938	261	-	7763	95	2	437	5	-
18	Manipur	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	Meghalaya	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	Mizoram	-	-	-	-	-	-	-	-	-	20	0	-	0	0	-	-	-	-
21	Orissa	529	-	-	401	-	-	507	1	-	560	1	-	666	1	1	225	-	-
22	Pondicherry	128	-	-	128	-	-	87	-	-	62	-	-	189	0	-	-	-	-
23	Punjab	4052	40	-	3898	27	-	3821	69	-	3925	24	-	3961	2	-	-	-	-
24	Rajasthan	3374	35	-	2800	-	-	2969	25	-	2800	12	-	2585	1	-	1590	-	-
25	Sikkim	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
26	Tamil Nadu	21905	44	-	21547	-	-	21759	30	-	21638	30	-	21020	14	-	10029	-	-
27	Telangana	3380	-	-	3592	-	-	3700	-	-	3678	23	-	3619	3	-	2076	-	-
28	Tripura	26	-	-	22	-	-	55	-	-	22	-	-	79	0	-	41	-	-
29	Uttarakhand	270	-	-	295	2	1	326	20	-	428	16	-	221	10	-	176	8	-
30	Uttar Pradesh	6452	173	-	6632	434	-	6735	381	-	6458	475	-	6707	206	17	910	5	2
31	West Bengal	681	-	-	1152	-	-	1045	-	-	1099	8	-	833	0	-	105	-	-
32	CII's *	486	14	1	220	5	3	289	2	-	179	-	-	296	-	-	102	0	0
	TOTAL	66280	530	59	66967	634	35	67781	977	38	68257	1191	14	70367	627	43	27011	44	6

*CII= Central Insecticides Inspector

Progress Report of Seed Law Enforcement for the year 2015-16

S. No.	State	Total No. of samples drawn	No. of samples found sub-standard	No. of cases in which warning issued	No. of cases stop sale order issued	No. of cases filed in the Court of Law	No. of cases decided by Court of Law fine/ imprisonment awarded	No. of cases pending in Court of Law	No. of cases where seed forfeited
1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	22274	537	537	350	450	0	450	15
2.	Bihar	14991	225	103	33	4	0	4	0
3.	Chhattisgarh	2263	190	190	190	0	0	0	0
4.	Gujarat	4092	113	4	72	18	0	18	0
5.	Haryana	3778	122	13	-	13	-	13	-
6.	Jammu & Kashmir	946	20	26	14	16	13	5	-
7.	Jharkhand	1117	48	5	0	0	0	0	0
8.	Karnataka	7368	70	236	0	56	1	24	0
9.	Madhya Pradesh	3610	362	222	360	1	0	1	0
10.	Maharashtra	17430	375	168	1300	25	5	59	15
11.	Odisha	1824	343	18	-	-	-	-	-
12.	Punjab	4180	535	0	7	11	0	11	0
13.	Rajasthan	3404	95	-	17	8	1	8	0
14.	Tamil Nadu	61285	2665	2311	1513	403	311	92	0
15.	Telangana	7283	157	148	140	177	10	158	9
16.	Uttarakhand	347	24	23	1	0	0	0	0
17.	W.B.	15488	1986	158	248	0	0	0	0
18.	Delhi	82	8	6	7	5	7	13	-
19.	Puducherry	212	32	3	0	0	0	0	0

Progress Report of Seed Law Enforcement for the year 2016-17

S. No	State	Total No. of samples drawn	No. of samples found sub-standard	No. of cases in which warning issued	No. of cases stop sale order issued	No. of cases filed in the Court of Law	No. of cases decided by Court of Law fine/ imprisonment awarded	No. of cases pending in Court of Law	No. of cases where seed forfeited
1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	6906	147	100	60	100	0	100	0
2.	Chhattisgarh	1810	78	0	78	0	0	0	0
3.	Gujarat	4612	64	16	64	15	1	14	0
4.	Haryana	2660	45	25	10	8	0	15	0
5.	Jharkhand	2371	61	6	0	0	0	0	0
6.	Karnataka	7992	85	0	0	0	0	0	0
7.	Maharashtra	13365	209	103	1247	93	0	0	10
8.	Odisha	904	243	0	0	0	0	0	0
9.	Puducherry	120	29	1	0	0	0	0	0
10.	Punjab	3963	166	0	0	23	0	0	0
11.	Tamil Nadu	50166	1826	-	920	459	-	129	-
12.	Telangana	7194	121	15	0	121	0	121	0
13.	U.P.	3261	81	42	17	0	0	0	0
14.	Uttarakhand	525	33	33	0	0	0	0	0
15.	W.B.	19247	1562	40	543	0	0	0	0

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Progress Report of Seed Law Enforcement for the year 2017-18

S. No	State	Total No. of samples drawn	No. of samples found sub-standard	No. of cases in which warning issued	No. of cases stop sale order issued	No. of cases filed in the Court of Law	No. of cases decided by Court of Law fine/ imprisonment awarded	No. of cases pending in Court of Law	No. of cases where seed forfeited
1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	7842	208	116	72	22	0	0	1
2.	Chhattisgarh	2128	189	0	189	0	0	0	0
3.	Gujarat	5383	92	92	92	46	3	43	0
4.	Haryana	2220	22	1	17	0	0	23	0
5.	Jharkhand	1615	55	6	0	0	0	0	0
6.	Karnataka	6593	48	228	43	8	0	0	0
7.	Madhya Pradesh	7600	425	12	425	0	0	0	0
8.	Puducherry	124	54	2	0	0	0	0	0
9.	Punjab	3958	152	3	11	10	0	0	0
10.	Rajasthan	4769	76	0	4	13	0	13	2
11.	Tamil Nadu	50272	1556	449	1457	95	50	45	0
12.	Telangana	8369	244	219	487	80	0	0	0
13.	Tripura	15	0	0	0	0	0	0	0
14.	U.P.	11203	394	1	167	0	0	0	0
15.	Uttarakhand	445	3	3	0	0	0	0	0
16.	W.B.	28055	2826	57	187	0	0	0	0

Progress report of Seed Law Enforcement for the year 2018-19

S. No.	State	Total No. of samples drawn	No. of samples found sub-standard	No. of cases in which warning issued	No. of cases stop sale order issued	No. of cases filed in the Court of Law	No. of cases decided by Court of Law fine/ imprisonment awarded	No. of cases pending in Court of Law	No. of cases where seed forfeited
1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	7720	68	4	2	12	0	0	0
2.	Bihar	13265	28	0	4	1	0	1	0
3.	Chhattisgarh	1898	67	0	67	0	0	0	0
4.	Haryana	1326	13	6	8	2	0	16	0
5.	Jharkhand	1382	39	8	0	0	0	0	0
6.	Karnataka	8853	67	27	20	4	0	0	0
7.	Madhya Pradesh	4635	599	599	599	0	0	0	0
8.	Maharashtra	16432	519	160	529	298	0	0	0
9.	Odisha	10509	2347	0	0	0	0	0	0
10.	Punjab	2923	81	39	43	1	0	0	0
11.	Tamil Nadu	50039	1584	0	2047	132	50	82	0
12.	Telangana	8252	138	21	100	138	138	0	0
13.	Uttar Pradesh	10271	180	27	10	0	0	0	0
14.	Uttarakhand	492	5	5	0	0	0	0	0
15.	West Bengal	6979	1005	26	79	0	0	0	0
16.	Puducherry	132	58	3	0	0	0	0	0

Progress report of Seed Law Enforcement for the year 2019-20

S.No	State	No. of samples drawn	No. of samples found sub-standard	No. of cases in which warning issued	No. of stop sale orders issued	No. of cases filed in the court	No. of cases decided by Court of Law fine/ Imprisonment awarded	No. of cases pending in Court of Law	No. of cases of forfeiture
1	2	3	4	5	6	7	8	9	10
1.	Andra Pradesh	9834	209	202	33	195	0	0	85
2.	Bihar	13631	36	1	9	0	0	0	0
3.	Chattisgarh	3295	212	0	212	0	0	0	0
4.	Gujarat	6395	104	8	159	57	12	52	2
5.	Haryana	2884	33	20	10	3	0	10	0
6.	Karnataka	9680	90	12	2	8	0	0	0
7.	M.P	11695	764	313	624	1	0	0	2
8.	Orrisa	846	261	0	0	0	0	0	0
9.	Punjab	4307	230	128	73	3	0	0	0
10.	Tamil Nadu	51033	1196	1059	2378	137	47	90	0
11.	Telangana	9940	264	50	100	264	0	264	0
12.	Tripura	2181	115	0	0	0	0	0	0
13.	UP	10152	367	150	82	0	0	0	0
14.	Uttarakhand	496	3	0	0	0	0	0	0
15.	West Bengal	34034	2860	96	304	0	0	0	0
16.	Puducherry	86	12	8	0	0	0	0	0

STATEWISE DETAILS OF FOLLOW UP ACTION ON NON STANDARD SAMPLES DURING 2013-14

S.No	Name of the State	No. of Non Std. samples	Administrative Action Taken			Prosecution Launched	Cases Pending for Action	Charging higher Price	Seizure of Stock/ Stop Sale	Disposal allowed under cl.23	Conviction awarded	Cases pending in Court	No of cases other violation of FCO
			DRC Cancelled	DRC suspended	Other action								
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Assam	11	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2	Bihar	64	13	0	34	5	6	1	9	0	0	0	NA
3	Jharkhand	27	0	0	19	0	0	0	0	0	0	0	17
4	Odisha	241	0	0	241	0	0	0	0	0	0	0	0
5	West Bengal	260	28	49	356	0	0	4	197	1	1	10	0
6	Mizoram	0	0	0	0	0	0	0	0	0	0	0	487
7	Gujarat	159	25	3	96	12	89	3	17	1	2	30	12
8	M.P.	877	175	51	1113	10	0	0	0	0	0	0	0
9	Chattisgarh	117	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
10	Maharashtra	2720	249	192	1030	212	146	11	32	0	0	1597	440
11	Rajasthan	84	0	0	0	16	68	0	13	0	0	16	0
12	Haryana	61	1	2	11	12	37	0	0	1	0	12	0
13	H.P.	43	0	0	0	0	0	0	0	0	0	0	0
14	J&K	7	0	0	0	0	0	0	0	0	0	0	0
15	Punjab	28	0	0	2	1	25	0	0	0	0	4	0
16	U.P.	722	525	85	46	31	35	0	0	0	0	0	0
17	Uttarakhand	17	2	2	13	0	0	0	0	0	0	0	0
18	A.P.	444	1	5	389	10	55	0	0	0	0	0	0
19	Karnataka	127	1	0	102	6	88	5	19	0	0	0	0
20	Kerala	102	0	1	101	0	0	0	1	0	0	0	0
21	Pondicherry	5	0	0	0	0	0	0	0	0	0	1	0
22	Tamil Nadu	661	7	82	194	16	862	9	136	0	0	0	0
	TOTAL	6777	1026	472	3747	331	911	33	424	3	3	2091	1212

STATEWISE DETAILS OF FOLLOW UP ACTION ON NON STANDARD SAMPLES DURING 2014-15

S.No	Name of the State	No. of Non Std. samples	Administrative Action Taken			Prosecution Launched	Cases Pending for Action	Charging higher Price	Seizure of Stock/ Stop Sale	Disposal allowed under cl.23	Conviction awarded	Cases pending in Court	No. of cases other violation of FCO
			DRC Cancelled	DRC suspended	Other action								
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Assam	0	0	0	0	0	0	0	0	0	0	0	0
2	Bihar	101	43	0	40	33	0	5	10	0	0	2	07
3	Jharkhand	13	0	0	0	0	0	0	0	0	0	0	0
4	Odisha	241	0	0	241	0	0	0	0	0	0	0	0
5	West Bengal	203	9	65	209	0	0	0	0	0	0	1	0
6	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	106	10	3	42	13	39	0	0	0	0	327	0
8	M.P.	39	0	39	0	3	0	0	0	0	0	0	0
9	Chattisgarh	80	0	0	80	0	0	0	0	0	0	0	0
10	Maharashtra	288	0	0	1806	36	246	0	29	0	0	36	296
11	Rajasthan	104	0	0	0	2	102	0	0	0	0	0	0
12	Haryana	44	1	6	15	12	12	0	0	0	0	16	0
13	H.P.	0	0	0	0	0	0	0	0	0	0	0	0
14	J&K	0	0	0	0	0	0	0	0	0	0	0	0
15	Punjab	24	0	0	2	11	11	0	0	0	0	11	0
16	U.P.	921	717	68	56	46	34	0	0	0	0	71	0
17	Uttarakhand	25	0	3	1	0	0	0	0	0	0	0	0
18	A.P.	130	0	0	21	0	117	0	0	0	0	0	0
19	Telangana	130	0	0	40	0	90	0	0	0	0	0	0
19	Karnataka	130	0	0	130	4	0	0	0	0	0	0	0
20	Kerala	132	0	0	32	0	0	0	0	0	0	0	0
21	Pondicherry	6	0	0	0	0	0	0	0	0	0	0	0
22	Tamil Nadu	765	8	259	194	2	254	8	168	0	0	92	218
	TOTAL	3660	788	473	2909	162	905	13	221	0	0	556	521

STATEWISE DETAILS OF FOLLOW UP ACTION ON NON STANDARD SAMPLES DURING 2015-16

S.No	Name of the State	No. of Non Standard samples against which action initiated	Administrative Action Taken			Prosecution Launched	Cases Pending for Action	Charging higher Price	Seizure of Stock/ Stop Sale	Disposal allowed under cl.23	Conviction awarded	Cases pending in Court	No. of cases other violation of FCO
			DRC Cancelled	DRC suspended	Other action								
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Assam	3	0	0	0	0	0	0	0	0	0	1	0
2	Bihar	167	0	0	0	0	0	0	0	0	0	0	0
3	Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0
4	Odisha	244	0	0	244	0	0	0	30	0	0	0	0
5	West Bengal	174	0	0	148	0	0	0	0	0	0	0	0
6	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	130	3	2	60	15	31	0	0	0	0	377	0
8	M.P.	765	85	86	590	0	0	0	0	0	0	0	0
9	Chattisgarh	122	0	0	0	0	0	0	0	0	0	0	0
10	Maharashtra	2212	1	0	1475	102	465	0	0	0	0	102	0
11	Rajasthan	185	0	0	0	6	124	0	0	0	0	0	0
12	Haryana	56	0	0	8	3	19	0	0	0	3	15	0
13	H.P.	62	0	0	0	0	0	0	0	0	0	0	0
14	J&K	7	0	0	0	0	0	0	0	0	0	0	0
15	Punjab	157	0	0	0	0	0	0	0	0	0	0	0
16	U.P.	529	349	45	56	33	46	0	0	0	0	73	0
17	Uttarakhand	10	1	0	4	0	0	0	0	0	0	0	0
18	A.P.	116	0	0	2	15	76	0	0	0	0	0	0
19	Telangana	66	0	0	8	3	42	0	0	0	1	0	0
20	Karnataka	254	0	0	0	0	0	0	0	0	0	0	0
21	Kerala	129	0	0	37	0	0	0	0	0	0	0	0
22	Pudichery	1	0	0	0	0	0	0	0	0	0	0	0
23	Tamil Nadu	869	6	65	727	28	43	62	0	0	1	14	0
24	Govt. of India	248	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	6486	445	198	3359	205	837	62	30	0	5	503	0

STATEWISE DETAILS OF FOLLOW UP ACTION ON NON STANDARD SAMPLES DURING 2010-17

S.No.	Name of the State	No. of Non Standard samples against which action initiated	Administrative Action Taken			Prosecution Launched	Cases Pending for Action	Charging higher Price	Seizure of Stock/Stop Sale	Disposal allowed under cl.23	Conviction awarded	Cases pertaining to Court	No. of cases other violation of FPO
			DRC Cancelled	DRC suspended	Other action								
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Assam	2	0	0	0	0	0	0	0	0	0	0	0
2	Bihar	Not reported	-	-	-	-	-	-	-	-	-	-	-
3	Jharkhand	4	0	0	0	0	0	0	0	0	0	0	0
4	Odisha	211	0	0	211	0	0	0	0	0	0	0	0
5	West Bengal	Not reported	-	-	-	-	-	-	-	-	-	-	-
6	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	123	0	0	43	0	72	0	0	0	0	0	0
8	M.P.	662	91	42	16	3	0	0	0	0	0	0	0
9	Chattisgerh	Not reported	-	-	-	-	-	-	-	-	-	-	-
10	Maharashtra	Not reported	-	-	-	-	-	-	-	-	-	-	-
11	Rajasthan	172	0	0	0	0	172	0	0	0	0	0	0
12	Haryana	21	1	0	12	1	7	0	0	0	0	0	0
13	H.P.	63	0	0	0	0	0	0	0	0	0	0	0
14	J&K	0	0	0	0	0	0	0	0	0	0	0	0
15	Punjab	Not reported	0	-	-	-	-	-	-	-	-	-	-
16	U.P.	825	562	172	68	23	0	0	0	0	0	0	0
17	Uttarakhand	9	0	0	9	0	0	0	0	0	0	0	0
18	A.P.	110	0	0	10	0	100	0	0	0	0	0	0
19	Telangana	95	0	0	7	6	82	0	0	0	0	0	0
19	Karnataka	160	0	0	0	0	0	0	0	0	0	0	0
20	Kerala	150	0	2	63	0	85	0	0	0	0	0	0
21	Puducherry	3	0	0	0	0	0	0	0	0	0	0	0
22	Tamil Nadu	752	572	151	421	11	170	0	1	0	0	0	0
23	Tripura	0	0	0	0	0	0	0	0	0	0	0	0

STATEWISE DETAILS OF FOLLOW UP ACTION ON NON STANDARD SAMPLES DURING 2017-18

S.No	Name of the State	No. of Non Std. samples	Administrative Action Taken			Prosecution Launched	Cases Pending for Action	Charging higher Price	Seizure of Stock/ Stop Sale	Disposal allowed under cl.23	Conviction awarded	Cases pending in Court	No. of cases other violation of FCO	Total
			DRC Cancelled	DRC suspended	Other action									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Bihar	68	0	0	0	0	0	0	0	0	0	0	0	0
2	Jharkhand	7	0	0	1	0	0	0	0	0	0	0	0	0
3	West Bengal	332	0	0	332	0	0	0	0	0	0	0	0	1
4	Tripura	7	0	0	0	0	0	0	0	0	0	0	0	332
5	Gujarat	94	0	0	29	11	54	0	0	0	0	0	0	0
6	M.P.	768	56	114	598	0	0	0	0	0	0	11	0	94
7	Maharashtra	1148	177	122	0	801	347	0	0	0	0	0	0	768
8	Rajasthan	137	0	0	0	0	137	0	0	0	0	964	0	1447
9	Haryana	38	0	0	0	0	2	0	1	0	0	0	0	137
10	H.P.	78	0	0	0	0	0	0	0	0	0	4	0	2
11	J&K	44	0	0	4	0	0	0	0	0	0	0	0	0
12	Punjab	147	18	0	102	9	18	0	0	0	0	1	0	4
13	U.P.	845	0	0	0	0	0	0	0	0	0	0	0	147
14	Uttarakhand	12	4	0	8	0	0	0	0	0	0	0	0	0
15	A.P.	171	0	0	7	0	164	0	0	0	0	0	0	12
16	Telangana	141	0	0	5	18	118	0	0	0	0	0	0	171
17	Karnataka	98	0	0	0	0	0	0	0	0	0	18	0	141
18	Kerala	107	0	10	80	0	17	0	0	0	0	0	0	0
19	Pondicherry	2	0	0	0	0	0	0	0	0	0	0	0	107
20	Tamil Nadu	628	0	293	252	0	83	0	0	0	0	0	0	2
21	TOTAL	4872	255	539	1418	839	940	0	1	0	0	968	0	4872

Comparative Document of issues requiring alignment under the Insecticides Act, 1968, the Fertilizer Control order, 1985 and the Seeds Control order, 1983-reg.

Sl. No.	Issue	Insecticides Act, 1968/ Insecticides Rules, 1971	The Fertilizer Control order, 1985.	The Seeds Control order, 1983
1.	Educational qualification for dealers and retailers	<p>Rule 10A -A person who applies for the grant of license to sell, stock or exhibit for sale or distribute insecticides shall possess or employ a person possessing a graduate degree in Agricultural science or Bio Chemistry or Biotechnology or Life science or in Science with Chemistry or Botany or Zoology from a recognized university or institute. Or;</p> <p>One year diploma course in Agriculture or Horticulture or related subjects from any government recognized university or institute with course content on plant protection and pesticide management.</p> <p>For existing licensees certificate course of twelve week duration with one class a week in insecticides management.</p>	<p>Under clause 8 (4) of FCO, minimum qualification for new retail dealers has been prescribed which is reproduced below:</p> <p>“No authorisation letter shall be granted to any applicant for retail dealership, unless the applicant possesses the certificate course of fifteen days from any State Agriculture University or Krishi Vigyan Kendras or National Institute of Agricultural Extension Management (MANAGE) or National Institute of Rural Development and Panchayati Raj (NIDPR) or Fertiliser Association of India or any other approved Government Institute;</p> <p>Provided that a person in possession of Bachelor of Science in Agriculture or chemistry or Diploma in Agriculture Science from a recognised University or Institute or equivalent course having one of the</p>	<p>There is no education qualifications prescribed for seed dealer to obtaining the license under Seeds (Control) Order, 1983.</p>

			<p>subject on fertiliser or agri inputs, as notified by the State Government shall not be required to possess separate certificate course;</p> <p>Provided further that a dealer who has been granted authorization letter before commencement of the Fertilizer (Inorganic, Organic or Mixed) (Control) Fourth Amendment Order, 2018 shall not be required to possess the qualification at the time of renewal of their authorisation letter;</p> <p>Provided also that the said qualification shall not be applicable for renewal of the authorisation letter of the registered Agricultural Cooperative Societies and State Marketing Federations subject to condition that such Society or Federation shall engage a person who possesses the qualification under this clause.”</p>	
2.	Licensing requirement.	Rule 10- Applications for the grant or renewal of a licence to sell, stock or exhibit for sale or distribute insecticides shall be made in Form II, as the case may be, to the licensing officer and shall be accompanied by the fees specified in sub-rule (2).	Under clause 7/8 of FCO for carrying on the business of selling of fertilizers, it is required to obtain “Authorization letter” from the notified authority appointed by the State Government concerned. This Ministry prescribed a simplified	Seed dealer license is compulsory for selling, exporting or importing of seeds. Applicant must submit the application in Form ‘A’ along with fee of rupees one thousand

		<p>2.The fee payable under sub-rule (1) for grant or renewal of a licence shall be rupees five hundred for every insecticide for which the licence is applied subject to maximum rupees seven thousand five hundred. There shall be a separate fee for each place, if any insecticide is sold, stocked or exhibited for sale at more than one place: PROVIDED that the maximum fee payable in respect of insecticides commonly used for household purposes and registered as such shall be rupees seven thousand five hundred for every place: PROVIDED further that, if the place of sale is established in the rural areas, the fee shall be one fifth of the fee specified in this rule.3.If any insecticide is proposed to be sold or stocked for sale at more than one place, separate applications shall be made and separate licences shall be issued in respect of every such place and for every insecticides.</p> <p>Rule 10 (4A)- i. Every person shall along with his application for grant or renewal of a licence to undertake operation or sell, stock or exhibit for sale or distribute insecticides, file a certificate from the principal whom he</p>	<p>procedure under clause 8 which states that "Every person including a manufacturer, an importer, a pool handling agency, wholesaler and a retail dealer intending to sell or offer for sale or carrying on the business of selling of fertilizer shall make a Memorandum of Intimation to the Notified Authority, in Form A1 duly filled in, in duplicate, together with the fee prescribed under clause 36 and certificate of source in Form O.</p> <p>On receipt of a Memorandum of Intimation, complete in all respects, the Notified Authority shall issue an acknowledgement of receipt in Form A2 and it shall be deemed to be an authorization letter granted and the concerned person as authorised dealer for the purposes of this Order.</p> <p>Provided that a certificate of registration granted before the commencement of the Fertiliser (Control) Amendment Order, 2003, shall be deemed to be an authorization letter granted under the provisions of this Order;</p> <p>Provided further that where the</p>	<p>for licence to licensing authority. The validity of seed dealer license is for five years. After expiry, the dealer wish to renew the license then he has to submit the application in Form 'C' along with fee of rupees five hundred.</p>
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		<p>represents or desires to represent in the Appendix to the Form II.</p> <p>ii. The certificate to be issued by the principal shall be addressed to the licensing officer of the concerned area and shall contain full particulars of the principal including their registration and manufacturing licence numbers, full name and address of the person proposed to be authorized and also the type of formulations to be used in commercial pest control operations, sold, stocked or exhibited, for sale or distribution.</p> <p>iii. In order to verify the genuineness or otherwise of the certificate, principal shall send to the licensing officer of the State where he intends to sell his products an adequate number of copies of the specimen signature or the specimen signatures of the persons authorized in writing to issue the principal's certificate.</p> <p>iv. In case of suspension, revocation or cancellation of the certificate, the principal shall forthwith intimate the licensing officer having jurisdiction.</p>	<p>applicant is a State Government, a manufacturer or an importer or a pool handling agency, it shall not be necessary for it or him to submit Form O. Provided also that a separate Memorandum of Intimation shall be submitted by an applicant for whole sale business or retail dealership, as the case may be;</p> <p>Provided also that where fertilizers are obtained for sale from different sources, a certificate of source from each such source shall be furnished in Form O."</p> <p>Provided also that where the manufacturer of organic fertilizer is a State Government or municipality, it shall not be necessary for it to obtain the authorisation letter;</p> <p>Provided also that where the manufacturer of vermi compost, other than a State Government or municipality, has annual production capacity less than 50 metric tonnes, it shall not be necessary for him to obtain the authorisation letter.</p> <p>The validity of the authorization letter has been increased from 3</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> Information for the purpose of the... 1982-83 1983-84 1984-85 1985-86 1986-87 1987-88 1988-89 1989-90 1990-91 1991-92 1992-93 1993-94 1994-95 1995-96 1996-97 1997-98 1998-99 1999-00 2000-01 2001-02 2002-03 2003-04 2004-05 2005-06 2006-07 2007-08 2008-09 2009-10 2010-11 2011-12 2012-13 2013-14 2014-15 2015-16 2016-17 2017-18 2018-19 2019-20 2020-21 2021-22 2022-23 2023-24 2024-25 2025-26 2026-27 2027-28 2028-29 2029-30 2030-31 2031-32 2032-33 2033-34 2034-35 2035-36 2036-37 2037-38 2038-39 2039-40 2040-41 2041-42 2042-43 2043-44 2044-45 2045-46 2046-47 2047-48 2048-49 2049-50 2050-51 2051-52 2052-53 2053-54 2054-55 2055-56 2056-57 2057-58 2058-59 2059-60 2060-61 2061-62 2062-63 2063-64 2064-65 2065-66 2066-67 2067-68 2068-69 2069-70 2070-71 2071-72 2072-73 2073-74 2074-75 2075-76 2076-77 2077-78 2078-79 2079-80 2080-81 2081-82 2082-83 2083-84 2084-85 2085-86 2086-87 2087-88 2088-89 2089-90 2090-91 2091-92 2092-93 2093-94 2094-95 2095-96 2096-97 2097-98 2098-99 2099-00 2100-01 2101-02 2102-03 2103-04 2104-05 2105-06 2106-07 2107-08 2108-09 2109-10 2110-11 2111-12 2112-13 2113-14 2114-15 2115-16 2116-17 2117-18 2118-19 2119-20 2120-21 2121-22 2122-23 2123-24 2124-25 2125-26 2126-27 2127-28 2128-29 2129-30 2130-31 2131-32 2132-33 2133-34 2134-35 2135-36 2136-37 2137-38 2138-39 2139-40 2140-41 2141-42 2142-43 2143-44 2144-45 2145-46 2146-47 2147-48 2148-49 2149-50 2150-51 2151-52 2152-53 2153-54 2154-55 2155-56 2156-57 2157-58 2158-59 2159-60 2160-61 2161-62 2162-63 2163-64 2164-65 2165-66 2166-67 2167-68 2168-69 2169-70 2170-71 2171-72 2172-73 2173-74 2174-75 2175-76 2176-77 2177-78 2178-79 2179-80 2180-81 2181-82 2182-83 2183-84 2184-85 2185-86 2186-87 2187-88 2188-89 2189-90 2190-91 2191-92 2192-93 2193-94 2194-95 2195-96 2196-97 2197-98 2198-99 2199-00 2200-01 2201-02 2202-03 2203-04 2204-05 2205-06 2206-07 2207-08 2208-09 2209-10 2210-11 2211-12 2212-13 2213-14 2214-15 2215-16 2216-17 2217-18 2218-19 2219-20 2220-21 2221-22 2222-23 2223-24 2224-25 2225-26 2226-27 2227-28 2228-29 2229-30 2230-31 2231-32 2232-33 2233-34 2234-35 2235-36 2236-37 2237-38 2238-39 2239-40 2240-41 2241-42 2242-43 2243-44 2244-45 2245-46 2246-47 2247-48 2248-49 2249-50 2250-51 2251-52 2252-53 2253-54 2254-55 2255-56 2256-57 2257-58 2258-59 2259-60 2260-61 2261-62 2262-63 2263-64 2264-65 2265-66 2266-67 2267-68 2268-69 2269-70 2270-71 2271-72 2272-73 2273-74 2274-75 2275-76 2276-77 2277-78 2278-79 2279-80 2280-81 2281-82 2282-83 2283-84 2284-85 2285-86 2286-87 2287-88 2288-89 2289-90 2290-91 2291-92 2292-93 2293-94 2294-95 2295-96 2296-97 2297-98 2298-99 2299-00 2300-01 2301-02 2302-03 2303-04 2304-05 2305-06 2306-07 2307-08 2308-09 2309-10 2310-11 2311-12 2312-13 2313-14 2314-15 2315-16 2316-17 2317-18 2318-19 2319-20 2320-21 2321-22 2322-23 2323-24 2324-25 2325-26 2326-27 2327-28 2328-29 2329-30 2330-31 2331-32 2332-33 2333-34 2334-35 2335-36 2336-37 2337-38 2338-39 2339-40 2340-41 2341-42 2342-43 2343-44 2344-45 2345-46 2346-47 2347-48 2348-49 2349-50 2350-51 2351-52 2352-53 2353-54 2354-55 2355-56 2356-57 2357-58 2358-59 2359-60 2360-61 2361-62 2362-63 2363-64 2364-65 2365-66 2366-67 2367-68 2368-69 2369-70 2370-71 2371-72 2372-73 2373-74 2374-75 2375-76 2376-77 2377-78 2378-79 2379-80 2380-81 2381-82 2382-83 2383-84 2384-85 2385-86 2386-87 2387-88 2388-89 2389-90 2390-91 2391-92 2392-93 2393-94 2394-95 2395-96 2396-97 2397-98 2398-99 2399-00 2400-01 2401-02 2402-03 2403-04 2404-05 2405-06 2406-07 2407-08 2408-09 2409-10 2410-11 2411-12 2412-13 2413-14 2414-15 2415-16 2416-17 2417-18 2418-19 2419-20 2420-21 2421-22 2422-23 2423-24 2424-25 2425-26 2426-27 2427-28 2428-29 2429-30 2430-31 2431-32 2432-33 2433-34 2434-35 2435-36 2436-37 2437-38 2438-39 2439-40 2440-41 2441-42 2442-43 2443-44 2444-45 2445-46 2446-47 2447-48 2448-49 2449-50 2450-51 2451-52 2452-53 2453-54 2454-55 2455-56 2456-57 2457-58 2458-59 2459-60 2460-61 2461-62 2462-63 2463-64 2464-65 2465-66 2466-67 2467-68 2468-69 2469-70 2470-71 2471-72 2472-73 2473-74 2474-75 2475-76 2476-77 2477-78 2478-79 2479-80 2480-81 2481-82 2482-83 2483-84 2484-85 2485-86 2486-87 2487-88 2488-89 2489-90 2490-91 2491-92 2492-93 2493-94 2494-95 2495-96 2496-97 2497-98 2498-99 2499-00 2500-01 2501-02 2502-03 2503-04 2504-05 2505-06 2506-07 2507-08 2508-09 2509-10 2510-11 2511-12 2512-13 2513-14 2514-15 2515-16 2516-17 2517-18 2518-19 2519-20 2520-21 2521-22 2522-23 2523-24 2524-25 2525-26 2526-27 2527-28 2528-29 2529-30 2530-31 2531-32 2532-33 2533-34 2534-35 2535-36 2536-37 2537-38 2538-39 2539-40 2540-41 2541-42 2542-43 2543-44 2544-45 2545-46 2546-47 2547-48 2548-49 2549-50 2550-51 2551-52 2552-53 2553-54 2554-55 2555-56 2556-57 2557-58 2558-59 2559-60 2560-61 2561-62 2562-63 2563-64 2564-65 2565-66 2566-67 2567-68 2568-69 2569-70 2570-71 2571-72 2572-73 2573-74 2574-75 2575-76 2576-77 2577-78 2578-79 2579-80 2580-81 2581-82 2582-83 2583-84 2584-85 2585-86 2586-87 2587-88 2588-89 2589-90 2590-91 2591-92 2592-93 2593-94 2594-95 2595-96 2596-97 2597-98 2598-99 2599-00 2600-01 2601-02 2602-03 2603-04 2604-05 2605-06 2606-07 2607-08 2608-09 2609-10 2610-11 2611-12 2612-13 2613-14 2614-15 2615-16 2616-17 2617-18 2618-19 2619-20 2620-21 2621-22 2622-23 2623-24 2624-25 2625-26 2626-27 2627-28 2628-29 2629-30 2630-31 2631-32 2632-33 2633-34 2634-35 2635-36 2636-37 2637-38 2638-39 2639-40 2640-41 2641-42 2642-43 2643-44 2644-45 2645-46 2646-47 2647-48 2648-49 2649-50 2650-51 2651-52 2652-53 2653-54 2654-55 2655-56 2656-57 2657-58 2658-59 2659-60 2660-61 2661-62 2662-63 2663-64 2664-65 2665-66 2666-67 2667-68 2668-69 2669-70 2670-71 2671-72 2672-73 2673-74 2674-75 2675-76 2676-77 2677-78 2678-79 2679-80 2680-81 2681-82 2682-83 2683-84 2684-85 2685-86 2686-87 2687-88 2688-89 2689-90 2690-91 2691-92 2692-93 2693-94 2694-95 2695-96 2696-97 2697-98 2698-99 2699-00 2700-01 2701-02 2702-03 2703-04 2704-05 2705-06 2706-07 2707-08 2708-09 2709-10 2710-11 2711-12 2712-13 2713-14 2714-15 2715-16 2716-17 2717-18 2718-19 2719-20 2720-21 2721-22 2722-23 2723-24 2724-25 2725-26 2726-27 2727-28 2728-29 2729-30 2730-31 2731-32 2732-33 2733-34 2734-35 2735-36 2736-37 2737-38 2738-39 2739-40 2740-41 2741-42 2742-43 2743-44 2744-45 2745-46 2746-47 2747-48 2748-49 2749-50 2750-51 2751-52 2752-53 2753-54 2754-55 2755-56 2756-57 2757-58 2758-59 2759-60 2760-61 2761-62 2762-63 2763-64 2764-65 2765-66 2766-67 2767-68 2768-69 2769-70 2770-71 2771-72 2772-73 2773-74 2774-75 2775-76 2776-77 2777-78 2778-79 2779-80 2780-81 2781-82 2782-83 2783-84 2784-85 2785-86 2786-87 2787-88 2788-89 2789-90 2790-91 2791-92 2792-93 2793-94 2794-95 2795-96 2796-97 2797-98 2798-99 2799-00 2800-01 2801-02 2802-03 2803-04 2804-05 2805-06 2806-07 2807-08 2808-09 2809-10 2810-11 2811-12 2812-13 2813-14 2814-15 2815-16 2816-17 2817-18 2818-19 2819-20 2820-21 2821-22 2822-23 2823-24 2824-25 2825-26 2826-27 2827-28 2828-29 2829-30 2830-31 2831-32 2832-33 2833-34 2834-35 2835-36 2836-37 2837-38 2838-39 2839-40 2840-41 2841-42 2842-43 2843-44 2844-45 2845-46 2846-47 2847-48 2848-49 2849-50 2850-51 2851-52 2852-53 2853-54 2854-55 2855-56 2856-57 2857-58 2858-59 2859-60 2860-61 2861-62 2862-63 2863-64 2864-65 2865-66 2866-67 2867-68 2868-69 2869-70 2870-71 2871-72 2872-73 2873-74 2874-75 2875-76 2876-77 2877-78 2878-79 2879-80 2880-81 2881-82 2882-83 2883-84 2884-85 2885-86 2886-87 2887-88 2888-89 2889-90 2890-91 2891-92 2892-93 2893-94 2894-95 2895-96 2896-97 2897-98 2898-99 2899-00 2900-01 2901-02 2902-03 2903-04 2904-05 2905-06 2906-07 2907-08 2908-09 2909-10 2910-11 2911-12 2912-13 2913-14 2914-15 2915-16 2916-17 2917-18 2918-19 2919-20 2920-21 2921-22 2922-23 2923-24 2924-25 2925-26 2926-27 2927-28 2928-29 2929-30 2930-31 2931-32 2932-33 2933-34 2934-35 2935-36 2936-37 2937-38 2938-39 2939-40 2940-41 2941-42 2942-43 2943-44 2944-45 2945-46 2946-47 2947-48 2948-49 2949-50 2950-51 2951-52 2952-53 2953-54 2954-55 2955-56 2956-57 2957-58 2958-59 2959-60 2960-61 2961-62 2962-63 2963-64 2964</p>
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			years to maximum period of 5 years (Clause 10)	
3.	Sample draws testing and prosecution procedure.	<p>Section 21. Powers of Insecticide Inspectors.—(1) An Insecticide Inspector shall have power—</p> <p>(a) to enter and search, at all reasonable times and with such assistance, if any, as he considers necessary, any premises in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed, or for the purpose of satisfying himself that the provisions of this Act or the rules made thereunder or the conditions of any certificate of registration or licence issued thereunder are being complied with;</p> <p>(b) to require the production of, and to inspect, examine and make copies of, or take extracts from, registers, records or other documents kept by a manufacturer, distributor, carrier, dealer or any other person in pursuance of the provisions of this Act or the rules made thereunder and seize the same, if he has reason to believe that all or any of them, may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder;</p>	<p>The fertilizer inspectors are empowered under FCO, to draw samples for quality test of fertilizers from manufacturing units. Under Clause 27 of FCO, State or Central Government may by notification in official Gazette appoint set number of persons, as it thinks necessary to be inspector of fertilizer for the purpose of this order and may, in any said notification define the limits of local area within which each such inspector shall exercise his jurisdiction. The powers of fertilizer inspectors are defined in Clause 28 of FCO, i.e. as under:-</p> <p>(1) An inspector may, with a view to securing compliance with this Order:-</p> <p>(a) require any manufacturer, importer, pool handling agency, wholesale dealer or retail dealer to give any information in his possession with respect to the manufacture, storage and disposal of any fertilizer manufactured or, in any manner handled by him</p>	<p>Under Clause 13 (1), Seed Inspectors are empowered to draw the sample; enter and search; examine records, registers, and documents; seize the stock and issue 'Stop Sale' order in case the commodities under reference contravene provisions of law and to take punitive action/ launch proceedings against dealers found to be selling sub-standard seeds.</p>

		<p>(c) to make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or the rules made thereunder are being complied with and for that purpose stop any vehicle;</p> <p>(d) to stop the distribution, sale or use of an insecticide which he has reason to believe is being distributed, sold or used in contravention of the provisions of this Act or the rules made thereunder, for a specified period not exceeding [thirty] days, or unless the alleged contravention is such that the defect may be removed by the possessor of the insecticide, seize the stock of such insecticide;</p> <p>(e) to take samples of any insecticide and send such samples for analysis to the Insecticide Analyst for test in the prescribed manner; and</p> <p>(f) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder.</p> <p>[(2) The provisions of the Code of Criminal Procedure, 1973(2 of 1974), shall, as far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.]</p> <p>(3) An Insecticide Inspector may</p>	<p>(b) draw samples of any fertiliser in accordance with the procedure of drawal of samples laid down in Schedule II;</p> <p>Provided that the inspector shall prepare the sampling details in duplicate In Form J, and hand over one copy of the same to the dealer or his representative from whom the sample has been drawn;</p> <p>(ba) draw samples of any biofertilisers in accordance with the procedure of drawl of samples laid down in schedule III;</p> <p>Provided that the inspector shall prepare the sampling details in duplicate In Form J, and hand over one copy of the same to the dealer or his representative from whom the sample has been drawn;</p> <p>(bb) draw samples of any organic fertilisers in accordance with the procedure of drawl of samples laid down in schedule IV;</p> <p>Provided that the inspector shall prepare the sampling details in duplicate In Form J, and hand over one copy of the same to the dealer</p>	
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	<p>exercise the powers of a police officer under³ [section 42 of the Code of Criminal Procedure, 1973(2 of 1974)], for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or an insecticide is seized.</p> <p>27. Duties of Insecticides Inspector- The Insecticides Inspector shall have the following duties, namely:</p> <ol style="list-style-type: none"> 1. to inspect not less than three times in a year all establishments selling insecticides within the area of his jurisdiction; 2. to satisfy himself that the conditions of licence are being complied with; 3. to procure and send for test and analysis, samples of insecticides which he has reason to suspect are being sold, stocked or accepted for sale in contravention of the provisions of the Act or rules made there under; 4. to investigate any complaint in writing which may be made to him; 5. to institute prosecution in respect of breaches of the Act and the rules made there under; 6. to maintain a record of all inspections made and action taken by him in the performance of his duties including the taking of samples and seizure of stocks and to submit copies of such record to the licensing officer; 	<p>or his representative from whom the sample has been drawn;</p> <p>(bc) draw samples of any non-edible de-oiled cake fertiliser in accordance with the procedure of drawl of samples laid down in schedule V;</p> <p>Provided that the inspector shall prepare the sampling details in duplicate in Form J, and hand over one copy of the same to the dealer or his representative from whom the sample has been drawn;</p> <p>(c) enter upon and search any premises where any fertiliser is manufactured/ Imported or stored or exhibited for sale, if he has reason to believe that any fertiliser has been or is being manufactured/imported, sold, offered for sale, stored, exhibited for sale or distributed contrary to the provisions of this Order;</p> <p>(d) seize or detain any fertiliser in respect of which he has reason to believe that a contravention of this Order has been or is being or is attempted to be committed;</p>	
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		<p>7. to make such inquiries and inspections as may be necessary to detect the sale and use of insecticides in contravention of the Act.]</p>	<p>(e) seize any books of accounts or documents relating to manufacture, storage or sale of fertilisers, etc. in respect of which he has reason to believe that any contravention of this Order has been or is being or is about to be committed;</p> <p>Provided that the Inspector shall give a receipt for such fertilisers or books of accounts or documents so seized to the person from whom the same have been seized;</p> <p>Provided further that the books of accounts or documents so seized shall be returned to the person from whom they were seized after copies thereof or extracts therefrom as certified by such person, have been taken.</p> <p>(2) Subject to the proviso to paragraphs (d) and (e) of sub clause (1), the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause;</p> <p>Provided also that the inspector shall give the stop sale notice in</p>	
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			<p>writing to the person whose stocks have been detained and initiate appropriate action as per the provisions of this order within a period of twenty one days. If no action has been initiated by the inspector within the said period of twenty one days from the date of issue of the said notice, the notice of stop sale shall be deemed to have been revoked.</p> <p>(3) Where any fertiliser is seized by an inspector under this clause, he shall forthwith report the fact of such seizure to the collector whereupon the provisions of sections 6A, 6B, 6C, 6D and 6E of the Act, shall apply to the custody, disposal and confiscation of such fertilisers.</p> <p>(4) Every person, if so required by an inspector, shall be bound to afford all necessary facilities to him for the purpose of enabling him to exercise his powers under sub-clause (1).</p> <p>The State Government are the enforcement authorities and under Section 12 A of Essential</p>	
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			<p>Commodities Act, 1955, Section 12 A stipulates that (1) Central Government is of opinion that a situation has arisen where, in the interest of production, supply or distribution of any essential commodity not being an essential commodity referred to in clause (a) of sub-section (2) or trade or commerce therein and other relevant consideration, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette, specify such order to be a special order for purpose of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament.</p> <p>It also stipulated that when at the commencement of, or in course of, summary trial under this section, it appears to Magistrate that the nature of the case is such that a sentence of a imprisonment it appears to the Magistrate that the nature of the case is such that a sentence of</p>	
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			<p>imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in the manner provided by the said Code.</p> <p>Further this Ministry vide guidelines (6-20/91 FIU) dated 6/12/91 issued guidelines to all the State Governments for Implicating manufacturer / wholesaler where the samples drawn from sound sealed and stitched bags from dealers are found non-standard. It is the responsibility of every dealer/ manufacturers to ensure that the material stocked/ exhibited for sale/ distribution should be of prescribed standard. Therefore, every dealer or manufacturer is independently responsible for ensuring quality of fertilizers. Hence the person, in whose possession such non-standard stock is detected, should be made liable to punishment. However, as the manufacturers have also a responsibility to ensure</p>	
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			quality, wherever, samples drawn from a dealer out of original sound stitched and sealed bags (without any marks of tampering) and are found non-standard, the State enforcement authorities may consider implicating the manufacturer also be second party, if enough evidence is available to hold them liable.	
4.	Record keeping procedure	<p>Rule 15. Issuing cash memo and maintenance of records</p> <p>1. All sales of insecticides shall be made by a bill or cash memo in the form prescribed under any law.</p> <p>2. All sales of insecticides made to a licensed manufacturer (formulator or packer), stockist, distributor, dealer, retailer or to a bulk consumer shall be entered insecticide wise, in a register in Appendix B to the Form III and a state wise monthly return of all sales to actual consumers shall be sent to the licensing officer, in Appendix D2 to the Form III within 15 days from the close of the month.</p> <p>3. Every importer or manufacturer of insecticide shall maintain a stock register in Appendix C1 to the Form III for technical grade insecticides and in Appendix Cc to the Form III for formulated insecticides.</p> <p>4. Every manufacturer or importer</p>	<p>Under clause 4 of FCO, 1985, it is mandatory for every dealer, who makes an application or offers to make a retail sale of any fertilizers shall prominently display in his place of business</p> <ul style="list-style-type: none"> (a) The quantities of opening stock of different fertilizers held by him each day (b) A list of fertilizer or rates of such fertilizers fixed under clause 3 and for time being in force. (c) Under clause 5 every dealer is required to issue cash credit memorandum in form M. (d) Clause 35: Maintenance of records and submission of returns, etc. <p>(1) The controller may by an order</p>	<p>Under Clause 18 of the Seeds (Control) Order, 1983, every dealer shall maintain such books, accounts and records relating to his business as may be directed by the State Government and submit monthly return relating to his business for the preceding month in Form 'D' to the licensing authority by the 5th day of every month. However, there is no restriction to maintain digital stock by the seed dealer.</p>

		<p>shall maintain a book of accounts and register of such sale, manufacture or import of technical grade insecticide and formulated insecticide and submit the monthly statement or return to the licensing officer, in Appendix D1 and Appendix D2 to the Form III respectively within 15 days from the closing of the month.</p> <p>5. Without prejudice to the foregoing, the Central Government or the State Government or any other person authorized by it may, by notice in writing require any importer or manufacturer or any other person dealing in insecticides to furnish within the time specified in the notice, such information with respect of any insecticides or any batch thereof, including the particulars of all persons to whom it has been sold or distributed, as it may consider necessary.</p>	<p>made, in writing, direct the dealers, manufacturers/importers, and pool handling agencies:-</p> <p>(a) to maintain such books of accounts, records, etc. relating to their business in Form 'N'. and</p> <p>(b) to submit to such authority, returns and statements in such form and containing such information relating to their business and within such time as may be specified in that order.</p>	
5.	Transfer of license	<p>Rule 14. Transfer of licence</p> <p>1. The holder of a licence may, at any time, before the expiry of the licence, apply for permission to transfer the licence to any other person.</p> <p>2. The application under sub-rule (1) shall be accompanied by a fee of rupees one hundred.</p> <p>3. The licensing officer may, after such inquiry as he thinks fit, accord</p>	<p>Under FCO there is no provision for transfer of License</p>	<p>There is no provision available in the Seeds (Control) Order, 1983 to transfer the seed dealer license to any of their family members. Transferring the license to his family member need for transferring of store/property to their</p>

		<p>permission to transfer the licence and on such permission being given, an endorsement to that effect shall be made in the licence.</p> <p>4.If the permission to transfer a licence is refused, the fee paid therefore shall be refunded to the applicant.</p>		<p>family member. However, family member may get new seed dealer license in a faster manner as several State Governments made online application process for issuing the seed dealer license.</p>
6.	Punishment Clause	<p>29.Offences and Punishment: (1) Whoever,— (a) imports, manufactures, sells, stocks or exhibits for sale or distributes any insecticide deemed to be misbranded under sub-clause (i) or sub-clause (iii) or sub-clause (viii) of clause (k) of section 3; or (b) imports or manufactures any insecticide without a certificate of registration; or (c) manufactures, sells, stocks or exhibits for sale or distributes an insecticide without a licence; or (d) sells or distributes an insecticide, in contravention of section 27; or (e) causes an insecticides, the use of which has been prohibited under section 27, to be used by any worker; or (f) obstructs an Insecticide Inspector in the exercise of his powers or discharge of his duties under this Act or the rules made thereunder, shall be punishable—</p>	<p>Violation of provision of FCO, in any manner, invokes administrative action like suspension, cancellation etc. under FCO and penal action under Section 7 of the Essential Commodity Act (ECA), 1955.</p> <p>Under the extant provisions of FCO, State Governments are empowered to take both administrative and Penal action. The punishment prescribed under section 7 of the ECA ranges from 3 months to 7 years.</p>	<p>The penalties are provided under the section 7 of the Essential Commodities Act, 1955.</p>

	<p>(i) for the first offence, with imprisonment for a term which may extend to two years, or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with both;</p> <p>(ii) for the second and a subsequent offence, with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen thousand rupees but which may extend to seventy-five thousand rupees, or with both].</p> <p>(2) Whoever uses an insecticide in contravention of any provision of this Act or any rule made thereunder shall be punishable with fine²[which shall not be less than five hundred rupees but which may extend to five thousand rupees, or imprisonment for a term which may extend to six months, or with both].</p> <p>(3) Whoever contravenes any of the other provisions of this Act or any rule made thereunder or any condition of a certificate of registration or licence granted thereunder, shall be punishable—</p> <p>(i) for the first offence, with imprisonment for a term which may extend to one year, or with fine which shall not be less than five thousand rupees but which may extend to</p>		
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		<p>twenty-five thousand rupees, or with both]; (ii) for the second and a subsequent offence, with imprisonment for a term which may extend to [two years, or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with both]. (4) If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published in such newspapers or in such other manner as the court may direct.</p>		
7.	Essential commodity Status	Not included	FCO has been incorporated under Section-3 of Essential Commodities Act, 1955.	Seed is an essential commodities under the Essential Commodities Act, 1955
8.	Provision for the issuing the experience certificate.	There is no provision in the Insecticides Act, 1968 and the Insecticides Rule 1971 to issue license based on the experience certificate. The procedure and conditions to issue the license has been prescribed in Rule 10 of Insecticides Rules, stating that licence to manufacture, sale, stock, exhibition for sale or distribution of any insecticides is issued by the	The issue of providing of experience certificate to old dealers in consultation with the States or any other appropriate mechanism under FCO is under consideration.	There is no practice of issuing experience certificate to old license holder for starting their business at a new location in the country. Record of the license holder is already available with the State Government. Moreover, in order to

		licensing officer appointed by the State Governments after payment of the prescribed licence fee after satisfying the availability of necessary plant and machinery, safety devices, first aid-facility, equipped with proper storage accommodation for avoiding any hazards etc in the premises where the insecticides is proposed to be manufactured or sale or distribution.		timely issuing the license to dealer, several State Governments made online application process for issuing the seed dealer license
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**MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

The Committee met on Friday, 18 December, 2020 from 1200 hrs. to 1330 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

2. Dr. Bharati Pravin Pawar
3. Shri Brijendra Singh
4. Shri Sushil Kumar Singh
5. Shri Manoj Tiwari

SECRETARIAT

1. Shri T. G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G.C. Dobhal - Additional Director

WITNESSES

**MINISTRY OF AGRICULTURE & FARMERS' WELFARE
(DEPARTMENT OF AGRICULTURE, COOPERATION & FARMERS' WELFARE)**

1. Ms. Alka Bhargava - Addl. Secretary
2. Shri S. K. Malhotra - Agriculture Commissioner
3. Shri Atish Chandra - Joint Secretary (PP)
4. Ms. A. Neeraja - Joint Secretary (INM)
5. Shri Ashwani Kumar - Joint Secretary (Seeds)
6. Dr. Ravi Prakash - Plant Protection Advisor
7. Shri D. K. Srivastava - Dy. Commissioner (QC)

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

[The representatives of the Ministry of Agriculture & Farmers' Welfare (Department of Agriculture, Cooperation & Farmers' Welfare) were ushered in]

3. After welcoming the representatives of the Ministry of Agriculture & Farmers' Welfare (Department of Agriculture, Cooperation & Farmers' Welfare), the Hon'ble Chairperson drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings of the Committee.

4. The Committee, thereafter, heard the representatives of the Ministry of Agriculture & Farmers' Welfare (Department of Agriculture, Cooperation & Farmers' Welfare) on the representation of Shri Manmohan Kalantri regarding amendments in the Insecticides Act, 1968, the Fertiliser Control Order, 1985 and the Seeds Control Order, 1983 in order to facilitate Agricultural Business in the country and other important issues related therewith. The representatives of the Ministry gave an audio-visual presentation on the issues/points raised in the representation under examination. The major issues put forth before the Committee by these witnesses, were as follows:-

- (i) As per Insecticide Rule (IR), 1971, the prescribed qualification is graduate degree in Agricultural Sciences or Biochemistry or Biotechnology or Life Sciences or Science (Chemistry/Botany/Zoology) or one year diploma in Agriculture/Horticulture/related subjects with course content on plant protection and pesticides management. Existing pesticide dealers, who are more than 45 years of age, running trade either themselves or inherited with cumulative experience of more than 10 years and an annual turnover less than Rs.5 lakh are exempted. For the existing retailers, Certificate Course of 12 week duration with one class a week in Pesticide Management has been prescribed.
- (ii) Total number of dealers to be trained are 76,391 and as per National Institute of Plant Health Management (Nodal), 82 Institutes of ICAR/KVKs/SAUs from 17 States have submitted proposals for conducting 12 week Certificate Course in Insecticide Management. A total of 26,594 dealers have been enrolled through SIAM/Sub-centres/KVKs.
- (iii) Under the Fertilizer Control Order, persons in whose possession non-standard stock is detected are liable to punishment; manufacturers are also responsible to ensure quality.
- (iv) Advisory has been issued to the State Enforcement Authorities to implicate manufacturers also as second party, whenever samples are drawn from a dealer out of original sound bags (without any mark of tempering) and found to be non-standard.
- (v) Amendment in the Fertilizer Control Order is under consideration of the Government to make provisions for fixing responsibility of manufacturer/wholesaler/marketer also in case, samples are collected from the retailer and found to be non-standard.

- (vi) Under the Seeds Act, producer/distributor/vendor/dealer are required to ensure prescribed standards for the quality of seeds before selling/distributing to the farmers as per relevant clause of the Seeds Act, 1966, the Seeds Rules, 1968 and the Seeds (Control) Order, 1983.
- (vii) Regular training of dealers by the Central Fertilizer Quality Control & Training Institute (CFQC&TI) and the Fertilizer Association of India (FAI) are underway.
- (viii) Under Section 30(3) of the Insecticides Act, any person other than importer and manufacturer shall not be liable for offence if he proves that he acquired the insecticides from an importer/licensed manufacturer/distributor/dealer, if the insecticide in his possession are stored properly and remained in the same state as it was acquired by him.
- (ix) Under the Fertilizer Control Order, during the last five years, 25,058 samples were found to be non standard, 1,583 prosecutions were launched and 8 were convicted.
- (x) Under the Seed Act, 7,53,261 samples have been analysed, 3,550 prosecutions have been filed and convictions have been made in 656 cases.
- (xi) Under the Insecticides Act, during last 6 years (2014-15 to 2019-20), 4,15,385 samples have been analysed and prosecutions have been filed in 4787 cases for manufacture, sale and illegal import of sub-standard/low quality pesticides and convictions have been made in 278 cases.
- (xii) In the Fertilizer Control Order, no mode has been prescribed for keeping register/record. Proposal to include a specific provision for maintaining registers/records as e-record is under consideration of the Government.
- (xiii) Under the Seeds (Control) Order, 1983, there is no restriction to maintain digital stock by the dealer.
- (xiv) In the existing Insecticides Act and IR, no provision is there for maintaining record of stock in digital form, but it has now been proposed in the Pesticides Management Bill-2020.
- (xv) In the Fertilizer Control Order, proposal to issue Experience Certificate to old dealers, in consultation with the States, or any other appropriate mechanism is under consideration of the Government.
- (xvi) In the Seed Act, there is no practice of issuing Experience Certificate to old licence holders for starting their business at new location.

**MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

The Committee met on Monday, 8 February, 2021 from 1130 hrs. to 1230 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

2. Shri Harish Dwivedi
3. Shri Brijendra Singh
4. Shri Manoj Tiwari
5. Shri Rajan Vichare

SECRETARIAT

1. Shri T. G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. The Committee, thereafter, took up for consideration the following Draft Reports :-

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|-------|---|-----|-----|-----|
| (i) | *** | *** | *** | *** |
| (ii) | Report on the representation of Shri Manmohan Kalantri regarding amendments in the Insecticides Act, 1968, the Fertiliser (Control) Order, 1985 and the Seeds (Control) Order, 1983 for facilitating Agricultural Business in the country and other important issues related therewith; | | | |
| (iii) | *** | *** | *** | *** |
| (iv) | *** | *** | *** | *** |
| (v) | *** | *** | *** | *** |
| (vi) | *** | *** | *** | *** |

4. After discussing the above mentioned Draft Reports in detail, the Committee adopted all the six Reports without any modification(s). The Committee also authorised the Chairperson to finalise the Draft Reports and present the same to the House.

The Committee, then, adjourned.

*** Does not pertain to this Report.