

**TWENTY-EIGHTH 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 28.03.2022)



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ANNEXURE

Minutes of the 19th sitting of the Committee on Petitions held on 22.12.2021. *(Not enclosed)*

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Harish Dwivedi - *Chairperson*

MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Dr. Sukanta Majumdar
5. Shri Sanjay Sadashivrao Mandlik
6. Shri P. Ravindhranath
7. Shri Brijendra Singh
8. Shri Sushil Kumar Singh
9. Shri Manoj Tiwari
10. Shri Prabhubhai Nagarbhai Vasava
11. Shri Rajan Vichare
12. Vacant
13. Vacant
14. Vacant
15. Vacant

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director
4. Shri Anand Kumar Hansda - Assistant Executive Officer

**TWENTY-EIGHTH REPORT OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee, present on their behalf this Twenty-Eighth Report (Seventeenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the recommendations made by the Committee on Petitions (Seventeenth Lok Sabha) in their Fourteenth 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.

2. The Committee considered and adopted the draft Twenty-Eighth Report at their sitting held on 22 December, 2021.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

22 December, 2021

1 Pausha, 1943 (Saka)

**HARISH DWIVEDI,
Chairperson,
Committee on Petitions.**

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SEVENTEENTH LOK SABHA) IN THEIR FOURTEENTH 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 AGRICULTURE BUSINESS IN THE COUNTRY AND OTHER IMPORTANT ISSUES RELATED THEREWITH.

The Committee on Petitions (Seventeenth Lok Sabha) presented their Fourteenth Report to Lok Sabha on 11 February, 2021 which had dealt with a representation of Shri Manmohan Kalantri, National President, Agro Input Dealers Association, New Delhi 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.

2. The Committee made certain observations/recommendations in the matter and the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) were asked to implement the recommendations and requested to furnish their action taken replies thereon for further consideration of the Committee.

3. Action Taken Replies have been received from the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) in respect of all the observations/ recommendations contained in the aforesaid Report. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) are detailed in the succeeding paragraphs.

4. In paras 32 to 36 of the Report, the Committee had observed/recommended as follows:-

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

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.

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. 5 lakh are exempted from the aforesaid requirement of possessing the requisite educational qualification(s) for the period of licence-ship continuing in their name.

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 weeks' 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.

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.

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. 5 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."

5. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"Considering the view that majority of the farmers procure the insecticides by following the advice from the dealers, the requirement of education qualification for dealers was introduced in 2017 vide Notification GSR 106 (E) dated 06.02.2017 with Graduate degree in Agriculture Science, or Bio-chemistry or Bio-technology or Life Science or in Science with Chemistry or Botany or Zoology from a recognized University or Institute or 1 year

Diploma course in Agriculture or Horticulture or related subjects with course content on plant protection and pesticide management.

However, keeping in view the difficulty faced by the existing dealers, provision has been made for exemption given to existing small and marginal and small dealers which are fulfilling the specific criteria mentioned in the rules. Further, to facilitate the existing dealers, 12 weeks' certificate course with one class in a week has been allowed for fulfilling the qualification requirements.

With regard to the lowering down of the prescribed educational qualification for the dealers to Higher Secondary (Class-X) or Senior Secondary (Class-XII), it is considered view of the Department that to the best of the understanding, Insecticides or Pesticides as a subject are not dealt at Higher Secondary or Senior Secondary level of education. Retailers and Dealers had to provide basic, firsthand advice on use of pesticide, based upon the need of the farmers for effective control of diseases and pests occurring in the crops. At Higher Secondary and Senior Secondary level, knowledge and understanding of use of pesticide on crop-disease-Pest-Pesticides-handling-application, etc., are not imparted even to the Science stream students.

One needs to have at least a degree in B.Sc. Agriculture or a Science graduate with related subject or should have undergone specialized course in crop protection modules, after having basic study of science subject at Higher Secondary and Senior Secondary to attain the specific knowledge and information of crop, pest and pesticide dynamics.

Therefore, keeping in view the nature of pesticides, department is of the view that the sale of pesticides may not be looked upon just as a profession where large number of people should be employed. Instead people with understanding, knowledge and sense of responsibility towards pesticides usage-crop-disease-handling-environment, etc., shall only venture into the business of pesticides.

In view of the above submissions the lowering of educational qualification for obtaining licence of insecticides/pesticides and supplementing it with effective training may not be considered.

Further, the Government had introduced the requirement of educational qualification for dealers vide notification GSR 106 (E) dated 06.02.2017 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.

Further, provision has been made for giving exemption to existing dealers in light of objection and suggestions of stakeholders as it was felt necessary to acknowledge the experience of all those small and marginal 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 left out 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.

Furthermore, 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 short term certificate course of twelve weeks on Plant Protection & Pesticide Management as per their convenience of time with large number of notified institutions so as to facilitate more and more dealers to acquire the required qualification under the Insecticides Rules, 1971. The said course was to be completed by 31.12.2020, however, the Government of India has already extended the timeline for up to December, 2021.

In view of the above, the requirements to reduce the year of prescribed experience of running the insecticides and pesticides business and their turn-over may not be required/considered."

6. In paras 37 to 39 of the Report, the Committee had observed/recommended as follows:-

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

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.

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.

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."

7. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"The noteworthy suggestions of the Parliamentary Committee has been considered and implemented by the Department and following necessary action has been taken:-

- (i) For effective monitoring of the existing dealers undergoing short-term Certificate Course, approval has been granted for engaging the SAMETI of each State as a NODAL agency at State level and NIPHM being NODAL at Central level for monitoring and conducting this Certificate Course for existing dealers in order to have effective monitoring of the short term certificate course. Further, monitoring charges (Incentives) per batch of candidates will also be paid for this purpose to SAMETI as per the applicable rules. Further, provisions for giving Trophies and Certificates to the best performing States will also be implemented.*
- (ii) Approval has been granted to NIPHM for conducting short-term Certificate Course for existing insecticides dealers through online module wherein theory lecture will be held for 36 hours, practical/field visits for 18 hours and assignment for 18 hours (total 72 hours, 12 days).*

The above actions taken up by the Government will further facilitate the existing dealers to take up the certificate course through online mode and may not face the rigors of physically going to the Institutes/Study Centers."

8. In paras 40 to 42 of the Report, the Committee had observed/recommended as follows:-

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

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 the 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.

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).

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."

9. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"The matter has been examined and it was decided to incorporate the provisions in FCO, 1985. The following new Clause has been decided to be included in the FCO:-

"Clause 19 A: In cases where the samples were drawn from the dealers out of original sound bags (without any mark of tempering) and are found non-standard, then in such circumstances both dealer and manufacturer shall be made party for filling the case in the court of law under the Act as well as proceedings under clause 31 of this Order."

Accordingly, the Draft Notification has been prepared and sent to Ministry of Law for its vetting."

10. In paras 43 to 44 of the Report, the Committee had observed/recommended as follows:-

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

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 prosecutions 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.

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."

11. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"The insecticide cases are non-cognizable offences and these are filed as a complaint case which has a delayed 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 cognizable offences, leading to the lengthy legal procedure, also there are no dedicated courts for the Insecticides Cases.

Further, conviction rate for most cases depends on performance of the State Prosecution Authorities, their infrastructure as well as infrastructure of the Courts. The general pendency of the cases in the Courts are huge and any concrete major to be taken to increase the conviction rate in pesticide cases in isolation, though appears to be commendable but it is not feasible to be implementable.

However, in order to ensure availability of quality seeds to the farmers and for increasing Conviction rate for supply of non-standard Seeds, all the States are requested to draw the seed samples prior to each sowing season for all the crops and take punitive action as per law if seeds are found sub-standard.

An advisory to comply with the observations of the Committee has been issued to the State Governments. The copy of the same is at Annexure-A. The States are advised to apprise this Ministry of the procedure followed or criteria adopted by the States for filing of court cases and also impleading dealers/ manufacturers as party to the case along with the time taken in filing of the case. States are also advised to follow the observations made by the Committee of Petitions while implementing the provision of FCO."

12. In paras 45 to 46 of the Report, the Committee had observed/recommended as follows:-

"Modern system of Record/Inventory Management/Digital Record Keeping

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.

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."

13. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"The States may be requested that record of stock of seeds need to be maintained in a digital form (form-D under the Seeds (Control) Order, 1983) by the seed dealers to increase transparency in stock management and simplify the verification process for ease of doing business.

The matter has been examined and it was decided to amend the existing provision of Clause 35 (1) (a) by incorporating the following provisions:-

"or maintain digital stock register in the form which clearly exhibits the date wise stock position, opening balance, receipts during the day, sales during the day and closing stock".

Accordingly, the Draft Notification has been prepared and sent to Ministry of Law for its vetting."

14. In paras 47 to 48 of the Report, the Committee had observed/recommended as follows:-

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

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.

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."

15. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"The suitable amendments in the existing Seeds (Control) Order, 1983 may be proposed for transfer of the licence of the Seed Dealers to the legal heir/family members following due procedure.

However, under Clause 8(4) of the Fertiliser Control Order, it is required for the dealer to undergo 15 days dealer training. Transference of Authorisation letter without possession of requisite qualification shall defeat the very

objective of prescribing the Qualification for obtaining the retail dealership qualification or training as prescribed, for obtaining a licence for sale of fertilizers. Hence, it is not feasible to agree to the request of the Committee."

16. In paras 49 to 50 of the Report, the Committee had observed/recommended as follows:-

"Proposed Pesticide Management Bill, 2020

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.*

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."

17. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have submitted as under:-

"Whenever the Bill is passed by Parliament and assented to by the Hon'ble President of India, necessary steps will be initiated to formulate the Rules expeditiously."

OBSERVATIONS/RECOMMENDATIONS

Educational qualifications, experience and turnover criteria for Pesticide Dealers/Retailers

18. The Committee while examining the instant representation and the submissions made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), had meticulously gone through the various provisions of the three Legislations/Orders, viz., the Insecticides Act, 1968, the Fertiliser (Control) Order, 1985 and the Seeds (Control) Order, 1983. On the aspect of educational qualification(s) prescribed for pesticide Dealers and/or Retailers or the persons employed by them, the Committee had observed that the educational qualification(s) were prescribed in a decade-old legislation, perhaps, keeping in view the requirements of that particular period of time. The Committee had, therefore, recommended 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 at their outlets to bring it in sync with the present times. The Committee had further recommended the Ministry to 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 its turnover.

19. In response to recommendations of the Committee, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have *inter alia* informed that the Government had introduced the requirement of educational qualification for dealers *vide* Notification GSR 106 (E) dated 06.02.2017 in order to ensure that the Insecticides/Pesticides Retailers/or employees at the retail outlet possess minimum educational qualification as Graduate Degree in Agriculture Science or Bio-chemistry or Bio-technology or Life Science or in Science with Chemistry or Botany or Zoology from a recognized University or Institute or 1 year Diploma course in Agriculture or Horticulture or related subjects with course content on Plant Protection and Pesticide Management, so as to provide sound guidance to the farmers for the appropriate use of pesticides which are inherently toxic and hazardous substances and require careful handling and strict adherence to instructions on the labels and the leaflets. On the aspect of lowering down the prescribed educational qualification for the Dealers to Higher Secondary (Class-X) or Senior Secondary (Class-XII), the Ministry have contended that 'Insecticides' or 'Pesticides', as a subject, are not dealt with at the Higher Secondary or the

Senior Secondary level of education and moreover, the knowledge and understanding of use of pesticide on usage, crop disease handling, environment, etc., are not imparted even to the science-stream students. One needs to have at least a degree in B.Sc. Agriculture or a Science Graduate with related subject or should have undergone specialized course in crop protection modules, after having a basic study of Science subject at the Higher Secondary and Senior Secondary levels to attain the specific knowledge and information of crop, pest and pesticide dynamics. Therefore, as per the views of the Department, the sale of pesticides may not be looked upon just as a profession where large number of people should be employed. Instead, the people with understanding, knowledge and sense of responsibility towards pesticides usage, crop disease handling, environment, etc., shall only venture into the business of pesticides. Based on aforementioned justification given by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), they have contended that the lowering of educational qualification for obtaining licence of insecticides/pesticides and supplementing it with effective training may not be considered.

20. On the aspect of 'experience' and 'turnover criteria' for Pesticide Dealers and/or Retailers, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) have informed that provision(s) have been made for giving exemption to the existing Dealers in the light of objections and suggestions of stakeholders as it was

felt necessary to acknowledge the experience of all those small and marginal Dealers, with less than Rs. 5 lakh turnover and having minimum of 10 years of experience in this business so that are not deprived of their vocation and their livelihood. Furthermore, all those licencees, who are still left out and may not like to disrupt their business by undergoing the rigors of obtaining the qualification of Graduation or one year Diploma or to employ a person, have been further facilitated by enabling them to undergo a short term Certificate Course of twelve weeks in Plant Protection & Pesticide Management as per their convenience. However, the Government of India has already extended the timeline for the completion of said Course up to 31.12.2021 from 31.12.2020. The Ministry have, therefore, contended that the requirements to reduce the year of prescribed experience of running the insecticides and pesticides business and their turn-over may not be required/considered.

21. The Committee are not satisfied with the averments made by the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) for not giving any relaxation in the 'educational qualifications', 'experience' and 'turnover criteria' for Pesticide Dealers and/or Retailers. The Committee are of the considered opinion that though it is imperative to ensure that only qualified persons are made to run their establishments which are trading in agricultural inputs such as insecticides, pesticides, fertilizers and seeds, however, at the same time, lowering down the requisite educational qualifications and relaxation in

experience and turnover criteria for Pesticide Dealers and/or Retailers would not only open up employment opportunities for a large number of unemployed persons, especially the youth, but would also help in maintaining a sustainable growth rate in the food programme of the country. The Committee also wish to point out that the contention of the Ministry that 'Insecticides' or 'Pesticides', as a subject, are not dealt with at the Higher Secondary or the Senior Secondary level of education also does not seem to hold water in view of the fact that in the changed scenario and a need to give further impetus to various commercial activities, working experience should also been given due weightage along with the academic knowledge/attainments. The Committee, therefore, reiterate that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) should undertake a feasibility study in order to 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 that more and more number persons are able to enter into this profession.

22. The Committee also wish to urge the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to consider undertaking 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. The

Committee may be apprised of the concrete action taken/proposed to be taken in this regard.

Short-term Certificate Course in Insecticide Management

23. The Committee, while expressing their concern over the low enrollment in respect of insecticides/pesticides Dealers/Retailers for pursuing the short-term Certificate Course of 12 weeks in Insecticides Management *vis-a-vis* the number of Dealers/Retailers identified for undergoing the said Course, had recommended 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 (NIPHM), 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 also be given some incentive like giving 'Trophies' or 'Certificates' for best three performing States, on yearly basis. The Committee had also recommended 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 Centers to pursue the course.

24. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies,

have informed that the suggestions of the Parliamentary Committee have been considered and implemented by the Department and the following actions have been taken which would facilitate the existing Dealers to take up the Certificate Course through online mode without facing the rigors of physically going to the Institutes/Study Centers:-

- (i) *For effective monitoring of the existing Dealers undergoing short-term Certificate Course, approval has been granted for engaging the SAMETI of each State as a Nodal Agency at State level and NIPHM being Nodal Agency at Central level for monitoring and conducting this Certificate Course for existing Dealers in order to have effective monitoring of the short term Certificate Course. Monitoring charges (Incentives) per batch of candidates will also be paid for this purpose to SAMETI as per the applicable Rules. Further, provisions for giving Trophies and Certificates to the best performing States will also be implemented.*
- (ii) *Approval has been granted to NIPHM for conducting short-term Certificate Course for existing insecticides Dealers through online module wherein theory lecture will be held for 36 hours, practical/field visits for 18 hours and assignment for 18 hours (total 72 hours, 12 days).*

25. The Committee are extremely happy to note that with a view to ensuring effective monitoring and conducting of said Certificate Course for existing Dealers, approval has been granted for engaging the SAMETI of each State as a Nodal Agency and NIPHM at the Central level. Further, the Committee are also satisfied to note that the requisite approval has been granted to NIPHM for conducting short-term Certificate Course for existing

insecticides Dealers through Online Module. Notwithstanding this, the Committee wish to urge the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to initiate all necessary efforts at their level, in coordination with the State Governments, to ensure that the short-term Certificate Course for the existing insecticides/pesticides Dealers/Retailers is being conducted on a regular and effective manner.

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

26. The Committee, while noting the fact that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) had issued an 'advisory' to the State Enforcement Authorities on 6 December, 1991 to implicate the Manufacturers as a 'Second Party', wherever samples are drawn from a Dealer out of 'Original Sound Bags' (*without any mark of tempering*) and found to be non-standard, had recommended the Ministry to work out a suitable mechanism to fix the responsibility on the Manufacturers equally and also to make them liable to punishment and in this effort, if need be, suitable amendment(s) in the Fertiliser (Control) Order (FCO), 1985 be contemplated.

27. Pursuant to the above recommendations of the Committee, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have informed that the matter has been examined and decided to incorporate the

following new Clause in the Fertiliser (Control) Order (FCO), 1985, for which a draft Notification has been prepared and sent to the Ministry of Law & Justice for appropriate vetting:-

“Clause 19 A: In cases where the samples were drawn from the Dealers out of 'Original Sound Bags' (without any mark of tempering) and are found non-standard, then in such circumstances, both Dealer and Manufacturer shall be made Party for filling the case in the Court of Law under the Act as well as proceedings under Clause 31 of this Order.”

28. The Committee are happy to note that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) have put in tangible efforts by way of incorporating the above said new Clause in the Fertiliser (Control) Order (FCO), 1985 for fixing the responsibility on the Manufacturers equally and also make them liable to punishment in case of their involvement in manufacturing of non-standard product. The Committee, however, would like to be apprised of the further action taken and result accrued thereon in this regard.

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

29. The Committee, while expressing their concern over the extremely low 'rate of conviction' in relation to non-standard Fertilisers, Seeds and Insecticides, had recommended 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 dubious Manufactures/Dealers to ensure that the quality of these agro-input products is not compromised and only reliable and genuine products are made available to the farmers. In this chronology, the Committee had also suggested that 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.

30. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies, have informed that an 'advisory' to comply with the observations of the Committee on Petitions, Lok Sabha while implementing the provision(s) of the FCO, has been issued to the State Governments on 23 August, 2021, whereby the States have been advised to apprise the Ministry of the procedure followed or criteria adopted by the States for filing of Court Cases and also impleading the Dealers/Manufacturers as 'Party' to the case along with the time taken in filing of the case(s).

31. The Committee are satisfied to note that pursuant to their recommendation, an 'advisory' has already been issued to the State Governments, whereby, the States have been advised to apprise the Ministry of the procedure followed or the criteria adopted by the States for filing of Court Cases and also impleading the Dealers/Manufacturers as Party to the case along with the time taken in filing of the case(s). In this regard, the

Committee are of the view that merely issuing of an 'advisory' is not an effective solution and could very easily end up as a 'customary exercise' until the implementation status is minutely monitored. The Committee, therefore, while re-emphasizing their earlier recommendation, urge the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) to coordinate with the State Governments to find out ways and means to improve the 'conviction rate' in all such prosecution cases of non-standard Fertilisers, Seeds and Insecticides against the dubious Manufactures/Dealers.

Modern system of Record/Inventory Management/Digital Record Keeping

32. 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 had recommended 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 which would not only increase the transparency in the Stock Management but also simplify the verification process by the Government Agencies to a noticeable extent.

33. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), in their action taken replies,

have submitted that the States have been requested that record of stock of seeds needs to be maintained in a digital form [Form-D under the Seeds (Control) Order, 1983] by the Seed Dealers for increasing the transparency in stock management and also simplifying the verification process. The Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) have further informed that the matter has been examined and decided to amend the existing provision of Clause 35(1)(a) by incorporating the following provisions for which a draft Notification has been prepared and sent to Ministry of Law & Justice for appropriate vetting:-

“or maintain digital Stock Register in the form which clearly exhibits the date-wise stock position, opening balance, receipts during the day, sales during the day and closing stock”.

34. The Committee are satisfied to note that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare), have put in their efforts by way of incorporating the above said new Clause in the Seeds (Control) Order, 1983 for making express provisions for maintaining record of Stock in a digital form by the Retailers/Dealers. The Committee would however, like to reiterate that similar provision(s) could also be incorporated in the Fertiliser (Control) Order, 1985 for maintaining record of Stock in a digital form by the Manufactures/Dealers. The Committee would like to be apprised of the action taken/proposed to be taken in this regard.

Transfer of licence to any other family member in case of Seeds and Fertilisers

35. Taking note of the cumbersome procedure while applying for a licence at a new location by an existing licence holder in respect of Seeds and Fertilisers, the Committee had recommended 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.

36. In response thereto, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) have submitted that suitable amendments in the existing Seeds (Control) Order, 1983 are being proposed for transfer of the licence of the Seed Dealers to the legal heir/family members following due procedure. However, under Clause 8(4) of the Fertiliser Control Order, 1985, it is required for the Dealer to undergo 15 days Dealer training. The Ministry have also submitted that transference of Authorisation letter without possession of requisite qualification shall defeat the very objective of prescribing the qualification for obtaining the retail Dealership qualification or training as prescribed, for obtaining a licence for sale of Fertilisers and hence, it is not feasible to agree to the request of the Committee.

37. The Committee are satisfied with the assurance from the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) that suitable amendments in the existing Seeds (Control) Order, 1983 are being proposed for transfer of the licence of the Seed Dealers to the legal heir/family members by following the due procedure. The Committee, therefore, impress upon the Ministry to expedite their efforts in this regard.

Proposed Pesticide Management Bill, 2020

38. Appreciating the objectives of the proposed Pesticide Management Bill, 2020 to strengthen the indigenous manufacturing and to ease out regulation of pesticides, the Committee had urged 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 have been making genuine efforts with their innovative programmes and policies. In pursuance thereof, the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) have assured the Committee that whenever the said Bill is passed by Parliament and assented to by the Hon'ble President of India, necessary steps will be initiated to formulate the Rules expeditiously.

39. The Committee hope and trust that the Ministry of Agriculture and Farmers Welfare (Department of Agriculture, Cooperation and Farmers Welfare) would put in their concerted efforts for formulating the Rules as soon as the Pesticide Management Bill, 2020 is passed by the Parliament and becomes an Act in order to fulfil its basic objectives, *i.e.*, to regulate the manufacture, import, sale, storage, distribution, use, and disposal of pesticides, in order to ensure the availability of safe pesticides and minimise the risk to humans, animals, and environment. The Committee would like to be apprised of the updated status and further consequential action proposed to be taken in this regard.

NEW DELHI;
22 December, 2021
1 Pausha, 1943 (Saka)

HARISH DWIVEDI,
Chairperson,
Committee on Petitions