Chapter Eight

GOVERNMENT ORDERS ASSOCIATED WITH FERTILIZER SEEDS AND INSECTICIDES

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GOVERNMENT ORDERS ASSOCIATED WITH FERTILIZER SEEDS AND INSECTICIDES

8.1 INTRODUCTION

For the smooth functioning Agro service centres it is very much needed to understand the rules and regulation prescribed both by state and union government specially code of conduct is prescribed by central Government means ministry of Agriculture because whatever we are using for agricultural development it should be government approved. There are different rules and regulation for the commodities available in the Agro service centres in forms of chemicals like

i) Fertilizers
ii) Insecticides
iii) Weedicides
iv) Fungicides and
v) Hybrid seeds.

8.2 FERTILIZERS CONTROL ORDER 1985

As per the G.S.R. 758 (E) in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government here by makes the following Orders associated with fertilizers (control) order in 1985 namely

1. Short title and commencement

1. This Order may be called the Fertilizer (Control) Order, 1985.
2. It shall come into force on the date of its publication in the Official Gazette.
2. Definitions

i) "Act" means the Essential Commodities Act, 1955 (10 of 1955).

ii) Bio fertilizer means the product containing carrier based (solid or liquid) living microorganisms which are agriculturally useful in terms of nitrogen fixation, phosphorus solubalisation or nutrient mobilization, to increase the productivity of the soil and/or crop/

iii) Certificate of source means a certificate given by a State Government, Commodity Board, manufacturer, + importer, pool handling agency or –as the case may be, wholesale dealer indicating therein the source from which fertilizer for purpose of sale is obtained.

iv) Commodity Board" means the Coffee Board constituted under section 4 of the Coffee Act, 1942 (7 of 1942) or the Rubber Board constituted under section 4 of the Rubber Act, 1947 (24 of 1947), or the Tea Board constituted under section 4 of the Tea Act, 1953 (29 of 1953), or as the case may be, the Cardamom Board constituted under section 4 of the Cardamom Act, 1965 (42 of 1965).

v)"Compound or complex fertilizer" means a fertilizer containing two or more nutrients during the production of which chemical reaction takes place.

vi) "Controller" means the person appointed as Controller of Fertilizers by the Central Government and includes any other person empowered by the Central Government to exercise or perform all or any of the powers, or as the case may be, functions of the Controller under this Order. “Customized fertilizer” means the fertilizer specified under clause 20 B

vi) "Dealer" means a person carrying on the business of selling fertilizers whether wholesale or retail or industrial use and includes a manufacturer, + Importer, and a pool handling agency carrying on such business and the agents of such person, manufacturer, + importer or pool handling agency.

vii)"Fertilizer" means any substance used or intended to be used as a fertilizer of the soil.
Organic fertilizers specified in Schedule IV.

viii) Form means a form appended to this Order.

viii) Grade means the nutrient element contents in the fertilizer expressed in Percentage

ix) "Granulated mixture" means a mixture of fertilizers made by intimately mixing two or more fertilizers with or without inert material, and granulating them together, without involving any chemical reaction.

Importer" means a person who imports fertilizer in accordance with the export and Import Policy of the Central Government, as amended from time to time.

x) "Inspector" means an Inspector of Fertilizers appointed under clause 27.

"Industrial dealer" means a dealer who sells fertilizers for industrial purposes.

Il "Industrial purposes" means the use of fertilizers for purposes other than fertilization of soil and Increasing productivity of crops.

x) "Manufacturer" means a person who produces fertilizers or mixtures of fertilizers and the expression "manufacture" with its grammatical variations shall be construed accordingly.

xii) "Mixture of fertilizers" means a mixture of fertilizers made by physical mixing two or more fertilizers with or without inert material in physical or granular form and includes a mixture of NPK fertilizers, a mixture of micronutrient fertilizers and a mixture of NPK with micronutrient fertilizers.

xiii) Notified Authority "means an authority appointed under clause 26 "offer for sale" includes a reference to an intimation by a person of a proposal by him for the sale of any fertilizer, made by publication of a price list, by exposing the fertilizer for sale indicating the price, by furnishing of a quotation or otherwise howsoever.

xiv) Organic fertilizer means substances made up of one or more unprocessed materials of a biological nature (plant/animal) and may include unprocessed mineral materials that have been altered through microbiological decomposition process. p ‘physical mixture” means a mixture of fertilizers made by physically mixing two or more fertilizers with or without inert material necessary to
make a required grade, without involving any chemical reaction. ‘(pp) “Provisional fertilizer” means fertilizer specified under clause 20 A’.

xv) "Prescribed standard" means:-

i. in relation to a fertilizer included in column 1 of Part A of Schedule-I, the standard set out in the corresponding entry in column 2, subject to the limits of permissible variation as specified in Part B of that Schedule; and

ii. in relation to a mixture of fertilizers, the standard set out in respect of that mixture under sub-clause (1) of clause 13 by the Central Government, subject to the limits of permissible variation as specified in Part B of Schedule-I

iii. in relation to mixture of fertilizers, standard set out in respect of that mixture under sub-clause (2) of clause 13 by the State Government, subject to limits of permissible variation as specified in Part B of Schedule-I.

iv. in relation to a Bio fertilizer included in column 1 of Part A of Schedule-III, the standard set out in the corresponding entry in column 2, subject to the limits of permissible variation as specified in Part B of that Schedule;

v. in relation to a Organic fertilizer included in column 1 of Part A of Schedule-IV, the standard set out in the corresponding entry in column 2, subject to the limits of permissible variation as specified in Part B of that Schedule.

vi. "Pool handling agency" means an agency entrusted by the Central Government with functions relating to handling and distribution of imported fertilizers.

vii. "Registering authority" means a registering authority appointed under clause 26 in respect of mixture of fertilizers and special mixture of fertilizers

viii "retail dealer" means a dealer who sells fertilizers to farmers or plantations for **agricultural use such as for fertilization of soil and increasing productivity of crops.

ix. "Schedule" means a Schedule appended to this Order. "special mixture of fertilizers" means any mixture of fertilizers prepared for experimental purposes in pursuance of a requisition made by any person(including a person engaged in the cultivation of tea, coffee or rubber) for sale to that person in such quantity and within such period as may be specified in such requisition; and.
x. "wholesale dealer" means a dealer who sells fertilizers otherwise than in retail-for agricultural use such as for fertilization of soil and increasing productivity of crops.

3. Fixation of prices of fertilizers

1. The Central Government may, with a view to regulating equitable distribution of fertilizers and making fertilizers available at fair prices, by notification in the Official Gazette, fix the maximum prices or rates at which any fertilizer may be sold by a dealer, manufacturer, +importer or a pool handling agency.

2. The Central Government may having regard to the local conditions of any area, the period of storage of fertilizers and other relevant circumstances, fix different prices or rates for fertilizers having different periods of storage or for different areas or for different classes of consumers.

3. No dealer, manufacturer +importer or pool handling agency shall sell or offer for sale any fertilizer at a price exceeding the maximum price or rate fixed under this clause.

4. Display of stock position and price list of fertilizers

   Every dealer, who makes or offers to make a retail sale of any fertilizers, shall prominently display in his place of business:-

   a. the quantities of opening stock of different fertilizers held by him on each day; Explanation -The actual stocks at any point of time during the day may be different from that of the displayed opening stocks to the extent of sale and receipt of such fertilizers up to the time of inspection during that day

   b. a list of prices or rates of such fertilizers fixed under clause 3 and for the time being in force.

5. Issue of cash/credit memorandum

   a. Every dealer shall issue a cash or credit memorandum to a purchaser of a fertilizer in Form M*
6. Allocation of fertilizers to various States

The Central Government may, with a view to securing equitable distribution and availability of fertilizers to the farmers in time, by notification in the Official Gazette, direct any manufacturer/importer to sell the fertilizers produced by him in such quantities and in such State or States and within such period as may be specified in the said notification.

7. Registration of Industrial dealers and authorization of other dealers

No person shall sell, offer for sale or carry on the business of selling of fertilizer at any place as wholesale dealer or retail dealer except under and in accordance with clause 8: Provided that a State Government may, if it considers it necessary or expedient, by notification in the Official Gazette, exempt from the provisions of this clause any person selling fertilizer to farmers in such areas and subject to such conditions as may be specified in that notification.”

8. Application for intimation or registration

1. Every person intending to sell or offer for sale or carrying on the business of selling of fertilizer as Industrial Dealer shall obtain a certificate of registration from the controller by making an application in Form A together with the fee prescribed under clause 36 and a Certificate of source in Form O.

2. 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.

3. 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 authorized dealer for the purposes of this Order. Provided that a certificate of registration granted before the commencement of the Fertilizer (Control)
Amendment Order, 2003, shall be deemed to be an authorization letter granted under the provisions of this Order:

Provided further that where the 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 maybe:

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.

9. Grant or refusal of certificate of registration

The Controller, shall grant a certificate of registration in Form 'B' within thirty days of the receipt of application to any person who applies for it under clause8;

Provided that no certificate of registration shall be granted to a person:

a. if his previous certificate of registration is under suspension; or

b. if his previous certificate of registration has been cancelled within a period of one year immediately preceding the date of application; or

c. if he has been convicted of an offence under the Act, or any Order made there under within three years immediately preceding the date of making.

d. if he fails to enclose with the application a certificate of source ; or

e. if the application is incomplete in any respect; or

f. if he makes an application for obtaining the certificate of registration for industrial dealer and, excepting if he is a manufacturer ,+ importer or pool handling agency, holds [an authorization letter] for wholesale dealer or retail dealer or both, and as the case may be, the vice-versa.
10. Period of validity of certificate of registration and letter of authorization

Every certificate of registration granted under clause 9 and every authorization letter issued under clause 8 shall, unless renewed, suspended or cancelled, be valid for a period of three years from the date of its issue.

11. Renewal of certificates of registration and authorization letters

1. Every holder of a certificate of registration granted under clause 9 or authorization letter granted or deemed to have been granted under clause 8, desiring to renew such certificate or authorization letter shall, before the date of expiry of such certificate of registration or authorization letter, as the case may be, make an application for renewal to the Controller, in Form C, or to the Notified Authority in Form A1, respectively, in duplicate, together with the fee prescribed under clause 36 for such renewal and a certificate of source as required under clause 8.

2. On receipt of an application under sub-clause (1), together with such fee and certificate of source, the controller may renew the certificate of registration or the Notified Authority, as the case may be shall issue acknowledgement receipt of renewal in form A

3. Provided that a certificate of registration shall not be renewed if the holder of the same did not sell any fertilizer during the period of one year immediately preceding the date of expiry of the period of validity.

4. If any application for renewal is not made before the expiry of the period of validity of the certificate of registration or, as the case may be, the authorization letter but is made within one month from the date of such expiry, the certificate of registration or, as the case may be, the authorization letter shall be dealt as provided in sub-clause (2) on payment of such additional fee as may be prescribed under clause 36 in addition to the fee for renewal.

5. Where the application for renewal of certificate of registration is made within the time specified in sub-clause (1) or sub-clause (3), the applicant shall be deemed to have held a valid certificate of registration until such date as the controller passes orders on the application for renewal.
6. If an application for renewal of a certificate of registration or authorization letter is not made within one month from the date of expiry of their period of validity, the same shall be deemed to have lapsed on the date on which its validity expired and any business carried on after that date shall be deemed to have been carried on in contravention of clause 7.

No person

12. **Restriction on preparation of mixtures of fertilizer**

No person shall carry on the business of preparing any mixture of fertilizers, or special mixture of fertilizers, Bio-fertilizers or Organic fertilizers except under and in accordance with the terms and conditions of a certificate of manufacture granted to him under clauses 15 or 16.

13. **Standards of mixtures of Fertilizers**

1. Subject to the other provisions of the order

   (a) no person shall manufacture any mixture of fertilizers whether of solid or liquid fertilizers specified in Part a of schedule I unless such mixture conforms to the standards set out in the notification to be issued by the Central Government in the Official Gazette;

   (b) No person shall manufacture any bio fertilizer unless such bio fertilizer conforms to the standards set out in the part A of Schedule – III.

   (c) No person shall manufacture any Organic fertilizer unless such organic fertilizer conforms to the standards set out in the part A of Schedule IV.

2. Subject to the other provisions of this order, no person shall manufacture any “mixture of fertilizers unless such mixture conforms to the standards set out in the notification to be issued by the State Government in the Official Gazette;

   Explanation- For the purposes of this sub-clause, mixture of fertilizers shall not include liquid fertilizers and 100% water soluble fertilizers, containing N.P.K.

3. No Certificate of manufacture shall be granted in respect of any fertilizer which does not conform to the standards set out in the notification referred in sub-clause (1) or (2);
4. Nothing in this clause shall apply to special mixtures of fertilizers

14. Application for certificate of manufacture of mixtures of fertilizers

1. Every person desiring to obtain a certificate of manufacture for preparation of any mixture of fertilizers or special mixture of fertilizers shall possess such mixture, *and possess the minimum laboratory facility as specified in clause 21A of this Order.

2. An applicant for a certificate of manufacture for preparation of mixture of fertilizers or special mixture of fertilizers shall make an application to the registering authority

   a. if he is an applicant for a certificate of manufacture for any mixture of fertilizers in Form D, in duplicate, together with the fee prescribed there for under clause 36; or,

   b. if he is an applicant for a certificate of manufacture for any special mixture, in Form E, in duplicate, together with the fee prescribed there for under the said clause 36 and an attested copy of the requisition of the purchaser.

3. Every person desiring to obtain a Certificate of Manufacture for preparation or organic fertilizer or biofertilizer shall make an application in Form D, in duplicate, together with a fee prescribed therefore under clause 36, to Registering authority.

15. Grant or refusal of certificate of manufacture for preparation of mixtures of fertilizers, Biofertilizers or Organic fertilizer.

1. On receipt of an application under clause 14, the registering authority shall, by order in writing, either grant or refuse to grant the certificate of manufacture in respect of any mixture of fertilizer, Bio fertilizer, Organic fertilizer or special mixture of fertilizer and shall, within forty-five days from the date of receipt of the application, furnish to the applicant a copy of the order so passed;

2. Where an application for a certificate of manufacture for mixture of fertilizers, Bio fertilizer, Organic fertilizer is not refused under sub-clause (1), the registering authority shall grant a certificate of manufacture in Form F and where an
application for a certificate of manufacture for a special mixture is not refused under that sub-clause, *[such authority shall within forty five dates from the date of receipt of the application, ]grant a certificate of manufacture to the applicant in Form G

16. Conditions for grant of certificate of manufacture in respect of special mixture of fertilizers and period of validity of such certificate

1. No certificate of manufacture in respect of any special mixture of fertilizers shall be granted to an applicant unless he holds a valid certificate of manufacture under this Order for any mixture of fertilizers.

2. Every certificate of manufacture granted in respect of any special mixture of fertilizers shall be valid for a period of [six months] from the date of its issue; Provided that the registering authority may, if it is satisfied that it is necessary so to do, extend the said period to such further period or periods as it may deem fit, so however, that the total period or periods so extended shall not exceed [twelve months]

17. Period validity of a certificate of manufacture for preparation of mixtures of Fertilizers, Bio fertilizers or Organic fertilizers.

Every certificate of manufacture granted under clause 15 for preparation of a mixture of fertilizers, Bio fertilizer or Organic fertilizers shall, unless suspended or cancelled, be valid for a period of three years from the date of issue.

18. Renewal of certificate of manufacture for preparation of mixtures of fertilizers, Bio fertilizer or Organic fertilizer

1. Every holder of a certificate of manufacture for preparation of a mixture of fertilizers, Bio fertilizer, Organic fertilizer desiring to renew the certificate, shall, before the date of expiry of the said certificate of manufacture make an application to the registering authority in Form D in duplicate, together with the fee prescribed for this purpose under clause 36.
2. On receipt of an application for renewal as provided in sub-clause (1), and keeping in view the performance of the applicant and other relevant circumstances, the registering authority may, if he so decides, renew the certificate of manufacture by endorsement on Form F and in case the certificate of registration is not renewed; the registering authority shall record in writing his reasons for not renewing the certificate of manufacture.

3. If an application for renewal is not made before the expiry of the certificate of manufacture but is made within one month from the date of expiry of the certificate of manufacture, the certificate of manufacture may be renewed on payment of such additional fee as may be prescribed by the State Government for this purpose.

4. Where the application for renewal is made within the time specified in sub-clause (1) or sub-clause (3), the applicant shall be deemed to have held a valid certificate of manufacture until such date as the registering authority passes order on the application for renewal.

5. An application for renewal of a certificate of manufacture is not made within the period stipulated under sub-clause (1) or, as the case may be, under sub-clause (3), the certificate of manufacture shall be deemed to have expired immediately on the expiry of its validity period, and any business carried on after that date shall be deemed to have been carried on in contravention of clause 12.

19. Restriction on manufacture/import, sale and distribution of fertilizers

No person shall himself or by any other person on his behalf:

a. manufacture/import for sale, sell, offer for sale, stock or exhibit for sale or distribute any fertilizer which is not of prescribed standard;

b. manufacture/import for sale, sell, offer for sale, stock or exhibit for sale, or distribute any mixture of fertilizers, which is not of prescribed standard** (subject to such limits of permissible variation as may be specified from time to time by the Central Government) or special mixture of fertilizers which does not conform to the particulars specified in the certificate of manufacture granted to him under this Order in respect of such special mixture.
c. sell, offer for sale, stock or exhibit for sale or distribute:-

i. any fertilizer the container whereof is not packed and marked in the manner laid down in this Order

ii. any fertilizer which is an imitation of or a substitute for another fertilizer under the name of which it is sold;

iii. any fertilizer which is adulterated; Explanation:- A fertilizer shall be deemed to be adulterated, if it contains any substance the addition of which is likely to eliminate or decrease its nutrient contents or make the fertilizer not conforming to the prescribed standard.

iv. any fertilizer the label or container whereof bears the name of any individual firm or company purporting to be manufacturer/Importer of the fertilizer, which individual, firm or company is fictitious or does not exist.

v. any fertilizer, the label or container whereof or anything accompanying therewith bears any statement which makes a false claim for the fertilizer of which is false or misleading in any material particular.

vi. any substance as a fertilizer which substance is not, in fact, a fertilizer; or

20. Specifications In respect of imported fertilizers

Notwithstanding anything contained in this Order, the Central Government may by an order, published in the Official Gazette, fix separate specifications in respect of imported fertilizers.

20 A. Specification in respect of provisional fertilizer

Notwithstanding anything contained in this Order, the Central Government may, by order published in the Official Gazette, notify specifications, valid for a period not exceeding three years, in respect of fertilizers to be manufactured by any manufacturing unit for conducting commercial trials.
20 B.- Specifications in respect of customized fertilizers.

Notwithstanding anything contained in this Order, the Central Government may by order published in the Official Gazette, notify specification, valid for a period not exceeding three years in respect of customized fertilizer to be manufactured by any manufacturing unit”.

21. Manufacturers /Importers pool handling agencies to comply with certain requirements in regard to packing and marking, etc.

Every manufacturer/importer and pool handling agency shall, in regard to packing and marking of containers of fertilizers, Bio fertilizer or Organic fertilizer comply with the following requirements, namely:-

a. Every container in which any fertilizer is packed shall conspicuously be supercribed with the word “FERTILIZER” and shall bear only such particulars and unless otherwise required under any law nothing else, as may from time to time, be specified by the Controller in this behalf, and;]

(aa) Every container in which any Bio fertilizer or Organic fertilizer is packed shall conspicuously be super scried with the word “Bio- Fertilizer/Organic Fertilizer” and shall bear only such particulars and unless otherwise required under any law nothing else, as may from time to time, be specified by the Controller in this behalf Provided that in case of containers the gross weight of which is 5 kg or less, no such printing of superscription and other particular shall be necessary if such super superscription and other particulars are printed on a separate label which is securely affixed to such container.

(b) Every container shall be so packed and sealed that the contents there of cannot be tampered with without breaking the seal; Provided that where fertilizer manufactured in India are packed in bags stitched on hand, such bags shall bear lead seals, so that the contents thereof cannot be tampered with without breaking the seals; Provided further that lead sealing shall not be necessary:-

(i) if such bags are machine stitched in such a manner that contents thereof cannot be tampered with without a visible break in the stitching; and
(ii) in the case of fertilizers imported from abroad and packed in bags stitched in hand, in such a manner that the contents thereof cannot be tampered with without visible break in the stitching.

Provided also that in case fertilizer bags are in cut, torn or damaged condition during transportation or mishandling during loading or unloading operation, the manufacturer of such fertilizer may, under intimation to the State Government and the Central Government, repack the fertilizer in new bags or restandardise the quantity in terms of declared weight.

c. Every fertilizer bag in which any fertilizer is packed for sale shall be of such weight and size as may be specified by the Central Government from time to time in this behalf

21 A. Manufacturers to comply with certain requirements for laboratory facilities:-

Every manufacturer shall, in order to ensure quality of their product, possess minimum laboratory facility, as may be specified from time to time by the Controller.

22. Bulk sale of fertilizers

Notwithstanding anything contained in this Order:-

a. a retail dealer may retain at any time one bag or container of each variety of fertilizer in an open and unsealed condition for the purpose of sale;

b. a manufacturer/importer may sell the fertilizer manufactured/imported by him in bulk to a manufacturer of mixture of fertilizers, compound / complex fertilizers or special mixture of fertilizers; and

c. the Central Government may by notification published in the Official Gazette in this behalf authorize a manufacturer/importer to sell any fertilizer manufactured/ imported by him in bulk also direct to farmers for such period as may be specified in that notification: Provided that a certificate indicating the minimum guaranteed percentage of plant nutrients is issued by the manufacturer/importer to each farmer at the time of such sale.
23. Disposal of non-standard fertilizers

1. Notwithstanding anything contained in this Order, a person may sell, offer for sale, stock or exhibit for sale or distribute [any fertilizer except any fertilizer imported by the Central Government] which, not being an adulterated fertilizer, does not conform to the prescribed standard (hereinafter in this Order referred to as non-standard fertilizer) subject to the conditions that:

   a. the container of such non-standard fertilizer is conspicuously super scribed in red colour with the words "non-standard" and also with the sign "X"; and

   b. an application for the disposal of non-standard fertilizers in Form H is submitted to the [Notified authority] to grant a certificate of authorization for sale of such fertilizers and a certificate of authorization with regard to their disposal and price is obtained in Form I.

   c. such non-standard fertilizer shall be sold only to the manufacturers of mixtures of fertilizers or special mixtures of fertilizers or research farms of Government or Universities or such bodies.

2. The price per unit of the non-standard fertilizer shall be fixed by the [notified authority] after satisfying itself that the sample taken is a representative one, and after considering the nutrient contents in the sample determined on the basis of a chemical analysis of the nonstandard fertilizer.

3. The Central Government may, by notification in the official Gazette and subject to the conditions, if any, laid down in that notification, and subject to guidelines issued in this regard by the Central Government exempt such pool handling agencies, as it deems fit, from complying with conditions laid down in paragraphs (a) and (b) of the sub-clause (1)

4. Where any fertilizer imported by the Central Government is found to be of non-standard and the Central Government decides that the fertilizer cannot be permitted for direct use in agriculture, it may permit the use of such fertilizer by manufacturers of complex fertilizers, mixture of fertilizers or special mixture of fertilizers to be sold at such price as may be fixed by the Central Government.

5. If a manufacture or importer detects or as reasonable doubt about the standard of the fertilizer manufactured or imported by him, and dispatched for sale
as deteriorated in quality during transit due to natural calamity and is not of the prescribed standards, he may, within fifteen days from the date of dispatch from factory or port, apply with detailed justifications to the Central Government for obtaining permission for reprocessing the same in a factory to meet the prescribed standards and the Central Government may, after considering the facts, permit the re-processing of such fertilizer on the terms and conditions as may be notified by the Central Government in this behalf.

Provided that such application for permission to reprocess the fertilizer by the manufacturer or importer shall be accepted by the Central Government after the expiry of the said period of fifteen days.

24. Manufacturers/Pool handling agencies to appoint officers responsible with compliance of the Order

Every manufacturing organization, importer and pool handling agency shall appoint in that organization and in consultation with the Central Government, an officer, who shall be responsible for compliance with the provisions of this Order.

25. Restriction on sale/use of fertilizers

1. No person shall, except with the prior permission of the Central Government and subject to such terms and conditions as may be imposed by such Government, sell or use fertilizer, for purposes other than fertilization of soils and increasing productivity of crops. Provided that the price of fertilizers permitted for sale for industrial use shall be no profit no loss price, excluding all subsidies at the production, import, handling or on sale for agricultural consumers; Provided further that wherever customs or excise duties are chargeable, these may be added to the price so fixed. Provided also that in the case of non-standard fertilizers, reductions shall be made from the no profit no loss price, indicated above, proportionate to the loss of nutrient contents.

2. Notwithstanding anything contained in sub-clause (1), no prior permission for use of fertilizer for industrial purposes shall be necessary when the fertilizer for
such purposes is purchased from the Industrial dealer possessing a valid certificate of registration granted under clause 9.

3. Any person possessing a valid certificate of registration for Industrial dealer, unless such person is a State Government, a manufacturer/importer or a pool handling agency, shall not carry on the business of selling fertilizers for agricultural purposes, including a wholesale dealer or a retail dealer. However, in case of a State Government, a manufacturer or a importer or a pool handling agency possessing a valid certificate of registration for sale of fertilizer for industrial use, and also for sale of fertilizer for agricultural use, whether in wholesale or retail or both, shall not carryon the business of selling fertilizers both for Industrial use and agricultural use In the same premises.

26. Appointment of registering authority

The State Government may, by notification in the Official Gazette, appoint such number of persons, as it thinks necessary, to be registering authorities for the purpose of this Order [ $] for industrial dealers, and may, in any such notification define the limits of local area within which each such registering authority shall exercise his jurisdiction.

26A. Notified Authority-

The State Government may, by notification in the Official Gazette, appoint such number of persons, as it thinks necessary, to be Notified Authorities for the purpose of this Order and define the local limits within which each such Notified Authority shall exercise his jurisdiction.

27. Appointment of inspectors

The State Government, or the Central Government may, by notification in the Official Gazette appoint such number of persons, as it thinks necessary, to be inspectors of fertilizers for the purpose of this Order, and may, in any such notification, define the limits of local area within which each such inspector shall exercise his jurisdictions.
27A. Qualifications for appointment of fertilizer Inspectors

No person shall be eligible for appointment as Fertilizer Inspector under this Order unless he possesses the following qualifications, namely:-

1. Graduate in agriculture or science with chemistry as one of the subjects, from a recognized university; and

2. Training or experience in the quality control of fertilizers and working in the State or Central Government Department of Agriculture.

27B. Qualifications for appointment of fertilizer Inspectors for Biofertilizer and Organic Fertilizer.

No person shall be eligible for appointment as inspector of bio fertilizer and Organic fertilizer under this Order unless he may possess the following qualifications, namely:

(1) Graduate in agriculture or science with chemistry/microbiology as one of the subject; and

(2) Training or experience in the field of quality control of bio fertilizers/organic fertilizers.

28. Powers of Inspectors

1. An inspector may, with a view to securing compliance with this Order:
   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
   b. draw samples of any fertilizer in accordance with the procedure of drawl of samples laid down in Schedule II. 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;
   (ba) draw samples of any bio-fertilizers in accordance with the procedure of drawl of samples laid down in schedule III.
(bb) draw samples of any organic fertilizers in accordance with the procedure of drawl of samples laid down in schedule IV.

c. enter upon and search any premises where any fertilizer is manufactured/Imported or stored or exhibited for sale, if he has reason to believe that any fertilizer has been or is being manufactured/imported, sold, offered for sale, stored, exhibited for sale or distributed contrary to the provisions of this Order;

d. seize or detain any fertilizer 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;

e. seize any books of accounts or documents relating to manufacture, storage or sale of fertilizers, 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;

Provided that the Inspector shall give a receipt for such fertilizers or books of accounts or documents so seized to the person from whom the same have been seized;

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.

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.

Provided that the inspector shall give the stop sale notice in writing to the person whose stocks has 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.

3. Where any fertilizer 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 fertilizers.
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).

29. Laboratory for analysis

1. A fertilizer samples, drawn by an inspector, shall be analyzed in accordance with the instructions contained in Schedule II in the Central Fertilizer Quality Control and Training Institute, **Faridabad or Regional Fertilizer Control Laboratories at Bombay, Madras or Kalyani (Calcutta) or in any other laboratory notified for this purpose by the State Government [with the prior approval of the Central Government.

(1A) Bio fertilizer samples, drawn by an inspector, shall be analyzed in accordance with the instructions contained in Schedule III in the National Centres of Organic Farming, Ghaziabad or Regional Centres of Organic Farming at Bangalore, Bhubaneshwar, Hisar, Imphal, Jabalpur and Nagpur or in any other laboratory notified by the Central or State Government.

(1B) Organic fertilizer samples, drawn by an inspector, shall be analyzed in accordance with the instructions contained in Schedule IV in the National Centres of Organic Farming, Ghaziabad or Regional Centres of Organic Farming at Bangalore, Bhubaneshwar, Hisar, Imphal, Jabalpur and Nagpur or in any other laboratory notified by the Central or State Government.

2. Every laboratory referred to in sub-clause (1) shall, in order to ensure accurate analysis, of fertilizer samples, possess minimum equipment and other laboratory facilities, as may be specified from time to time by the Controller in this behalf

29A. Qualifications for appointment of fertilizer analyst in the fertilizer control laboratories

No person shall be eligible for appointment as fertilizer analyst for analysis of fertilizer samples in the laboratories notified under clause 29 of the Order, unless he possesses the following qualifications, namely:-
1. Graduate in Agriculture or Science with chemistry as one of the subjects from a recognized university; and

2. Training in fertilizer quality control and analysis at Central Fertilizer Quality Control and Training Institute, Faridabad.

Provided that the fertilizer analysts appointed before the commencement of this Order, who do not possess the requisite training, shall undergo prescribed training, within a period of three years, in the Central Fertilizer Quality Control and Training Institute, Faridabad from the date of commencement of this Order.

29B Laboratories for referee analysis

1. Every laboratory referred to in sub-clause (1) of clause 29 shall be designated as referee laboratory for the purpose of analysis of any sample of fertilizer:

Provided that no such laboratory which carried out the first analysis of the fertilizer sample shall be so designated in respect of that sample:

Provided further that in respect of any sample the analysis of which has been challenged, may be sent for referee analysis to any one of the other laboratories except those which are located in the State or where the first analysis has been done.

Provided also that the Central Fertilizer Quality Control and Training Institute and Regional laboratories shall be considered as one group of laboratories and a sample first analyzed by any one of them, shall not be sent for referee analysis to any other in that group, but only to any other laboratory notified by a State Government.

2. Not withstanding anything contained in this Order, the Appellate Authority as specified under paragraph (b) of sub-clause (1) or paragraph (b) of sub-clause (2) of clause 32, in case of sample analyzed by the State Government laboratory, or the Controller, in case of samples analyzed by Central Fertilizer Quality Control and Training Institute, Faridabad or its Regional Fertilizer Control Laboratories, as the case may be, shall decide and send, one of the two remaining samples, for reference analysis as provided under sub-clause (1).
30. Time limit for analysis, and communication of result

1. Where sample of a fertilizer has been drawn, the same shall be dispatched along with a memorandum in Form K and in case of Organic fertilizers and Biofertilizers in Form KI to the laboratory for analysis within a period of seven days from the date of its withdrawal.

2. The laboratory shall analyze the sample and forward the analysis report in Form L and in case of Organic fertilizer and Bio fertilizer in Form LI within [30 days] from the date of receipt of the sample in the laboratory to the authority specified in the said memorandum.

3. The authority to whom the analysis report is sent under sub-clause (2) shall communicate the result of the analysis to the dealer/manufacturer/Importer/pool handling agency from whom the sample was drawn within [15 days] from the date of receipt of the analysis report of the laboratory.

31 Suspensions, Cancellation or Debarment

1. A Notified Authority, registering authority, or as the case may be, the controller may, after giving the authorized dealer or the holder of certificate of registration or certificate of manufacture or any other certificate granted under this Order, an opportunity of being heard, suspend such authorization letter or certificate or debar the dealer from carrying on the business of fertilizer on one or more of the following grounds, namely:-

   a. that the authorization letter or certificate of registration or certificate of manufacture, as the case may be, has been obtained by willful suppression of material facts or by misrepresentation of relevant particulars:

   b. that any of the provisions of this Order or any terms and condition of the Memorandum of Intimation or certificate of registration or the certificate of manufacture, as the case may be, has been contravened or not fulfilled:

   Provided that while debarring from carrying on the business of fertilizer or canceling the certificate, the dealer or the certificate holder thereof may be allowed
for a period of thirty days to dispose of the balance stock of fertilizers, if any, held by him:

Provide that the stock of fertilizer lying with the dealer after the expiry of the said period of thirty days shall be confiscated.

2. Where the contravention alleged to have been committed by a person is such as would, on being proved, justify his debarment from carrying on the business of selling of fertilizer or, cancellation of authorization letter or certificate of registration or certificate of manufacture or any other certificate granted under this Order to such person the Notified Authority or registering authority or, as the case may be, the controller may, without any notice, suspend such certificate, authorization letter, as an interim measure:

Provided that the registering authority, Notified Authority or, as the case may be, the controller shall immediately furnish to the affected person details and the nature of contravention alleged to have been committed by such person and, after giving him an opportunity of being heard, pass final orders either revoking the order of suspension or debarment within fifteen days from the date of issue of the order of suspension: Provided further that where no final order is passed within the period as specified above, the order of interim suspension shall be deemed to have been revoked without prejudice, however, to any further action which the registering authority, Notified Authority or, as the case may be, the controller may take against the affected person under sub-clause (1)

3. Wherever an authorization letter or certificate is suspended, cancelled or the person is debarred from carrying on the business of fertilizer, the Notified Authority, registering authority, or as the case may be, the Controller shall record a brief statement of the reasons for such suspension or, as the case may be, cancellation or debarment and furnish a copy thereof to the person whose certificate or authorization letter has been suspended or cancelled or business has been debarred.

4. Wherever the person alleged to have committed the contravention is an industrial dealer, the Notified Authority may take action against the holder of such certificate of registration under sub-clause (1) and sub-clause
Provided that where such certificate is suspended or cancelled, the Notified Authority shall, within a period of fifteen days from the date of issue of such order of suspension or cancellation, furnish to the controller also, besides sending the same to the person whose certificate has been suspended or cancelled, a detailed report about the nature of contravention committed and a brief statement of the reasons for such suspension or, as the case may be, cancellation:

Provided further that the controller, shall, in case of the order for suspension passed by the Notified Authority, on receipt of the detailed report and after giving the person an opportunity of being heard, pass final order either revoking the order of suspension or canceling the certificate of registration, within fifteen days from the date of receipt of the detailed report from the Notified Authority, failing which the order of interim suspension passed by the Notified Authority shall be deemed to have been revoked, without prejudice however, to further action which the controller may take against the holder of certificate under sub-clause (1):

Provided also that the order of cancellation passed by the Notified Authority shall remain effective as if it had been passed by the controller till such time the Controller, on receipt of the detailed report from the Notified Authority, and if deemed necessary, after giving the person a fresh opportunity of being heard, pass the final order either revoking or confirming the order of cancellation.

32. Appeals at Central Government level

1. In any State, where the fertilizer allocation is made by the Central Government under this Order and if the suspension or cancellation of authorization letter of the manufacturer and or pool handling agency or debarment of business, in any way, has an effect of dislocating the said allocation and if the Central Government is of the opinion that it is necessary or expedient so to do for maintaining the supplies, may direct the concerned State Government to furnish detailed report about the nature of contravention and a brief statement of the reasons for such suspension or cancellation and pass such order as it may think fit, confirming, modifying or annulling the order of State Government Provided that if the report called by the Central Government is not received from the State
Government within a period of fifteen days from the date of issue of the communication, the Central Government may decide the case without the report, on merit.

2. Any person aggrieved by the analysis report of Central Fertilizer Quality Control and Training Institute or its regional laboratories may appeal to the Controller for referee analysis of such sample within a period of 30 days from the receipt of analysis report. Provided that the Controller may entertain an appeal after the expiry of said period of 30 days from the date of the order appealed.

32A. Appeal at the State Government level

1. The State Government shall, by notification in the Official Gazette, specify such authority as the Appellate authority before which the appeals may be filed within 30 days from the date of the order appealed against by any person, except by an industrial dealer, aggrieved by any of the following Orders or action of registering authority or a Notified Authority, namely:-

   i. Refusing to grant a certificate of manufacture for preparation of mixture of Fertilizers or special mixture of fertilizers; or

   ii. Suspending or canceling a certificate of manufacture; or

   iii. Suspending or canceling authorization letter or debarring from carrying on the business of selling of fertilizer, or

   iv. Non-issuance of certificate of manufacture within the stipulated period; or

   v. Non-issuance of amendment in authorization letter within the stipulated period.

2. Any person aggrieved by analysis report of fertilizer Testing laboratories notified by the State Government may appeal to the appellate authority appointed under sub-clause (1) for reference analysis of such sample within thirty days from the date of receipt of analysis report.
33. Grant of duplicate copies of [authorization letter or Certificate of manufacture] certificate of registrations, etc.

Where [authorization letter or] a certificate of registration or a certificate of manufacture or any other certificate granted or, as the case may be, renewed under this Order is lost or [defaced, the notified authority] registering authority **or, as the case may be, the Controller may, on an application made in this behalf, together with the fee prescribed for this purpose under clause 36, grant a duplicate copy of such certificate.

34. Amendment of certificate of registration

The Notified Authority, registering or controller, as the case may be, may, on application being made by the holder of an authorization letter, a certificate of registration or certificate of manufacture, together with the fee prescribed for the purpose under clause 36, amend an entry in such authorization letter, certificate of registration or certificate of manufacture as the case may be.

35. Maintenance of records and submission of returns, etc.

1. The controller may by an order made in writing direct the dealers, Manufacturers/ importers, and pool handling agencies:-
   a. to maintain such books of accounts, records, etc. relating to their business in Form 'N'. and
   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.

2. Where a person holds certificates of registration for retail sale and wholesale sale of fertilizers, he shall maintain separate books of accounts for these two types of sales made by him.

3. Where a State Government, a manufacturer, +an importer and a pool handling agency holds valid certificates of registration for sale of fertilizers in, wholesale or retail or both and also for sale for industrial use, he shall maintain separate books of accounts for these two or three types of sales made by him.
4. Every importer shall inform the Director of Agriculture of the State in which he intends to discharge the imported fertilizer, under intimation to the Central Government, before the import is made or within a period of fifteen days after an indent for import is placed, the with details.

36. Fees

1. The fees payable for grant, amendment or renewal of [an authorization letter] or certificate of registration or certificate of manufacture a duplicate of such certificates or, renewal thereof under this Order shall be such as the State Government may, from time to time fix, subject to the maximum fees fixed for different purposes by the Central Government and different fees may be fixed for different purposes or for different classes of dealers or for different types of mixtures of fertilizer or special mixture.

2. The authority to whom and the manner in which the fee fixed under sub-clause (1) shall be paid, shall be such as may be specified by the State Government by notification in the Official Gazette.

3. Any fee paid under sub-clause (1) shall not be refundable unless the grant or renewal of any certificate of registration or certificate of manufacture or duplicate copy of such certificate or renewal under this Order has been refused.

4. The fees payable for grant, amendment, renewal or duplicate copy of certificate of registration for industrial dealer and the authority to whom and the manner in which such fee shall be paid, shall be such as may be specified by the Controller from time to time by notification in the Official Gazette.

37. Service of orders and directions

Any order or direction made or issued by the controller or by any other authority under this order shall be served in the same manner as provided in sub-section (5) of section 3 of the Act.
38. Advisory Committee

1. The Central Government may by notification in the Official Gazette and on such terms and conditions as may be specified in such notification, constitute a Committee called the Central Fertilizer Committee consisting of a Chairman and not more than ten other persons having experience or knowledge in the field, who shall be members of the Committee, to advise the Central Government regarding:-

   i. Inclusion of a new fertilizer, under this Order;
   ii. Specifications of various fertilizers;
   iii. Grades/formulations of physical/granulated mixtures of fertilizers that can be allowed to be prepared in a State;
   iv. Requirements of laboratory facilities in a manufacturing unit, including a unit manufacturing physical/granulated mixtures of fertilizers;
   v. Methods of drawl and analysis of samples.
   vi. Any other matter referred by the Central Government to the Committee.

2. The Committee may, subject to the previous approval of the Central Government, make bye-laws fixing the quorum and regulating its own procedure and the conduct of all business to be transacted by it.

3. The Committee may co-opt such number of experts and for such purposes or periods as it may deem fit, but any expert so co-opted shall not have the right to vote.

4. The Committee may appoint one or more sub-committees, consisting wholly of members of the Committee or partly of the members of the Committee and partly of co-opted members as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such subcommittee or sub-committees by the Central Fertilizer Committee.

5. The State Government may by notification in the Official Gazette and on such terms and conditions as may be specified in such notification, constitute a Committee called the State Fertilizer Committee consisting of a Chairman and not more than four other members, having experience or knowledge in the field, including a representative from State Agricultural University, the Fertilizer Industry and
Indian Micro Fertilizers Manufacturers Association to advise the State Government regarding the grades/formulations of mixture or of fertilizers.

39. Repeal and saving

1. The Fertilizer Control) Order, 1957 is hereby repealed except as respects things done or omitted to be done under the said Order before the commencement of this Order.

2. Notwithstanding such repeal, an order made by any authority, which is in force immediately before the commencement of this Order and which is consistent with this Order, shall continue in force and all appointments made, prices fixed, certificates granted and directions issued under repealed Order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, fixed, granted or issued in pursuance of this Order till revoked.

8.3 THE SEEDS (CONTROL) ORDER, 1983

Government Of India Ministry Of Agriculture, (Department Of Agriculture & Cooperation), New Delhi, Date 30th Dec., 1983, Order GSR 932 (E)–

In Exercise Of The Powers Conferred By Section 3, The Essential Commodities Act, 1955 (10 Of 1955), The Central Government Hereby Makes The Following Order, Namely:-

1. Short title and extent:

   (i) This Order may be called the Seeds (Control) Order, 1983.

   (ii) It extends to the whole of India.

   (iii) It shall come into force on the 30th December, 1983.

2. Definitions:

   In this Order, unless the context otherwise requires,

   (a) “Act” means the Essential Commodities Act, 1955 (10 of 1955).

   (b) “Controller” means a person appointed as Controller of Seeds by the Central Government and includes any person empowered by the Central Government to exercise all or any functions of the Controller under this Order;
(c) “Dealer” means a person carrying on the business of selling, exporting or importing seeds, and includes an agent of a dealer;
(d) “Export” means to take or cause to be taken out from any place in India to a place outside India;
(e) “Form” means a form appended to this Order;
(f) “Import” means to bring or cause to be brought to any place in India from outside India;
(g) “Inspector” means an inspector of seeds appointed under clause 12;
(h) “Registering authority” means a licensing authority appointed under clause 11;
(i) “Seeds” means the seeds as defined in the Seeds Act, 1966 (54 of 1966).
(j) “State Government” in relation to a Union Territory means the Administrator thereof by whatever designation known.

3. Dealer to obtain license

(1) No person shall carry on the business of selling, exporting or importing seeds at any place except under and in accordance with the terms and conditions of license granted to him under this order.

(2) Notwithstanding anything contained in sub-clause (1), the State Government may, by notification in the Official Gazette, exempt from the provisions of that sub-clause such class of dealers in such areas and subject to such conditions as may be specified in the notification.

4. Application for license

Every person desiring to obtain a license for selling, exporting or importing seeds shall make an application in duplicate in Form ‘A’ together with a fee of rupees fifty for license to licensing authority.

5. Grant and refusal of license

(1) The licensing authority may, after making such enquiry as it thinks fit, grant a license in Form ‘B’ to any person who applies for it under clause 4: Provided that a license shall not be issued to a person-
(a) Whose earlier license granted under this Order is under suspension, during the period of such suspension;
(b) Whose earlier license granted under this Order has been cancelled, within a period of one year from the date of such cancellation?
(c) Who has been convicted under the Essential Commodities Act, 1955 (10 of 1955) or any order issued there under within three years preceding the date of application.

(2) When the licensing authority refuses to grant license to a person who applies for it under clause 4, he shall record his reasons for doing so.

6. Period of validity of license
Every license under this Order, shall, unless previously suspended or cancelled, remain valid for three years from the date of its issue.

7. Renewal of license
(1) Every holder of license desiring to renew the license, shall, before the date of expiry of the license, make an application for renewal in duplicate, to the licensing authority in Form ‘C’ together with a fee of rupees twenty for renewal. On receipt of such application, together with such fee, the licensing authority may renew the license.

(2) If any application for renewal is not made before the expiry of the license, but is made within one month from the date of expiry of the license, the license may be renewed on payment of additional fee of rupees twenty five, in addition to the fee for renewal of license.

8. Dealers to display stock and price list
Every dealer of seeds shall display in his place of business:
(a) the opening and closing stocks, on daily basis, of different seeds held by him;
(b) a list indicating prices or rates of different seeds.
9. Dealers to give memorandum to purchaser

Every dealer shall give a cash or credit memorandum to a purchaser of seeds.

10. Power to distribute seeds

Where it is considered necessary to do so in public interest, the Controller may, by an order in writing direct any producer or dealer to sell or distribute any seed in such manner as may be specified therein.

11. Appointment of licensing authority

The State Government may by notification in the Official Gazette appoint such number of persons as it thinks necessary to be licensing authority and may also define in that notification the area within which each such licensing authority shall exercise his jurisdiction.

12. Appointment of Inspectors

The State Government may by notification in the Official Gazette appoint such number of persons as it thinks necessary to be inspectors and may in such notification define the local area within which each such Inspector shall exercise his jurisdiction.

13. Inspection and punishment

(1) An Inspector may with a view to securing compliance with this Order—

(a) require any dealer to give any information in his possession with respect to purchase, storage and sale of seeds by him;

(b) Enter upon and search any premises where any seed is stored or exhibited for sale to ensure compliance with the provisions of this Order;

(c) draw samples of seeds meant for sale, export and seeds imported, and send the same in accordance with the procedure laid down in Schedule I, to a laboratory notified under the Seeds Act, 1966 (54 of 1966) to ensure that the sample conforms to standard of quality claimed;
(d) seize or detain any seed in respect of which he has reason to believe that a contravention of this Order has been committed or is being committed; (e) seize any books of accounts or document relating to any seed in respect of which he has reason to believe that a contravention of this Order has been committed or is being committed. Provided that the Inspector shall give a receipt, in respect of the books of accounts or documents seized, to the person from whom they have been seized.

Provided further that the seized books of accounts or documents shall be returned to the person from whom the same had been seized after copies thereof or extracts therefrom as certified by such person have been taken.

(2) Subject to the provision of paragraph (d) of sub-clause (1), the provision, of section 100 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.

(3) Where any seed is seized by an Inspector under this clause, he shall forthwith report the fact of such seizure to a Magistrate whereupon the provisions of sections 457 and 458 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to the custody and disposal of such seed.

(4) Every person, if so required by an Inspector, shall be bound to offer all necessary facilities to him for the purpose of enabling him to exercise his power under this clause.

14. Time limit for analysis

The laboratory to which a sample has been sent by an Inspector for analysis under this Order shall analyze the said samples and send the analysis report to the concerned Inspector within 60 days from the date of receipt of the sample in the laboratory.

15. Suspension/Cancellation of license

The licensing authority may, after giving the holder of the license an opportunity of being heard, suspend or cancel the license on the following grounds, namely:-

(a) that the license had been obtained by misrepresentation as to a material particular; or
(b) that any of the provisions of this Order or any condition of license has been contravened.

16. Appeal

Any person aggrieved by an order-
(a) refusing to grant, amend or renew the license for sale, export or import of seeds;(b) suspending or cancelling any license, may within sixty days from the date of the order, appeal of such authority as the State Government may specify in this behalf, and the decision of such authority shall be final.

17. Amendment of license

The licensing authority may, on receipt of a request in writing together with a fee of rupees ten from a dealer, amend the license of such dealer.

18. Maintenance of records and submission of returns, etc.

(1) Every dealer shall maintain such books, accounts and records relating to his business as may be directed by the State Government.

(2) Every dealer shall submit monthly return relating to his business for the preceding month in Form ‘C’ to the licensing authority by the 5th day of every month.


An Act to regulate the import, manufactures, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matter connected there with [2nd September, 1968] Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:

1. Short title, extent and commencement.-

(1) This Act may be called the Insecticides Act, 1968.

(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act.

2. Definitions.-In this Act, unless the context otherwise requires,

(a) "animals" means animals useful to human beings and includes fish and fowl, and such kinds of wild life as the Central Government may, by notification in the official Gazette, specify, being kinds which in its opinion, it is desirable to protect or preserve;
(b) "Board" means the Central Insecticides Board constituted under Sec. 4;
(c) "Central Insecticides Laboratory" means the Central Insecticides Laboratory established, or as the case may be, the institution specified under Sec. 16;
(d) "Import" means bringing into any place within the territories to which this Act extends from a place outside those territories;
(e) "insecticide" means

(i) such other substance (including fungicides and insecticides) as the Central Government may, after consultation with the Board, by notification in the official Gazette, include in the schedule from time to time; or

(ii) Any preparation containing any one or more of such substances;
(f) "Insecticide Analyst" means an insecticide analyst appointed under Sec. 19;
(g) "Insecticide Inspector" means an insecticide Inspector appointed under Sec. 20;
(h) "Label" means any written, printed or graphic matter on the immediate package and on every other covering in which the package is placed or packed and includes any written, printed or graphic matter accompanying the insecticide;
(i) "licensing officer" means a licensing officer appointed under Sec. 12;
(j) "Manufacture", in relation to any insecticide, includes

(i) any process or part of a process for making, altering, finishing, packing, labeling, reaking up or otherwise treating or adopting any insecticide with a view to its sale, distribution or use but does not include the packing or breaking up of any insecticide in the ordinary course of retail business; and
(ii) Any process by which preparation containing an insecticide is formulated;

(k) "Misbranded"—an insecticide shall be deemed to be misbranded

(i) if its label contains any statement, design or graphic representation relating thereto which is false or misleading in any material particular, or if its package is otherwise deceptive in respect of its contents; or

(ii) if it is an imitation of, or is also under the name of, another Insecticide; or

(iii) if its label does not contain a warning or caution which may be necessary and sufficient, if complied with to prevent risk to human beings or animals; or

(iv) if any word, statement or other information required by or under this Act to appear on the label is not displayed thereon in such conspicuous manner as the other words, statements, designs or graphic matter have been displayed on the label and in such terms as to render it likely to be read and understood by any ordinary individual under customary conditions of purchase and use; or

(v) If it is not packed or labeled as required by or under this Act; or

(vi) If it is not registered in the manner required by or under this Act; or

(vii) If the label contains any reference to registration other, than the registration number; or

(viii) if the insecticide has a toxicity which is higher than the level prescribed or is mixed or packed with any substance so as to alter its nature or quality or contains any substance which is not included in the registration;

(l) "Package" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag wrapper, or other thing in which an insecticide is placed or packed;

(m) "Premises" means any land, shop, stall or place where any insecticide is sold or manufactured or stored or used, and includes any vehicle carrying insecticides;

(n) "Prescribed" means prescribed by rules made under this Act;

(o) "Registered", with its grammatical variations an cognate expressions, means registered under this Act;

(p) "sale", with its grammatical variations and cognate expressions, means the sale of any insecticide whether for cash or on credit and whether by wholesale or retail, and includes an agreement for sale, an offer for sale, the exposing for
sale or having in possession for sale of any insecticide and includes also an attempt to sell any such insecticide;

(q) "State Government", in relation to a Union territory, means the administrator there of;

(r) "Worker" means a person employed under a contract of service or apprenticeship.

_Heading of the section_

The headings prefixed to a section or sets of sections may be read along with the enacting part of sections while construing them with a view to resolve any doubt they may have as to ambiguous words. But the heading cannot be used to give a different effect to the clear words in the section. The heading of a section does not also prevail, where the intention of the Legislature can be gathered by reference to other sections.

_3. The Central Insecticides Board_

(1) The Central Government shall, as soon as may be, constitute a Board to be called the Central Insecticides Board to advise the Central Government and State Governments on technical matters arising out of administration of this Act and to carry out the other functions assigned to the Board by or under this Act.

(2) The matters on which the Board may advise under sub-section (1) shall include matter relating to

(a) The risk to human being or animals involved in the use of insecticides and the safety measures necessary to prevent such risk;

(b) The manufacture, sale, storage, transport and distribution of insecticides with a view to ensure safety to human beings or animals..

(3) The Board shall consist of the following members, namely

(i) The Director-General of Health Services, _ex officio_, who shall be Chairman;

(ii) The Drugs Controller, India, _ex officio;_
(iii) The Plant Protection Adviser to the Government of India, *ex officio*;

(iv) The Director of Storage and Inspection, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) *ex officio*;

(v) The Chief Adviser of Factories, *ex officio*;

(vi) The Director, National Institute of Communicable Diseases, *ex officio*;

(viii) The Director-General, Indian Council of Agricultural Research, *ex officio*;

(viii) The Director-General, Indian Council of Medical Research, *ex officio*;

(ix) The Director, Zoological Survey of India, *ex officio*;

(x) The Director-General, Indian Standards Institution, *ex officio*;

(xi) The Director-General of shipping or, in his absence, the Deputy Director-General of Shipping, Ministry of Transport and Shipping *ex officio*;

(xii) The joint Director, Traffic (General), Ministry of Railways (Railway Board), *ex officio*;

(xiii) The Secretary, Central Committee for Food Standards, *ex officio*;

[(xiii-a)] The Animal Husbandry Commissioner, Department of Agriculture, *ex officio*;

(xiii-b) The joint Commissioner (Fisheries), Department of Agriculture, *ex officio*;

(xiii-c) The Deputy Inspector-General of Forests, Department of Agriculture *ex officio*;

(xiii-d) The Industrial Adviser, Directorate-General of Technical Development, *ex officio*;

(xiv) One person to represent the Ministry of Petroleum and Chemicals, to be nominated by the Central Government;

(xv) One pharmacologist to be nominated by the Central Government

(xvi) One medical toxicologist to be nominated by the Central Government

(xvii) One person who shall be in charge of the department dealing with public health in a State, to be nominated by the Central Government;

(xviii) Two persons who shall be Directors of Agriculture in States, to be nominated by the Central Government;
(xix) Four persons, one of whom shall be an expert in industrial health and occupational hazards, to be nominated by the Central Government;

(xx) One person to represent the Council of Scientific and Industrial Research, to be nominated by the Central Government;

(xxi) One ecologist to be nominated by the Central Government.

(4) The persons nominated under Cls (xiv) to 2[(xxi)] inclusive, of sub-section (3) shall, unless their seats become vacant earlier by registration, death or otherwise, hold office for three years from the date of their nomination but shall be eligible for re nomination: Provided that the persons nominated under Cls. (xvii) and (xviii) shall hold office only for so long as they hold the appointments by virtue of which their nominations were made. 3

(5) No act or proceeding of the Board, the Registration Committee or any committee appointed under Sec. 6, shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board, the Registration Committee or such committee, as the case may be.

4. Registration Committee.-

(1) The Central Government shall constitute a Registration Committee consisting of a Chairman, and not more than five persons who shall be members of the Board (including the Drugs Controller, India and the Plant Protection Adviser to the Government of India)

(i) to register insecticides after scrutinizing their formulae and verifying claims made by the importer or the manufacturer, as the case may be, as regards their efficacy and safety to human beings and animals; and

(ii) To perform such other functions as are assigned to it by or under this Act.

(2) Where the Chairman is not a member of the Board, his term of office and other conditions of service shall be such as may be determined by the Central Government.
(3) Subject to the provisions of sub-section (2), a member of the Registration Committee shall hold office for so long as he is a member of the Board.

(4) The Committee may also co-opt such number of experts and for such purpose or period as it may deem fit, by any expert so co-opted shall have no right to vote.

(5) Registration Committee shall regulate its own procedure and the conduct of the business to be transacted by it.

5. Other Committees

The Board may appoint such committees as It deems fit and may appoint to them, persons who are not members of the Board to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Board may impose, be delegated to them by the Board.

6. Procedure for Board

The Board may, subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the procedure of any committee thereof and the conduct of all business to be transacted by it or such committee.

7. Secretary and other officers

The Central Government shall

(i) Appoint a person to be the Secretary of the Board who shall also function as Secretary to the Registration Committee; and

(ii) provide the Board and the Registration Committee with such technical and other staff as the Central Government considers necessary.
8. Registration of insecticides

(1) any person desiring to Import or manufacture any insecticide may apply to the Registration Committee for the registration of such Insecticide and there shall be separate application for each such insecticide, Provided that any person engaged in the business of import or manufacture of any insecticide immediately before the commencement of this section shall make an application to the Registration Committee within a period of 1[seventeen months] from the date of such commencement for the registration of any insecticide which he has been importing or manufacturing before that date, Provided further that where any person referred to in the preceding proviso fails to make an application under that proviso within the period specified therein, he may make such application at any time thereafter on payment of a penalty of one hundred rupees for every month or part thereof after the expiry of such period for the registration of each such insecticide.

(2) Every application under sub-section (1) shall be made in such form and contain such Particulars as may be prescribed.

(3) On receipt of any such application for the registration of an insecticide, the Committee may, after such enquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to the claims made by the importer or by the manufacturer, as the case may be, as regards the efficacy of the insecticide and its safety to human beings and animals, register on such conditions as may be specified by it and on payment of such fee as may be prescribed, the insecticide, allot a registration number thereto and issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application, Provided that the Committee may, if it is unable within the said period to, arrive at a decision on the basis of the materials placed before it, extend the period by a further period not exceeding six months, Provided further that if the Committee is of opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings or animals are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the insecticide
Involves serious risk to human beings or animals, it may refuse to register the insecticide. 4[(3-A) In the case of applications received by it prior to the 31st day of March, 1975, notwithstanding the expiry of the period specified in sub-section (3) for disposal of such applications, it shall be lawful and shall be deemed always to have been lawful for the Registration Committee to dispose of such applications at any time after such expiry but within a period of one year from the commencement of the Insecticides (Amendment) Act, 1977 (24 of 1977), Provided that nothing contained in this sub-section shall be deemed to make any contravention before the commencement of the Insecticides (Amendment) Act, 1977 (24 of 1977), of a condition of a certificate of registration granted before such commencement, an offence punishable under this Act.

(3-B) Where the Registration Committee is of opinion that the insecticide is being introduced for the first time in India, it may, pending any enquiry, register it provisionally for a period of two years on such conditions as may be specified by it.

(3-C) The Registration Committee may, having regard to the efficacy of the insecticide and its safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may for that purpose require the certificate-holder by notice in writing to deliver up the certificate to it within such time as may be specified in the notice.]

(4) Notwithstanding anything contained in this section, where an Insecticide has been registered on the application of any person, any other person desiring to import or manufacture the insecticide or engaged in the business of, import or manufacture thereof shall on application and on payment of prescribed fee be allotted a registration number and granted a certificate of registration in respect thereof on the same conditions on which the insecticide was originally registered.
Scope and applicability

The factum of the requirement for the petitioners' cultivation have not been denied by the respondents. Therefore, since there is no dispute in regard to the factual aspect of the matter, Sec. 9 does not have any manner of application in the facts and circumstances of the case.

Statutory rule.-

A statement contained in a statute or. Statutory rule of the factual background leading up to the enactment has ordinarily to be accepted and acted upon by the Court as wholly correct.

9. Appeal against non-registration or cancellation.-

Any person aggrieved by a recession of the Registration Committee under Sec. 9 may, within a period of thirty days from the date on which the decision is communicated to him appeal in the prescribed manner and on payment of the prescribed fee to the Central Government whose decision thereon shall be final: Provided that the Central Government may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

10. Power of revision of Central Government.-

The Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under Sec.9 for the purpose of satisfying itself as to the legality or propriety of any such decision and may pass any such order in relation thereto as it thinks fit: Provided that no such order shall be passed after the expiry of one year from the date of the decision, Provided further that the Central Government shall not pass any order prejudicial to person unless that person has had a reasonable opportunity of showing cause against the proposed order.
11. Licensing officers

The State Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be licensing officers for the purposes of this Act and define the areas in respect of which they shall exercise jurisdiction.

12. Grant of license

(1) Any person desiring to manufacture or to sell, stock or exhibit for sale or distribute any insecticide, [or to undertake commercial pest control operations with the use of any insecticide] may make an application to the licensing officer for the grant of a license, Provided that any person engaged in the business of manufacturing or selling, stocking or exhibiting for sale or distributing any insecticide immediately before the commencement of this section shall make an application to the licensing officer for the grant of a license within a period of 4 [seventeen months] from the date of such commencement, [Provided further that any person engaged in the commercial pest control operations immediately before the commencement of the Insecticides (Amendment) Act, 1977 (24 of 1977), shall make an application to the licensing officer for the grant of a license within a period of six months from the commencement of the said Act.]

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

(3) On receipt of any such application for the grant of a license, the licensing officer may grant a license in such form, on such conditions and on payment of such fee as may be prescribed.

(4) A license granted under this section shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fee as may be prescribed, Provided that where a license has been granted to any person who has made an application under 1 [the first proviso or, as the case may be the second proviso] to subsection (1), that license shall be deemed to be cancelled in relation to any insecticide, the application for registration whereof has been refused or the registration
whereof has been cancelled, under this Act, with effect from the date on which such refusal or cancellation is notified in to official Gazette. 2[(5) In prescribing fees the grant or renewal of licenses under this section, different fees may be prescribed for the sale or distribution of insecticides for purposes of domestic use and for other purposes.

13. Revocation, suspension and amendment of licenses

(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that

(a) The license granted under Sec. 13 has been granted because of misrepresentation as to an essential fact; or

(b) the holder of a license has failed to comply with the conditions *subject to* which the license was granted or has contravened any of the provisions of this Act or the rules made there under, then, without prejudice to any other penalty to which the holder of the license may be liable under this Act, the licensing officer may, after giving the holder of the license an opportunity of showing cause, revoke or suspend the *license*.

(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a license granted under Sec. 13.

15. Appeal against the decision of a licensing officer

(I) Any person aggrieved by a decision of licensing officer under Sec. 13 [except under the proviso to sub-section (4)] or Sec. 14 may, within a period of thirty days from the date on which the decision is communicated to him, appeal to such authority in such manner and on payment of such fee as may be prescribed: Provided that the appellate authority may entertain an appeal after the expiry of the said period if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of showing cause, dispose of the
appeal ordinarily within a period of six months and the decision of the appellate authority shall be final.

15. Central Insecticides Laboratory

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

Provided that if the Central Government so directs by a notification in the official Gazette, the functions of the Central Insecticides Laboratory shall, to such extent as may be specified in the notification, be carried out at any such Institution as may be specified therein and thereupon the functions of the Director of the Central Insecticides Laboratory shall to the extent so specified, be exercised by the head of the institution.

16. Prohibition of Import and manufacture of certain insecticides

(1) No person shall, himself or by any person on his behalf, import or manufacture

(a) Any misbranded insecticides;

(b) Any insecticide the sale, distribution or use of which is for the time being prohibited under Sec. 27;

(c) Any insecticide except in accordance with the condition on which it was registered;

(d) Any insecticide in contravention of any other provision of this Act or of any rule made there under, Provided that any person who has applied for registration of an insecticide under any of the provisos to sub-section (1) of Sec. 9 may continue to import or manufacture any such insecticide and such insecticide shall not be deemed to be a misbranded insecticide within the meaning of sub-section (vi) or sub-clause (vii) or sub clause (viii) of Cl. (k) of Sec. 3, until he has been informed by the Registration Committee of its decision to refuse to register the said insecticide.
(2) No person shall, himself or by any person on his behalf; manufacture any insecticide except under, and in accordance with the condition of, a license issued for such purpose under this Act.

17. Prohibition of sale, etc. of certain insecticides

(1) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale, distribute [transport, use, or cause to be used] by any worker

(a) Any insecticide which is not registered under this Act;

(b) Any insecticide, the sale, distribution or use of which is for the time being prohibited under Sec. 27;

(c) Any insecticide in contravention of any other provision of this Act or of any rule made there under.

(2) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale or distribute [or use for commercial pest control operations] any insecticide except under, and in accordance with the conditions of, a license issued for such purpose under this Act.

18. Insecticide Analysts

The Central Government or a State Government may, by notification in the official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticide Analysts for such areas and in respect of such insecticides or class of insecticides as may be specified in the notification, Provided that no person who has any financial interest in the manufacture, import or sale of any insecticide, shall be so appointed.

19. Insecticide Inspectors

(1) The Central Government or a State Government may, by notification in the official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticides Inspectors for such area as may be prescribed to be Insecticide
Inspectors for such area as may be specified in the notification, Provided that any person who does not possess the required qualifications may be so appointed only for the purposes of Clauses. (a) and (b) of sub-section (1) of Sec. 21: Provided further that no person who has any financial interest in the manufacture, import or sale of any insecticide shall be so appointed.

(2) Every Insecticide Inspector shall be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code (45 of 1860), and shall be officially subordinate to such authority as the Government appointing him may specify in this behalf.

20. Powers of Insecticide Inspectors

(1) An Insecticide Inspector shall have, power

(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 there under 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 there under or the conditions of any certificate of registration or license issued there under are being complied with;

(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

(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 there under are being complied with and for the purpose stop any vehicle;

(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 there under, for a specified period not exceeding twenty 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;
(e) to take samples of any insecticide and send such samples for analysis to
the Insecticide Analyst for test in the prescribed manner; and

(f) To exercise such other powers as may be necessary for carrying out the
purposes of this Act or the rules made there under.

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 Sec. 94 of the said Code.]

(3) An Insecticide Inspector may exercise the powers of a police officer
under 2[Sec. 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 insecticide is seized.

21. Procedure to be followed by Insecticide Inspectors

(1) Where an, Insecticide Inspector seizes any record, register or document
under Cl. (b) sub-section (1) of Sec. 21, he shall, as may be, inform a
Magistrate and take his orders as to the custody thereof.

(2) Where an Insecticide Inspector takes any action under Cl. (d)
of sub-
section (1) of Sec21- -

(a) he shall use all dispatch in ascertaining whether or not the insecticide or
its sale, distribution or use contravenes any of the provisions of Sec. 18 and if it
is ascertained that the insecticide or its sale, distribution or use does not so
contravene, forthwith revoke the order passed under the said clause or, as the
case may be, take such action as may be necessary for the return of the stock
seized;

(b) if he seizes the stock of the insecticide he shall, as soon as may be,
inform a Magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged
contravention be such that the defect may be remedied by the possessor of the
insecticide, he shall, on being satisfied that the defect has been so remedied,
forthwith revoke his order and in case where the Insecticide Inspector has
seized the stock of insecticide, he shall, as soon as may be, inform a Magistrate and obtain his order as the release thereof.

(3) Where an Insecticide Inspector takes any sample of an insecticide, he shall tender the fair price thereof and may require a written acknowledgment there for.

(4) Where the price tendered under sub-section (3) is refused, or where the Insecticide Inspector seizes the stock of any insecticide under Cl. (d) of sub-section (1) of Sec. 21, he shall tender a receipt there for in the prescribed form.

(5) Where an Insecticide Inspector takes a sample of any insecticide for the purpose of test or analysis, he shall intimate such purpose in writing on the prescribed form to the person from whom he takes It, and in the presence of such person unless he willfully absents himself, shall divide the sample Into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portion so sealed and marked, Provided that where the insecticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Insecticide Inspector

(6) The Insecticide Inspector shall restore one portion of a sample so divided or more one container, as the case may be, to the person from whom he takes it and shall retain the remainder and dispose of the same as follows:

(i) One portion or container, he shall forthwith send to the Insecticide Analyst for test or analysis; and

(ii) The second, he shall produce to the Court before which proceedings, if any, are instituted in respect of the insecticide.

22. Persons bound to disclose place where insecticides are manufactured or kept

Every person for the time being in charge of any premises where any Insecticide Is being manufactured or is kept for sale or distribution shall, on being required by an Insecticide Inspector so to do, be legally bound to disclose to the Insecticide Inspector the place where the insecticide is being manufactured or is kept, as the case may be.
23. Report of Insecticide Analyst

(1) The Insecticide Analyst to whom a sample of any insecticide has been submitted for test or analysis under sub-section (6) of Sec. 22, shall, within a period of sixty days, deliver to the Insecticide Inspector submitting it a signed report in duplicate in the prescribed form.

(2) The Insecticide Inspector on receipt thereof shall deliver one copy of the report to the person from whom the sample was taken and shall retain the other copy for use in any prosecution in respect of the sample.

(3) Any document purporting to be a report signed by an Insecticide Analyst shall be evidence of facts stated therein, and such evidence shall be conclusive unless the person from whom the sample was taken has within twenty-eight days of the receipt of a copy of the report notified in writing the Insecticide Inspector or the Court before which any proceeding in respect of the sample are pending that he intends to adduce evidence in controverting the report.

(4) Unless the sample has already been tested or analyzed in the Central Insecticides Laboratory, where a person has under sub-section (3) notified his intention of adducing evidence in controversies of the Insecticide Analyst's report the Court may, of its own motion or its discretion at the request either of the complainant or of the accused, cause the sample of the insecticide produced before the Magistrate under sub-section (6) of Sec. 22 to be sent for test or analysis to the laboratory, which shall make the test or analysis and report in writing signed by, or under the authority of, the Director of Central Insecticides Laboratory the result thereof, and such report shall be conclusive evidence of the facts stated therein.

(5) The cost of a test or analysis made by the Central Insecticides Laboratory under subsection

(6) Shall be paid by the complainant or the accused as the Court shall direct.
24. Confiscation

(1) Where any person has been convicted under this Act for on ravening any of the provisions of this Act or of the rules made there under, the stock of the insecticide in respect of which the contravention has been made shall be liable to confiscation.

(2) Without prejudice to the provisions contained in sub-section (1), where the Court satisfied on the application of an Insecticide Inspector or otherwise and after such inquiry as may be necessary, that the insecticide is a misbranded insecticide, such insecticide shall be liable to confiscation.

25. Notification of poisoning

The State Government may, by notification in the official Gazette, require any person or class of persons specified therein to report all occurrences of poisoning (through the use or handling of any insecticide) coming within his or their cognizance to such officer as may be specified in the said notification.

26. Prohibition of sale, etc. of Insecticide for reasons of public safety

(1) If, on receipt of a report under Sec. 26 or otherwise, the Central Government or the State Government is of opinion, for reasons to be recorded in writing, that the use of any insecticide specified in sub-clause (iii) of Cl. (e) of Sec. 3 or any specific batch thereof is likely to involve such risk to human beings or animals as to render it expedient or necessary to take immediate action then that Government may, by notification in the official Gazette, prohibit the sale, distribution or use of the insecticide or batch, in such area, to such extent and for such period (not exceeding sixty days) as may be specified in the notification pending investigation into the matter:

Provided that where the investigation is not completed within the said period, the Central Government or the State Government, as the case may be, may extend it by such further period or periods not exceeding thirty days in the aggregate as it may specify in a like manner.
(2) If, as a result of its own investigation or on receipt of the report from the State Government and after consultation with the Registration Committee, the Central Government, is satisfied that the use of the said insecticide or batch is or is not likely to cause any such risk, it may pass such order (including an order refusing to register the insecticide or cancelling) the certificate of registration, if any, granted in respect thereof as it deems fit, depending on the circumstances of the case.

27. Notification of cancellation of registration, etc

A refusal to register any insecticide or a cancellation of a certificate of registration of any insecticide shall be notified in the official Gazette and in such other manner as may be prescribed.

28. 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 Cl. ,(k) of Sec. 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 license; or

(d) Sells or distributes an insecticide, in contravention of Sec. 27; or

(e) Causes an insecticide, the use of which has been prohibited under Sec. 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 there under, shall be punishable’ -

(I) for -the first offence, with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both;
(ii) For the second and a subsequent offence, with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) Whoever uses an insecticide in contravention of any provision of this Act or any rule made there under shall be punishable with fine which may extend to five hundred rupees.

(3) Whoever contravenes any of the other provisions of this Act or any rule made there under or any condition of certificate or registration or license granted there under, shall be punishable.

(f) For the first offence, with imprisonment for a term which may extend to six months, or with both;

(if) for the second and a subsequent offence, with imprisonment for a term which may extend to one year, or with fine 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.

30. Defense which may or may not be allowed in prosecutions under this Act

(1) Save as hereinafter provided in this section, it shall be no defense in a prosecution under this Act 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 of the risk involved in the manufacture, sale or use of such insecticide or of the circumstances of its manufacture or import.

(2) For the purposes of Sec. 17 an insecticide shall not be deemed to be misbranded only by reason of the fact that

(a) there has been added thereto some innocuous substance or ingredient because the same is required for the manufacture or the preparation of the insecticide as an article of commerce in a state fit for carriage or consumption,
and not to increase the bulk, weight or measure of the insecticide or to conceal its inferior quality or other defect; or

(b) In the process of manufacture, preparation or conveyance some extraneous substance has unavoidably become intermixed with it.

(3) 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 licensed 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.

31. Cognizance and trial of offences

(1) No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government of a person authorized in this behalf by the State Government.

(2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

32. Offences by companies

(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.

Explanation.-For the purpose of this section:

(a) "Company" means anybody corporate and includes a firm or other association of individuals; and '.

(b) "Director", in relation to a firm, means a partner in the firm.

31. Power of the Central Government to give directions

The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made there under.

32. Protection of action taken in good faith

No prosecution, suit or other proceeding shall lie against the Government, or any officer of the Government, or the Board, the Registration Committee or any Committee of the Board, for anything in good faith done or intended to be done under this Act.

33. Power of the Central Government to make rules

(1) The Central Government may, after consultation with the Board and subject to the condition of previous publication, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Act:
Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe

(a) The method of packing and labeling;
(b) The manner of registration of an insecticide;
(c) The functions of the Board and of the Registration Committee and the travelling and other allowance payable to members of the Board, the Registration

34. Power of the State Government to make rules

(1) The State Government may, after consultation with the Board and subject to the condition of previous publication, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Act and not inconsistent with the rules, if any, made by the Central Government.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for -

(a) the authority to which, the manner in which, and the fee on payment of which, an appeal may be filed under Sec. 15 and the procedure to be followed by the appellate authority in disposing of the appeal;
(b) The delegation of any of the powers and functions conferred by this Act on the State Government to any officer or authority specified by that Government.
35. Retrospectives of an amendment

If the suit was pending on the date when the amendments in the principal Act were brought into force, the amended provisions of the Act will govern the disposal of the suit.3 It is well-settled rule of construction that every statute or statutory rule is prospective unless it is expressly or by necessary implication made to have

36. Doctrine of implied repeal

The doctrine of implied repeal is based on the postulate the Legislature which is presumed to know the existing state of the laws did not intend to create any confusion by retaining conflicting provisions. Court in applying this doctrine are supposed merely to give effect to the legislative intent by examining the object and scope of the two enactments. But in a conceivable case, the very existence of two provisions may by itself, and without more, lead to an inference of mutual irreconcilability if the later set of provisions is by itself a complete Code with respect to the same matter. In such a case the actual detailed comparison of the two sets of provisions may not be necessary. It is a matter of legislative intent that the two sets of provisions were not expected to be applied simultaneously

37. Exemption

(1) Nothing in this Act shall apply to

(a) The use of any insecticide by any person for his own household purposes or for garden or in respect of any land under his cultivation;

(b) Any substance specified or included in the schedule or any preparation containing any one or more such substances, if such substance or preparation is intended for purposes other than preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds and other forms of plant or animal life not useful to human beings.

(2) The Central Government may, by notification In the official Gazette, and subject to such conditions, if any, as it may specify therein, exempt from
all or any of the provisions of this Act or the rules made thereunder, any educational, scientific or research organization engaged in carrying out experiments, with insecticides.

**SEED ORDER. 378 (E) dated the 26th May, 1989**

Whereas, with a view to reviewing the continued use in India of pesticides that are either banned or restricted for use in other countries, the Government of India, had set up an Expert Committee. Now, therefore, after considering the recommendations of the said Expert Committee, and in consultation with the Registration Committee, set up under the Insecticides Act, 1968, the Central Government, in exercise of the powers conferred on it, under sub-section (2) of Sec. 27 read with Sec. 28 of the Insecticides Act, 1968, hereby passes the Following order:

(1) The use of DDT in agriculture is hereby withdrawn. In very special circumstances warranting the use of DDT for plant protection work, the State or Central Government may purchase it directly from Messrs. Hindustan Insecticides Limited, to be used under expert Governmental supervision.

2) The use of DDT for the public health programme to 10,000 MTs per annum, except in case of any major outbreak of epidemic is hereby restricted.

(3) The Central Government further orders that the registration certificates issued by the Registration Committee to various registrants under Sec. 9 of the said Act shall stand Modified/cancelled to give effect to this order.

(4) It is also ordered that all the holders of the registration certificates for manufacture and import of DDT should return their registration certificate to the Secretary, Registration Committee, Directorate of Plant Protection, Quarantine and Storage, NH-IV Faridabad (Haryana) by the 15th June, 1989.

(5) However, non-endorsement/correction of the registration certificates will not be taken as permission/approval to operate upon original certificate of registration it contravention of the provisions of this order.

(6) Certificates not submitted by the due date shall be deemed to have been cancelled.
SEED ORDER. 5 6 9 (E), dated the 25th July, 1989

Whereas the Government of India had set up an Expert Committee with a view to reviewing the continued use in India of pesticides that are either banned or restricted for use in other countries. Now, therefore, after considering the recommendations of the said Expert Committee, and in consultation with the Registration Committee, set up under the Insecticides Act, 1968, the Central Government in exercise of the powers conferred


Insecticides Act, 1968 29 on it, under sub-section (2) of Sec. 27 read with Sec. 28 of the Insecticides Act, 1968, hereby passes the following order

(1) Chlorobenzilate is hereby banned for use in agriculture. If required it can be imported by Government/Semi-Government Organization and prepared folbexstrips for making it available to be keepers for controlling mites of honeybees.

(2) Dibromo-Chloropropane (DBPC) is hereby banned and the registration certificates issued by the Registration Committee to ‘various registrants shall stand cancelled.

(3) Toxaphene (Camphechlor) is hereby banned and the registration certificates issued by the Registration Committee to various registrants shall be cancelled.

(4) The use of Sodium Cyanide shall be restricted for fumigation of cotton bales by Plant Protection Adviser to the Government of India under expert supervision.

(5) Penta-Chloro-Nitor-Benzene (PCNB) is hereby banned and the registration certificates issued by the Registration Committee to various registrants shall stand cancelled.

(6) Captafol shall be used only as seed dresser. Its use as foliar spray is hereby banned.
(7) All the holders of the registration certificates for manufacture and import, of these insecticides should return their registration certificates to the Secretary, Registration Committee, Directorate of PP, Q&S, NH-IV Faridabad (Haryana) by the 31st July, 1989.

(8) Non-endorsement or correction of the registration certificates will not be taken as permission or approval to operate upon original certificate of registration in contravention of the provisions of this order.

(9) Certificates not submitted by the due date shall be deemed to have been cancelled.

THE INSECTICIDES RULES, 1971

Preliminary

1. Short title and commencement.-

2. (1) these rules may be called the Insecticides Rules, 1971.

3. (2) they shall come, into force on the 30th of October, 1971.

3. Definitions.-In these rules, unless the context otherwise requires

   (a) "Act" means the Insecticides Act, 1968 (46 of 1968);

   (c) "Expiry date" means the date that is mentioned on the container, label or wrapper against the column 'date of expiry';

   (d) "Form" means a form set out in the First Schedule;

   (e) "Laboratory" means the Central Insecticides Laboratory;

   (f) "Schedule" means a schedule annexed to these rules;

   (h) "Pests" means any insects, rodents, fungi, weeds and other forms of plant or animal life not useful to human beings.

   (i) "Primary package" means the immediate package containing the insecticides

   (j) "Principal" means the importer or manufacturer of insecticides, as the case may be

   (k) "Registration" includes provisional registration
(l) "Rural area" means an area which falls outside the limits of any Municipal Corporation or Municipal Committee or a Notified Area Committee or a Cantonment

(m) "Schedule" means a Schedule annexed to these rules

(n) "Secondary package" means a package which is neither a primary package nor a transportation packs'

(o) "Section" means a section of the Act;

(p) "Testing facility" means an operational unit where the experimental studies are being carried out or have been carried out in relation to submission of data on product quality or on safety or on efficacy, or an residues or on stability in storage of the insecticides for which an application for registration is made

(q) "Transportation package" means the outer most packages used for transportation of insecticides.

Functions of the Board, Registration Committee and Laboratory

3. Functions of the Board.-

The Board shall, in addition to the functions assigned to it by the Act, carry out the following functions, namely:

(a) Advise the Central Government on the manufacture of insecticides under the Industries (Development and Regulation) Act, 1951 (65 of 1951);

(b) Specify the uses of the classification of insecticides on the basis of their toxicity as well as their being suitable for aerial application;

(c) Advice tolerance limits for insecticides, residues and an establishment of minimum intervals between the application of insecticides and harvest in respect of various commodities;

(d) Specify the shelf-life of insecticides;

(e) Suggest colorization, including coloring matter which may be mixed with concentrates of insecticides, particularly those of highly toxic nature;

(f) Carry out such other functions as are supplemental, incidental or consequential to any of the functions conferred by the Act or these rules.
4. Functions of Registration Committee

The Registration Committee shall, in addition to the functions assigned to it by the Act, perform the following functions, namely

(a) Specify the precautions to be taken against poisoning through the use handling of insecticides;

(b) Carry out such other incidental or consequential matters necessary for carrying out the functions assigned to it under the Act or these rules.

5. Functions of Laboratory

The functions of the Laboratory shall be as follows

(a) to analyze such samples of insecticides sent to it under the Act by any officer or authority authorized by the Central or State Governments and submission of certificates of analysis to the concerned authority;

(b) To analyze samples of materials for insecticides residues under the provisions of the Act;

(c) To carry out such investigations as may be necessary for the purpose of ensuring the conditions of registration of insecticides;

(d) To determine the efficacy and toxicity of insecticides;

(e) To carry out such other functions as may be entrusted to it by the Central Government or by a State Government with the permission of the Central Government and after consultation with the Board.

5. Manner of registration

(1) (a) An application for registration of an insecticide under the Act shall be made in Form I and the said Form including the verification portion, shall be signed in case of an individual by the individual himself or a person duly authorized by him; in case of Hindu Undivided Family, by the Karta or any person duly authorized by him; in case of partnership firm by the managing partner; in case of a company, by any person duly authorized in that behalf by the Board of Directors; and in any other case by the Registration Committee and the Licensing Officer.
(b) The Registration Committee may, if necessary direct inspection of the testing facility for establishing the authenticity of the data.

(2) An application form duly filled together with a treasury challan evidencing the payment of registration fees of rupees one hundred shall be sent to the Registration Committee, Insecticides Act, Department of Agriculture, Government of India, New Delhi.

(3) The registration fee payable shall be paid by a demand draft drawn on the State Bank of India, Faridabad, in favour of the Accounts Officer, Directorate of Plant Protection, Quarantine and Storage, Faridabad, Haryana.

(4) The certificate of registration shall be in Form II or Form II-A, as the case may be and shall be subject to such conditions as specified therein.6-A. Issue of duplicate certificate of registration.-A fee of rupees five shall be paid for a duplicate copy of a certificate of registration if the original is defaced, damaged or lost.] Comment When the original certificate of registration is defaced, damaged or lost, a fee of rupees five shall be paid for a duplicate copy of a certificate of registration.

6. Appeal

(1) An appeal against any decision of the Registration Committee under Sec.9 shall be preferred in writing [in Form 11-B in duplicate] to the Central Government in the Department of Agriculture.

(2) The appeal shall be in writing and shall set out concisely and under distinct heads the grounds on which the appeal is preferred.

(3) Every appeal shall be accompanied by a treasury challan evidencing the payment of a fee of rupees ten and a copy of the decision appealed against.

(4) The fees payable for preferring an appeal shall be paid by a demand draft drawn on the State Bank of India, Faridabad, in favour of the Accounts Officer, Directorate of Plant Protection, Quarantine and Storage, Faridabad, Haryana.

(5). Manner of publication of refusal to register or cancellation of the certificate of registration.-A refusal to register an insecticide or a cancellation
of the certificate of registration of an insecticide shall also be published in any two English and Hindi newspapers which have circulation in a substantial part of India and in any of the journals published by the Department of Agriculture of the Government of India.

7. Grant of Licenses

Licenses to manufacture insecticides.-

(1) Application for the grant of renewal of a license to manufacture any insecticide shall be made in Form III or Form IV, as the case may be, to the licensing officer and shall be accompanied by a fee of rupees fifty for every insecticide for which the license is applied, subject to a maximum of rupees five hundred.

(2) If an insecticide is proposed to be manufactured at more than one place, separate applications shall be made and separate licenses shall be issued in respect of every such place.

(3) A license to manufacture insecticides shall be issued in Form V and shall be subject to the following conditions, namely

(i) The license and any certificate of renewal shall be kept on the approved premises and shall be produced for inspection at the request of an Insecticide Inspector appointed under the Act or any other officer or authority authorized by the licensing officer.

(ii) Any change in the expert staff named in the license shall forthwith be reported to the licensing officer.

(iii) If the licensee wants to undertake during the currency of the license to manufacture for sale of additional insecticides, he shall apply to the licensing officer for the necessary endorsement in the license on payment of the prescribed fee for every category of insecticides.

(iv) An application for the renewal of a license shall be made as laid down in rule 11.

(v) The licensee shall comply with the provisions of the Act and the rules made there under for the time being in force. A licensing officer may, after
giving reasonable opportunity of being heard, to the applicant, refuse to grant any license. (4-A) No license to manufacture an insecticide shall be granted unless the licensing officer is satisfied that necessary plant and machinery, safety devices and first-aid facilities, etc., exist in the premises where the insecticide is proposed to be manufactured.

(4) A fee of rupees five shall be paid for a duplicate copy of a license issued under this rule, if the original is defaced, damaged, or lost.

(5) The fee payable under sub-rule (1) for the grant or renewal of a license shall be rupees twenty for every insecticide for which the license is applied, subject to a maximum of rupees three hundred. There shall be a separate fee for each place, if any insecticide is proposed to be sold, stocked or exhibited for sale at more than one place Provided that the maximum fee payable in respect of insecticides commonly used or household purposes and registered in such shall be rupees ten 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 sub-rule.

(6) 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.]

(7) A license to sell, stock or exhibit for sale or distribute insecticides shall be issued in Form VIII and shall be subject to the following conditions namely:

(i) The license shall be displayed, in a prominent place, in the part of the premises open to the public.

(ii) The license shall comply with the provisions of the Act, and the rule made there under for the time being in force.

(iii) Where the licensee wants to sell, stock or exhibit for sale or distribute any additional insecticides during the currency of the license, he may apply to the licensing officer for necessary endorsement on the license on payment of fees specified in sub-rule.

(i) Every person shall along with his application for grant or renewal of a license to undertake, operations or shall, stock or exhibit for sale or distribute
insecticides, file a certificate from the principal whom he represents or desires to represent.

(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 license 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.

(iii) In order to verify the genuineness or otherwise of the certificate, the 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.

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

(5) A licensing officer may, after giving a reasonable opportunity of being heard to the applicant refuse to grant any license.

(6) A fee of rupees five shall be payable for a duplicate copy of a license issued under this rule if the original is defaced, damaged or lost.

(b) All such stocks then shall be disposed of in such a manner as may be specified from time to time by the Central Government in consultation with the Central Insecticides Board.10-B. Special provision with regard to sulphur In regard to insecticides sulphur and its formulations, all licensees shall,

(a) Observe all precautions to prevent its theft;

(b) Report any such theft to the nearest police authorities promptly; and

(c) Maintain a separate register showing names and addresses of all the persons to whom it has been sold or distributed and the quantities to be sold or distributed. The same building where any articles consumable by human, beings or animals are manufactured stored or exposed for sale.
8. Duration of licenses

(a) Any license issued or renewed under this chapter shall, unless sooner suspended or cancelled, be in force for a period of two calendar years: Provided that the license to manufacture insecticides, if any, issued on the basis of provisional registration granted under sub-section (3-B) of Sec. 9, shall expire on the date of expiry of the provisional registration Provided further that the license granted by endorsement on the main license under Cl. (iii) of sub-rule (8) of rule 9 or under Cl. (iii) of sub-rule (4) of rule 10 or under sub-rule (3) of rule 10-A shall expire or be renewable along with the main license.

(b) An application for the renewal of a license shall be made before its expiry and if such an application is made after the date of expiry but within three months from such date, a late fee of

(i) rupees fifty for the first month or part thereof, rupees one hundred for the second month or part thereof and rupees one hundred and fifty for the third month or part thereof in the case of license to manufacture insecticides or to carry pest control operations

(ii) rupees ten for the first month or part thereof, rupees twenty for the second month or part thereof and rupees thirty for the third month or part thereof, in case of any other license shall be paid along with the application for renewal: Provided that where the main pest control operation unit or the place of sale is located in the rural areas, the late fee shall be one-fifth of the said late fee Provided further that in case of death or disability of the license the licensing officer may, after recording reason in writing, exempt the applicant from payment of the late fee.

(c) The license shall continue to be in force until it is renewed or revoked or where an appeal is preferred under Sec. 15, until the disposal of appeal,

(d) A licensing officer may, after giving an opportunity of being heard, refuse to renew the license.'
12. Conditions of license

(a) Subject to conditions laid down in sub-rule (3) of rule 9 under sub-rule (4) of rule 10, a license shall not be granted to any person under this chapter unless the licensing officer is satisfied that the premises in respect of which license is to be granted are adequate and equipped with proper storage in respect of which the license is granted.

(b) In granting a license, the licensing officer shall have regard, among other things to (i) the number of licenses granted in the locality during any year; and

(ii) the occupation, trade or business carried on by the applicant.

13. Varying or amending a license

The licensing officer may either on an application made by the licensee or if he is satisfied that the conditions under which a license has been granted under this chapter have been changed that it is necessary so to do, vary or amend a license, after giving an opportunity of being heard to the person holding the license.

14. Transfer of license

(1) The holder of a license may, at any time, before the expiry of the license, apply for permission to transfer the license to any other pawn.

(2) The application under sub-rule (1) shall be accompanied by a fee of rupees five.

(3) The licensing officer may, after such inquiry as he thinks fit accord permission to transfer the license and on such permission being given an endorsement to that effect shall be made in the license.

(4) If the permission to transfer a license is refused, the fee paid therefore shall be refunded to the applicant.
15. Issuing cash memo and maintenance of records

(1) All sales of insecticides shall be made by a bill or cash memo in the form prescribed under any law.

(2) All sales of insecticides made to a licensed manufacturer (formulator or packer), stockiest, distributor, dealer, retailer or to a bulk consumer shall be entered insecticide wise, in a register in Form XIII and a state wise monthly return of all sales to actual consumers shall be sent to the licensing officer, in Form MV within 15 days from the close of the month.

(3) Every importer or manufacturer of insecticide shall maintain a stock register in Form XV for X technical grade insecticides and in Form XVI to formulate insecticides.

(4) 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 or all persons to whom it has been sold or distributed, as it may consider necessary.

16. Prohibition of sale or distribution unless packed and labeled

No person shall stock or exhibit for sale or distribute any insecticide unless it is packed and labeled in accordance with the provisions of these rules.

17. Packaging of insecticides

(1) Every package containing the insecticides shall be of a type approved by the Registration Committee.

(2) Before putting any insecticide into the primary package, every batch thereof shall be analyzed as per the relevant specifications of the manufacture thereof, in accordance with the approved methods of analysis and the result of such an analysis shall be recorded in the register maintained for the purpose. If any insecticide is put in the package it shall be presumed that it is fit and ready
for sale, distribution or use for which it is intended, notwithstanding the fact that any further steps are still required to be taken to make it marketable.

18. **Leaflet to be contained in a package**

(1) The packing of every insecticide shall include a leaflet containing the following details, namely

(a) The plant disease, insects and noxious animals or weeds for which the insecticide is to be applied, the adequate direction concerning the manner in which the insecticide is to be used at the time of application;

(b) Particulars regarding chemicals harmful to human beings, animals and wildlife, warning and cautionary statements including the symptoms of poisoning suitable and adequate safety measures and emergency first-aid treatment where necessary;

(c) Cautions regarding storage and application of insecticides with suitable warnings relating to inflammable, explosive or other substance harmful to the skin;

(d) Instructions concerning the decontamination or safe disposal of used containers;

(e) A statement showing the antidote for the poison shall be included in the leaflet and the label;

(f) If the insecticide is irritating to the skin, nose, throat or eyes, a statement shall be included to that effect.

(g) Common name of the insecticide as adopted by the International Standards Organization and where such a name has not yet been adopted such other name a may be approved by the Registration Committee.

(2) Two copies of the leaflets duly approved by the Registration Committee and signed by the Secretary, Registration Committee, shall be returned to the manufacturer and one copy to the State licensing officer.
19. Manner of labeling

(1) The following particulars shall be either printed or written in indelible ink on the label of the innermost container of any insecticide and on the outermost covering in which the container is packed:

(i) Name of the manufacturer (if the manufacturer is not the person in whose name the insecticide is registered under the Act, the relationship between the person in whose name the insecticide has been registered and the person who manufactures, packs or distributes or sells shall be stated).

(ii) Name of insecticide (brand name or trade mark under which the insecticide is sold).

(iii) Registration number of the insecticide.

(iv) Kind and name of active and other ingredients and percentage of each. (Common name accepted by the International Standards Organization or the Indian Standards Institutions of each of the ingredients shall be given and if no common name exists, the correct chemical name which conforms most closely with the generally accepted rule of chemical nomenclature shall be given).

(v) Net content of volume. (The net content shall be exclusive of wrapper or other material. The correct statement of the net content in terms of weight, measure, number of units of activity, as the case may be, shall be given. The weight and volume shall be expressed in the metric system).

(vi) Batch number.

(vii) Expiry date, i.e. up to the date the insecticide shall retain its efficiency and safety.

(viii) Antidote statement.

(2) The label shall be so affixed to the container that it cannot be ordinarily removed.

(3) The label shall contain in a prominent place and occupying not less than one-sixteenth of the total area of the face of the label, a square, set at an angle of 450 (diamond shape). The dimension of the said square shall depend on the size of the package on which the label is to be affixed. The said square shall be divided into two equal triangles, the upper portion shall contain the symbol and
signal word specified in sub-rule (4) and the lower portion shall contain the color specified in sub-rule (5).

(4) The upper portion of the square, referred to in sub-rule (3) shall contain the following Symbols and warning statements

(i) insecticides belonging to Category I (Extremely toxic) shall contain the symbol of a skull and cross-bones and the word "Poison" printed in red; the following warning statements shall also appear on the label at appropriate place, outside the triangle

(a) "Keep Out Of The Reach Of Children"

(b) "If Swallowed Or If, Symptoms Of Poisoning Occur Call physician Immediately";

(ii) insecticides in Category II (highly toxic) will contain the word "POISON “printed in red and the statement "Keep Out Of The Reach Of Children”; shall also appear on the label at appropriate place, outside the triangle,

(iii) Insecticides in Category III (moderately toxic) shall bear the word "Danger" and the statement "Keep Out Of the Reach Of Children"; shall also appear on the label at suitable place outside the triangle;

(iv) Insecticides in Category IV (slightly toxic) shall bear the word "Caution".

(5) The lower portion of the square referred to in sub-rule (4) shall contain the colour specified in column (4) of the table below, depending on the classification of the insecticides specified in the corresponding entry in column (1) of the said table.

(6) In addition to the precautions to be undertaken under sub- rules (3), (4) and (5) the label to the affixed in the packages containing insecticides which are highly inflammable shall indicate that it is inflammable or that the insecticides should be kept away from the heat or open flame and the like.

(7) The label and the leaflets to be affixed or attached to the package containing insecticides shall be printed in Hindi, English and in one or two
regional languages in use in the areas where the said packages are likely to be
stocked, sold or distributed.

(8) Labeling of insecticides must not bear any unwarranted claims for the
safety of the producer or its ingredients. This includes statements such as,"Safe", "Nonpoisonous", "Non-injurious" or "Harmless" with or without such
qualified phrase as "when used as directed" (6) of Sec. 22 for analysis to the
Central Insecticides Laboratory. Therefore, it is not as if, that an accused that is
not served with a copy of the report under sub- section (2) of Sec. 24 is
precluded from having the sample tested or analyzed with the Central
Insecticides Laboratory.

20. Prohibition against altering inscriptions, etc. on containers, labels
or wrappers of insecticides

No person shall alter, obliterate or deface any inscription or mark made or
recorded by the manufacturer on the container, label or wrapper of any
insecticide Provided that nothing in this rule shall apply to any alteration of any
inscription or mark, made on the container, label or wrapper of any insecticide
at the instance, direction or permission of the Registrar

Insecticide Analysis and Insecticide Inspectors

21. Qualifications of Insecticide Analyst

A person shall be eligible for appointment as an insecticide analyst under
the Act only if he possesses the following qualifications, namely
(a) A graduate in Agriculture or a graduate in Science with Chemistry as
special subject; and
(b) Adequate training in analyzing insecticides in a recognized laboratory.

22. Powers of Insecticides

Analyst.-The Insecticides Analyst shall have the power to call for such
information of particulars or do anything as may be necessary for the proper
examination of the samples sent to him either from the Insecticide Inspector or the person whom the sample was obtained.

23. Duties of Insecticide Analyst

(1) The Insecticide Analyst shall analyze or cause to be analyzed or test or cause to be tested such samples of insecticides as may be sent to him by the Insecticide Inspector under the provisions of the Act and shall furnish report or results of such tests or analysis.

(2) An insecticide analyst shall, from time to time, forward to the State Government reports giving the result of analytical work and investigation with a view to their publication at the discretion of the Government.

24. Procedure on receipt of sample

(1) On receipt of a package from an Insecticide Inspector containing a sample for test or analysis, the Insecticide Analyst shall compare the seals on the packet with the specimen impression received separately and shall note the condition of the seals on the packet.

(2) In making the test or analysis of Insecticides, it shall be sufficient of the Insecticides, Analyst follows that specifications and the month of examination of samples as approved by the Registration Committee.

(3) After the test or analysis has been carried out under sub-rule (2), the Insecticides Analyst shall forthwith supply to the Insecticide Inspector a report in triplicate in Form IX of the result or test or analysis.

25. Fees payable for testing or analysis

(1) The fees payable for testing or analyzing insecticides under sub-section (5) of Sec. 24 of the Act shall be as specified in the Second Schedule.

(2) The fee payable for testing or analyzing samples received from the Insecticides Inspector shall also be as specified in the Second “Schedule Provided that the Central Government may, after taking into consideration to
genuine difficulties, of any particular State Government, exempt from payment of the fee For such period as it may consider reasonable.

26. **Qualifications of Insecticide Inspector**

A person shall be eligible for appointment as an Insecticide Inspector under the Act only if he possesses the following qualifications, namely

(a) graduate in Agriculture, or graduate in Science with Chemistry as one of the subjects;

(b) Adequate field experience.

27. **Duties of Insecticide Inspector**

The Insecticide Inspector shall have the following duties, namely:

1. To inspect not less than three times in a year all establishment selling insecticides within the area of his jurisdiction;

2. To satisfy himself that the conditions of license are being complied with;

3. To procure and send for test and analysis, samples, of insecticide 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 this 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;

7. To make such inquiries and inspections as may be necessary to detect the sale and use of insecticides in contravention of the Act.
28. Duties of Inspectors specially authorized to inspect manufacture of insecticides

Shall be the duty of any Inspector authorized to inspect the manufacture of Insecticides

(1) to inspect not less than twice a year all premises licensed for the manufacture of insecticides within the area of his jurisdiction and to satisfy himself that the conditions of the license and the provisions of the Act or the rules made there under are being observed;

(2) to send forthwith to the licensing officer after each inspection, a detailed report indicating the conditions of the license and the provisions of the Act or rules made there under which are being observed and the conditions and provisions, if any, which are not being observed;

(3) To draw samples of insecticides manufactured on the premises and send them for test or analysis in accordance with these rules;

(4) To report to the Government all occurrences of poisoning.

29. Prohibition of disclosure of information

Except for the purpose of official business or when required by a court of law, an Insecticide Inspector shall not disclose to any person any information acquired by him in the performance of his official duties.

30. Form of order not to dispose of stock

An order by the Insecticide Inspector requiring a person not to dispose of any stock in his possession shall be in Form X.

31. Prohibition of sale

No person in possession of an insecticide in respect of which an Insecticide Inspector has made an order under rule 30 shall, in contravention of that order, sell or otherwise dispose of any stock of such insecticide.
32. Form of receipt for seized insecticides

A receipt by an Insecticide Inspector for the stock of any insecticide seized shall be in Form XI.

33. Form of intimation of purposes of taking samples

Where an Inspector takes a sample of an insecticide for the purpose of test or analysis he shall intimate such purpose in writing in Form (II) to the person from whom he takes it.

34. Dispatch of samples for test or analysis

(1) Samples for test or analysis under the Act shall be sent by registered post or by hand in a sealed packet together with a memorandum in Form GI in an outer cover addressed to the Insecticide Analyst.

(2) The packet as well as the outer cover shall be marked with a distinct mark.

(3) A copy of the memorandum in Form XIII together with a specimen impression of the seals of the Inspector and of the seals, if any, of the person from whom he takes such samples, shall be sent separately by registered post or by hand to the Insecticide Analyst.

Transport and storage of insecticides in transit by rail, road or water –

35. Manner of packing, storage while in transit by rail

(1) Packages containing insecticides, offered for transport by rail, shall be packed in accordance with the conditions specified in the Red Tariff, issued by the Ministry of Railways.

(2) No insecticide shall be transported or stored in such a way as to come into direct contact with foodstuffs or animal feeds.

(3) No foodstuffs or animal feeds which got mixed up with insecticides as a result of any damage to the packages containing insecticides during transport or storage shall be released to the consignees unless it has been examined for
possible contamination by competent B authorities, as may be notified by the State Government.

(4) If any insecticide is found to have leaked out in transport or storage it shall be the responsibility of the transport agency or the storage owner to take such measure urgently to prevent poisoning and pollution of soil or water, if any.

36. Conditions to be specified for storage of insecticides.

(1) The package containing insecticides shall be stored in separate rooms or premises away from the rooms or premises used for storing articles or shall be kept in separate cupboard under lock and key depending upon the quantity and nature of the insecticides.

(2) The rooms or premises means for storing insecticides shall be well built, dry, well-lit and ventilated and of sufficient dimension.

37. Medical Examination

(1) All persons who are engaged in the work of handling, dealing or otherwise coming in contact with the insecticides during manufacture/formulation of insecticides or being engaged spraying during operation shall be examined medically before their employment and at least quarterly in the case of those engaged in manufacturing /formulation units any yearly in any other cases including operators while in service by a qualified doctor who is aware of risks to which such persons are exposed. Medical examination shall be entered in a register in Form. XVII. Where the insecticide in question is an oregano phosphorous compound or a carbonate compound, the blood cholinesterase level shall be measured at least once a month of all persons working in the manufacturing units. The blood residue estimation shall be done once in a year in the case of persons working with oregano chlorine group of insecticides in a manufacturing/formulation unit. In the case of spraying people working with the pest-control operators, the estimation of cholinesterase level (if working with phosphorous or carbonate compounds)
and blood residue (if working with organochlorine group) shall be conducted as
and when advised by the doctor as part of the general medical test.

(2) Any person showing symptoms of poisoning shall be immediately
examined and given proper treatment.

### 38. First aid measures.

In all cases of poisoning first-aid treatment shall always be given before the
physician is called. The Indian Standard Guide for handling cases of insecticide
poisoning Part I First-Aid Measures [IS : 4015 (Part I)-1967] and Part II

### 39. Protective clothing

(1) Persons handling insecticides during its manufacture, formulation,
transport, distribution or application, shall be adequately protected with
appropriate clothing.

(2) The protective clothing shall be used wherever necessary, in conjunction
with respiratory devices as laid down in rule 40.

(3) The protective clothing shall be made of materials which prevent or
resist the penetration of any form of insecticides formulations. The materials
shall also be washable so that the toxic elements may be removed after each
use.

(4) A complete suite of protective clothing shall consist of the following
dresses, namely:

(a) Protective outer garment/overalls/hood/hat;

(b) Rubber gloves or such other protective gloves extending half-way up to
the forearm, made of materials impermeable to liquids;

(c) dust-proof goggles; (d) Boots.

### 40. Respiratory devices

For preventing inhalation of toxic dusts, vapours or gases, the workers shall use
any of the following types of respirators or gas-masks suitable for the purpose,

(a) Chemical cartridge respirator;
(b) supplied-air respirator;
(c) Demand flow, type respirator;
(d) Full-face or half-face gas-masks with canister.

In no case shall the concentrates of insecticides in the air where the insecticides are mixed exceed the maximum permissible values.

41. Manufacturers, etc. to keep sufficient quantities of antidotes and first-aid medicines

The manufacturers and distributors of insecticides and persons who undertakes to spray insecticide on a commercial basis (hereafter in these rules referred to as operators) shall keep sufficient stocks of such first-aid tools, equipments, antidotes, injections and medicines as may be required to treat poisoning cases arising from inhalation, skin, contamination, eye contamination and swallowing.

42. Training of workers

The manufacturers and distributors of insecticides and operators shall arrange for suitable training in observing safety precautions and handling safety equipment provided to them.

43. Aerial spraying operations

The aerial application of insecticides shall be subject to the following provisions, namely: - (a) marking of the area shall be the responsibility of the operators;

(b) The operators shall use only approved insecticides and their formulations at approved concentration and height;

(c) Washing decontamination and first-aid facilities shall be provided by the operators;

(d) All aerial operations shall be notified to the public not less than twenty-four hours in advance through competent authorities;
(e) Animals and persons not connected with the operations shall be prevented from entering such areas for a specific period; and
(f) The pilots shall undergo specialization training including clinical effects of the insecticides.

40. **Disposal of used packages, surplus materials and washings of insecticides**

   (1) 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.
   (2) The used packages shall not be left outside to prevent their re-use.
   (3) The packages shall be broken and buried away from habitation.

41. **Places at which the insecticides may be imported**

   No insecticides shall be imported into India except through one of the following places, namely
   1. Ferozepore Cantonment and Amritsar railway stations in respect of insecticides imported by rail across the frontier with West Pakistan. Ranaghat, Bongaon and Mahiassan railway stations in respect of insecticides importer by rail across the frontier with the East Pakistan.1
   2. Madras, Calcutta, Bombay, Cochin and Kandla in respect of insecticides imported by sea into India. Madras, Calcutta, Bombay, Delhi and Ahmedabad in respect of insecticides imported by air into India.

42. **Travelling and other allowances payable to the members of the Board, etc.**

   The members of the Board, Registration Committee and any other Committee appointed by the Board shall be entitled to such travelling and other allowances for attending meetings of the Boards, Registration Committee or other Committee, as the case may be, as are for the time being admissible to Grade I officers of the Central Government.
PROBLEMS OF THE AGRO SERVICE CENTRES

1. Artificial shortage of fertilizers during seasons by the dealer and Retailers
2. Flexible rate of fertilizers which is not affordable to every farmer and proprietor of ASC, s
3. Artificial shortage of hybrid seeds.
4. Quality and quantity of fertilizers and hybrid seeds should be superior.
5. Unnecessary stock of fertilizers, hybrid seeds and insecticides by the dealer
6. Very less profit to the ASC,s owner due to less subsidies or direct subsidies on the bank account of the farmers given by the government.
7. Some ASC,s are providing all required inputs to the farmer on credit but unfortunately no return it back which became headache to the proprietor.
8. Consultancy regarding any problem is on mobile is on mobile it diverted the farmers.
9. BSNL’s kisan card also diverted farmers to the FREE Government help centres.
10. Variation fertilizers rate that can change farmer’s attitude. Open policy related to fertilizer. There should be fixed prices of Fertilizers, Hybrid seeds and insecticides.
11. Code of conduct is not implemented properly everywhere in the district
12. Samples of various inputs provided by different agencies many times failed to prove themselves.
13. There should be specific margin level to the proprietor
15. Not involvement in the annual budget of any government.
16. Supply of goods should be well in time
17. Very less response and consumption of fertilizers due to high cost all items.
18. Policies related to transport about getting minimum stone load of inputs of deferent in puts should minimum up to 1 ton for small ASC,s.
19. Implementation of different Government schemes with agent that’s why owner should not get direct benefits.

20. Due to lack of money in the some areas no customers are there. Due to natural calamities like drought and famine

8.5 REFERENCES

1. www.maha.agri.com

2. agriculture Deptment Satara ZP Satara