

	THE PESTICIDE MANAGEMENT BILL, 2020	
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	<i>to regulate pesticides, including their manufacture, import, packaging, labelling, storage, advertisement, sale, transport, distribution, use and disposal in order to ensure availability of safe and effective pesticides, and to strive to minimise risk to human beings, animals, living organisms other than pests, and the environment with an endeavour to promote pesticides that are biological and based on traditional knowledge and for matters connected therewith or incidental thereto.</i> BE it enacted by Parliament in the Seventy first Year of the Republic of India as follows:–	
	CHAPTER I PRELIMINARY	
Short title and commencement.	1.(1) This Act may be called the Pesticides Management Act, 2020. (2) It shall come into force on such date as the Central Government may, by notification, appoint: Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.	
Declaration of expediency of Union control.	2. It is hereby declared that it is expedient in the public interest that Union should take under its control the regulation of pesticide industry to the extent hereinafter provided.	
Definitions.	3. In this Act, unless the context otherwise requires,– (a) “animal” means animal useful to human beings and includes honey bees and other beneficial insects, earthworms, fish and fowl and such kinds of wild life as the Central Government may, by notification, specify, being kinds which in its	

	opinion, it is desirable to protect or preserve; (b) “banned”, in relation to a molecule or formulation of a pesticide, means the prohibition of its manufacture, import, sale, distribution and use in order to protect human health, other living organisms or the environment; (c) “batch” means an identifiable quantity of a technical grade pesticide or its formulation which has been manufactured and processed under uniform conditions in a single lot; (d) “Board” means the Central Pesticides Board constituted under section 4; (e) “Central Pesticides Laboratory” means the Central Pesticides Laboratory established under section 36; (f) “certificate of registration” means a certificate of registration of a pesticide granted under sections 18, 19 and 20; (g) “dispose” means to carry out any process that neutralises, destroys or isolates pesticides and their packages, including physico-chemical treatment, biological treatment or incineration, but does not include a process that leads to the reuse, recycling, recovery or utilisation of pesticides, including through co-processing and the terms “disposal” and “disposed” shall be construed accordingly; (h) “distribution” means the process by which pesticides are supplied through trade channels to domestic or international markets; (i) “environment” includes water, air, land, soil and the interrelationship which exists among and between water, air and land, soil and human beings, other living creatures, plants, micro-organisms and property; (j) “export” means taking out to any place outside	
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	those territories to which this Act extends from a place inside the territories; (k) “formulation” means a preparation containing one or more technical grade pesticides in specified proportions along with other ingredients in specified proportions; (l) “import” means bringing into any place within the territories to which this Act extends from a place outside those territories; (m) “label” means any written, printed or graphical representation on or attached to the immediate package, or on any covering in which the package is placed or packed; (n) “leaflet” means any written, printed or graphical representation accompanying the package; (o) “Licensing Officer” means a licensing officer appointed under section 26; (p) “manufacture” includes any process or part of a process for making, altering, finishing, packing, labeling, repacking or relabeling any pesticide or formulation with a view to its ultimate sale, distribution or use; (q) “notification” means a notification published in the Official Gazette; (r) “ordinary use pesticide” means any pesticide intended for use only in households, offices and similar premises, but excludes pesticides intended for use in agriculture, industry, pest control operations, public health or storage; (s) “other ingredients” means inert materials, dispersing agents, emulsifying agents, wetting agents, surfactants, stabilisers, preservatives, perfumes, colouring agents or other substances which are biologically inactive and are added in a specified proportion to a technical grade pesticide to make a formulation;	
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	(t) “package” means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper, or other things in which a pesticide is placed or packed; (u) “person” includes any individual, company, association, or body of individuals, whether incorporated or not; (v) “pest” means any species, strain or biotype of plant, animal or pathogenic agent that is unwanted or injurious to plants, plant products, human beings, animals, other living creatures and the environment and includes vectors of parasites or pathogens of human and animal diseases and vermin as defined in the Wild Life (Protection) Act, 1972; (w) “pesticidal property” means such property of a substance that have the same chemical or biological action as a pesticide; (x) “pesticide” means any substance or mixture of substances, including a formulation, of chemical or biological origin as specified in the Schedule and intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, industry, pest control operations, public health, storage or for ordinary use, and includes any substance intended for use as a plant growth regulator, defoliant, desiccant, fruit thinning agent, or sprouting inhibitor and any substance applied to crops either before or after harvest to protect them from deterioration during storage and transport; (y) “Pesticide Analyst” means a Pesticide Analyst appointed under section 38; (z) “pest control operator” means any person other than a worker conducting pest control operations for commercial consideration, and includes the person, firm, company or organisation under whose control such person is operating; (za) “Pesticide Inspector” means a Pesticide Inspector appointed under section 38;	
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	(zb) “poisoning, in relation to human beings, means the occurrence of damage or disturbance of bodily structure or function by occupational exposure to a pesticide, leading to illness, injury or death; (zc) “Pesticide Testing Laboratory” means a laboratory established under section 37; (zd) “premises” means any land, shop, stall or place, where any pesticide is manufactured, distributed, sold, exhibited for sale, stored, stocked, transported, used or disposed; (ze) “prescribed” means prescribed by rules made under this Act; (zf) “Registration Committee” means the Registration Committee constituted under section 9; (zg) “risk” means the probability and severity of an adverse health or environmental effect occurring as a function of the inherent property of a pesticide and the likelihood and the extent of exposure to a pesticide; (zh) “sale” means the sale of any pesticide whether for cash or on credit and whether by wholesale or retail, as a stand-alone product or as part of any other product, and includes an agreement for sale, an offer for sale, exposing for sale or having in possession for sale any pesticide, or an attempt to sell or provide services related to the use of any pesticide; (zi) “State Government”, in relation to a Union territory, means the administrator of that Union territory appointed by the President under article 239 of the Constitution; (zj) “stock” means the storage of pesticides on premises in the course of commercial activity involving such pesticides;	
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	(zk)“technical grade pesticide” means the purest form of a pesticide produced for commercial use’ (zl) “worker” means any person, including an apprentice, employed to do any manual or unskilled work that involves exposure to pesticides or packages for hire or reward, whether the terms of employment be express or implied.	
	CHAPTER II CENTRAL PESTICIDES BOARD AND REGISTRATION COMMITTEE	
Constitution of Central Pesticides Board.	4. The Central Government shall, within a period of six months from the date of commencement of this Act, constitute a Board to be called the Central Pesticides Board to carry out the functions assigned to it by or under this Act.	
Composition, terms and conditions of Members of Board.	5. The Board shall consist of the following Members, namely:- (1) a person having experience in the field of agriculture or chemicals or health or environment and not below the rank of Additional Secretary to the Government of India to be nominated by the Central Government - Chairperson; (2) Members of the Board shall be as prescribed in the Schedule I. (3) The Members nominated under clause (1), (2) and (3) of the Schedule, shall hold office for such term and such conditions as may be prescribed by the Central Government.	
Meetings of Board.	6.(1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transactions of business at its meetings, including the quorum at such meetings, as it may regulate in this behalf with the approval of the Central Government. (2) The Central Government may require the Board to convene a meeting when its advice is required on a matter of immediate concern. (3) All questions which come up before any meeting of the Board shall be decided by a majority of	

	votes by the Members present and voting, and in the event of equality of votes, the Chairperson or in his absence, the presiding Member shall have a casting vote.	
Constitution of committees and engagement of experts.	7. (1) The Board may constitute such committees as it considers necessary and may appoint persons who are not Members of the Board to such committees. (2) The person appointed under sub-section (1) may exercise such powers and perform such duties as may be delegated to them by the Board, subject to any conditions as the Board may impose. (3) The Members of such committees shall receive such allowances as may be prescribed by the Central Government. (4) The Central Government, at the request of the Board, may provide such consultants, experts, advisors or other persons whose services may be required for the efficient discharge of its functions under this Act on such terms and conditions and such allowances as may be prescribed by the Central Government.	
Powers and functions of Board.	8. (1) The powers and functions of the Board shall include the following: (a) to advise the Central Government and the State Governments on scientific and technical matters arising out of the administration of the Act and on any questions that may be referred to it by the Central Government and the State Governments; (b) To recommend pesticide to the Central Government for inclusion in the Schedule from time to time by notification in the Official Gazette; (c) to advise the Central Government in making- (i) criteria for good manufacturing practices including processes for pesticide manufacturers; (ii) best practices for pest control operators; (iii) the procedure for the recall of pesticides;	

	(iv) the criteria for the disposal of pesticides and packages in an environmentally sound manner; (v) standards to be observed by the Central Pesticides Laboratory and Pesticides Testing Laboratories; (vi) standards for training and working conditions for workers; (vii) standards for the advertisement of pesticides in all forms of media; (viii) Submission of annual report on the work done by the Registration Committee, to the Central Government (ix) such other matter as may be prescribed by the Central Government. (d) to frame model protocols to deal with occurrences of poisoning including the specification of standard operating procedures for medical facilities; (e) to research on: (i) the development and availability of safer alternatives to existing pesticides, including agro-ecological practices; (ii) the safety, efficacy and toxicity of registered pesticides; (iii) best practices in the field of pesticide in other countries which may be adopted for parts or the whole of India; (f) to monitor pesticide residues; (g) to monitor global developments relating to pesticide ; (h) to review the status of applications for the registration of pesticides; and (i) to carry out any other function as may be prescribed. (2) 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.	
Constitution,	9. (1) The Central Government shall, within a period of	

composition and term of office of Member of Registration Committee.	six months from the date of commencement of this Act, constitute a Committee to be called the Registration Committee to carry out the functions assigned to it by or under this Act. (2) The Registration Committee shall consist of the following , namely: - (a) a person to be nominated by the Central Government who shall have expertise in the field of agriculture or pesticides and who shall possess such qualifications and experience as may be prescribed by the Central Government - Chairperson ; (b) the Drugs Controller General of India- <i>ex officio</i> - Member; (c) designated representative of the Indian Council of Agricultural Research- <i>ex officio</i>- Member; (d) a designated representative of the Hazardous Substances Management Division, Ministry of Environment, Forest and Climate Change- <i>ex officio</i>- Member; (e) a designated representative of the Department of Chemicals and Petro Chemicals, Ministry of Chemicals and Fertilizers- <i>ex officio</i>- Member; (f) designated representative of any national public institution of repute conducting research in toxicology- <i>ex officio</i>- Member; (g) the Plant Protection Advisor, Government of India- <i>ex officio</i>- Member; (h) the Member-Secretary of the Board,- Member-Secretary. (3) The Chairperson of the Registration Committee shall hold office for such term as may be prescribed by the Central Government. (4) The Registration Committee may also co-opt such number of experts and for such purpose or period as it may deem fit, but any expert so co-opted shall have no right to vote.	
Restrictions	10. The Chairperson and Member of the Board or the	

on employment of Chairperson and Members of Board and Registration Committee.	Registration Committee, shall not, for a period of three years from the date on which he ceases to be a Chairperson or a Member of the Board or the Registration Committee, as the case may be, without the previous approval of the Central Government, accept employment in, enter into a contract of service with, be connected with the management of or accept an appointment to the board of directors of an entity that is conducting business in any of the areas regarding which the Board or the Registration Committee conducts research and makes recommendations or advises the Central Government and the State Governments.	
Vacancies, etc. not to invalidate proceedings of Board and Registration Committee.	11. No act or proceeding of the Board or Registration Committee shall be invalid only by reason of any vacancy in, or defect in the constitution of the Board or Registration Committee, or any defect in the appointment of a person as the Chairperson and Member of the Board or Registration Committee.	
	12. (1) The Registration Committee may constitute one or more sub-committees to perform such duties as may be delegated to them by the committee, subject to any conditions that the committee may specify and the Registration Committee may also co-opt such number of experts and for such purpose or period as it may consider necessary. (2) Any decision taken by such sub-committee must be submitted to the Registration Committee for ratification.	
Meetings of Registration Committee.	13. The Registration Committee shall i. regulate its own procedure and the conduct of business to be transacted by it. ii. Make guidelines in consistence to the Act and Rules; Provided quorum of the meeting of the Registration Committee to be such as prescribed by the Central Government. Provided further that the Central Government may review the guidelines or procedures of Registration Committee as and when required and pass such orders as deemed fit.	
Powers and	14. The Registration Committee shall exercise the	

functions of Registration Committee.	following powers and functions, in such manner as may be prescribed by the Central Government - (i) make decisions regarding the application received by it for the registration of pesticides; (ii) specify conditions subject to which a certificate of registration is granted; (iii) periodically review the safety and efficacy of registered pesticides and amend or cancel certificates of registration; (iv) review the registration of pesticides on behalf of which a reference is made, or that are prohibited, by the Central Government or the State Government under section 34; (v) maintain a national register of pesticides in digital form; (vi) such other functions as may be prescribed by the Central Government.	
	CHAPTER III REGISTRATION OF PESTICIDES	
Requirement to register pesticides.	15. (1) Any person desiring to import or manufacture any pesticide for ordinary use, use in agriculture, storage, industry, pest control operations or public health, shall make an application to the Registration Committee in digital form for a certificate of registration. (2) If a person desires to import or manufacture more than one pesticide, a separate application shall be made for each pesticide.	
Application for registration.	16. (1) An application for a certificate of registration shall be in digital form and shall contain such information as may be prescribed by the Central Government: Provided that different forms and information may be prescribed by the Central Government depending on whether the pesticide is proposed to be imported or	

	manufactured, whether it is proposed to be used in India or outside, and the use for which the pesticide is intended: Provided further that the procedure, form and information may be prescribed by the Central Government for promoting pesticides which are biological, based on traditional knowledge for encouraging indigenous manufacturing, Integrated Pest Management practices and agri-sustainability. (2) If the Registration Committee is of the opinion that the information submitted is not sufficient to enable it to make a decision about registration, it shall have the power to require the applicant to submit any additional information or to conduct any additional tests as it deems fit. The Central Government may, however, prescribe the manner in which the additional information/ test is required or examined (3) The application shall be accompanied by such fees as may be prescribed by the Central Government.	
Decision regarding registration.	17. (1) The Registration Committee shall scrutinise an application for a certificate of registration in all respects in digital mode only. (2) The Registration Committee may conduct an independent enquiry to verify the information submitted by the applicant which may include: - the conduct of tests in a manner determined by it, - Consultation with such experts as it deems fit. (3) The Registration Committee shall maintain an online database of all applications for registration received by it. (4) While making a decision regarding the registration of a pesticide, the Registration Committee shall evaluate the information submitted by the applicant under section 17 and shall also be guided by factors including safety, efficacy, necessity, end-use of the pesticide. (5) The Registration Committee shall not register a pesticide if: - the information submitted by the applicant for registration is false or misleading in any material particular;	

	b. it is satisfied that the pesticide does not meet the claims of safety or efficacy submitted by the applicant; c. where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under the Food Safety and Standards Act, 2006. (6) The Registration Committee may refuse to register a pesticide if there is scientific uncertainty regarding its risks and benefits and there are threats of serious and irreversible damage to human health, other living organisms or the environment. (7) The Registration Committee shall record in writing its reasons for the grant or refusal of registration to a pesticide and make them available in the public domain. (8) When the Registration Committee decides to register a pesticide, it shall allot a registration number to the pesticide, on such conditions as it deems fit, and grant a certificate of registration to the applicant, 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 where the Committee is unable to decide on an application within the above timelines, the Committee shall seek approval of the Central Government for additional time to process the application with necessary justification. Provided further, that if a decision is not arrived at by the Committee, on an application for registration for “generic pesticides” within 18 months of submission of the complete application, the certificate of registration shall be deemed to have been granted to such applicant. <u>Explanation:</u> ‘generic pesticides’ are those pesticides in	
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	respect of which registration has already been granted to another entity, subject to any other conditionality / requirement from any other Government authority	
Grant of certificate of registration to generic pesticides.	18.(1) Where the Registration Committee has granted a certificate of registration for a pesticide, any other person, not being the holder of the original certificate of registration granted under section 18, and desiring to import or manufacture the same pesticide shall make an application to the Committee for a certificate of registration. (2) An application under sub-section (1) shall be in such digital form, contains such information and accompanied by such fees as may be prescribed by the Central Government. (3) If the Registration Committee is satisfied that the pesticide in respect of which the original certificate of registration was granted, has not been banned, it may allot a registration number and grant a certificate of registration to the applicant, stating that such pesticide is a generic pesticide in respect of which the original certificate of registration has been granted. (4) The certificate of registration granted under sub-section (3) shall be subject to the conditions specified at the time of grant of the original certificate of registration in respect of that pesticide as well as any additional conditions that the Registration Committee may deem fit in respect of the applicant.	
Provisional certificate of registration pending observation.	19.(1) In case of emergent situations declared as exigency by the Central or State Government, the Registration Committee, may grant a provisional registration in such a manner as prescribed by the Central Government for a period not exceeding three years, pending observation during which the applicant shall generate the information necessary for the grant of a certificate of registration under section 18. The distribution or sale of such pesticide shall be permitted, only during the currency of the period of an exigency as declared by the Central Government. (2) On the expiry of the period of provisional registration or at any time before such period when	

	the information referred to in sub-section (2) has been generated, the person to whom it has been granted shall make an application for a certificate of registration under section 17 if he desires to import or manufacture the pesticide.	
Amendment of certificate of registration.	20. (1) The holder of a certificate of registration, desiring to amend the certificate or any condition specified by the Registration Committee while granting the certificate, shall make an application to the Committee in such digital form and accompanied by such fees as may be prescribed by the Central Government. (2) While considering an application made under sub-section (1), the Registration Committee shall undertake the risk assessment as it deems appropriate, on the basis of which it may approve or reject the amendment: Provided that where the amendment may affect the safety or efficacy of the pesticide, including but not limited to a change in the chemical composition of the pesticide or the use for which it was approved at the time of registration, the application for amendment shall be treated as an application for registration, to which the provisions of sections 18, 19 and 20 shall apply. (3) The amendment of a certificate of registration of a pesticide granted under section 18, shall have such effect on certificates of registration granted under section 19 in such manner as may be prescribed by the Central Government.	
Review, suspension and cancellation of registration and ban on pesticides.	(21) (1) The holder of a certificate of registration shall intimate the Registration Committee if there is any change in the information submitted to the Committee after the grant of registration, including information related to the safety or efficacy of the pesticide or the status of its registration. (2) The Registration Committee may review, at such intervals as may be prescribed by the Central Government: (a) a certificate of registration granted under sections 18 or 19; (b) the molecule or formulation of a pesticide in respect of which registration has been granted. (3) Notwithstanding anything set out in sub-section (1) above, a review may be initiated by the Registration	

	Committee at any time: (a) on its own with the approval of Central Government; (b) on the basis of information received by it under sub-section (1); on a reference made by Pesticide Inspector designated under this Act relating to a violation or contravention of this Act, or otherwise (c) on a reference made in this behalf by the Central Government or the State Government under sub-section (1) of section 34; or (d) subsequent to the prohibition of a pesticide by the Central Government or the State Government under sub-section (2) of section 34 . (4) While conducting a review, the Registration Committee shall have the power to: (a) conduct tests in a manner determined by it; (b) consult with such experts as it deems fit; or (c) to require the concerned holder or holders of the certificate of registration, as the case may be, to submit information or conduct tests. (5) While conducting a review, the Registration Committee shall give an opportunity of being heard to the holder of the certificate of registration, and where the review is conducted on the basis of prohibition made under sub-section (2) of section 34, it shall consult the Central Government or the State Government, as the case may be. (6) After reviewing the certificate of registration under clause (a) of sub-section (2), the Registration Committee may order suspension of such certificate if it is satisfied that there are violations of conditions specified in the certificate of registration or provisions of this Act or the rules made thereunder, and it shall direct the holder of such certificate to comply and rectify those conditions within such period as may be prescribed by the Central Government. (7) If the holder of a certificate of registration, to whom directions have been issued under sub-section (6), fails to comply with the direction within the period mentioned in sub-section (6), the Registration Committee shall, on the expiry of such period, issue an order for cancellation of certificate of registration.	
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	(8) The Registration Committee may further cancel the certificate of registration, if it is satisfied that the information submitted at the time of application for registration was false or misleading in any material particular. (9) A certificate of registration shall further be cancelled : (a) where an application for registration was made to manufacture the pesticide, if the holder of the certificate of registration fails to obtain a manufacturing licence within three years of being granted the certificate; or (b) where an application for registration was made to import the pesticide, if the holder of the certificate of registration fails to obtain a manufacturing licence or a licence to distribute, sell or stock the pesticide within one year of being granted the certificate. or (c) Where the holder of the registration certificate commits a contravention under this Act which may be punishable with such cancellation as specified under Schedule II to the Act. (10) The person whose certificate of registration has been cancelled under sub-section (7) or sub-section (8) or sub-section (9), shall not manufacture or import the pesticide in respect of which the certificate of registration was granted. (11) After reviewing the molecule or formulation of a pesticide under clause (b) of sub-section (2), the Registration Committee: (a) may suspend all certificates of registration in respect of such molecule or formulation, whether granted under section 18 or section 19, if there is <i>prima facie</i> evidence that such molecule or formulation is likely to have an adverse impact on the health of human beings, other living organisms or the environment or that the pesticide does not appear to have the efficacy which was claimed, and it shall require the holders of certificates in respect of that molecule or formulation to controvert this evidence within a specified period, failing which such certificates shall be cancelled; (b) shall order for cancellation of all certificates of	
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	registration in respect of such molecule or formulation, whether granted under section 18 or section 19, if it is satisfied that the risk posed by the continued use of such molecule or formulation outweighs its benefits. (12) When certificates of registration cancelled under subsection (10), the molecule or formulation in respect of which these certificates were granted shall be deemed to be banned and notified. (13) The decision taken by the Registration Committee under this section shall be recorded in writing and made available in the public domain.	
Appeal from a decision of Registration Committee.	22. (1) A person whose application for a certificate of registration or its amendment or provisional registration has been refused or cancelled, shall, within thirty days from the date on which such decision is made available in the public domain, file an appeal to the Central Government: Provided that if the Central Government is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time, it may entertain the appeal after the expiry of the period of thirty days. (2) The appeal shall be in such form and shall be accompanied by such fees as may be prescribed by the Central Government. (3) The Central Government shall, after giving an opportunity of being heard to the appellant, dispose of the appeal within a period of six months from the date of completion of pleadings.	
Power of revision of Central Government.	23. 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 this Act and may pass any such order 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 any person unless that person has had a reasonable opportunity of being heard against the proposed order.	
National register of pesticides.	24. The Registration Committee shall maintain a national register of pesticides in digital form containing such information as may be prescribed by the Central Government.	
Secretariat	25. Secretary and other officers—The Central	

for Central Pesticides Board and Registration Committee	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.	
	CHAPTER IV	
	GRANT OF LICENCES	
Licensing Officer.	26. (1) State Government, may, by notification appoint a person as Licensing Officer for the purposes of this Act. Provided that the qualifications of such person may also be prescribed by the State Government. (2) The Licensing Officer shall exercise such powers and functions as may be prescribed by the State Government.	
Requirement to obtain licence.	27. (1) Subject to the provisions of this section, any person, desiring to manufacture, distribute, exhibit for sale, sell or stock pesticides or undertake pest control operations, shall make an application in such digital form and with such fee as may be prescribed by the Central Government to the Licensing Officer for the grant of a licence. (2) Persons making an application under sub-section (1), shall possess such qualifications and meet such requirements relating to infrastructure, premises, storage and transport as may be prescribed by the Central Government. (3) The Central Government may, by notification, specify the ordinary use pesticide in respect of which a licence to sell or stock under this Act is not required.	
Grant of licence.	28. (1) On receipt of an application under section 27, the Licensing Officer may inspect such premises of the applicant as it deems fit. (2) If the Licensing Officer, on the basis of the inspection and after evaluating the requirements under sub-section (2) of section 27, is satisfied that the conditions for the grant of a licence have been met, he may within a period of sixty days from the date of receipt of application under section 27, grant a licence to the applicant in	

	digital mode on such terms and conditions as may be specified therein. (3) If the Licensing Officer is satisfied that applicant is not eligible for grant of licence under this Act, he may refuse to grant it and shall communicate in digital mode the order of refusal to the applicant within a period of sixty days from the date of receipt of the application.	
Amendment and revocation of licence.	29. (1) The Licensing Officer may amend the terms of a licence or the conditions subject to which it was granted in digital mode and in such manner as may be prescribed by the State Government. (2) If the Licensing Officer is satisfied, either on the basis of a reference made in this behalf or on a reference made by a Pesticide Inspector designated under this Act relating to a violation or contravention of this Act, or otherwise that, (a) the information on the basis of which the licence was granted was false or misleading in any material particular; or (b) the holder of the licence has violated the conditions subject to which it was granted; or (c) the holder of the licence has contravened any of the provisions of this Act or rules made there under, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the Licensing Officer may, after giving the holder of the licence an opportunity of being heard, suspend or revoke the licence. (3) The licence granted to any person under this Act shall be revoked if the person has committed any contravention under this Act which may be punishable with such revocation as specified under Schedule II to the Act. (4) A licence to manufacture, distribute, sell, exhibit for sale, stock or transport a pesticide or to undertake pest control operations shall be deemed to be revoked, if the certificate of registration of that pesticide is cancelled by the Registration Committee.	
Licences	30. (1) Notwithstanding anything contained in the	

under the Insecticides Act, 1968.	Insecticide Act, 1968 the licence granted under that Act, shall remain in force for the period specified at the time of grant of such licence under that Act. (2) When a licence granted under the Insecticides Act, 1968 expires, an application for grant of fresh licence shall be made in accordance with the provisions of this Act.	
Information on licences, sales and mn position .	31. (1) The Licensing Officer shall provide to the State Government a monthly report in digital form and in such manner as may be prescribed by the Central Government relating to,- (a) the grant or revocation of licence of person engaged in manufacture, distribution, stocking and sale of pesticides and of persons engaged in commercial pest control operations with the use of any pesticide; (b) infrastructure facilities possessed by every pesticide manufacturer in the State; (c) the monitoring of the quality of pesticides and the offences and punishment awarded under this Act. (2) The State Government shall consolidate the report received under sub-section (1) and send it to the Central Government every six months in such manner as may be prescribed by the Central Government. (3) The person, who sells the pesticides, shall maintain the record of the sale of pesticide in digital mode and submit the record to the Licencing Officer in such manner, as may be prescribed by the Central Government. (4) Every importer or manufacturer shall maintain a record of the stock position of pesticides in digital form and in such manner as may be prescribed by the Central Government. (5) The Central Government or the State Government may at any time, by notice in writing, require any importer or manufacturer or any other person	

	dealing in pesticides, to furnish within the time specified in the notice, such information in respect of any pesticide or any batch thereof, including the particulars of all persons to whom it has been sold or distributed, as it may consider necessary.	
Appeal from decision of Licensing Officer.	32.(1) Any person aggrieved by the decision of the Licensing Officer under section 28 or section 29 may, within a period of thirty days from the date on which the decision is communicated to him, prefer an appeal to the State Government, in such form and accompanied by such fees as may be prescribed by the State Government: Provided that the State 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. (2) On receipt of an appeal under sub-section (1), the State Government shall, after giving the appellant an opportunity of being heard, dispose of the appeal within a period of six months from the date of receipt of the appeal.	
	CHAPTER V PESTICIDE SURVEILLANCE AND PROHIBITION IN THE PUBLIC INTEREST	
Notification of poisoning	33.(1) The State Government shall, by notification, require any person or class of persons specified therein to report all occurrences of poisoning coming within his or their cognizance to such officer as may be specified in the notification. (2) The State Government shall review and analyse occurrences of poisoning within its jurisdiction and submit a quarterly report to the Central Government. (3) The State Government shall develop a plan to implement the model protocol framed by the Board to deal with occurrences of poisoning.	

Prohibition on pesticides in public interest and ban on pesticides.	34.(1) The Central Government or State Government may, at any time, make a reference to the Registration Committee to review the safety or efficacy of a molecule or formulation of a pesticide in respect of which registration has been granted and the provisions of section 21 shall apply <i>mutatis mutandis</i> to such review.. (2) If , on the basis of information received or otherwise, the Central Government or the State Government is of the opinion that it is expedient or necessary in the public interest to take immediate action on account of the use of any pesticide that is being distributed, manufactured, sold, stocked or used in agriculture, industry, storage, public health, ordinary use or pest control operations having had or being likely to have an adverse impact on, or posing a risk to human health, other living organisms or the environment the Central Government or the State Government, as the case may be, may, by notification, prohibit the distribution, sale or use of the pesticide or a specified batch in such area and for such period not exceeding one year. (3) On publication of the notification under subsection (2), the Registration Committee shall undertake a review of the molecule or formulation of such pesticide and the provisions of section 21 shall apply <i>mutatis mutandis</i> to such review.. (4) The Registration Committee shall complete its review within a period not exceeding one year from the date of the publication of the notification: Provided that if the information available to the Committee is not sufficient to enable it to make a decision within one year, this period may be extended by a further period not exceeding one hundred and eighty days. (5) The prohibition on the distribution, sale or use of the pesticide shall continue until the Registration Committee arrives at a decision in this behalf and the decision shall be available to public. (6) If the Registration Committee is satisfied that the pesticide does not present a risk to the health of	
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	human beings, other living organisms or the environment, the prohibition on the distribution, sale or use of the pesticide shall be allowed from the date on which the decision of the Registration Committee is available to public. (7) Notwithstanding anything contained in this section or in section 21, The Central Government may, by notification, ban a molecule or formulation of a pesticide in respect of which registration has been granted if such ban is necessary to comply with the orders of a court of competent jurisdiction; or (8) All certificates of registration granted in respect of a molecule or formulation of a pesticide banned under sub-section (6), shall be deemed to be cancelled from the date of publication of the notification.	
State-level database on pesticides.	35. The State Government shall maintain a consolidated, state-level database on pesticides in digital form containing such information as may be prescribed by the Central Government.	
	CHAPTER VI PESTICIDES LABORATORIES AND ANALYSIS OF PESTICIDES	
Central Pesticides Laboratory.	36.(1) The Central Government may, by notification, establish a Central Pesticides Laboratory under the control of a Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act. (2) The Central Government may, by notification, designate such other laboratory as it deems fit to perform such functions of a Central Pesticides Laboratory, as may be specified in the notification.	
Pesticides Testing Laboratories.	37. (1) The Central Government or the State Government may, by notification, establish Pesticide Testing Laboratories accredited by National Accreditation	

	Board for Testing and Calibration Laboratories or any other accreditation agency <i>in vogue</i> under the control of Directors, to be appointed by the Central or State Government, as the case may be to carry out the functions entrusted to it by or under this Act. Provided that an accreditation may be acquired by the existing lab within a period of one year from the commencement of this Act; Provided further that the newly notified lab may acquire accreditation within a period of one year from its notification. (2) The Central Government or the State Government may, by notification, direct that the functions of the Pesticide Testing Laboratories shall, to such extent as may be specified in the notification, be carried out by such other public institutions and thereupon, the functions of the Director of a Pesticides Testing Laboratory shall also be performed by the head of that institution. (3) The Central Government or the State Government authorised by it in this behalf, may recognise private laboratories accredited by National Accreditation Board for Testing and Calibration Laboratories or any other accreditation agency <i>in vogue</i> to carry out all or any of the functions of Pesticide Testing Laboratories, on compliance of the standards as may be prescribed by the Central Government. (4) No private laboratory, any director or partner or officer of which has any financial or other interest in the manufacture, import, export, stocking, distribution or sale of any pesticide or in any pest control operations, shall be recognised under sub-section (3). (5) Any recognition made under sub-section (3) may be withdrawn by the Central Government or the State Government for reasons to be recorded in writing and after giving the concerned laboratory an opportunity of being heard.	
Pesticide Analyst and Pesticide Inspector.	38. (1) The Central Government or the State Government may, by notification, appoint such persons as it thinks fit, possessing such technical and other qualifications as may be prescribed by the Central Government or the State Government to be Pesticide Analyst for	

	such areas and in respect of such pesticides or class of pesticides as may be specified in the notification: Provided that no person who has any financial or other interest in the distribution, export, import, manufacture, exhibition for sale, sale or stocking of a pesticide or in any pest control operations, shall be appointed as a Pesticide Analyst. (2) The Central Government or the State Government may, by notification, appoint such persons as it thinks fit, possessing such technical and other qualifications as may be prescribed by the Central Government or the State Government to be Pesticide Inspector for such areas as may be specified in the notification: Provided that no person who has any financial or other interest in the distribution, export, import, manufacture, exhibition for sale, sale or stocking of a pesticide or in any pest control operations, shall be appointed as a Pesticide Inspector.	
Powers of Pesticide Inspector.	39. (1) Subject to the provisions of section 40, a Pesticide Inspector shall have the power to: (a) enter and search, at all reasonable times and with such assistance, if any, as he considers necessary, any premises or in the case of a vehicle, stop and search a vehicle, in which he has reason to believe that an offence under this Act or rules 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 rules or the conditions of any certificate of registration or licence issued are being complied with; (b) require the production of, and to inspect, examine, make copies of, take extracts from or seize any record, register, document or other material object or stock of a pesticide found on any premises or kept by a dealer, distributor, manufacturer, importer, vendor, carrier of a pesticide, pest control operator or such other person, if he has reason to believe that all or any of them may furnish evidence of the commission of an offence under this Act or rules made thereunder; (c) make such examination and inquiry as he thinks	

	fit in order to ascertain whether the provisions of this Act or rules are being complied with and for that purpose stop any vehicle; (d) take samples of any pesticide which is being manufactured, imported, sold, stocked, exhibited, offered for sale or distributed and record the details of such samples in digital mode and send such samples for test and analysis to the Pesticide Analyst within forty-eight hours and in such manner as may be prescribed by the Central Government;; (e) require any person for the time being in charge of any premises to disclose to the Pesticide Inspector where the pesticide is being stored or manufactured or imported as the case may be; (f) stop, through an order in digital mode or and with the prior permission of any person whom the State Government has appointed an Executive Magistrate under the Code of Criminal Procedure, 1973, the distribution, sale, use or disposal of a pesticide which he has reason to believe is being distributed, sold, used or disposed in contravention of the provisions of this Act or rules, for a specified period not exceeding sixty days or till the receipt of the report of the Pesticide Analyst, whichever is earlier: Provided that if the Pesticide Inspector has not been able to take prior permission due to emergent circumstances, he shall as soon as may be, but not later than forty-eight hours, inform the Executive Magistrate and take his orders to stop the sale, distribution, use or disposal of any pesticide.; (g) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made there under: Provided that in a custom bound area any customs officer, who has reason to believe, through a written complaint or otherwise, that an offence relating to the import or export of pesticides has been or is likely to be committed in a custom bound area, shall bring to the notice of the Directorate of Plant Protection, Quarantine and Storage, to enable further action to be taken	
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	in this regard. (2) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code. (3) Any person against whom an order is proposed to be passed under clause (f) of sub-section (1), shall be served notice to show cause against it in such manner as may be prescribed by the Central Government. (4) The Pesticide Inspector may in requisition of the services of any police officer or of any other officer or of both, as the case may be, for assistance related to any of the purposes specified in sub-section (1) and it shall be the duty of every such police officer or officer to comply with such requisition.	
Procedure to be followed by Pesticide Inspector.	40. (1) Where a Pesticide Inspector takes any sample of a pesticide, he shall pay the person from whom such sample is taken, the price at which the pesticide is usually sold to the public, and may require a written a digital acknowledgement to this effect. (2) Where a Pesticide Inspector seizes any record, register, document or other material object or stock of a pesticide under section 40, he shall, as soon as may be, inform a Judicial Magistrate of such seizure, and take orders as to its custody. (3) Where a Pesticide Inspector passes an order under clause (f) of sub-section (1) of section 39, he shall, if he seizes the stock of the pesticide, as soon as may be, inform a Judicial Magistrate and take his orders as to the custody thereof. (4) As soon as may be, ascertain whether or not the pesticide contravenes any of the provisions of this Act or rules including through the testing and analysis of a sample of the pesticide in accordance with the provisions of this Act and rules. (5) If it is ascertained that the pesticide or its sale, distribution or use does not so contravene the provisions of this Act or rules made thereunder, revoke the order passed and if the stock of the	

	pesticide has been seized, take such action as may be necessary for its return. (6) 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 pesticide, on being satisfied that the defect has been so remedied, immediately revoke his order, and if the stock of the pesticide has been seized, take such action as may be necessary for its return. (7) Where a Pesticide Inspector seizes the stock of any pesticide under section 39, he shall tender a digital receipt therefor in such form as may be prescribed by the Central Government. (8) Where a Pesticide Inspector takes any sample of a pesticide, he shall intimate the purpose of taking sample in digital or to the person from whom the sample is taken in such manner as may be prescribed by the Central Government. (9) The Pesticide Inspector shall draw the sample in the presence of the person from whom the sample is taken, unless he wilfully absents himself and shall divide the sample into such number of portions, of such weight or volume as may be prescribed by the Central Government. (10) The portion of the sample shall be placed in such containers and sealed and marked by the Pesticide Inspector and by the person from whom the sample is taken, in such manner as may be prescribed by the Central Government. (11) The Pesticide Inspector shall also put his seal or bar code or QR code on the package from which the sample is taken and indicate the quantity of the sample drawn for test or analysis. (12) The Pesticide Inspector shall deal with the portions of the samples taken under this section in such manner as may be prescribed by the Central Government.	
Report of Pesticide Analysts.	41. (1) The Pesticide Analyst to whom a sample of any pesticide has been submitted for test or analysis under clause (d) of sub-section (1) of section 39 shall, within a period of thirty days, deliver a signed report to the Pesticide Inspector through digital mode in such manner as may be prescribed by the Central Government. (2) On receipt of a digital report from the Pesticide	

	Analyst, the Pesticide Inspector shall, within a period of ten days, deliver the report through digital mode to: (a) the manufacturer of the pesticide; (b) the person from whom the sample was taken, if such person is not the manufacturer; (c) the Plant Protection Advisor, where the Pesticide Inspector is appointed by the Central Government or the Director of Agriculture of a State, where the Pesticide Inspector is appointed by the State Government; and (d) retain a copy of report with him. (3) Any document purporting to be a report signed by the Pesticide Analyst shall be the conclusive evidence of the facts stated therein, unless the person from whom the sample was taken has within twenty-eight days of the receipt of a copy of the report informed or through digital mode to the Pesticide Inspector or the court before which any proceedings in respect of the sample are pending that he intends to adduce evidence in controversion of the report. (4) Unless the sample has already been tested or analysed in a Central Pesticides Laboratory, where a person has, under sub-section (3) informed his intention of adducing evidence in controversion of the report of the Pesticide Analyst, the court may, of its own motion or in its discretion, at the request either of the complainant or of the accused, cause the sample of the pesticide produced before the court to be sent for test or analysis to the said laboratory, which shall, within a period of thirty days, make the test or analysis and report in writing signed by, or under the authority of the Director of the Central Pesticides Laboratory, of the result thereof, and such report shall be conclusive evidence of the facts stated therein.	
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	(5) The cost of a test or analysis conducted by the Central Pesticides Laboratory under sub-section (4), shall be paid by the complainant or the accused, as the court may direct. (6) The remains of the samples so drawn and tested shall be disposed of within a period of three years from the date of drawing of the sample in such manner as may be prescribed by the Central Government or if applicable, within three years of the conclusion of proceedings before the court or as the court may direct, whichever is later.	
	CHAPTER VII OFFENCES AND PUNISHMENT	
Schedule II	42. Whosoever commits an Offence as prescribed under Column 2 of the Schedule II shall be liable for punishment or penalty as provided under the Column 3 of the Schedule II of this Act; Provided that the Central Government may add, delete or amend the quantum of penalties prescribed in Schedule II from time to time.	
Actions consequent to conviction.	43. (1) Where any person has been penalised or convicted of an offence under this Act, the stock of the batch of the pesticide in respect of which the contravention has been made shall be liable to be confiscated: Provided that during the pendency of proceedings under this Act, if the court is satisfied, on an application made by the Pesticide Inspector or otherwise and after such inquiry as may be necessary, that a pesticide is being manufactured, imported, sold, stocked, distributed or used for pest control operations in contravention of the provisions of this Act, such pesticide shall be liable to confiscation. (2) Where any person has been convicted of an offence under this Act, the court before which the conviction took place may 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.	
Offences by	44. (1) Where an offence under this Act has been	

companies.	committed by 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 purposes of this section- (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director” in relation to a firm means a partner in the firm.	
Cognizance and trial of offences.	45. Adjudication and trial of offences. (1) Adjudication (a) Adjudicating Officer: The State Government or the Union territory administration, as the case may be, for the purposes of imposing the penalties under this chapter, may authorise such officer, not below the rank of Deputy Director or equivalent rank under the State Government, to act as an adjudicating officer. (b) The Adjudicating Officer upon receipt of a complaint	

	in such form, manner and accompanied by such fees as may be prescribed, relating to a contravention under this Act, conduct an inquiry, and after giving any person concerned a reasonable opportunity of being heard, pass an order in writing imposing the penalty as specified in Schedule II to the Act. (c) Powers of AO equal to that of civil court. The Adjudicating Officer shall have the powers of a civil court. (2) Appeal. (a) Whoever is aggrieved by an order, passed by the Adjudicating Officer under this Chapter, may prefer an appeal within a period of sixty days from the date of receipt of such order to an officer not below the rank of Director to the State Government or the Union territory administration, as the case may be, to be an appellate authority, specially authorised by that Government or administration in this behalf, and in such form and manner as may be prescribed by the Central Government. (b) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period. (c) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit. An appeal under sub-section (1) shall be disposed of within sixty days from the date of filing. (3) No prosecution for an offence under this Act shall be instituted except by or with the written any person authorised in this behalf by the State Government, and the consent or refusal for the institution of prosecution shall be intimated in such time as may be prescribed by the Central Government. (4) No court inferior to that of Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence except where penalty is provided for the offence under this Act. (5) Compounding of offences	
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	(a) Any person who may have committed or is suspected to have committed a contravention under the Act or rules thereunder, punishable with imposition of penalties specified in Schedule II to this Act, may pay such sum of money to the Pesticides Inspector as amount of the penalty prescribed for such contravention under Schedule II of the Act by way of compounding of the contravention. Provided that in the case of the commission of such a contravention for the second time which has been previously compounded, no such sum shall exceed twice the maximum amount of penalty which may be imposed for that contravention. Provided further that no offence, for which punishment of imprisonment or fine has been prescribed under this Act, shall be compounded. (b) Where an offence is compounded under clause (a) subsection (5), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the contravention so compounded. (c) Nothing in clause (a) of subsection (5) shall apply to any person who commits the same or similar contravention, for a third time. (d) During the period of appeal, subsequent contraventions committed by a person shall be treated in like manner as second contravention and only in case of acquittal subsequent contravention shall be treated as first contravention. (e) In case any person fails to honour the penalty or fine imposed under this Act, the concerned District Collector shall, on the basis of a recovery certificate issued by the Registration Committee, proceed to recover the said amount as arrears of land revenue and may, if necessary, effect seizure of property in accordance with the provisions of the applicable Land Revenue Act.	
Defences to prosecution under this Act.	46. (1) It shall be no defence in a prosecution under this Chapter to prove merely that: (a) the accused was ignorant of:	

	(i) the nature or substance or quality of the pesticide in respect of which the offence was committed; or (ii) the risk involved in the manufacture, sale or use of such pesticide; or (iii) the circumstances of its import. (b) a purchaser, having bought only for the purpose of test or analysis, was not prejudiced by the sale. (2) A person, not being the importer or manufacturer of a pesticide or his agents shall not be liable for a contravention of any provision of this Act, if he proves that: (a) he acquired the pesticide from a person having a valid licence to import, manufacture, sell, distribute or stock a pesticide, as the case may be; (b) he did not know and could not with reasonable diligence, have ascertained that the pesticide received from the manufacturer or distributor is not of approved composition (c) the pesticide, while in his, possession, was properly stored and remained in the same state as when he acquired it.	
	CHAPTER VIII MISCELLANEOUS	
Regulation of substances having pesticidal properties and disposal of Pesticide.	47.(1) Substances having pesticidal properties or any preparation containing any one or more of such substances notified under clause (b) section 8 and are not intended for use as pesticides in India may be regulated in such manner as may be prescribed by the Central Government: Provided that the Central Government may, on the recommendations of the Registration Committee and subject to such conditions as it may specify, by notification, exempt such substances from all or any of the provisions of this Act or rules made thereunder. (2) If a batch of pesticide has out lived its shelf-life	

	or a batch has been declared to be falsified or has been banned or cancelled under section 21, it shall be segregated and disposed of within such period and in such manner as may be prescribed by the Central Government for safe of human beings, animals and environment.	
Exemption.	48. (1) No person using pesticides in his own household, kitchen-garden or land under their own cultivation shall be liable to be prosecuted for any offence under this Act. (2) The Central Government may, by notification, and subject to such conditions as may be specified, exempt from all or any of the provisions of this Act, rules any use of pesticides for educational, scientific or research purposes by organisations carrying out such activities.	
Power of Central Government to give directions.	49. (1) The Central Government may give such directions as it may deem necessary to a State Government or the Board for carrying out all or any of the provisions of the Act or the rules made thereunder and the State Government or the Board, as the case may be, shall comply with such directions. (2) The Central Government may, for matters arising out of the administration of the Act, give such directions, in an exigency to the Registration Committee and the Committee shall comply with such directions.	
Members of authorities and officers under this Act to be public servants.	50. The Members and officers of the Board, the Registration Committee, the Licensing Officers, the Pesticide Analysts, the Pesticide Inspectors or officers exercising the powers of the Pesticide Inspector shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.	45 f 1860
Protection of action taken in good faith.	51. 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 or any sub-committee of the Registration Committee for anything done in good faith or intended to be done	

	under this Act.	
Power of Central Government to make rules.	52. (1) The Central Government may, after consultation with the Board and subject to the condition of previous publication of notification, make rules for carrying out the provisions of this Act: Provided that the consultation with the Board may be dispensed with if the Central Government is of the 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 making of such rules. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely— (a) the terms and conditions of the Members under sub-section (2) and (3) of section 5; (b) the allowances of the Members of the Committee under sub-section (3) of section 7; (c) the term and conditions and such allowances of consultant, experts, advisers or other persons under sub-section (4) of section 7; (d) other matters under sub-clause (ix) of clause (c) of section 8; (e) the other functions under clause (i) of sub-section (1) section 8; (f) the qualification and experience of the Chairperson of the Registration Committee under clause (a) of sub-section (2) of section 9 (g) the terms of the office of the Chairperson of the committee under sub-section (3) of section 9; (h) other functions of the Registration Committee under sub-section (vi) section 14; (i) the form and information under sub-section (1) of section 16; (j) the different form and information under the first proviso to sub-section (1) of section 16; (k) the procedure, form and information under the second proviso to sub-section (1) of section 16; (l) the fees for application under sub-section (3) of section 16; (m) the manner for grant of certificate of registration to	

	the applicant under sub-section (8) of section 17; (n) the form with such information and accompanied by such fees under sub-section (2) of section 18; (o) the form with such information and accompanied by such fees under sub-section (1) of section 19; (p) the form and fees for amendment of certificate of registration under sub-section (1) of section 20; (q) the manner of amendment of certificate of registration under sub-section (3) of section 20; (r) the period for rectification of violation under sub-section (6) of section 21; (s) the form and fees of appeal under sub-section (2) of section 22; (t) the information to be contained in the national register of pesticides under section 24; (u) the application form and fees of licence under sub-section (1) of section 27; (v) the qualifications of a person making an application and requirements related to infrastructure, premises, storage and transport under sub-section (2) of section 27; (w) the manner of providing monthly report under sub-section (1) of section 31; (x) the manner of sending report by the State Government to the Central Government under sub-section (2) of section 31; (z) The manner of maintaining record of sales of pesticide and submission of record to the licencing officer under sub-section (3) of section 31; (za) the manner of maintaining register recording the stock position of pesticides under sub-section (4) of section 31; (zb) the information contained in the digital form under section 35; (zc) the standards to be complied under sub-section (3) of section 37; (zd) the technical and the other qualifications of a Pesticide Analyst under sub-section (1) of section 38; (ze) the technical and other qualifications of a Pesticide Inspector under sub-section (2) of section 38; (zf) the manner for sending samples for test and analysis to the Pesticide Analyst under clause (d) of sub-section (1) of section 39; (zg) the manner of serving of notice to show cause under sub-section (3) of section 39;	
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	(zh) the form of receipt under sub-section (7) of section 40; (zi) the manner of intimation the purpose of taking sample of pesticide under sub-section (8) of section 40; (zj) the number of portions weight or volume of the sample under sub-section (9) of section 40; (zk) the manner of sealing and marking of the containers under sub-section (10) of section 40; (zl) the manner of dealing with the portions of samples by the Pesticide Inspector under sub-section (12) of section 40; (zm) the manner of delivering the signed report in quadruplicate under sub-section (1) of section 41; (zn) the manner of disposal of remains of samples drawn and tested under sub-section (6) of section 41; (zo) the time for intimation of consent or refusal for institution of the prosecution under sub-section (2) of section 45; (zp) the manner of holding inquiry, imposing penalty under sub- section (1) of section 45, (zq) the form and manner of preferring appeal under sub-section (2) of section 45; (zr) the manner of regulation, of substances not intended for use as pesticides under sub- section (1) of section 47; (zs) the period and manner of segregation and disposal of the pesticide under sub-section (2) of section 47; (zt) any other matter which is required to be, or may be, prescribed. (2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of the Parliament, while it is in session for a total period of 30 days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	
Power of State Governments	53. (1) The State Government may, after consultation with the Board and subject to the condition of previous publication make rules for carrying out the provisions of	

to make rules.	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 qualifications of Licencing Officer under sub-section (1) of section 26; (b) the powers and function of Licencing Officer under sub-section (2) of section 26; (c) conditions for amendment of licence under sub-section (1) of section 29; (d) form and fees of appeal under sub-section (1) of section 32; (e) technical and other qualifications under sub-section (1) of section 38; (f) technical and other qualifications under sub-section (2) of section 38; (g) the manner of holding inquiry, imposing penalty under sub-section (1) of section 45, (h) the form and manner of preferring appeal under sub-section (2) of section 45; (i) any other matter which may be, or is required to be prescribed. (3) Every rule made by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.	
Power to remove difficulties.	54. (1) If a difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with the provisions of this Act as it may appear to be necessary, for removing the difficulty: Provided that no order shall be made under this section after the expiry of the period of three years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be, after it is made before each House of Parliament.	
Repeal and saving.	55. (1) The Insecticides Act, 1968, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.	

Schedule I

[see section 5(2)]

Members of the Central Pesticides Board:

1. A designated representative not below the rank of Joint Director of each of the following authorities- *ex officio*- Member:
 - (i) Directorate of Plant Protection, Quarantine and Storage;
 - (ii) Drugs Controller General of India;
 - (iii) Director General, Indian Council of Agriculture Research;
 - (iv) Director General, Bureau of Indian Standards;
 - (v) Director General, Indian Council of Medical Research;
 - (vi) Director General, Council of Scientific and Industrial Research;
 - (vii) the Storage and Research (Technical) Division, Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution;
 - (viii) Directorate General, Factory Advice Service and Labour Institutes;
 - (ix) Zoological Survey of India;
 - (x) Food Safety and Standards Authority of India (FSSAI);
 - (xi) Department of Animal Husbandry, Dairying and Fisheries
 - (xii) Department of Biotechnology, Ministry of Science and Technology;
 - (xiii) Central Pesticides Laboratory;
 - (xiv) Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers;
 - (xv) National Institute of Occupational Health;
 - (xvi) Ministry of Environment, Forest and Climate Change;
 - (xvii) Central Pollution Control Board;
 - (xviii) Central Ground Water Board;
 - (xix) Ministry of Commerce;
 - (xx) Ministry of Shipping and Transport;
 - (xxi) Ministry of Railways;
2. five Directors of Agriculture or Horticulture from State Governments, representing the five agro-climatic zones, to be nominated by the Central Government- Members;
3. four experts each from the fields of chemistry, ecology, medical toxicology and pharmacology to be nominated by the Central Government- Members;
4. two persons to represent farmers, of whom at least one shall be female, to be nominated by the Central Government- Members; and
5. an officer from the Directorate of Plant Protection, Quarantine and Storage, to be nominated by the Central Government - *ex officio* -Member-Secretary.

Schedule II

[see section 42]

OFFENCES AND PUNISHMENTS

S. No	Offence	Penalty
Column 1	Column 2	Column 3
1.	Manufacturing, import, distribution, sale, exhibition for sale, stock or transportation of a pesticide or undertaking pest control operations: (a) in violation of the conditions of registration issued under the Act; or (b) in violation of the conditions of the licence issued under the Act; or (c) in contravention of prescribed health and safety parameters that may be prescribed under this Act.	● Penalty of Rs. 50,000 – Rs. 2,00,000 as may be notified by the Central Government, in respect of any particular contravention listed in this row. ● Subsequent same offence : Penalty not less than twice the amount of penalty that was imposed at the time of the first contravention, irrespective of the maximum penalty, as the case may be, provided for such contravention
2.	Distribution, sale, exhibition for sale or stock a pesticide or undertaking pest control operations with a pesticide, a. that has not been registered in accordance with the provisions of this Act; or b. the certificate of registration of which has been suspended, cancelled or is deemed to be cancelled under section 21; or c. the molecule or formulation of which is deemed to be banned under section 21 or d. that has been banned by the Central Government under sub-section (7) of section 34; or e. that has been prohibited by the Central Government or the State Government under sub-section (2) of section 34 for the period for which the prohibition is in force; or f. which has exceeded the date of expiry mentioned on the label and leaflet.	● Penalty of Rs. 50000 – Rs. 200000 as may be notified by the Central Government, in respect of any particular contravention listed in this row ● Subsequent same offence : Penalty not less than twice the amount of penalty that was imposed at the time of the first contravention irrespective of the maximum penalty, as the case may be, provided for such contravention.
3.	(1) manufacturing or import of a pesticide a. that has not been registered in accordance with the provisions of this Act; or b. without a valid licence as may be required under the Act; or c. the certificate of registration of which has been suspended, cancelled or is deemed to be cancelled under section	● Imprisonment for a term upto 3 years, or with fine from Rs. 10,00,000 to Rs. 40,00,000 or with both ● Subsequent same offence : Fine not less than twice the amount of fine prescribed for the first contravention, irrespective of the maximum fine as the case may be, provided for such offence

	21; or d. the license of which is suspended or cancelled; e. that has been banned by the Central Government under sub-section (7) of section 34 f. the molecule or formulation of which is deemed to be banned under section 21 (2) Distribution, sale, exhibition for sale, stock or transportation or causing to transport of a pesticide or undertaking pest control operations (a) without a valid licence as may be required under the Act; or (b) if the license is suspended or cancelled or (c) if pesticide is registered for export purposes only; Provided nothing in this sub-section 3 (2) shall apply to such transport of export-only pesticides directly between the manufacturing premises and the port of exit) Provided further that nothing in this sub-section 3 (2) shall apply to the transportation of any expired pesticide for disposal in such manner as may be prescribed by the Central Government.	
4.	Deliberate or fraudulent misrepresentation of the identity, composition or source of a pesticide in the course of its manufacture, import, distribution, sale, exhibition for sale, stocking or conduct of pest control operations, which includes but is not limited to any kind of tampering, deviation or interference with the approved label and leaflet of the pesticide.	• Fine from Rs. 10,00,000 to Rs. 40,00,000 • Subsequent same offence: Fine not less than twice the amount of fine that was prescribed for the first contravention, irrespective of the maximum fine as the case may be, provided for such offence. • For third offence, recommendation to be made by Pesticide Inspector to the Registration Committee or the State Licensing Authority, as the case may be, in such a manner as prescribed, for suspension/cancellation/revocation of Certificate of Registration or License, as the case may be, under Section 39 of this Act.
5.	Deliberate or fraudulent alteration to the composition of a pesticide in the course of its manufacture, import, distribution, sale,	• Fine from Rs. 10,00,000 to Rs. 40,00,000 • Subsequent same offence: Fine not less than twice the amount of fine for the first

	stocking or conduct of pest control operations, resulting in a deviation in the chemical composition content of the registered pesticide, such that it: (a) does not meet the claims of safety and efficacy; or (b) contains any harmful or toxic substance which may render it injurious to health; or (c) any substance has been mixed therewith so as to reduce its quality or strength.	contravention, irrespective of the maximum fine as the case may be, provided for such offence. • For third offence, recommendation to be made by Pesticide Inspector to the Registration Committee or the State Licensing Authority, as the case may be, in such a manner as prescribed, for suspension/cancellation/revocation of Certificate of Registration or License, as the case may be, under Section 39 of this Act.
6.	Manufacture, import, sale, exhibit for sale, transport, distribute, use or cause to use of pesticide in contravention of (a) health and safety parameters that may be prescribed under this Act; or (b) any other provisions of the Act, and such contravention results in death or grievous hurt of another.	• Imprisonment up to 5 years, or fine from Rs 10,00,000 to Rs. 50,00,000, or with both • Subsequent same offence : fine not less than twice the amount of fine that was prescribed for the first contravention, irrespective of the maximum fine as the case may be. • For third offence, recommendation to be made by Pesticide Inspector to the Registration Committee or the State Licensing Authority, as the case may be, in such a manner as prescribed, for suspension/cancellation/revocation of Certificate of Registration or License, as the case may be, under Section 39 of this Act.

Explanation:

- (a) “identity” refers to the common name, trade name, batch number, date of manufacture, date of expiry, labelling, packaging, quantity or other documents that support the authenticity of a pesticide;
- (b) “composition” refers to the chemical composition of the pesticide, including the biological active part of the pesticide and other ingredients approved by the Registration Committee at the time of registration; and
- (c) “source” refers to the identification, including the name and address of the manufacturer, importer or the holder of the certificate of registration or licence of the pesticide, as the case may be.

- (d) “Grievous hurt” refers to “grievous hurt” as defined under Section 116 of the Bharitya Nyaya Sanhita, 2023.
- (e) Repackaging means the transfer of a pesticide from any authorized commercial package into any other, usually smaller, container for subsequent sale. Repacking repackaging is to be carried out only on licensed premises that comply with safety standards where the responsible authority is satisfied that staff are adequately protected against toxic hazards, that adequate measures are in place to avoid environmental contamination, that the resulting product will be properly packaged and labelled, and that the content will conform to the relevant quality standards.
- (f) Relabelling means the labelling of the repacked pesticide retaining the traceability of the product with the original label information like batch number, date of manufacturing, date of expiry, product content etc.
- (g) During the period of appeal subsequent offence committed by an accused shall be treated in like manner as second offence and only in case of acquittal subsequent offence shall be treated as first offence.
- (h) **Compounding of offences** – as defined in section 45 (5)
- (i) In case the violator fails to honour the penalty or penalty imposed under the Insecticides Act, 1968, the concerned District Collector shall, on the basis of a recovery certificate issued by the Registration Committee, proceed to recover the said amount as arrears of land revenue, and may, if necessary, effect seizure of property in accordance with the provisions of the relevant Land Revenue Act.