



Standing Committee Report Summary

The Agricultural Biosecurity Bill, 2013

- The Standing Committee on Agriculture (Chairperson: Mr. Basudeb Acharia) presented its report on the Agricultural Biosecurity Bill, 2013 on December 19, 2013. The Bill was introduced in the Lok Sabha on March 11, 2013 by the Minister of Agriculture, Mr. Sharad Pawar.
- The Bill aims to establish an integrated national biosecurity system covering plant, animal and marine issues to combat threats of bio-terrorism from pests and weeds. The Bill repeals the Destructive Insects and Pests Act, 1914 and the Livestock Importation Act, 1898.
- Key recommendations of the Standing Committee pertained to increased representation of states in matters relating to biosecurity, removing the bar on the jurisdiction of civil courts, and specifying the authority to which individuals should report the existence of quarantine pests/diseases. The Committee made the following recommendations:
 - **Consultation with states:** The Committee noted the lack of prior consultation with state governments prior to the introduction of the Bill, despite the fact that ‘agriculture’ is a subject in the State List of the Constitution. It felt that the government should hold wider consultations with all relevant stakeholders before the introduction of a Bill in Parliament, particularly in matters that fall in the State List.
 - **Representation of states in the Authority:** Under the Bill, three members in the Authority are supposed to represent states, by rotation in alphabetical order. The Committee recommended that, in order to have a balanced representation from states, there should be at least one representative from states in each region of the country. The Bill should also allow for the inclusion of a member in the Authority from a state where there has been an outbreak of a pest or disease.
 - **Costs recovered from state governments:** The Bill allows expenses to be recovered from a state government that fails to repay the costs of measures taken by the Authority to contain pests/diseases. The Committee recommended deleting this provision because it may dis-incentivise state governments from proactively reporting to the Authority on cases of outbreaks of pests.
- **Duty to inform regarding existence of pests:** The Bill places an onus on individuals to inform immediately once they become aware of the existence of a quarantine pest/disease of a plant or animal. The Committee recommended that the Bill specify the authority to which such information should be given.
- **Bar of jurisdiction of civil courts:** The Bill mentions that civil courts do not have jurisdiction with respect to any matter under the purview of the Authority or the central government. The Committee was told that the provision had been included to avoid litigation on technical and scientific decisions taken by the Authority/central government in times of emergencies. However, the Committee noted that the provision could be unconstitutional if it restricted the jurisdiction of the courts from all matters under the Bill. It recommended amending this provision to restrict the jurisdiction of courts only to technical decisions of the Authority
- **Speedy enactment of the Bill:** The Committee noted that it took the government seven years to introduce the Bill after a report by the National Commission on Farmers recommended its establishment in 2005. It recommended hastening the process of enacting the Bill and establishing the Authority after its enactment.
- **Definitions:** The Committee recommended replacing the term “Office of International de Epizooties” with “World Organization for Animal Health” in the Bill.
- **Expanding coverage of species in definitions:** The Committee recommended including the word ‘livestock’ in certain definitions of the Bill, to broaden the coverage of species under the Bill.

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