

Bill Summary

The Pesticide Management Bill, 2020

- The Pesticide Management Bill, 2020 was introduced in Rajya Sabha by the Minister of Agriculture and Farmers Welfare, Mr. Narendra Singh Tomar, on March 23, 2020. It seeks to regulate the manufacture, import, sale, storage, distribution, use, and disposal of pesticides, in order to ensure the availability of safe pesticides and minimise the risk to humans, animals, and environment. The Bill seeks to replace the Insecticides Act, 1968.
- **Pest and pesticide:** The Bill defines a pest as any species of animal, plant, or pathogenic agent that is unwanted, or injurious to plants, humans, animals, and the environment. A pesticide is any substance of chemical or biological origin intended for preventing or destroying any pest in agriculture, industry, public health, pest control operations, or for ordinary use.
- **Central Pesticides Board:** The central government will constitute the Central Pesticides Board to advise the central and state governments on scientific and technical matters arising under the Act. It will also advise the central government in formulating standards and best practices for: (i) pesticide manufacturers, laboratories, and pest control operators, (ii) working conditions and training of workers, and (iii) recall and disposal of pesticides. The Board will also frame model protocols to deal with poisoning cases due to pesticides.
- **Registration of pesticides:** Persons seeking to import or manufacture a pesticide for ordinary use, agriculture, industry, pest control, or public health, are required to obtain a certificate of registration for the pesticide from the Registration Committee. The Committee will be constituted by the central government, and will: (i) specify the conditions for granting a certificate and issue certificates, (ii) periodically review the safety and efficacy of registered pesticides, and amend or cancel their certificates, and (iii) notify substances which cause the same chemical or biological action as a pesticide.
- **Registration criteria:** The Committee will evaluate the information submitted in the application about the pesticide on factors such as safety, efficacy, necessity, end-use, risks, and availability of safer alternatives. It will not register a pesticide if the applicant submits false or misleading information, or if the maximum limits for the residue of the pesticide on crops and commodities are not specified under the Food Safety and Standards Act, 2006. It may also not register the pesticide if there is scientific uncertainty regarding its risks and benefits, and threats of serious and irreversible damage to human health, other living organisms, or the environment.
- **Licences:** A person seeking to manufacture, distribute, exhibit for sale, sell, or stock pesticides, or undertake pest control operations is required to obtain a licence from the Licensing Officer, who may be appointed by the state government. Once the registration certificate for a pesticide is issued, the applicant must obtain a licence within the specified period, failing which the certificate will be cancelled. Licence is not required for selling or storing ordinary use pesticides (intended for use only in households, offices, and similar premises), which may be notified by the central government.
- A person's licence will be revoked if he is convicted of an offence under the Act. It can also be revoked if he: (i) violates the conditions under which the licence was granted, (ii) contravenes the provisions of the Act or the rules made under the Act, or (iii) had submitted false or misleading information to obtain the licence.
- **Prices:** If the central government considers it necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to regulate their price in a manner as it may prescribe.
- **Prohibition on certain pesticides:** The central and state governments may, by notification, prohibit the distribution, sale, or use of a pesticide or a specified batch in an area, up to a period of one year. Pesticides can be prohibited if: (i) they pose a risk to, or can adversely impact human health, other living organisms, or the environment, or (ii) they pose a barrier in international trade of agriculture commodities.
- **Pesticide inspector:** The central and state governments may, by notification, appoint pesticide inspectors for certain areas. A pesticide inspector can: (i) enter and search a premises or vehicle if he suspects commission of an offence or wants to check compliance, (ii) seize any document, material, or stock of pesticides, (iii) send samples of pesticides for test and analysis, and (iv) with the Executive Magistrate's approval, stop the sale, use, distribution, or disposal of pesticides for a period of up to 60 days or until the receipt of the sample test reports.
- **Offences:** Under the Bill, manufacturing, importing, distributing, selling, exhibiting for sale, transporting, storing, or undertaking pest control operations, without a licence or certificate is punishable with imprisonment of up to three years, or a fine of up to Rs 40 lakh, or both. Persons using pesticides in their own household, kitchen-garden, or land under their own cultivation are not liable for prosecution for any offence under the Bill.

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