

## AMENDMENTS SOUGHT IN PESTICIDES MANAGEMENT BILL 2020 BEFORE IT IS PASSED IN PARLIAMENT

The following are some amendments sought in the Pesticides Management Bill 2020, which is Bill No. XXII of 2020, to be introduced in Rajya Sabha. The key changes that are being highlighted as necessary in the Bill circulated by the Government include the following:

- Ensuring that the statute’s objective is sharp and clear, without making the regulators think that their job is that of a clearing house or that of ensuring availability of pesticides, but making them realise that protecting biosafety is the key objective for regulating pesticides;
- Ensuring that regulation is independent and rigorous, based on post-modern science of pest management and biosafety testing – spelling out provisions within the law that will prevent conflict of interest;
- Ensuring that regulatory decisions of registration of pesticides are based on comprehensive and long term safety assessment, and that registration and sales don’t take place where a pesticide is not needed in the first instance;
- Ensuring that the Pesticides Management Board is an empowered regulatory body including with oversight authority over the Registration Committee and Review Committee, and not just an advisory body.
- Similarly, ensuring that the state governments have the power to prohibit pesticides in their jurisdiction without being bound by any time limits and with the authority over commodity boards when it comes to pesticides-related policies.
- Importantly, the major change in the institutional set up in this statute is for ensuring that review of pesticides is done regularly/periodically by a committee of experts separate from the Registration Committee.
- Incorporating into the statute certain principles like precautionary principle, polluter pays principle, full product life cycle responsibility on the manufacturer etc.
- Ensuring that farmers and other affected citizens find redressal and compensation easily accessible, built into this legislation itself.
- Importantly, ensuring at every point of time, with each provision, that the key objectives of the Bill are being met which includes safe pest management options and agro-ecological options based on traditional or post-modern knowledge of the same.

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Preamble:</b></p> <p><i>A Bill to regulate pesticides, including their manufacture, import, packaging, labelling, pricing, 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</i></p>	<p><b>DELETE</b> “in order to ensure availability of safe and effective pesticides and to strive”;</p> <p><b>ADD</b> “export” and “research”, and <b>have a Preamble that states:</b></p> <p><i>A Bill to regulate pesticides, including their manufacture, import, <u>export</u>, <u>research</u>, packaging,</i></p>	<p>For ensuring availability of pesticides, there is no need for a regulatory statute, and the same can be done through programmatic means. Moreover, an objective of ensuring availability of pesticides will compel the regulators to assume a clearing house responsibility of accepting any application and processing the same. This is not the</p>

<p>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.</p>	<p>labelling, pricing, storage, advertisement, sale, transport, distribution, use and disposal in order to minimise risk to human beings, animals, living organisms other than pests, and the environment; <u>to minimise the contamination of agricultural commodities by pesticide residues; to ensure that unsafe and ineffective pesticides are not placed in the market</u> and with an endeavour to promote pesticides that are biological and based on traditional knowledge and for matters connected therewith or incidental thereto.</p>	<p>reason for regulating pesticides, and the primary reason is related to bio-safety.</p>
<p><b>CHAPTER I: PRELIMINARY</b></p>		
<p><b>Sec. 1 (2) on Commencement:</b></p> <p><i>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.</i></p>	<p><b>DELETE</b> the entire part of Sec. 1 (2) as presented in the first column.</p> <p>Sec. 1 (2) to read only as:</p> <p><i>It shall come into force on such date as the Central Government, may, by notification, appoint.</i></p>	<p>This is not a completely new legislative framework that is being introduced in India for the first time and we already have a regulatory set-up that has been functioning for about five decades. Therefore, there is no need for incremental notification of provisions, since we are ready to just shift to the new statutory provisions and implement them straightaway.</p>
<p><b>Sec. 2 on Declaration of expediency of Union control:</b></p> <p><i>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.</i></p>	<p><b>AMEND</b> the whole section to the following:</p> <p><u>Declaration of expediency of Union and State Governments control:</u></p> <p>2. It is hereby declared that it is expedient in the public interest that Union and State Governments shall take under their control regulation of pesticide industry to the extent hereinafter provided.</p>	<p>As per Constitution of India's Schedule VII, Agriculture and specifically, "protection against pests and prevention of plant diseases" falls under State List. States should therefore be empowered to regulate. Here, registration can be done by the Union whereas licensing for sales and prohibition within their territories, apart from quality control on a routine basis, can be state responsibility.</p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 3 on Definitions:</b></p> <p>(s) <i>“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;</i></p>	<p><b>DELETE</b> ‘biologically inactive’, <b>ADD</b> ‘metabolites or breakdown products’ and re-write the sub-clause as below:</p> <p>(s) <i>“Other ingredients” means inert materials, dispersing agents, emulsifying agents, wetting agents, surfactants, <u>solvents</u>, stabilisers, preservatives, perfumes, colouring agents or other substances and are added in a specified proportion to a technical grade pesticide to make a formulation or metabolites or breakdown products;</i></p>	<p>Such a definition of ‘Other Ingredients’ will allow for comprehensive testing of all materials that constitute a Pesticide formulation or the resultant products from the use of a pesticide. Together, these determine the safety of a pesticide, and it is not just the active ingredient that determines safety.</p>
<p><b>Sec. 3 on Definitions:</b></p> <p>(v) <i>“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</i></p>	<p><b>DELETE</b> this definition.</p>	<p>The definition of Pesticides is adequate for the purposes of this statute without having to get into a definition of Pest and straying into the definitions in other legislations. Therefore, the proposed amendment seeks to delete the whole definition of “Pest” in the Bill.</p>
<p><b>Sec. 3 on Definitions:</b></p> <p>(x) <i>“Pesticide” means any substance or mixture of substances, including a formulation of chemical or biological origin 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</i></p>	<p><b>ADD:</b> “and includes agents popularly classified as Insecticides, Herbicides, Weedicides, Fungicides, Rodenticides, Acaricides, Miticides, Molluscicides, Larvicides, Ovicides, Biocides, Algicides, Plant Growth Promoters, Plant Tonics, Fumigants etc.” and re-write the sub-clause as follows:</p> <p>(x) <i>“Pesticide” means any substance or mixture of substances, including a formulation of chemical or</i></p>	<p>This specific amendment is only to ensure that all the popular terms used in the context of pesticides are brought under the ambit of definition of a “Pesticide”.</p>

<p>agent, or sprouting inhibitor and any substance applied to crops either before or after harvest to protect them from deterioration during storage and transport;</p>	<p>biological origin intended for preventing, destroying, attracting, repelling, mitigating or controlling any pest in agriculture, industry, pest control operations, public health, storage, household or for ordinary use, and includes any substance intended for use as a plant growth regulator, defoliant, fumigant, 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, and includes materials popularly classified <u>and includes agents popularly classified as Insecticides, Herbicides, Weedicides, Fungicides, Rodenticides, Acaricides, Miticides, Molluscicides, Larvicides, Ovicides, Biocides, Algicides, Plant Growth Promoters, Plant Tonics etc.</u></p>	
<p><b>Sec. 3 on Definitions:</b></p> <p>(zc) “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;</p>	<p><b>ADD</b> “livestock and other animals of livelihood source” also and re-write the sub-clause as hereunder:</p> <p>(zc) “Poisoning, in relation to human beings, <u>livestock and other animals of livelihood source</u>” means the occurrence of damage, or disturbance of bodily structure or function by occupational <u>or accidental exposure to a pesticide, including of non-workers and of communities, of water bodies etc. leading to illness, injury or death and/or livelihood losses;</u></p>	<p>This Act is proposing the constitution of a fund that will support compensation and redressal for affected persons and pesticides are known to poison not just human beings, but livestock and other animals of livelihood source like fish stocks. Therefore, the definition of poisoning is being expanded, to ensure that the statute is actually useful to affected persons in accessing compensation and redressal.</p>
<p><b>Sec. 3 on Definitions:</b></p> <p>(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</p>	<p><b>DELETE</b> ‘land’ and ‘used’ from this sub-clause, and re-write the sub-clause as hereunder:</p> <p>(zd) “premises” means any shop, stall or place, where any pesticide is manufactured, distributed, sold, exhibited for sale, stored, stocked, transported, used</p>	<p>This amendment is necessary:</p> <ul style="list-style-type: none"> <li>• To make sure that the Pesticide Inspectors who are empowered to enter and search any ‘premises’ do not harass farmers, and therefore, the removal of ‘land’ and ‘used’;</li> </ul>

	<i>or disposed</i>	<ul style="list-style-type: none"> <li>To make this definition consistent with the Exemption clause of the Act under section 56.</li> </ul>
<p><b>Sec. 3 on Definitions:</b></p> <p><i>(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;</i></p>	<p><b>ADD</b> the following into the definition of Risk and re-write the sub-clause as given under:</p> <p><i>(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, <u>the probable conditions of use and storage and the likelihood and the extent of exposure to a pesticide;</u></i></p>	<p>As acknowledged and recommended by international UN agencies also, risk is not just about inherent property of a pesticide and the probability of exposure, but also about end-use conditions (socio-economic, cultural etc.) in a country. Inhalation and accidental poisonings depend a lot on such use conditions. Risk assessment should therefore, build in an assessment of such end-use conditions, and take a precautionary approach.</p>
<p>Definition of “Commercial pest control operation”</p>	<p><b>INSERT</b> this definition:</p> <p>“Commercial Pest Control Operation” means any application or dispersion of Insecticide including fumigants in household or public or private premises or land and includes pest control operations in the fields (including aerial applications for commercial purposes) but excludes individual farmer use;</p>	<p>With commercial pest control operations on the rise in households, sanitation and agriculture, it is important to regulate them, by including the definition and a provision in grant of licence</p>
<b>CHAPTER II: CENTRAL PESTICIDES BOARD AND REGISTRATION COMMITTEE</b>		
<p>CHAPTER II: CENTRAL PESTICIDES BOARD AND REGISTRATION COMMITTEE</p>	<p><b>ADD</b> “REVIEW COMMITTEE” AND RE-WRITE THE CHAPTER TITLE AS:</p> <p>CHAPTER II: CENTRAL PESTICIDES BOARD, REGISTRATION COMMITTEE <u>AND REVIEW COMMITTEE</u></p>	<p>A separate Review Committee is being proposed as a key amendment to the Bill. A Registration Committee which has registered a pesticide may not be the best agency to review the registration that it itself has allowed, and having an independent separate review body is desirable and strongly recommended. The same is expanded upon under <b>section 15</b></p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 5 on Composition, terms and conditions of Members of Board.</b></p>	<p><b>ADD</b> the following as 5 (b) (xxii):</p> <p><i>5 (b) (xxii) Director General of Health Services, The Ministry of Health &amp; Family Welfare as the Co-Chair;</i></p> <p><i>5 (b) (xxiii) Agriculture Commissioner;</i></p> <p><i>5 (b) (xxiv) Representative of National Institute of Nutrition;</i></p> <p><i>5 (b) (xxv) Representative of National Institute of Communicable Diseases;</i></p> <p><i>5 (b) (xxvi) Deputy Inspector General of Forests (Wildlife);</i></p> <p><i>5 (b) (xxvii) Department of Legal Affairs, Ministry of Law and Justice</i></p>	<p>Other than some independent regulators supported by the Health Ministry and other than ICMR representative, the inclusion and participation of a Health Ministry representative becomes important.</p>
<p><i>5 (1) (d) four experts each from the fields of chemistry, ecology, medical toxicology and pharmacology to be nominated by the Central Government – Members;</i></p>	<p><b>AMEND</b> to:</p> <p><i>5 (1) (d) four experts each from the fields of <u>agro-ecology</u>, ecology, medical toxicology and pharmacology to be nominated by the Central Government – Members;</i></p>	<p>The importance of Chemistry as a subject of expertise comes in the registration and review functions, and the Pesticides Management Board may not need this. However, an expert in agro-ecology will be important to bring in expertise of post-modern pest management science.</p>
<p><i>5 (1) (e) two persons to represent farmers of whom at least one shall be female, to be nominated by the Central Government – Members;</i></p>	<p><b>INCREASE AND ADD</b> the following:</p> <p><i>5 (1) (e) <u>four</u> persons, <u>three</u> of whom to represent farmers of whom at least one shall be female, and <u>at least one shall be a well known organic farmer, and at least one to represent consumers</u>, to be nominated by the Central Government – Members;</i></p>	<p>There is a need to bring in a practising organic farmer in the context of the objective of the Bill. There is also a need to bring in a consumer representative, once again in the context of the objective of the Bill.</p>
<p><i>5 (2) The Members nominated under clauses (c), (d) and (e) of sub-section (1) shall hold office for such term and such conditions as prescribed by the Central Government.</i></p>	<p>ADD the following, and re-write the sub-clause as hereunder:</p> <p><i>5 (2) The Members nominated under clauses (c), (d) and</i></p>	<p>This is based on another statute's experience wherein the vacancies related to nominated members have not been filled for more than six months</p>

	<p><i>(e) of sub-section (1) shall hold office for such term and such conditions as prescribed by the Central Government.</i></p> <p><u><i>Provided that the Central Government shall ensure that any vacancies in these slots are filled within three months</i></u></p>	<p>now by the government (PPV&amp;FR Act 2001). Without such posts being filled, the agency with only ex-officio representatives may not be able to capture the full reality of farmers and their experiences on the ground.</p>
<p><b>Sec. 8 on Powers and Functions of Board:</b></p> <p><i>8 (1) The powers and functions of the Board shall include the following:</i></p> <p><i>(a) To advise the Central Government and 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;</i></p> <p><i>(b) 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 any 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) such other matter as may be prescribed by the Central</i></p>	<p><b>AMEND</b> as articulated hereunder:</p> <p><i>8 (1) The powers and functions of the Board shall include the following:</i></p> <p><i>(a) To advise the Central Government and 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;</i></p> <p><i>(b) <u>To oversee the work of Registration Committee and Review Committee under the Act and report to the Central Government, as prescribed, on an annual basis, in addition to evolving and laying down for notification by the Central Government,</u>– (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 <u>safe</u> working</i></p>	<p>The main objective for these amendments is to EMPOWER the Board and not make it only an advisory Board, given the enormous expertise and inter-ministerial coordination/convergence possibilities it has.</p> <p>Therefore, the amendments proposed here empower the Board to oversee or supervise the work of two other statutory bodies under this Bill – the Registration Committee and the Review Committee, other than evolving and laying down criteria, protocols, guidelines etc., to be notified by the Central Government.</p>

<p>Government;</p> <p>(c) To frame model protocols to deal with occurrences of poisoning including the specification of standard operating procedures for medical facilities;</p> <p>(d) 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;</p> <p>(e) To monitor pesticide residues;</p> <p>(f) To monitor global developments relating to pesticide;</p> <p>(g) To review the status of applications for the registration of pesticides; and</p> <p>(h) To carry out any other function as may be prescribed by the Central Government.</p>	<p>conditions for workers; (vii) standards for the advertisement of pesticides, if allowed by the Board, in all forms of media; (viii) conditions, if allowed in exigencies, for any aerial spraying of pesticides including through drones and other unmanned aircraft; (ix) creating pesticide-free zones and guidelines for the same around schools, forests, hospitals, parks and similar places; (x) such other matter as may be prescribed by the Central Government;</p> <p>(c) To frame model protocols to deal with occurrences of poisoning including the specification of standard operating procedures for medical facilities and for surveillance based databases of poisonings to be created in the public domain (hospital, police and any other including crowd-sourced data);</p> <p>(d) To research on and recommend for adoption in India where applicable: (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;</p> <p>(e) To monitor pesticide residues;</p> <p>(f) To monitor global developments relating to pesticide;</p> <p>(g) To review the status of applications for the registration of pesticides and review of registered pesticides vis-à-vis their safety; and</p> <p>(h) To carry out any other function as may be prescribed by the Central Government.</p>	
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<p><b>Sec. 8 (2)</b> <i>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.</i></p>	<p><b>AMEND</b> to re-articulate the sub-clause as hereunder:</p> <p>8 (2) <i>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, <u>provided that no decision with regard to functions specified under section 8 (1) are taken without a quorum.</u></i></p>	<p>This amendment is proposed keeping in mind how a statutory Authority under another law (PPV&amp;FR Act 2001) has allowed major decisions to be taken only by the Chairperson by delegation of authority to him. This needs to be avoided, and therefore, this amendment.</p>
<p><b>Sec. 9 on Constitution, composition and term of office of Member of Registration Committee:</b></p> <p>9 (2) <i>The Registration Committee shall consist of the following, namely:</i></p> <p>(a) <i>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 experiences as may be prescribed by the Central Government – Chairperson;</i></p> <p>.....</p>	<p><b>AMEND AND ADD</b> the following underlined words:</p> <p>9 (2) <i>The Registration Committee shall consist of the following, namely:</i></p> <p>(a) <i>A person to be nominated by the Central Government who shall have expertise in the field of <u>agro-ecology or health or environment</u> and who shall possess such qualifications and experiences as may be prescribed by the Central Government – Chairperson;</i></p> <p>.....</p> <p><u>(h) designated representative of any national public institution of repute conducting research in agro-ecology – ex-officio – Member;</u></p> <p><u>(i) designated representative of Indian Council of Medical Research – ex-officio – Member;</u></p> <p><u>(j) the Member-Secretary of the Board – Member-Secretary.</u></p>	<p>The fulfilment of the main objective of this regulatory statute will depend critically on how the registration committee is constituted in terms of its areas of expertise and the body’s decision-making flowing out of such expertise. Such expertise cannot be limited to knowledge of agricultural science, but science of agro-ecology and biosafety. Therefore, these amendments are suggested.</p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p data-bbox="188 236 824 336"><b>Sec. 10 on Restrictions on Employment of Chairperson and Members of Board and Registration Committee:</b></p> <p data-bbox="188 379 824 874"><i>10. The Chairperson and Member of the Board or the 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.</i></p>	<p data-bbox="846 236 1518 300"><b>AMEND THE SECTION TITLE, AND PROVISION AS HEREUNDER:</b></p> <p data-bbox="846 343 1518 406"><b><u>Independent Regulation and Prevention of Conflict of Interest in Regulation:</u></b></p> <p data-bbox="846 450 1518 1372"><i>10. The Chairperson and Members of the Board, the Registration Committee and the Review Committee under section 15, and any expert, consultant or advisor co-opted into these bodies or in committees constituted by them or in sub-committees, shall not,</i>  <i>(a) have any financial or other interest, either by themselves or through their family members, in the manufacture, distribution, export, import, sale or stocking of any pesticides or in any pest control operations;</i>  <i>(b) for a period of three years from the date on which s/he ceases to be a Chairperson or a Member of the Board or the Registration Committee or the Review Committee, or expert/advisor/consultant engaged by these bodies, or their immediate family members, as the case may be, 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 is looking into, or working on;</i>  <i>(c) for a period of at least three years prior to the date of being appointed as a Chairperson or a Member of the Board or Registration Committee or Review Committee, or expert/advisor/consultant engaged by these bodies, or their immediate family members as the case may be,</i></p>	<p data-bbox="1541 236 2031 483">This section cannot be limited to just employment restrictions, but an overall prevention of conflict of interest amongst all persons involved in any regulatory function in this statute. The following are the key amendments being made:</p> <ul data-bbox="1541 523 2031 1133" style="list-style-type: none"> <li data-bbox="1541 523 2031 842">• This applies not just to members of Pesticides Management Board or Registration Committee, but also to the newly proposed Review Committee, as well as all experts, consultants, advisors and other persons whose services are being drawn in as co-opted members or members of sub-committees etc.</li> <li data-bbox="1541 850 2031 986">• Conflict of interest is not just about the members themselves but their close relatives (spouse, parents and children)</li> <li data-bbox="1541 994 2031 1133">• Conflict of interest is not just about employment after the posting as a regulator but prior to the posting also.</li> </ul>

	<p><i>should have held employment in, or entered into a contract of service with, or be connected with the management of, or accepted 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 or Review Committee is looking into or working on.</i></p>	
<p><b>Sec. 13 on Meetings of Registration Committee:</b></p> <p><i>13. The Registration Committee shall regulate its own procedure and the conduct of business to be transacted by it.</i></p>	<p><b>AMEND</b> into the following:</p> <p><i>13. The Registration Committee shall regulate its procedure and the conduct of business to be transacted by it <u>after prior approval of the Pesticides Management Board.</u></i></p>	<p>Such an amendment would empower the Pesticides Management Board along the lines described earlier.</p>
<p><b>Sec. 14 on Powers and functions of Registration Committee:</b></p> <p><i>14 (a) make decisions regarding the application received by it for the registration of pesticides;</i></p> <p>.....</p> <p><i>14 (c) periodically review the safety and efficacy of registered pesticides and amend or cancel certificates of registration;</i></p> <p><i>14 (d) 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 35;</i></p>	<p><b>AMEND</b> into the sub-clause as provided hereunder:</p> <p><i>14 (a) make decisions regarding the application received by it for the registration of pesticides <u>to prevent risks for human beings, other living organisms and the environment due to pesticide;</u></i></p> <p><b>DELETE sub-clause 14 (c) and 14 (d)</b> as the same power and function is to be assigned to a Review Committee, being proposed under section 15.</p>	<p>As explained earlier, while explaining the change in the title of this Chapter, it is important that the periodic and occasional review of registered pesticides is not assigned to the same committee which registered them in the first place, and assign the responsibility to an independent Review Committee consisting of biosafety experts.</p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p data-bbox="188 236 822 300"><b>Sec. 15 on Secretariat for Central Pesticides Board and Registration Committee:</b></p> <p data-bbox="188 344 822 443"><i>15 (1) The Central Government shall provide the Board and the Registration Committee with such technical and other staff as it considers necessary.</i></p> <p data-bbox="188 488 822 587"><i>(2) The terms and conditions of service of the technical and other staff shall be such as may be described by the Central Government.</i></p>	<p data-bbox="848 236 1516 300"><b>AMEND</b> the title of the provision, and the clause into the following:</p> <p data-bbox="848 344 1516 443"><b>Review Committee and Secretariat for Central Pesticides Board, Registration Committee and Review Committee:</b></p> <p data-bbox="848 488 1516 660"><i>15 (1) (a) The Central Government, within a period of six months from the date of commencement of the Act, shall constitute a Review Committee consisting of at least ten independent biosafety and agro-ecology experts, to review the registered pesticides;</i></p> <p data-bbox="898 705 1516 948"><i>(b) The work of the Review Committee will be overseen by the Board, while the Committee shall meet at such times and places and shall observe such rules of procedure with regard to business at its meetings, including the quorum at such meetings, as it may regulate in this behalf with the approval of the Board</i></p> <p data-bbox="848 992 1516 1126"><i>(2) The Central Government shall provide the Board, the Registration Committee and the Review Committee with such technical and other staff as well as infrastructure facilities as it considers necessary.</i></p> <p data-bbox="848 1171 1516 1270"><i>(3) The terms and conditions of service of technical and other staff shall be such as may be described by the Central Government.</i></p>	<p data-bbox="1543 236 2031 478">This will facilitate the setting up of an independent Review Committee for registered pesticides, as well as human resources and infrastructure for all three bodies set up with key regulatory functions of overall regulation, registration and review.</p>

**CHAPTER III: REGISTRATION OF PESTICIDES**

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 16 on Requirement to register pesticides:</b></p> <p><i>16 (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 for a certificate of registration</i></p>	<p><b>ADD</b> 'export' also and re-write the entire sub-clause as under:</p> <p><i>16 (1) Any person desiring to import, <u>export</u> 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 for a certificate of registration</i></p>	<p>India is known to be exporting highly hazardous pesticides to other developing and least developed countries and this needs to be regulated for India to assume global leadership in this arena.</p>
<p><b>Sec. 17 on Application for Registration:</b></p> <p><i>17 (1) An application for a certificate of registration shall be in such form and shall contain such information as may be prescribed by the Central Government:</i></p>	<p><b>ADD</b> "based on need, alternatives and comprehensive, long term biosafety testing in India about the safety and efficacy of a pesticide, especially against existing safer alternatives". Re-write the provision as hereunder:</p> <p><i>17 (1) An application for a certificate of registration shall be in such form and shall contain such information as may be prescribed by the Central Government, based on need for the pesticide, alternatives to the same and comprehensive, independent, transparent, long term biosafety testing in India about the safety and efficacy of the pesticide, especially against existing safer alternatives :</i></p>	<p>Amending the clause along the lines suggested is critical to lay down the main grounds based on which registration applications will be accepted, and for regulation to meet its primary objective of protecting biosafety.</p>
<p><b>Sec. 18 on Decision regarding registration:</b></p> <p><i>18 (2) The Registration Committee may conduct an independent enquiry to verify the information submitted by the applicant which may include:</i></p> <p><i>(a) The conduct of tests in a manner determined by it,</i></p>	<p><b>AMEND</b> 'may' to 'shall', and re-write the provision as hereunder:</p> <p><i>18 (2) The Registration Committee <b>shall</b> conduct an independent enquiry to verify the information submitted by the applicant which <b>shall</b> include:</i></p> <p><i>(a) The conduct of tests in a manner determined by</i></p>	<p>The only basis on which decision-making about registration can take place is based on comprehensive, long term testing for safety, and independent enquiry into the same. This is not optional and therefore, this amendment is necessary.</p>

<p>(b) Consultation with such experts as it deems fit.</p>	<p>it,  (b) Consultation with such independent experts as it deems fit and  (c) Collection of public feedback on information submitted by applicant.</p>	
<p>18 (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, risk involved and the availability of safer alternatives to the pesticide.</p>	<p><b>AMEND</b> the provision to the following:  18 (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 <u>as per section 18 (2)</u> and shall be guided by factors including safety, efficacy, necessity, end-use <u>conditions</u> of the pesticide, antidote availability, risk involved and the availability of safer alternatives to the pesticide <u>and biological, traditional-knowledge based pest management practices. This shall also be determined by a precautionary approach based on the ban/prohibition/restriction status of the pesticide in other countries, whether it falls under WHO Class Ia, Ib and II categories of hazard classification and the known chronic impacts like carcinogenicity, endocrine disruption, and teratogenicity of a pesticide.</u></p>	<p>This is a critical amendment required to fulfil the main objective of the Bill. This will provide an opportunity to ensure that regulation is not just a clearing house function, but is actually shifting India's pesticide usage towards agro-ecological pest management, and towards safer alternatives.</p>
<p>18 (5) The Registration Committee shall not register a pesticide if :</p> <p>.....</p> <p>(d) Where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under Food Safety and Standards Act, 2006</p>	<p><b>ADD</b> the following:  18 (5) (e) the pesticide or its formulation has been banned in three or more countries elsewhere in the world;  18 (5) (f) the need for the pesticide is not well-established or a safer alternative for the pesticide is available in a biological form, or based on practices of traditional knowledge or agro-ecology;</p>	<p>The suggested additions will ensure that India registers a pesticide only if the need and lack of other alternatives has been established first, and if the pesticide has not been banned in three or more countries elsewhere. Therefore, the amendments.</p> <p>It is often seen that pesticide residues turn up in India on commodities for</p>

	<p><b>DELETE</b> 'where applicable' and re-write the sub-clause as under:</p> <p><i>18 (5) The Registration Committee shall not register a pesticide if</i></p> <p>(d) <i>Maximum residue limits of the pesticide on crops and commodities, including ones on which use of pesticide has not been approved in India, have not been specified under Food Safety and Standards Act 2006</i></p>	<p>which a pesticide's use has not been approved and for which no MRL has therefore been fixed. In the case of glyphosate, as another illustration, it has been seen that imported lentils were having residues though no MRL has been fixed because it (lentil) is not an approved use for the pesticide. The FSSAI had to then take guidance from international standards and fix an MRL. Therefore, the fixation of MRLs has to be widened to include non-approved uses also, to a maximum possible number of crops and commodities before a pesticide can be registered.</p>
<p><i>18 (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, in such manner as may be prescribed by the Central Government.</i></p>	<p><b>AMEND</b> to include into this sub-clause the following components:</p> <p><i>18 (8) When the Registration Committee decides to register a pesticide, it shall allot a registration number to the pesticide on conditions including a review every five years after registration, full product life cycle responsibility on the manufacturer or importer, provision of personal protective equipment to the end-user, provision of requisite information periodically to designated authorities and such other conditions as the Registration Committee deems fit, and grant a certificate of registration to the applicant, in such manner as may be prescribed by the Central Government.</i></p>	<p>This amendment is being suggested so that progressive regulatory elements which can otherwise get ignored if left to the Rules of the statute are being incorporated into the statute itself, into the registration conditions, so that recurring periodic reviews of safety of a registered pesticide can be taken up, and end user's safety can also be assured through provision of PPE etc.</p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 20 on Provisional certificate of registration pending observation:</b></p> <p>20 (1) Any person desiring to import or manufacture a pesticide that shall be introduced in India for the first time shall make an application to the Registration Committee containing such information, in such form and accompanied by such fees as may be prescribed by the Central Government.</p> <p>(2) The Registration Committee may grant a provisional certificate of registration 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.</p> <p>(3) During the period for which a pesticide has been granted provisional registration, the distribution or sale of such pesticide shall not be permitted, except in the event of an exigency as decided by the Central Government on the recommendation of the Registration Committee;</p> <p>(4) 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.</p>	<p><b>DELETE</b> the clause on Provisional Registration completely</p>	<p>There is absolutely no need to provide such provisional registration before comprehensive testing and risk assessment is done. Any exigencies as alluded in 20 (3) can be addressed by the Central Government by using section 58 in the Bill.</p>



Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 22 on Review, suspension and cancellation of registration and ban on pesticides:</b></p> <p><i>22 (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, restriction or ban in other countries.</i></p> <p><i>(2) The Registration Committee, may, at any time, review:</i></p> <p style="padding-left: 40px;"><i>(a) A certificate of registration granted under sections 18 or 19;</i></p> <p style="padding-left: 40px;"><i>(b) The molecule or formulation of a pesticide in respect of which registration has been granted.</i></p> <p><i>(3) A review may be initiated by the Registration Committee:</i></p> <p style="padding-left: 40px;"><i>(a) on its own;</i></p> <p style="padding-left: 40px;"><i>(b) on the basis of information received by it under sub-section (1) or otherwise;</i></p> <p style="padding-left: 40px;"><i>(c) on a reference made in this behalf of the Central Government or the State Government under sub-section (2) of section 35;</i></p> <p style="padding-left: 40px;"><i>(d) subsequent to the prohibition of a pesticide by the Central Government or the State Government under sub-section (2) of section 35.</i></p>	<p><b>AMEND</b> references to Registration Committee here to <u>Review Committee</u></p> <p><i>22 (1) The holder of a certificate of registration shall intimate the <u>Review Committee</u> 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, restriction or ban in other countries.</i></p> <p><i>(2) The <u>Review Committee</u>, <b>shall</b>, every five years after <u>registration</u>, review:</i></p> <p style="padding-left: 40px;"><i>(a) A certificate of registration granted under sections 18 or 19;</i></p> <p style="padding-left: 40px;"><i>(b) The molecule or formulation of a pesticide in respect of which registration has been granted.</i></p> <p><i>(3) A review may be initiated by the <u>Review Committee</u>:</i></p> <p style="padding-left: 40px;"><i>(a) on its own;</i></p> <p style="padding-left: 40px;"><i>(b) on the basis of information received by it under sub-section (1) or otherwise;</i></p> <p style="padding-left: 40px;"><i>(c) on a reference made in this behalf of the Central Government or the State Government under sub-section (2) of section 35;</i></p> <p style="padding-left: 40px;"><i>(d) subsequent to the prohibition of a pesticide by the Central Government or the State Government under sub-section (2) of section 35.</i></p> <p><i>(4) While conducting a review, the Review Committee shall give an opportunity of being heard to the holder of the certificate of registration, and where the review is</i></p>	<p>This amendment is to ensure that after the constitution of the Review Committee that is separate from the Registration Committee, all other provisions are aligned to the same. This section is now being used to elaborate the functions of the Review Committee.</p>

<p>(4) 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 35, it shall consult the Central Government or the State Government, as the case may be.</p> <p>(6) After reviewing the certificate of registration under clause (a) of sub-section (2), the Registration Committee may suspend such certificate if it is satisfied .....</p> <p>(11) After reviewing the molecule or formulation of a pesticide under clause (b) of sub-section (2), the Registration Committee: .....</p> <p>(13) The decision taken by the Registration Committee under this section shall be recorded in writing and made available in the public domain.</p>	<p>conducted on the basis of prohibition made under sub-section (2) of section 35, it shall consult the Central Government or the State Government, as the case may be.</p> <p>(6) <u>Based on such a review of the certificate of registration under clause (a) of sub-section (2) by the Review Committee</u>, the Registration Committee may suspend such certificate if it is satisfied ....</p> <p>(8) The Registration Committee may cancel the certificate of registration, if <u>the Review Committee</u> is satisfied that the information submitted at the time of application for registration was false or misleading in any material particular.</p> <p>(11) <u>After the review of the molecule or formulation of a pesticide under clause (b) of sub-section (2) by the Review Committee</u>, the Registration Committee: .....</p> <p>(13) The decision taken by the <u>Review Committee</u> under this section shall be recorded in writing, <u>communicated to the Registration Committee within a week of the decision being made</u>, and made available in the public domain.</p>	
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Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 23 on Registration under the Insecticides Act 1968:</b></p> <p><i>23 (1) Insecticides registered under the Insecticides Act 1968 shall be deemed to be registered under the provisions of this Act for a maximum period of two years from the date of commencement of this Act.</i></p> <p><i>(2) Before the expiry of the period mentioned in sub-section (1), the holder of the certificate of registration of such insecticide shall make an application within a period of six months from the date of commencement of this Act for registration of the pesticide in such manner as may be prescribed by the Central Government.</i></p>	<p><b>AMEND</b> the provision as given hereunder by giving a period of one year only, and by following routine registration procedures:</p> <p><i>23 (1) Insecticides registered under the Insecticides Act 1968 shall be deemed to be registered under the provisions of this Act for a maximum period of <u>one year</u> from the date of commencement of this Act, <u>subject to an extension of maximum of one more year where the Registration Committee allows the same for recorded reasons.</u></i></p> <p><i>(2) Before the expiry of the period mentioned in sub-section (1), the holder of the certificate of registration of such insecticide shall make an application within a period of six months from the date of commencement of this Act for registration of the pesticide <u>as laid down under section 17, 18 and 19.</u></i></p>	<p>It is assumed that existing pesticides in India have been registered after thorough biosafety assessment based on information submitted by the applicants, even though such data is not in the public domain. Therefore, to follow the same procedures within the time frame provided is not going to be difficult for any applicant who already has a registration. This will be an opportunity to ensure that those without comprehensive information and assessment get to undergo the required process, so that the objective of the Bill can be fulfilled.</p>
<p><b>Sec. 24 on Appeal from a decision of Registration Committee:</b></p> <p><i>24 (1) A person whose application for a certificate of registration or its amendment or provisional registration has been refused or cancelled shall, within a period of thirty days from the date on which such decision is made available in the public domain, file an appeal to the Central Government:</i></p> <p><i>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.</i></p>	<p><b>AMEND</b> by relieving the Central Government of this responsibility, and instead giving this to the Pesticides Management Board. The sub-clause can be re-articulated as follows, after the amendment:</p> <p><i>24 (1) A person whose application for a certificate of registration or its amendment or provisional registration has been refused or cancelled shall, within a period of thirty days from the date on which such decision is made available in the public domain, <u>but before the expiry of 90 days, file an appeal to the Board:</u></i></p> <p><i>Provided that if the <u>Board</u> 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.</i></p>	<p>Given that the Board is a broad-based body with inter-ministerial representation as well as nominated members, and given that an earlier proposed amendment sought to empower the Board in different ways, rather than just being advisory, this amendment is being proposed to make the Board responsible for looking into such appeals rather than the government being burdened by it.</p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 25 on Power of revision of Central Government:</b></p> <p><i>25. 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 as it thinks fit:</i></p> <p><i>Provided that no such order shall be passed after the expiry of one year from the date of the decision:</i></p> <p><i>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.</i></p>	<p><b>AMEND</b> to two years:</p> <p><i>25. 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 as it thinks fit:</i></p> <p><i>Provided that no such order shall be passed after the expiry of <u>two years</u> from the date of the decision:</i></p> <p><i>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.</i></p>	<p>The Central Government may not be able to stay abreast with the decisions of the Registration Committee and therefore, may not be able to act promptly in case it wants to look into any decision made by the Committee. Therefore, the time period is being extended to two years rather than one year.</p>
<p><b>Sec. 27 on Licensing Officer:</b></p> <p><i>27 (1) The State Government may, by notification, appoint a person having such qualifications as may be prescribed by the State Government as Licensing Officer for the purposes of this Act.</i></p>	<p><b>AMEND to:</b></p> <p><i>27 (1) The State Government may, by notification, appoint as many persons as required, having such qualifications as may be prescribed by the Central Government as Licensing Officers for the purposes of this Act, with all such Officers reporting to a notified Central Licensing Officer.</i></p>	<p>Having one Licensing Officer to deal with an entire state is not practicable and therefore, this amendment is proposed.</p>
<p><b>Sec. 29 on Grant of Licence:</b></p> <p><i>29 (2) If the Licensing Officer, on the basis of the inspection and after evaluating the requirements under sub-section (2) of section 28, is satisfied that the conditions for the grant of a licence have been met, he may within a period of ninety days from the date of receipt of application under section 28, grant a licence to the applicant on such terms and</i></p>	<p><b>ADD</b> licence time periods and <b>DELETE</b> specific reference to some categories of pesticides and re-write the sub-clause as under:</p> <p><i>29 (2) If the Licensing Officer, on the basis of the inspection and after evaluating the requirements under sub-section (2) of section 28, is satisfied that the conditions for the grant of a licence have been met, he may within a period of ninety days from the date of</i></p>	<p>A system of lifetime licensing is right now coming in the way of state governments taking some decisions regarding regulation of pesticides in their jurisdiction. Therefore, it is important to specify time periods. Similarly, the sale-on-prescription basis only can be on any pesticide that the state government zeros in on, with</p>

<p>conditions as may be specified therein.</p> <p>29 (4) Notwithstanding anything contained in this section, State Government, by notification, appoint a person having such qualifications as may be prescribed by the State Government for sale of extremely toxic or highly toxic category of pesticides by prescription.</p>	<p>receipt of application under section 28, grant a licence to the applicant on such terms and conditions as may be specified therein, <u>including the time period for which the renewable licence would be valid without resorting to lifetime licensing.</u></p> <p>29 (4) Notwithstanding anything contained in this section, State Government may, by notification, appoint a person having such qualifications as may be prescribed by the State Government <u>for sale of pesticides only on prescription basis. The state government may also restrict pesticide dealers or agents from going directly to the farmer and promoting a product, with regard to some pesticides or all pesticides.</u></p>	<p>rationale for the same, and it need not be based on acute toxicity hazards alone.</p>
<p><b>Sec. 31 on Licences under the Insecticides Act 1968:</b></p> <p>31 (1) Notwithstanding anything contained in the Insecticides Act 1968, the licence granted under this Act, shall remain in force for the period specified at the time of grant of such licence under that Act.</p>	<p><b>AMEND</b> the time period to two years, and re-write the sub-clause as below:</p> <p>31 (1) Notwithstanding anything contained in the Insecticides Act 1968, the licence granted under this Act shall remain in force <u>for two years, within which time it can be renewed under this Act by following the prescribed procedures.</u></p>	<p>Like in the case of Registrations itself (section 23), where the transition from the Insecticides Act 1968 to the new statute is being facilitated through Deemed Registration for one year, something similar can be adopted in the case of Licenses also, and therefore, this amendment is being proposed.</p>
<p><b>Sec. 32 on Information on licences, sales and stock position:</b></p> <p>.....</p>	<p><b>INCLUDE</b> a new sub-clause:</p> <p><u>Sec. 32 (6) By means of all the above sub-sections, the Central and State governments shall maintain the data base of sales and stocks in the public domain, of all registered pesticides and formulations, brand-wise, for each licenced dealer and consolidated for various administrative units from taluka upwards.</u></p>	<p>It is seen that the government does not have any comprehensive database for pesticide sales, other than what the manufacturers provide. On the other hand, the data system with regard to fertiliser sales has been improved over the years quite a bit. The same may be adopted here for better regulation and monitoring, and therefore, this amendment.</p>

Current Clause/Provision in PMB2020	Amendment Suggested	Reasons for the same
<p><b>Sec. 33 on Appeal against decision of Licensing Officer</b></p>	<p><b>ADD</b> under Sec. 33(1) 'Provided that the state government may entertain an appeal after the expiry of the said period, <u>but within 90 days of the date of decision</u>, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.</p>	<p>An outer limit is being suggested through this amendment for pragmatic reasons.</p>
<p><b>CHAPTER V: PESTICIDE SURVEILLANCE AND PROHIBITION IN THE PUBLIC INTEREST</b></p>		
<p>CHAPTER V: PESTICIDE SURVEILLANCE AND PROHIBITION IN THE PUBLIC INTEREST</p>	<p><b>ADD</b> "Adverse Impact" and re-write the title of chapter as : CHAPTER V: PESTICIDE <u>ADVERSE IMPACT SURVEILLANCE AND PROHIBITION IN THE PUBLIC INTEREST</u></p>	<p>This Chapter is not just about surveillance and prohibition, but active systems of monitoring being set up to capture poisonings and other adverse impacts.</p>
<p><b>Sec. 34 on Notification of poisoning and constitution of fund:</b></p> <p><i>34 (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 cognisance to such officer may be specified in the notification.</i></p>	<p><b>ADD</b> the following underlined matter:</p> <p><i>34 (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 cognisance to such officer may be specified in the notification, <u>and to follow the protocols for databases drawn up by the Board (based on hospital, police and other crowd-sourced information); it shall also adopt the SOPs drawn up by the Board for poisonings.</u></i></p>	<p>This provision formalises the responsibility that state governments have, to adopt the protocols developed by the Board, to maintain data systems and also adopt SOPs drawn up by the Board. Therefore, this amendment.</p>
<p><i>34 (4) The Central Government shall constitute a fund, to which shall be credited:</i></p> <p><i>(a) An amount which the Central Government may, after due appropriation made by Parliament by law in this behalf provide;</i></p> <p><i>(b) Penalties imposed by a court for the contravention of any of the provisions of this Act.</i></p>	<p><b>ADD</b> the following underlined matter:</p> <p><i>34 (4) The Central Government shall constitute a fund, to which shall be credited:</i></p> <p><i>(c) An amount which the Central Government <u>shall collect as a special cess from pesticides industry, and after due appropriation made by Parliament by</u></i></p>	<p>This amendment seeks to incorporate and formalise the "polluter pays" principle in environmental jurisprudence, with the pesticides industry being charged a cess for a Fund to be created. Depending only on penalties collected will not suffice. Therefore, this amendment.</p>

	<p>law in this behalf provide;  (d) Penalties imposed by a court for the contravention of any of the provisions of this Act.</p>	
<p>34 (5) The fund constituted under sub-section (4) shall be utilised to make ex-gratia payment to persons or their legal heirs, as the case may be, who have suffered hurt, grievous hurt or have died in the course of poisoning</p>	<p><b>ADD</b> the following underlined matter:</p> <p>34 (5) The fund constituted under sub-section (4) shall be utilised to make ex-gratia payment to persons or their legal heirs, as the case may be, who have suffered hurt, grievous hurt or have died due to poisoning, <u>or have incurred economic losses in the course of poisoning, or due to damage caused by pesticide drift or contamination, or due to ineffective pesticides.</u></p>	<p>This amendment is important to ensure that redressal and compensation are accessible to workers who have been poisoned but also other affected citizens including farmers who incur losses and crop damages. This will ensure redressal and compensation for such affected within this law.</p>
<p><b>Sec. 35 on Prohibition on Pesticides in Public Interest and Ban on Pesticides:</b></p> <p>35 (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 22 shall apply mutatis mutandis to such review.</p> <p>(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</p>	<p><b>SEVERAL AMENDMENTS TO BE MADE INCLUDING PROHIBITION FOR INDEFINITE PERIOD</b>, as underlined below:</p> <p>35 (1) The Central Government or State Government may, at any time, make a reference to the <u>Review Committee</u> 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 22 shall apply mutatis mutandis to such review.</p> <p>(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,</p>	<p>The Amendments being suggested here will ensure that the Review Committee is drawn into the picture and not the Registration Committee. The amendments also ensure that state governments are empowered to prohibit in their jurisdictions including based on Package of Practices being recommended by their State Agriculture Universities.</p> <p>Further, the proposed amendments prioritise the prohibition decision by state or central government, without obligating them to depend on review processes having to be completed. Therefore, time limit of one year has been removed.</p>

<p>being likely to have an adverse impact on, or posing a risk to human health, other living organisms or the environment or posing a barrier in international trade of agriculture commodities, 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.</p> <p>(3) On publication of the notification under sub-section (2), the Registration Committee shall undertake a review of the molecule or formulation of such pesticide and the provisions of section 22 shall apply mutatis mutandis to such review.</p> <p>(4) The Registration Committee shall complete its review within a period not exceeding one year from the date of the publication of the notification:</p> <p>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.</p> <p>(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.</p> <p>(6) If the Registration Committee is satisfied that the pesticide does not present a risk to the health of</p>	<p>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 or posing a barrier in international trade of agriculture commodities, <u>or that it is simply unneeded for pest management in their jurisdiction due to availability of alternatives or because they want to follow the recommended Package of Practices by local agriculture universities, the Central Government or the State Government, as the case may be, may, by notification, using the precautionary principle, prohibit the distribution, sale or use of the pesticide or a specified batch in such area and for such period including indefinitely. Further provided that state governments can notify their own policies on matters connected therewith which have to be complied with Commodity Boards and others.</u></p> <p>(3) On publication of the notification under sub-section (2), the <u>Review Committee</u> shall undertake a review of the molecule or formulation of such pesticide and the provisions of section 22 shall apply mutatis mutandis to such review.</p> <p>(4) <u>The Review Committee shall complete its review through an extensive transparent and participatory consultative process by using existing evidence, as well as commissioning of research for fresh information and evidence;</u></p> <p>(5) The prohibition on the distribution, sale or use of the pesticide shall continue until the <u>Review Committee</u></p>	<p>Further, bans beyond prohibitions are possible based on ban decisions in three or more countries elsewhere, as per this amendment.</p>
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<p>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.</p> <p>(7) Notwithstanding anything contained in this section or in section 22, the Central Government may, by notification, ban a molecule or formulation of a pesticide in respect of which registration has been granted if:</p> <p>(a) Such ban is necessary to comply with the orders of a court of competent jurisdiction; or</p> <p>(b) Such molecule or formulation has been banned under any international treaty or agreement relating to pesticides to which India is a party.</p>	<p>arrives at a decision in this behalf and the decision shall be available to public.</p> <p>(6) If the <u>Review Committee</u> is satisfied that the pesticide <u>presents</u> a risk to the health of human beings, other living organisms or the environment, the prohibition on the distribution, sale or use of the pesticide <u>shall be applicable to all of India</u> from the date on which the decision of the Review Committee is available to public.</p> <p>(7) Notwithstanding anything contained in this section or in section 22, the Central Government may, by notification, ban a molecule or formulation of a pesticide in respect of which registration has been granted if:</p> <p>(a) Such ban is necessary to comply with the orders of a court of competent jurisdiction; or</p> <p>(b) Such molecule or formulation has been banned under any international treaty or agreement relating to pesticides to which India is a party; or</p> <p>(c) Such molecule or formulation has been banned by a specified set of three or more countries already.</p>	
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**CHAPTER VIII: MISCELLANEOUS**

<b>Current Clause/Provision in PMB2020</b>	<b>Amendment Suggested</b>	<b>Reasons for the same</b>
<p><b>Sec. 55 on Regulation of substances having pesticidal properties and disposal of pesticide:</b></p> <p>....</p> <p><i>55 (2) If a batch of pesticide has outlived its shelf life or a batch has been declared to be falsified or has been banned or cancelled under section 22, 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.</i></p>	<p><b>ADD</b> the specific liability on manufacturer or importer for disposal as under:</p> <p><i>55 (2) If a batch of pesticide has outlived its shelf life or a batch has been declared to be falsified or has been banned or cancelled under section 22, it shall be segregated and disposed of <u>by the pesticide manufacturer or importer as the case may be</u>, within such period and in such manner as may be prescribed by the Central Government for <u>the safety of human beings, animals and environment.</u></i></p>	<p>This amendment explicitly puts the full product life cycle responsibility on the manufacturer or importer.</p>
<p><b>Sec. 56 on Exemption:</b></p> <p><i>56 (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 or the rules made thereunder any use of pesticides for educational, scientific or research purposes by organisations carrying out such activities.</i></p>	<p><b><u>DELETE SEC. 56 (2)</u></b></p>	<p>It appears that such an exemption is not required under 56 (2), and therefore, the amendment proposes that this be deleted whereas Sec. 56 (1) is essential to protect the interests of farmers.</p>
<p><b>Sec. 57 on Price of pesticides:</b></p> <p><i>57. If the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, it may constitute an authority to exercise such powers and perform such functions to regulate the price of pesticides in such manner as may be prescribed by the Central Government.</i></p>	<p><b>AMEND</b> to give the function and role to the Board:</p> <p><i>57. If the Central Government is of the opinion that it is necessary or expedient to secure the distribution and availability of pesticides at fair prices, <u>it may request the Board</u> to exercise such powers and perform such functions to regulate the price of pesticides in such manner as may be prescribed by the Central Government.</i></p>	<p>Given that the Board is an empowered, inter-ministerial broad based body, there does not appear to be a need for another Authority to be constituted for price fixation under this Bill. Therefore, this suggested amendment.</p>
<p><b>Sec. 61 on Compensation under the Consumer Protection Act, 1986:</b></p>	<p><b>AMEND</b> this provision to make it applicable to non-farmers:</p>	<p>This protects the interests of farmers and other affected persons. For such</p>

<p>61. A consumer of a pesticide may claim compensation from a manufacturer or distributor or stockist or retailer or pest control operator, as the case may be, under the provisions of the Consumer Protection Act 1986, for any loss or injury in respect of pesticide.</p>	<p>61. A consumer of a pesticide may claim compensation from a manufacturer or distributor or stockist or retailer or pest control operator, as the case may be, under the provisions of the Consumer Protection Act 1986, for any loss or injury in respect of pesticide, <u>if such a consumer is not a farmer, who in turn gets covered under Section 34 along with certain other affected persons.</u></p>	<p>citizens, Consumer Protection Act 1986 is not really accessible or useful, given their socio-economic conditions. Their need for redressal and compensation has therefore been taken care of in another provision.</p>
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**We realise that the number of amendments being proposed is long. There is however no restriction on the number of amendments that a Parliamentarian can move to improve a Bill.**

**It is requested that Hon'ble Parliamentarians consider the yellow-highlighted amendments, if they are forced to make a choice between only a few. For any additional information, please contact [asha.kisanswaraj@gmail.com](mailto:asha.kisanswaraj@gmail.com) or [kavitakuruganti@gmail.com](mailto:kavitakuruganti@gmail.com) (Ph: 8880067772 and 8414850885).**