

ASHA-Kisan Swaraj's feedback on the Draft Pesticides Management Bill 2025

To:

The Concerned Officials,
Ministry of Agriculture & Farmers' Welfare,
Government of India.

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Sub: Feedback on the Draft Pesticides Management Bill 2025

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Dear Madam/Sir,

Please find enclosed the feedback on the draft Bill from the Alliance for Sustainable & Holistic Agriculture (ASHA-Kisan Swaraj). Thank you.

Part-A: Details of person or organization (as the case may be) for making comments/suggestion

Name & Designation of the person	Kavitha Kuruganti, Co-Convenor, ASHA
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Name of organization/Agency (if any associated)	Alliance for Sustainable & Holistic Agriculture (ASHA-Kisan Swaraj)
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Part-B Comments/Suggestions

Sl	Section	Issue	Comments/Suggestions
1	“Preamble <i>A Bill to regulate pesticides, including their manufacture, import, 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>	A statute has to commit to minimising risk, and not “striving to minimise”. How can an Act measure the “striving” and is “striving” alone enough, with the objective of the very law getting fuzzy with such legalese. Promoting pesticides based on traditional knowledge need not be the only endeavour, to move farmers from toxic chemicals. Promoting pest management that is based on ecological science should be the endeavour. That includes pest management that goes beyond “pesticides”. For example, trap crops, border crops, repellent crops, mechanical and physical measures, among numerous others. Regulation of Export must also be added into the objective of the Bill. India as a responsible global leader must set an example for others, and not export pesticides which aren’t allowed for usage in India itself.	Preamble should be: <i>“A Bill to regulate pesticides, including their manufacture, research, export, import, <u>to minimise risk to human beings, animals, other living organisms other than pests, and to the environment with an endeavour to promote pest management that is biological, mechanical/physical, or cultural based on agro-ecology (organic/natural farming/NPM) including traditional knowledge, and for matters connected therewith or incidental thereto.”</u></i>
2	“Section 2: Declaration of expediency of Union control: <i>2. It is hereby declared that it is expedient in the public interest that Union should take under its control the regulation of the pesticide industry to the extent hereinafter provided.”</i>	As per Indian Constitution’s Schedule VII, Agriculture and specifically, “protection against pests and prevention of plant diseases” falls under the State List, or List II under Item 14. States should therefore be empowered to regulate. A vague ‘public interest’ cannot be the basis for taking away from state governments their constitutional right. Registration and prohibition nationally can be done by the Union Government, whereas licensing for	This section should be deleted fully and the other section numbers re-ordered accordingly. In the relevant provisions, apportionment of responsibility and authority between Union Government and State Governments should be incorporated as appropriate.

		sales and prohibition within their territories, apart from quality control regulation on a routine basis, must be the state government's responsibility, and in their authority.	
	"Sec. 3 on Definitions: <i>(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;"</i>	A more comprehensive definition of animals must be referred to.	<i>(a) "animal" includes honey bees, pollinators and other beneficial insects, earthworms, fish and fowl and such kinds of wild life;</i>
	"Sec. 3 on Definitions: <i>(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;"</i>	Include bio-pesticides into this Definition. This amendment will ensure that bio-pesticides are not treated on par with pesticides that are not biological in origin. This helps meet the objective as mentioned in Long Title to promote pesticides that are biological.	<i>(r) "ordinary use pesticide" means any <u>bio-pesticide and</u> any other 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;</i>
	"Sec. 3 on Definitions: <i>(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;"</i>	<u>OMIT</u> "biologically inactive", <u>INSERT</u> "solvents" , "metabolites or breakdown products" and re-write it. Such a definition 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.	<i>(s) "Other ingredients" means inert materials, dispersing agents, emulsifying agents, wetting agents, surfactants, <u>solvents</u>, stabilisers, preservatives, perfumes, colouring agents or other substances that are added in a specified proportion to a technical grade pesticide to make a formulation or can be <u>metabolites or breakdown products</u>;</i>
	Sec. 3 on Definitions:	<u>INSERT</u> "livestock and other animals of livelihood source",	<i>(zc) "Poisoning, in relation to human beings, <u>livestock, bees and other animals of livelihood source</u> means the occurrence of</i>

	<i>“(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;”</i>	INSERT “, deliberate or accidental exposure to a pesticide, including of non-workers and of communities, of water bodies” and INSERT “and/or livelihood losses” The Pesticides Management Bill 2020 had a broader approach to poisoning incidents, and not just data collection. This Bill, like the 2020 draft, must retain the constitution of a Fund that will support compensation and redressal for affected persons. 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.	<i>damage, or disturbance of bodily structure or function by occupational, <u>deliberate or accidental</u> exposure to a pesticide, <u>including of farmers, farm labourers, of local community members, of water bodies</u> leading to illness, injury or death <u>and/or livelihood losses</u>;</i>
	<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>	INSERT “the probable conditions of use and storage” into the definition of Risk. 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 and storage conditions. Risk assessment should therefore, build in an assessment of such end-use conditions for a country like India, and take a precautionary approach.	<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 use and storage conditions in India with socio-economic considerations also included</u>, and the likelihood and the extent of exposure to a pesticide;</i>
	<i>“(zh) “sale” means the sale of any pesticide whether for cash or on credit and whether by wholesale or retail, as</i>	INSERT “card, barter, phone/online banking” and “online” to cover other	<i>(zh) “sale” means means the sale of any pesticide whether for cash, <u>on card, barter, phone/online banking</u> or on credit and</i>

	<i>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;"</i>	mechanisms of sale not currently covered in definition. A major concern is around unregulated sales on online portals, and this needs to be brought under regulation.	<i>whether by wholesale, online 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;</i>
	Insert Definition of "Commercial pest control operation"	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.	<i><u>(zm) "Commercial Pest Control Operation" means any application or dispersion of Pesticides including fumigants in household or public or private premises or land and includes pest control operations in the fields (including aerial applications through drones for commercial purposes) but excludes individual farmer use;</u></i>
	Insert Definition of "Affected person(s)"	This provides for a holistic coverage of those people affected by any pesticide, for them to be included under compensation coverage.	<i><u>(zn) "Affected Persons" means those farmers or their family who are consumers, those sprayers who have handled pesticides and labourers who have worked in sprayed fields, workers in pesticide manufacturing facilities as well as storage/retail places and those farmers whose farms are affected by pesticide drift, as well as entire communities whose water bodies or environment or livestock get poisoned by pesticides.</u></i>
	Insert Definition of "Theoretical Maximum Daily Intake (TMDI)"	This provides a base for fixing of tolerance limit for humans. In addition to the provision for mandatory fixing of MRLs for every pesticide registered, TMDI should also be laid down for registration to be complete.	<i><u>(zo) "Theoretical Maximum Daily Intake (TMDI)" is the total intake of the pesticide residue which is obtained by summing intakes from all commodities containing the residue concerned.</u></i>
	Insert Definition of "Insect Repellent Pesticides"	This covers pesticides used in construction, furniture, wood materials, human skin, wall paints, incense sticks, aircraft cabins, stored grains, clothing & any other gear for prevention, destroying, repelling, mitigating such as termites	<i><u>(zp) "Insect Repellent Pesticides" are those used on human skin, clothing & any other gear, incense sticks, aircraft cabins, stored grains, construction, furniture, wood materials.</u></i>

CHAPTER II: CENTRAL PESTICIDES BOARD AND REGISTRATION COMMITTEE			
	CHAPTER II: CENTRAL PESTICIDES BOARD and REGISTRATION COMMITTEE	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.	<i>CHAPTER II: CENTRAL PESTICIDES BOARD, REGISTRATION COMMITTEE AND REVIEW COMMITTEE</i>
	5. Composition, terms and conditions of Members of Board (Schedule I)	Other than some independent regulators supported by the Health Ministry and other than an ICMR representative, the inclusion and participation of a Health Ministry representative & Legal Affairs department become important. Important for nutrition & wildlife expertise to be covered through appropriate representation in the Board.	 <u>(xxii) Director General of Health Services, The Ministry of Health & Family Welfare as the Co-Chair;</u> <u>(xxiii) Agriculture Commissioner;</u> <u>(xxiv) National Institute of Nutrition;</u> <u>(xxv) Deputy Inspector General of Forests (Wildlife);</u> <u>(xxvi) Department of Legal Affairs, Ministry of Law and Justice;</u> <u>(xxvii) Director, CSIR-Indian Institute of Toxicology Research, Lucknow ;</u>
	Schedule 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;	The importance of Chemistry as a subject of expertise comes in the registration and review functions, and the Board will not need this. However, experts in agro-ecology (organic/natural farming) will be important to bring in expertise of non-synthetic-pesticide-based pest management science.	<u>5 (1) (d) four experts each from the fields of agro-ecology (organic/natural farming), ecology, medical toxicology and pharmacology to be nominated by the Central Government – Members;</u>
	Schedule I New Item 6 – Representation to include consumers	There is a requirement to add a consumers' representative to help meet objectives of the Bill mentioned in the Long Title.	<u>(6) one person to represent consumers, to be nominated by the Union Government – Member ;</u>
3	Section 7: Constitution of committees and	In any such regulatory statute, it is very important to incorporate into the	Section 7(5) be added, which specifies that members and experts should be devoid of

	Engagement of experts.	statutory provision the need to avoid conflict of interest and to ensure that revolving doors do not operate between the industry players and regulatory bodies.	conflict of interest, and should not move through revolving doors between the industry and the regulatory body. Time bar to be set for such a movement from industry to regulatory regime positions, and from such positions to industry should be at least 3 years.
4	Section 8 Powers and Functions of the Board	The main objective for these amendments is to empower the Board and <u>not make it only an advisory Board</u>, given the enormous expertise and inter-ministerial coordination/convergence possibilities it has. Therefore, <u>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</u>, other than evolving and laying down criteria, protocols, guidelines etc., to be notified by the Central Government. It is important that the Board lay down <u>correct protocols for consideration of an application for registration</u> by the Registration Committee. This should be based on Needs & Alternatives Assessment, as the first step. Only then will the stated objective of the Act, related to dipping into traditional knowledge, be fulfilled. This was part of the 2020 Bill tabled, contained in the following legal language: “<u>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.</u>”	<i>8 (1) The powers and functions of the Board shall include the following:</i> <i>(a) To advise the Central Government and State Governments on scientific, <u>regulatory and technical matters</u>....</i> <i>(b) It shall be the function of the Board to regulate the import, manufacture, export, sale, transport, distribution, retail prices, quality and use of pesticides so as to ensure the safety to human health, other living organisms and the environment through a notified public consultation procedure.</i> <i>(c) To recommend pesticides to the Central Government for inclusion, <u>restriction, or prohibition</u> in the Schedule, from time to time by notification in the Official Gazette, <u>with reasons recorded in writing and subject to public disclosure.</u></i> <i>(d) To <u>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 criteria, protocols, guidelines etc. for notification by the Central Government,</u></i> <i>(vi) standards for training and <u>safe</u> working conditions for the workers</i> <i>(vii) standards for the advertisement of pesticides, <u>if allowed by the Board</u>, in all forms of media</i> <i>(viii)....</i>

			<u>(ix) conditions, if allowed in exigencies, for any aerial spraying of pesticides including through drones and other unmanned aircraft;</u> <u>(x) creating pesticide-free zones and guidelines for the same around schools, forests, residential areas, hospitals, parks and similar places;</u> <u>(xi) Protocols for Needs and Alternatives Assessment to be followed by the Registration Committee, including traditional knowledge and agro-ecology.</u> <u>(xii) pesticide poisoning monitoring and surveillance;</u> <u>(xiii) such other matter as may be prescribed by the Central Government.</u> <u>(d) To frame model protocols to deal with occurrences of poisoning including the specification of standard operating procedures for medical facilities, making them binding on hospitals and for surveillance based databases of poisonings to be created in the public domain (hospital, police and any other, including crowd-sourced data);</u> <u>(e) to regulate,—</u> <u>(i) the import & export of pesticides;</u> <u>(ii) the transport & recall of pesticides;</u> <u>(iii) the containment of pesticides;</u> <u>(iv) the research including field trials of pesticides;</u> <u>(v) the bio-safety assessment of pesticides;</u> <u>(vi) the manufacture, retail prices, sale and distribution of pesticides; (vii) the periodic review of pesticides;</u> <u>(viii) the procedures and standards to be followed by the laboratories or research institutions notified or by other laboratories or research institutions for undertaking research of pesticides;</u> <u>(ix) the amounts of fees and other charges to be levied under this Act”.</u>
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			<u>development in all programmes, policies and activities of the Board to ensure that the scientific and management capacity within the Board remain upto date and consistent with best practices adopted internationally;</u> <u>(vii) provide training opportunities to state-level personnel and other stakeholders, who are entrusted with responsibilities related to the regulation of pesticides;</u> <u>(viii) serve as the nodal agency for co-ordination for work on standards and guidance related to regulation of pesticides, with the international organisations/conventions, governmental and non-governmental organisations;</u> <u>(ix) promote consistency between international technical standards and technical standards in India related to regulation of pesticides while ensuring that the level of protection adopted in India is not reduced;</u> <u>(x) set labelling standards of pesticide including ensuring local language usage.</u> (i) To monitor global developments relating to pesticide; (j) To review the status of applications for the registration of pesticides <u>and review of registered pesticides vis-à-vis their safety;</u> and (k) To carry out any other function as may be prescribed by the Central Government.
	<i>“Sec. 8 (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</i>	This amendment is proposed keeping in mind how a statutory Authority under another law (PPV&FR Act 2001) has allowed major decisions to be taken only by the Chairperson by delegation of authority to the Chairperson. This needs to be	<i>8 (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 , <u>provided that no</u></i>

	<i>business to be transacted by it or such committee.”</i>	avoided, and therefore, this amendment.	<u><i>decision with regard to functions specified under section 8 (1) are taken without a quorum.</i></u>
5	Section 9 Constitution, composition and term of office of Member of Registration Committee	Should include two environmental experts, two toxicologists, two public health experts and two agro-ecology practitioners so that applications are scrutinised from all these areas of expertise required to assess Needs & Alternatives as well as biosafety. All such members should be devoid of conflict of interest.	<i>(2) The Registration Committee shall consist of the following , namely: - (i) Two environmental experts (j) Two toxicologists (k) Two public health experts (l) Two organic/natural farming practitioners with sound knowledge/experience of pest management by agro-ecological methods.</i>
6	Section 10 Restriction on employment of Chairperson and Members of Board and Registration Committee	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 proposed: • This applies not just to members of 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. • Conflict of interest is not just about the members themselves but their close relatives (spouse, parents and children) • Conflict of interest is not just about employment after the posting as a regulator but prior to the posting also. Conflict of interest is not merely about any one application being processed in the regulatory regime, but any ability to shape the regime itself through advice and decision-making.	<u><i>Sec.10: Independent Regulation and Prevention of Conflict of Interest in Regulation</i></u> <u><i>10. The Chairperson and Members of the Board, the Registration Committee and the Review Committee, and any expert, consultant or advisor co-opted into these bodies or in committees constituted by them or in sub-committees, shall not, (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; (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></u>

			<u>(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, 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.</u>
8	Section 14 (3) and (4) regarding review of registered pesticides	There should be a separate Review Committee set up that will review every registration automatically 5 years after the registration certificate is issued. Review being taken up by the same Registration Committee that has registered a pesticide in the first instance is going to have a bias and should be avoided.	Incorporate a provision to set up a Review Committee (which will be present permanently, to continuously review registered pesticides). Such a Review Committee should include biosafety experts and agroecology experts.
9	Section 16: Application for Registration	Sec.16(1) should specifically ask for data to be generated through independent testing of biosafety of both the active ingredient/ molecule as well as the "Other Ingredients"	<u>16 (1) An application for a certificate of registration shall be in digital form and shall contain such information as shall be prescribed by the Central Government, including about Other Ingredients and formulations other than active ingredient:</u>
10	Sec. 17 Decision regarding registration 17 (2) The Registration Committee may conduct an independent enquiry to verify the information submitted by the applicant which may include:	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 (cannot be that Committee MAY conduct an independent enquiry and should be SHALL conduct, for instance) and	<u>17 (2) The Registration Committee shall conduct an independent enquiry to verify the information submitted by the applicant which shall include:</u> <u>(a) The conduct of tests in a manner determined by it,</u> <u>(b) Consultation with such independent experts as it deems fit and</u> <u>(c) Collection of public feedback on information submitted by applicant.</u>

(a) The conduct of tests in a manner determined by it, (b) Consultation with such experts as it deems fit. (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 : (c) Where applicable, maximum residue limits of the pesticide on crops and commodities have not been specified under 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. (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 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	therefore, some amendments are necessary. Amendment to 17(4) is 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. The suggested additions in 17(7) 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 two or more countries elsewhere. Therefore, the amendments. It is often seen that pesticide residues turn up in India on commodities for which a pesticide’s use has not been approved and for which no MRL has therefore been fixed. To give another illustration, in the case of glyphosate, it has been seen that imported lentils were having residues while no MRL has been fixed at domestic level, because glyphosate has not been approved for use on lentils. 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. Theoretical Maximum Daily Intake based on diet will ensure consumer health is kept in mind too unlike MRL	<u>(4) While making a decision regarding the registration of a pesticide, the Registration Committee shall evaluate the information submitted by the applicant under section 16 as per section 17 (2) and shall be guided by factors including safety, efficacy, necessity, end-use conditions of the pesticide, antidote availability, risk involved and the availability of safer alternatives to the pesticide 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> <u>(5) The Registration Committee shall not register a pesticide if</u> <u>(c) Maximum residue limits of the pesticide on crops, animal feed 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</u> <u>(d) Theoretical Maximum Daily Intake of a pesticide has not been fixed;</u> <u>(e) the pesticide or its formulation has been banned in two or more countries elsewhere in the world;</u> <u>(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;</u> <u>(g) an antidote to the pesticide is not specified and a Standard Medical Protocol has been notified under Indian Clinical Establishments Act, 2010 ;</u>
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	application, the certificate of registration shall be deemed to have been granted to such applicant.	which is primarily focused on good agricultural practices and interval before harvest. No pesticide should be registered which does not have an antidote for poisoning. This will also help ensure safety for the user of pesticide ensuring antidote presence to tackle pesticide exposure. It has been seen sometimes that some companies export pesticides to India which themselves are banned in their host country. This will ensure that such double-standards will be stopped. This amendments in number (8) are being suggested so that desirable 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. The "deemed registration" provision in Section 17(8) also creates serious safety risks. For generic pesticides, if the Registration Committee fails to decide within 18 months, registration certificates are "deemed granted" automatically. This should not be allowed. This creates perverse incentives: overwhelmed regulators facing application backlogs may approve inadequately reviewed products simply to avoid automatic approvals. Many generic pesticides have been granted approval in a much	<u>(h) the pesticide to be imported is banned in the country of origin.</u> <u>(6) The Registration Committee shall refuse to register a pesticide if -</u> <u>(a) there is scientific uncertainty regarding its risks and benefits or ;</u> <u>(b) there are threats of serious and irreversible damage to human health, other living organisms or the environment.</u> <u>(c) Need is not there and safer alternatives exist</u> <u>(7)</u> <u>(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.</u> <u>.....</u> <u>DELETE the paragraph on granting of "deemed" certificate of registration after 18 months.</u>
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		weaker regulatory framework than which India requires.	
11	Section 17(6) Refusal to register a pesticide	This should be in all cases where the need is not there, and where alternatives already exist, and not just when there is scientific uncertainty.	Sec.17 (6) <i>The Registration Committee shall refuse to register a pesticide if -</i> (a) <i>there is scientific uncertainty regarding its risks and benefits or ;</i> (b) <i>there are threats of serious and irreversible damage to human health, other living organisms or the environment.</i> (c) <i>Need is not there and safer alternatives exist</i> (d) <i>where two or more countries have banned the pesticide elsewhere in the world</i>
12	<i>"Section 17(7): (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."</i>	Should include the publishing of the biosafety data submitted by the applicant as well as additional data/analysis generated by Sec.17(2) processes.	<i>Sec.17(7): <u>The Registration Committee shall publish all biosafety and other data submitted by the applicant in the public domain for independent scientific scrutiny. It shall also publish any additional data/analysis generated under Sec.17(2).</u></i> <i>The Registration Committee shall record in writing its reasons for the grant or refusal of registration to a pesticide and make this also available in the public domain.</i>
13	Section 19 - Provisional Registration	It is completely unacceptable given that it compromises the very objective of the statute. There is absolutely no need to provide such provisional registration before comprehensive testing and risk assessment is done. Any exigencies as alluded to in Sec.19 (3) can be addressed by the Central Government by using section 49 in the Bill.	This provision should be deleted fully.
14	Section 21 - Review, Suspension and cancellation Of registration and ban on pesticides.	As already stated, there should be a separate independent Review Committee set up consisting of environmental, toxicological, public health and agroecological experts. The Committee that registered the	<i><u>Sec.21: Establishment of a Review Committee for reviewing, suspending, cancelling registration and banning of pesticides at the national level:</u></i>

		pesticide in the first instance is likely to bring in bias into a review process.	(1) <u>The Central Government shall, within a period of six months from the date of commencement of this Act, constitute a Committee called the Review Committee to carry out the functions assigned to it by or under this Act.</u> (2) <u>The Review Committee shall consist of the following members:</u> (a) <u>a person to be nominated by the Central Government who shall have expertise in the field of human toxicology, and who shall possess such qualifications and experience as may be prescribed by the Central Government</u> <u>-Chairperson ;</u> (b) <u>Designated representative of the Health Ministry;</u> (c) <u>Designated representative of the Indian Council of Medical Research;</u> (d) <u>Designated representative of Indian Council of Agricultural Research, experienced in pesticide resistance;</u> (e) <u>Designated representative of Environment Ministry;</u> (f) <u>Two independent environmental experts with experience in eco-toxicity;</u> (g) <u>Two independent experts in ecological pest management;</u> (h) <u>Five representatives of departments of agriculture in state governments;</u> (3) <u>The Review 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 conflict of interest.</u>
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15	Section 21(2) about when a review is to be taken up	Every registered pesticide should automatically come up for review every five years. Further, whenever more than two countries ban any pesticide or formulation based on health and environmental grounds, that pesticide or formulation, if registered in India, should come up for review. This means that the independent review committee should be constantly monitoring the prohibitions/bans in other countries, and also review published literature, as well as fund independent studies to inform the review.	<u>(4) The holder of a certificate of registration shall intimate the Review 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.</u> <u>(5) The Review Committee shall review every registration of a molecule or formulation every five years after registration, or earlier than five years whenever more than two countries elsewhere in the world ban the pesticide on health or environmental grounds; or whenever a state government makes a reasoned request to the Union Government for such a review.</u> (6) A review may also be initiated by the Review Committee at any other time: (a) on its own with the approval of Central Government; (b) on the basis of information received by it 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 public interest under Section (draft Bill) 34; or (d) subsequent to the prohibition of a pesticide by the Central Government or the State Government under (draft bill) section 34; . (7) While conducting a review, the Review 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
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			(c) to require the concerned holder or holders of the certificate of registration, as the case may be, to submit required information or conduct tests. (8) 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 conducted on the basis of prohibition made under section 34, it shall consult the Central Government or the State Government, as the case may be; (9) After reviewing, the Review Committee shall recommend to the Registration Committee, the cancellation or continuation of a Certificate of Registration. Cancellation may be recommended if the Review Committee is satisfied that there are violations of the provisions of this Act or Rules made thereunder, as well as violations of conditions specified in the certificate of registration. (10) The Review Committee may further recommend the cancellation of 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. (11) A certificate of registration shall further be recommended for cancellation: (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
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			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. (12) The person whose certificate of registration has been cancelled shall not manufacture or import or export the pesticide in respect of which the certificate of registration was granted.
17	<i>“Section 33 on Notification of Poisoning:</i> <i>(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.</i> <i>(2) The State Government shall review and analyse occurrences of poisoning within its jurisdiction and submit a quarterly report to the Central Government.</i> <i>(3) The State Government shall develop a plan to implement the model protocol framed by the Board to deal with occurrences of poisoning.”</i>	Sec.33(1) should first specify a format uniformly across India, for such reporting of all occurrences of poisonings. The format should capture details of the active ingredient, as well as the brand name and formulation wherever possible, in addition to reporting on the kind of poisoning (intentional, accidental, fatal, hospitalisation and discharge etc.). The bare act should lay down that the police department and all hospitals (including private) should report such occurrences. Sec.33(1) could also set up a crowd-sourced database of poisoning incidents with appropriate evidence, to feed into regular review processes (as happens in Canada). “Polluter pays” principle must be incorporated by instituting a Cess to create a Compensation & Remediation Fund. Therefore, this amendment. This was part of the PMB2020 tabled in the Parliament. It is important to ensure that redressal and compensation are accessible to workers who have been poisoned, in addition to other affected citizens including farmers	Sec. 33. Notification of Poisoning, Setting up of a Fund, and Compensation to the Affected Persons <i>(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, <u>along with poisoning category 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 Standard Operating Procedures drawn up by the Board for poisonings including reporting by the hospitals and police.</u></i> ((2) and (3) as given the draft bill.) <i><u>(4) The Central Government shall constitute a fund, to which shall be credited:</u></i> <i><u>(a) An amount which the Central Government shall collect as a special cess from pesticides industry, and after due appropriation made by Parliament by law in this behalf provide;</u></i> <i><u>(b) Penalties imposed by a court for the contravention of any of the provisions of this Act.</u></i>

		who incur losses and crop damages. This will ensure redressal and compensation for such affected within this law.	<u>(5) The fund constituted under sub-section (4) shall be utilised to make ex-gratia payment to persons, organisations, gram panchayats or any such bodies or their legal heirs, as the case may be, who</u> <u>(a) have suffered hurt, grievous hurt or have died due to poisoning, or</u> <u>(b) have incurred economic losses in the course of poisoning, or</u> <u>(c) have suffered due to damage caused by pesticide drift or contamination, or due to ineffective pesticides or</u> <u>(d) are incurring remediation costs due to pesticides.</u> <u>A district-level Compensation Committee shall be constituted and notified, with declaration of its composition and powers, to settle compensation claims from affected persons within a time bound period.</u>
18	<i>“Sec.34 Prohibition</i> <i>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 mutatis mutandis to such review.</i> <i>(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....or the environment, the Central Government...”</i> <i>(3) On publication of the notification under subsection (2), the Registration</i>	Sec.34 should explicitly empower state governments to prohibit particular pesticides in their jurisdiction permanently, and not just for a period of one year maximum. The Union Government can keep the authority to ban any pesticide all over the country. The amendments being proposed ensure that state governments are empowered to prohibit in their jurisdictions including based on Package of Practices being recommended by their State Agriculture Universities. 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.	34. (1) The Central Government or State Government may, at any time, make a reference to the Review 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 mutatis mutandis 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....or the environment <u>or that it is not needed for pest management in their jurisdiction due to availability of alternatives or to follow the recommended Package of Practices by local agriculture universities,</u> the Central Government or the State Government, as the case may be, may, by notification, using the precautionary principle, prohibit the

<i>Committee shall undertake a review of the molecule or formulation of such pesticide and the provisions of section 21 shall apply mutatis mutandis to such review.</i> <i>(4) The Registration Committee shall complete its review within a period not exceeding one year from the date of the publication of the notification...</i> <i>(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.</i> <i>(6) If the Registration Committee is satisfied that the pesticide does not present 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 shall be allowed from the date on which the decision of the Registration Committee is available to public.</i> <i>(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;</i> <i>(8)...</i>	The Review Committee is drawn into the picture, and not the Registration Committee.	<i>distribution, sale or use of the pesticide or a specified batch in such area <u>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></i> <i>(3) On publication of the notification under subsection (2), the <u>Review</u> Committee shall undertake a review of the molecule or formulation of such pesticide and the provisions of section 21 shall apply mutatis mutandis to such review.</i> <i>(4) 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;</i> <i>(5) The prohibition on the distribution, sale or use of the pesticide shall continue until the Review Committee arrives at a decision in this behalf and the decision shall be available to public.</i> <i>(6) If the Review Committee is satisfied that the pesticide presents 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 shall be applicable to all of India from the date on which the decision of the Review Committee is available to public.</i> <i>(7) Notwithstanding anything contained in this section or in section 21, The Central Government <u>may, by notification, ban a molecule or formulation of a pesticide in respect of which registration has been granted if:</u></i>
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			<u>(a) Such ban is necessary to comply with the orders of a court of competent jurisdiction; or</u> <u>(b) Such molecule or formulation has been banned under any international treaty or agreement relating to pesticides to which India is a party; or</u> <u>(c) Such molecule or formulation has been banned by two or more countries already.</u> (8)... <u>(9) The District Magistrate or the Village Panchayat may, prohibit the distribution, sale or use of any pesticide or a specified batch in such area and for such period including indefinitely.</u>
19	Section 42: Schedule II	The proviso of Sec.42 to be deleted. How can the Union Government change by itself the Schedule II when the Offences and Punishment have been enacted by the Parliament of India?	Delete the proviso.
20	Section 45 - Cognisance and trial of offences (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	How can one Adjudicating Officer decide on contraventions and offences, when it is so liable for bias and corruption? It should have at least a three member committee, including a farmers' representative.	Sec.45 - Cognisance and trial of offences: (a) Adjudication Committee: 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 an Adjudication Committee constituted for the purpose, consisting of an officer not below the rank of Deputy Director or equivalent rank under the State Government, an agriculture scientist and a representative of farmers, to act as an Adjudication Committee. (b) The Adjudication Committee 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

	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.		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) The Adjudication Committee shall have the powers of a civil court.
21	Section 45(5): Compounding of Offences	Such compounding cannot be allowed, because offences under this Act should be treated as criminal offences, given that in most cases, there may be affected persons involved.	Delete the provision
22	Sections 52 and 53: Powers of Central and State Governments to make Rules	The provisions here should be respectful of the Constitutional authority of state governments.	As suggested in different places of this table.
	<u>New Section</u> Compensation under the Consumer Protection Act, 1986	A version of this Section was in Pesticides Management Bill, 2020 and it is important to incorporate it into the current version of the Bill also.	<u>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, if such a consumer is not a farmer who in turn gets covered under Section 33 along with certain other affected persons</u>
23	Schedule II - Offences and Punishments	The penalties are too low and are clearly supportive of the industry, neglecting the effects on farmers, other communities and the environment. Point 5 about any chemical being injurious to health, for instance - why is this not a criminal offence punishable with a jail term, whereas only a monetary penalty is being laid down in the Bill.	This Schedule has to be revised to make the penalties commensurate with the seriousness of the contravention and its effects.

24	No provision exists as of now	Regulation of advertisements of pesticides is essential, and a provision that bans any advertising or aggressive marketing tactics like free junket trips etc. is required	State governments should be authorised to perform this responsibility in their jurisdictions.
25	No provision exists as of now	Traceability systems from manufacture to end disposal should be incorporated into the Act.	

To sum up, the following are the key points that need to be addressed in the Bill:

1. The objective of the Bill to be stated in the Preamble should be to promote ecological pest management solutions rather than be a clearing house for applications for registrations of synthetic pesticides.
2. State Governments should be authorised to prohibit particular pesticides within their jurisdictions on reasoned grounds. Prohibition for only one year, and ban authority with the Central Government are violative of India's Constitution.
3. A compensation fund should be set up, to give effect to the "Polluter Pays" principle, and by using that fund and any other additional allocations from a Cess to be collected, all affected persons should be entitled to ex-gratia and compensation amounts. Where required, the fund should be used for remediation also.
4. Registration should be preceded by sound Needs & Alternatives Assessment.
5. "Other ingredients" should be put through the same kind of testing for safety and efficacy as the active ingredient.
6. No registration should take place without MRLs being notified and TMDIs being notified.
7. Provisional Registration for three years is completely unacceptable and should be deleted.
8. All pesticides registered should automatically come up for Review every five years, as well as whenever more than two other countries ban a pesticide on environmental and health grounds.
9. Review of registration and continuance of a pesticide should be done by a Review Committee and not by the Registration Committee which registered the pesticide in the first instance.
10. Poisoning related surveillance systems should be strengthened through numerous statutory mechanisms, which have been suggested in the table above.
11. A single adjudicating officer in each state is an unhealthy way of shaping the regulatory regime, which requires all offences to be dealt with in a deterrent fashion. Adjudicating Committees, which also include farmers' representatives should be set up.
12. Compounding of Offences should not be allowed at all.
13. Pesticide advertising and aggressive marketing should be strictly curbed, and should be specified in the mandate of the Board.

14. All biosafety data that forms the basis for registration should be proactively published in the public domain for wider scientific scrutiny.
15. There should be no conflict of interest, and no revolving doors in the regulatory regime, and any bias towards the pesticides industry should be avoided.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kavitha', with a horizontal line underneath it.

Kavitha Kuruganti

Co-Convenor,

ASHA-Kisan Swaraj

Date: 03/02/2026