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Corresponding Author

M. Rajashekhar

e-mail: rzshekarm@gmail.com

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Pesticide Management Bill and its Regulations

N. Priyanka, M. Rajashekhar*, G. Akhil, C. H. Asritha, B. Keerthana and K. Bharghavi

Abstract

Pesticide management bill 2020 helps in safe supply of pesticides and reduces the risk to people, animals, and the environment, it aims to control the manufacture, import, sale, storage, distribution, use, and disposal of pesticides. This bill provides registration of pesticides at central government and compulsory licensing at state government. Insecticide inspectors appointed by the central or state governments are authorized to examine properties, seize documents, halt the sale or distribution of pesticides, and collect samples of pesticides for examination. This bill also helps in import and export of pesticides reduces its effect on humans, environment etc.

1. Introduction

The top producers of pesticides are China, the United States, Argentina, and India. In India states like Maharashtra, Uttar Pradesh, Punjab, Haryana consume most of the pesticides (Raj et al., 2021). The continuous usage of same pesticides leads resistance development, resurgence and residues in field & horticultural produce (Rajashekhar et al., 2020), reduces soil fertility, pollution, and loss to biodiversity (Anonymous, 2018). So, to ensure safe import, sale, manufacture, transport and distribution, insecticidal act came into force on 1968 and later on March 23rd, 2020, Mr. Narendra Singh Tomar, the Minister of Agriculture and Farmers Welfare, introduced the Pesticide Management Bill (PMB), 2020 in the Rajya Sabha. To guarantee the supply of safe pesticides and reduce the risk to people, animals, and the environment, it aims to control the manufacture, import, sale, storage, distribution, use, and disposal of pesticides. This act is the replacement of insecticidal act 1968. A central registration committee was established by the bill to register pesticides at the central level and then modify, suspend, or cancel registration.. The Committee will not register a pesticide if its maximum residue limit on crops has not been specified under the Food Safety and Standards Act, 2006. The registration committee has the authority to examine pesticides that are registered on a regular basis. The state government has the whole authority to issue

Author's Address

Professor Jayashankar Telangana State Agricultural University, Rajendranagar, Hyderabad (500 030), India

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licenses for manufacture, storage, and sale of pesticides. The state and central government will appoint pesticide inspectors and analysts to monitor compliance of licenses with provisions of the bill. Additionally, this bill offers financial support to those who are harmed by pesticide poisoning (Anonymous, 2020).

2. Need for Replacing of Insecticidal act with Pesticide Management Bill, 2020

Insecticidal act 1968 was first replaced by pesticide management bill 2008, because 1968 act had restrictive definition of insecticide that only includes formulations specified in the Schedule of the act, absence of tolerance limits of pesticides residues and insufficient penalties for breaking the act's rules. The pesticides management bill 2008 defines chemicals as any chemical or biological material used to control agricultural pests. It also mandated that residual tolerance levels be specified for pesticides and made more strengthened penalties. This bill regulates safe manufacture, import, distribution, and sale of pesticides and reduces danger to people, animals, and the environment. Pesticides for both agricultural and non-agricultural use (such as industry and household) are also covered by this bill.

3. How Insecticidal act is Different from the Pesticide Management Bill 2020

Registration: In the case of insecticidal act 1968 registration can be granted or rejected within 12 months or may be extended by 6 months. The registration committee can cancel the registration if the insecticides pose risk to human health.

Licensing: To produce, market, or distribute pesticides, an application for a license is required. The Act doesn't outline the technical specifications or duration of license grants. A license can be renewed periodically for an additional set of defined years after it expires.

Prohibition on advertising: The Insecticides Act, 1968 prohibits the advertising of any insecticide in a manner that may mislead or deceive the public. This is to prevent false claims or promotion of unsafe usage.

Offences and penalties: First-time offenders may face up to two years in prison for offences like (i) Dealing in misbranded insecticides, (ii) Manufacturing, importing, and marketing without a permit or registration, or (iii) Dealing in insecticides that are banned. There could also be a monetary penalty of Rs 5,000 to Rs 75,000

Other provisions: For reasons of public safety, the central or state government may prohibit the sale, distribution and usage of insecticide for 60 days.

Pesticide management Bill 2020:

Registration: The registration committee can cancel the registration or suspend the registration, if the insecticide found to violate conditions of registration, or (ii) poses health and safety risks

Licensing: In the case of PMB 2020 the license may be granted within 90 days, no license renewal requirements or validity duration

Offences and penalties: The violations like manufacturing, importing, and marketing without a permit or registration, or dealing of insecticides that are banned may lead to imprisonment of up to three years and fine of between Rs 10 lakh and Rs 40 lakh in case of bill.

Other provisions: The Bill extends the government's power to prohibit a pesticide for a period up to one year.

4. CIB&RC

Central Insecticides Board & Registration Committee (CIB&RC) under the Directorate of Plant Protection Quarantine & Storage (DPPQ&S), in Department of Agriculture & Cooperation (DAC) was set up by the Ministry of Agriculture (MOA) in the year 1970 to oversee the import, manufacture, sale, transport, distribution, and use of insecticides in order to reduce risks to humans and animals, as well as for other related matters. The Central Insecticides Board (CIB) performs such duties as delegated to it by the regulations and provides technical advice to the central government and state governments on issues pertaining to the administration of this act. This committee consists of a chairperson, who will be a candidate suggested by the central government and have experience in the areas of agriculture, chemicals, health, or the environment.

4.1. Functions of CIB&RC

- It Advise the Central Government regarding insecticide production under the industries (Development and Regulation) Act, 1951 (65 of 1951).
- It indicates the applications for each pesticide class according to its toxicity and suitability for aerial application.
- Give advice on acceptable pesticide residual levels and minimum time intervals between pesticide applications and harvests for different types of commodities.

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- It provides information on the pesticides' shelf life.

5. Registration of Pesticides

The Registration Committee must issue a certificate of registration for any person wishing to import or produce a pesticide for common use, industry, agriculture, pest control, or public health. It is carried out by the central government, where there are two types of registrations, provisional and regular. For a pesticide that is being launched for the first time in India, a provisional registration may be given for a maximum of three years to assist the collection of data on chemistry, safety, bio efficacy, and toxicity. After provisional registration regular registration needs to be done. The applicant needs to submit form-1 with required data on formulations. A sample of the Product (250 g) or (250 ml) needs to be enclosed with the application for analysis at CIB & RC.

License for manufacture, distribute or sell pesticides is provided by a licensing officer appointed by the state government if the applicant satisfies the specified standards for infrastructure, premises, storage, and transportation, license may be issued. The central and state governments will appoint pesticide inspectors to oversee the implementation of the bill's provisions. They can seize any documents, material, or stock of pesticides or the send samples of pesticides for test and analysis. If any pesticides are deemed to be hazardous to human health or environment, the central or state governments may, upon one year's notice, forbid their supply, sale, or use. It may also impose strict penalties on trading in unregistered, unlicensed, or prohibited pesticides, as well as on the import or export of pesticides in violation of the bill's requirements. These penalties may include a two- to five-year imprisonment or a financial penalty or both.

6. Process of Registration for Export

It falls under 2 categories:

Category (A): The pesticides which are already registered for use in the country, their higher or lower purity/ concentration, any other formulation. Category (B): Pesticides which are not registered in the country for use. Mostly 90% of the applications may be of category (A) for which the basic information of chemistry is required. Whereas category (B) registration requires information on chemistry as well as toxicity.

The following time frame for grant of registration has been suggested for export applications.

I Fast Track Applications: 5 working days.

II Star Export House applications: -

Category (A): 7 working days

Category (B): 10 working days

If the product is already registered in the company's name for domestic use, no additional registration is needed for export. To date, thousands of certificates of registration have only been granted for export.

7. Process of Registration for Import

Permission for import of pesticide samples may be given by secretary, CIB&RC except when the pesticide is falling under extremely toxic ones, pesticide which are not registered in any country and do not figure in pesticide manual.

7.1. Documents for import

- Complete form – C
- Technical bulletin from inventor / manufacturer
- Information regarding - Chemistry, toxicity, and bio-efficacy.
- Authenticated copy of the registration certificate for manufacture of particular molecule/pesticide in that country, issued from the registration authority.
- Non-registered pesticides authentic document from the inventor

8. Potential Challenges and Strategies in Implementation of PMB

Under this bill pesticide inspectors possess the authority to access properties, conduct records searches, gather, and submit sample material for examination, and cease pesticide delivery. But some inspectors and analysts who exercise their powers to test samples without following the prescribed protocols should be liable for punishment with a fine. The 2020 bill not provide any punishment for inspectors or analysts. Registration to be granted/rejected within 12 months (may be extended by 6 months). However, the 2020 bill does not specify a time limit for registration. The pesticide management bill 2020 will not provide any protection of registration data.

9. Conclusion

The insecticidal act of 1968 was replaced by the pesticide management bill 2020, which was introduced on March 23rd 2020. The purpose of this bill is to lower the risk

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to people, animals, and the environment while ensuring ecologically safe, economically viable, sociologically & culturally acceptable and the availability of safe pesticides to the farming community. Its goal is to regulate pesticide production, import, sale, storage, distribution, use, and proper disposal.

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