

F. No.13035/06/2022-PP-I (e 110156)
Government of India
Ministry of Agriculture and Farmers Welfare
Department of Agriculture & Farmers Welfare
Plant Protection Division

347-A, Krishi Bhawan, New Delhi,
Dated, the, 15th July, 2022

Notice

Subject: Comments from Stakeholders on draft proposal for amendment in Section 29 of the Insecticides Act, 1968 - reg.


The undersigned is directed to refer letter vide D.O 13(30)/2022-I&M(I) dated 25.03.2022 received from Niti Ayog regarding Inter- Ministerial Committee on Decriminalization of Non-Compliances for Advancing Ease of doing business in India wherein NITI Aayog desired DA&FW to undertake review of imprisonment clauses in all laws under its purview related to doing business and to de-criminalize imprisonment clauses for minor offences.

2. Accordingly, provisions for imprisonment clauses in the Insecticides Act,1968 have been reviewed and a Draft proposal for amendment in Section 29 of the Insecticide Act,1968 is placed at **Annexure-1** and is hereby hoisted on the official website of DA&FW for comments of all concerned persons/Stakeholders within 15 days of hoisting the same on the website.

3. The comments/suggestions/objections on the Draft proposal for amendment of Section 29 of Insecticides Act,1968 may kindly be addressed to the Joint Secretary (Plant Protection), Ministry of Agriculture and farmers Welfare, Department of Agriculture and Farmers Welfare, Krishi Bhawan, New Delhi -110001. The soft copy of the same may kindly be emailed to jspp-dac@gov.in within the stipulated time period.

This issues with the approval of the competent authority.

Encl: As above.


(Dr. Ranjit Singh)
Director (PP)

Copy to: The Director (Agriculture), All States and Union Territories (UTs)

Copy for information to:

- 1) Sr. PPS to Secretary, DA&FW
- 2) PPS to AS(AL)
- 3) PPS to JS(PP)

Draft proposal for amendment in Section 29 of the Insecticides Act, 1968

Section	Title of the Section	Clause	Existing Provision	Revised Provision
29	Offences and punishment.—	(1)	<p>Whoever,—</p> <p>(a) imports, manufactures, sells, stocks or exhibits for sale or distributes any insecticide deemed to be misbranded under sub-clause (i) or sub-clause (iii) or sub-clause (viii) of clause (k) of section 3; or</p> <p>(b) imports or manufactures any insecticide without a certificate of registration; or</p> <p>(c) manufactures, sells, stocks or exhibits for sale or distributes an insecticide without a licence; or</p> <p>(d) sells or distributes an insecticide, in contravention of section 27; or</p> <p>(e) causes an insecticides, the use of which has been prohibited under section 27, to be used by any worker; or</p> <p>(f) obstructs an Insecticide Inspector in the exercise of his powers or discharge of his duties under this Act or the rules made thereunder, shall be punishable—</p>	<p>Whoever –</p> <p>(a) Imports, manufactures, sells, stocks or exhibits for sale or distribution of any misbranded insecticide;</p> <p>(i) if its label contains any statement, design or graphic representation relating thereto which is false or misleading in any material particular, or if its package is otherwise deceptive in respect of its contents.</p> <p>(ii) if its label does not contain a warning or caution which may be necessary and sufficient</p> <p>(iii) if any word, statement or other information required by or under this Act to appear on the label is not displayed thereon in such conspicuous manner as the other words, statements, designs or graphic matter have been displayed on the label and in such terms as to render it likely to be read and understood by any ordinary individual under customary conditions of purchase and use</p> <p>(iv) if it is not packed or labelled as required by or under this Act.</p> <p>(v) if the label contains any reference to registration other than the registration number</p> <p>(b) whoever uses an insecticide in contravention of any provision of this act or any rule made there under.</p>

			<p>i. for the first offence, with imprisonment for a term which may extend to two years, or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with both;</p> <p>ii. for the second and a subsequent offence, with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen thousand rupees but which may extend to seventy-five thousand rupees, or with both.</p>	<p>shall be punishable—</p> <p>i. For the first offence, fine which shall not be less than Rupees Twenty Five Thousand</p> <p>ii. For the second offence, fine which shall not be less than Rupees fifty thousand</p> <p>iii. For the third and subsequent offence, fine which shall not be less than Rupees one lakh and suspension of License and Certificate of Registration (CR) for a period of six months</p>
		(2)	<p>Whoever uses an insecticide in contravention of any provision of this Act or any rule made thereunder shall be punishable with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees, or imprisonment for a term which may extend to six months, or with both.</p>	<p>Whoever imports, manufactures, sells, stocks or exhibits for sale or distribution of any misbranded insecticide :</p> <p>(i) if it is an imitation of, or is sold under the name of, another insecticide</p> <p>(ii) if it is not registered in the manner required by or under this Act</p> <p>shall be punishable—</p> <p>i. For the first offence, fine which shall not be less than Rupees ten lakh</p> <p>ii. For the second offence, fine which shall not be less than Rupees twenty five lakh.</p> <p>iii. For the third and subsequent</p>

			<p>offence, fine which shall not be less than Rupees fifty lakh and Certificate of Registration to be kept abeyance and license to be suspended for a period of six months.</p>
		<p>(3)</p> <p>Whoever contravenes any of the other provisions of this Act or any rule made thereunder or any condition of a certificate of registration or licence granted thereunder, shall be punishable—</p> <p>(i) for the first offence, with imprisonment for a term which may extend to one year, or with fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees, or with both;</p> <p>(ii) for the second and a subsequent offence, with imprisonment for a term which may extend to two years, or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or with both.</p>	<p>Whoever,</p> <p>(a) Imports, manufactures, sells, stocks or exhibits for sale or distribution of any misbranded insecticide if it is not registered in the manner required by or under this Act</p> <p>(b) Imports, manufactures or sells without Certificate of Registration;</p> <p>(c) Manufactures, sells, stocks, exhibits to sale, distribute without license*;</p> <p>(d) Sells or distributes any prohibited insecticide, in contravention of section 27</p> <p>(e) Causing a prohibited insecticide under section 27 to be used by any worker;</p> <p>shall be punishable—</p> <p>i. For the first offence, fine which shall not be less than Rupees ten lakh</p> <p>ii. For the second offence, fine which shall not be less than Rupees twenty five lakh or with imprisonment for a term which may extend to three months or both</p> <p>iii. For the third and subsequent offence, fine which shall not be less than Rupees fifty lakh or with imprisonment for a term which may extend to six months or both</p>

			(*If CR granted that may be kept in abeyance for six months)
		(4)	<p>If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published in such newspapers or in such other manner as the court may direct.</p> <p>Whoever imports, manufactures, sells, stocks or exhibits for sale or distribution of any misbranded insecticide if the insecticide has a toxicity which is higher than the level prescribed or is mixed or packed with any substance so as to alter its nature or quality or contains any substance which is not included in the registration.</p> <p>shall be punishable—</p> <ol style="list-style-type: none"> i. For the first offence, fine which shall not be less than Rupees five lakh ii. For the second offence, fine which shall not be less than Rupees ten lakh or with imprisonment for a term which may extend to three months or both. iii. For the third and subsequent offence, fine which shall not be less than Rupees twenty five lakh and Certificate of Registration to be kept abeyance and licenses to be suspended for six months or imprisonment for a term which may extend to six months or both
		(5)	Whoever obstructs an Insecticide Inspector in exercise of his powers or discharge of his duties under the act or the rules made thereunder

			<p>shall be punishable—</p> <ol style="list-style-type: none"> i. For the first offence, fine which shall not be less than Rupees Fifty thousand. ii. For the second offence, fine which shall not be less than Rupees one lakh and suspension of license for three months . iii. For the third and subsequent offence, fine which shall not be less than Rupees two lakh and suspension of license up to six months.
		(6)	<p>Whoever contravenes any of the other provision of this act or any rule made thereunder or any condition of a certificate or license granted thereunder</p> <ol style="list-style-type: none"> i. For the first offence, fine which shall not be less Rupees one lakh and Certificate of Registration to be kept abeyance and licenses to be suspended for six months. ii. For the second offence, fine which shall not be less than Rupees two lakh and Certificate of Registration to be kept abeyance and license to be suspended for one year. iii. For the third and subsequent offence, fine which shall not be less than Rupees five lakh and Certificate of Registration to be kept abeyance and license to be suspended for two years.