

From

Director General,  
Agriculture and Farmers Welfare Department, Haryana,  
Krishi Bhawan, Sector 21,  
Panchkula.

To

All the Deputy Directors in the State,  
Agriculture and Farmers Welfare, Department.

Memo No. 4657-78 /TA (QC)

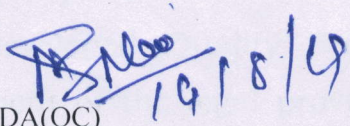
Dated:- 14/08/2019

**Subject: Creation of Vigilance Wing for Quality Control and proposed actions to be taken for non-compliance of provisions of FCO, 1985 and Insecticides Act, 1968 .**

Please refer to the subject cited above. The department has decided to create a vigilance wing for providing quality agri – inputs to the farmers. Further, It has been observed that violation of different provisions of FCO, 1985 and Insecticides Act, 1968 and Insecticides Rules, 1971 are made by the dealers located in the State. Licensing Officers/Notified Authorities are the authorities to take appropriate action against the erring dealers. However, it has been found that different actions are taken by different Licensing Officers/Notified Authorities for similar violations.

In order to bring uniformity in the actions for similar violations, it has been decided to frame guidelines for taking uniform action against the commonly found violations. A copy of the orders passed by the Director General, Agriculture and Farmers Welfare Department, Haryana are enclosed herewith.

This is for your information and necessary action.

  
JDA(QC)

for Director General,

Agriculture and Farmers Welfare Department,  
Haryana, Panchkula.

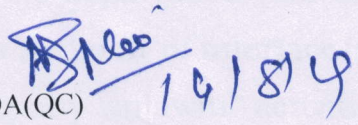
Enclosed: As above

Endst. No. 4679-82 /TA(QC)

Dated:- 14/08/2019

A copy if forwarded to the following for information and necessary action.

1. M/s Crop Life India, 226-228, Ansal Chamber II, 6, Bhikaji Kama Place, New Delhi – 110066
2. M/s Crop Care Federation of India, F- 1006, 10<sup>th</sup> Floor, Vikram Tower, 16, Rajendra Place, New Delhi – 110008.
3. Pesticides Manufacturing Association (Haryana), Modesto Complex, Gaushala Road, Karnal- 132001, Haryana, India.
4. Pesticides, Seeds & Fertilizers Association, Haryana, 1<sup>st</sup> Floor, Booth No. 39, New Anaj Mandi, Sirsa (Haryana).

  
JDA(QC)

for Director General,

Agriculture and Farmers Welfare Department,  
Haryana, Panchkula

Enclosed: As above

**Internal Distribution**

1. ADA(Ext.)/Addl.CC/ADA(G)
2. JDA(CC)/JDA(QC)
3. DDAFW (HQ)/MO/DDAFW(Agro)/DDAFW(Training)

CC: PA to DGAFW for information of DGAFW



## ORDER

The manufacturing, packaging/ labelling, supply, storage/ exhibition/ sale, price, quality, violations/offences, penalties in respect of fertilizers and insecticides are regulated under the Fertilizer (Control) Order 1985 (an Order promulgated under the Essential Commodities Act, 1955) and the Insecticides Act 1968/Insecticides Rules 1971 respectively.

Specific enabling provisions have been laid-down under the relevant Order/Act/Rules for taking administrative as well as criminal actions without prejudice to each-other, meaning thereby that both the actions can be taken simultaneously by the respective Notified Authorities and Licensing Officers within their respective jurisdiction.

Further, Sections 116, 119 and 218 of the Indian Penal Code specify the situation and penalties for Public Servants in case they are found to cause abetment of an offence or conceal which is their duty to prevent or frame incorrect record or writing. Thus, the duties cast upon the Public Servants also need to be performed in the right spirit.

Despite there being a well developed Quality Enforcement Machinery of the Department, the enforcement of the legal provisions has not been of the level that could lead to the desired results as per the spirit of these laws. Secondly, there have been some instances where manufacturing, supply and sale of these inputs has taken place in violation of the statutory provisions and the departmental machinery has failed to check the violations effectively. Fertilizers/insecticides with 'zero' percent active ingredients have also been reported in the State. Thirdly, conducting of regular raids/inspections at the level of district machinery is lacking. Fourthly, there is no internal vigilance mechanism in place, the department has to depend upon external sources of information. There is no point of interface/platform where a person can file a complaint regarding any unlawful activities being undertaken.

In the absence of the above mechanism, on the one hand, the farmer is the biggest sufferer and on the other hand, the department's mandate of ensuring good quality fertilizers/insecticides is getting defeated thereby bringing bad name to the Department.

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In order to streamline the things and to have an efficient system in place, a Vigilance Wing is hereby constituted with Joint Director (Quality Control) as the Nodal Officer. He shall be tasked with the following responsibilities:-

1. To share the office's landline No. 0172-2570662, Nodal Officer's Mobile No. 9416467533, e-mail Ids agriharyana2009@gmail.com and idaqc2017@gmail.com with the Crop Care Federation of India, New Delhi; Crop Life India, New Delhi and Haryana Pesticide Manufacturers Association to facilitate receipt of information on any violation/unauthorised manufacturing or sale of pesticides/fertilizers.
2. To secretly schedule atleast one raid every week through a team comprising either a senior officer from the Directorate or DDA from any district and DDA alongwith QCI/APPO/SDAO of the concerned district where raid would be conducted.
3. To take prior verbal approval of the Director General and to submit the report of every raid.

#### **Application of mind while taking action in case of violations**

The Notified Authorities/Licensing Officers are vested with the powers of taking action on finding the violations, but the powers need to be exercised with due application of mind and the action should be proportionate to the violation/offence committed by the defaulting firms/persons. The Notified Authorities/Licensing Officers are, therefore, advised to follow a practice to have effectiveness and uniformity in the action for various violations. Indicative actions viz-a-viz violations are as under:-

Sr. No.	Particulars of violation/offence	Indicative action against the manufacturers/dealers	Indicative action against DDA concerned
1	Sale/stock/exhibit without proper endorsement of PCs/ Authorities/ Form "O" in case of insecticides and fertilizers.	Immediate sale stop of the manufacturer, wholesaler, dealer. Suspension of the licence/ MOA in case he has submitted application for endorsement of PC/ Authority. Suspension would be revoked on rectification of the deficiency.	To make necessary endorsement of PCs/ Authorities within 3 days of receiving application failing which he shall be liable for departmental action for his deemed



			connivance with the violators.
2	In case of fertilizers - Product found to be sold as imitation [Clause 19(c)(ii)], sold under the name of fictitious/ non-existing company [Clause 19(c)(iv)], making false claims [Clause 19(c)(v)].	Cancellation of MOA and registration of FIR.	To take the action on the violation/offence failure thereof shall be construed as deemed connivance with the violators.
	In case of insecticides - Product where claim found false/ misleading [Section 3(k)(i)]; found to be sold as imitation [Section 3(k)(ii)].	Cancellation of Licence and directions to the manufacturer/supplier (whose brand/name/product imitated) to register FIR against the manufacturer/ supplier/ dealer concerned.	-do-
3	Without issuing receipt to the purchasers [Clause 5] of FCO 1985 and [Rule 15 of Insecticides Rules 1971]	Suspension of MOA/ Licence	-do-
4	Not maintaining the prescribed registers	Immediate sale stop and Suspension of MOA/ Licence till the deficiency is rectified.	-do-
5	Not submitting mandatory returns	Immediate sale stop and Suspension of MOA/ Licence till the deficiency is rectified.	-do-
6	Negligent conduct with respect to poisonous substance	FIR under Section 284 of IPC	-do-
7	Act negligently to endanger life or personal safety of others	FIR under Section 336 of IPC	-do-

The above violations/offences/actions are mere indicative. Duties and responsibilities of the Notified Authorities/ Licensing Officers in the Districts are laid-down under the Fertilizer (Control) Order 1985 and the Insecticides Act 1968/ Insecticides Rules 1971 which must be complied-with in letter and spirit.

*AB Joshi*

Dated: 13-08-2019

Director General Agriculture and Farmers Welfare Department, Haryana