

Pesticides Management Bill (PMB), 2020

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Indian Agriculture is on the cusp of revolution. The use of fertilisers, pesticides and their meaningful origin, usage, environmental assessment and suitability is a key concern in this regard.

In news:

- The Pesticides Management Bill (PMB), 2020 would be sent to a standing committee for further consultations with stakeholders.

Placing it in syllabus: Agriculture

Static dimensions:

1. Insecticides Act, 1968

Current dimensions:

1. Pesticides usage in India
2. Key features of the PMB
3. Pros and cons of PMB
4. What can be done?

Content:

Insecticides act, 1968:

- The Insecticides Act, 1968 regulated the import, manufacture, sale, transport, distribution and use of insecticides in order to prevent risk to human beings and animals.
- Many lacunae were found by the functionaries appointed under the Act during the implementation and endorsement

of its provisions.

- The Central Government made certain amendments in the Insecticides Act, 1968 and Rules 1971 through the **Insecticides (Amendment) Act, 1999.**

Provisions:

- **Exports are now explicitly included** within the ambit of the Act.
- The classification of **misbranded insecticides is divided into four categories:** (a) misbranded, (b) substandard, (c) spurious, and (d) duplicate.
- As per Section 9(3) of the Act, the **Certificate of Registration is valid for a period of 5 years** only and subject to re-registration after 5 years.
- The **Licensing Officer** can refuse or grant license, as the case may be and can stop the sale of a pesticide for 30 days.
- The **time limit for replying to the show cause notice** has been reduced from **28 days to 10 days** only.
- As under Section 24 (7), the test report of the **Central Insecticides Laboratory** is stated to be the conclusive evidence and he shall not be summoned by the court.
- In Rule 10(2), the **applicant for grant of renewal of a license to sell insecticide should have a minimum qualification of 10+2 with science or agriculture** as one of his subjects.

Pesticides usage in India:

- According to the committee on doubling farmers' income in India, the **farmer's crop yield losses range from 15 to 25% owing to the presence of weeds, pests, diseases and rodents.**
- But per hectare **pesticide use is much lower in India** in comparison with other countries.
- India uses a low average of 0.5 kg per ha of pesticide compared to 7.0 kg per ha in the USA, 2.5 kg in Europe,

- 12 kg in Japan and 6.6 kg in Korea.
- Pesticide industry in India heavily **depends on import of around 15 technical insecticides from China** (*Technical insecticides are an intermediate product used in the manufacture of commercial pesticides*)).
 - **According to a report by non-profit Pesticide Action Network (PAN)**, pesticide consumption across the country grew by 13.07 percent between 2014-15 and 2017-18.
 - Biopesticides accounted for only 10 per cent of the total pesticides consumed, on an average.
 - **Maharashtra consumed the most chemical pesticides** in India in the past five years, **followed by Uttar Pradesh (UP) and Punjab.**

Key features of the bill:

The Pesticide Management Bill, 2020 was introduced in Rajya Sabha on March 23, 2020.

1. The Bill defines a **pest as any species of animal, plant, or pathogenic agent that is unwanted, or injurious** to plants, humans, animals, and the environment. A **pesticide is any substance of chemical or biological origin intended for preventing or destroying any pest** in agriculture, industry, public health, pest control operations, or for ordinary use.
2. The central government will constitute the **Central Pesticides Board** to advise the central and state governments on scientific and technical matters arising under the Act.
3. Persons seeking to import or manufacture a pesticide for ordinary use, agriculture, industry, pest control, or public health, are required to obtain a **certificate of registration for the pesticide from the Registration Committee.**
4. The Committee will evaluate the information submitted about the pesticide on **factors such as safety, efficacy, necessity, end-use, risks, and availability of safer**

alternatives. It will not register a pesticide if the applicant submits false or misleading information.

5. A person seeking to manufacture, distribute, exhibit for sale, sell, or stock pesticides or undertake pest control operations is required to **obtain a licence from the Licensing Officer**, who may be appointed by the state government. **Licence is not required for selling or storing ordinary use pesticides** (intended for use only in households, offices, and similar premises).
6. A person's licence will be revoked if he is convicted of an offence under the Act.
7. The central government may constitute an **authority to regulate the fertilisers price** in a manner as it may prescribe.
8. The central and state governments may, by notification, **prohibit the distribution, sale, or use of a pesticide** or a specified batch in an area, up to a period of one year if – a) they pose a risk or can adversely impact human health, other living organisms, or the environment, b) they pose a barrier in international trade of agriculture commodities.
9. The central and state governments may appoint **pesticide inspectors** who can enter and search a premises or vehicle if he suspects commission of an offence or wants to check compliance and seize any document, material, or stock of pesticides.
10. The manufacturing, importing, distributing, selling, exhibiting for sale, transporting, storing, or undertaking pest control operations, without a licence or certificate is punishable with **imprisonment of up to three years, or a fine of up to Rs 40 lakh, or both.**

Pros and cons of the proposed bill:

Pros:

- The bill seeks to regulate the manufacture, import, sale, storage, distribution, use, and disposal of

pesticides, in order to ensure the availability of safe pesticides and minimise the risk to humans, animals, and environment.

- It provides a significant opportunity of reforming the agriculture sector by encouraging science-based solutions to problems faced by farmers and making agriculture more profitable and sustainable.
- The inadequacy of the 50-year-old insecticide law to meet the needs of multi-dimensional management and administration of pesticides is solved to some extent by the bill.
- Contains provisions of sufficient deterrence against violation, stricter penalty to safeguard farmer interests and mechanism to regulate pricing and disposal in an environmentally sound manner.
- The bill includes an important aspect stating that extremely and highly hazardous pesticides – considered Class I pesticides by the WHO due to acute toxicity, are to be used only after prescription.

Cons:

1. As per the technical committee of Crop Care Federation of India (CCFI), the Registration Committee in the PMB 2020 has powers to subjectively review the registration of a pesticide and then suspend, cancel or even ban its usage without any scientific evaluation. Such scenarios can disrupt Indian farmers' functioning and productivity.
2. Certain key recommendations made by **Ashok Dalwai Committee**, constituted in 2018, to promote domestic and indigenous industries and agricultural exports from India, are missing from the bill.
3. Wide and unfettered powers proposed for government authorities are likely to be misused, thereby hampering the regular availability of essential crop protection products for farmers.

4. The provisions of continuous review of registered pesticides with a threat to discontinue their production can seriously disrupt the supply chain of necessary crop protection products.
5. Pesticides continue to be advertised and promoted like consumer products, despite being deadly chemicals and the bill does not mention this issue.
6. The representatives or dealers are the last point of contact with farmers and are known to heavily influence pesticide use and the bill is silent on this issue.
7. The PMB lacks a provision for emergency usage approvals of pesticides during any pest-infestation emergency which might leave crops vulnerable to locust attacks.
8. Under PMB, importers are not required to register technical-grade pesticide in India before registering any of its formulations in the country. This results in unfair advantages for imported formulations that may contain unregulated, low-grade or expired technical-grade pesticides from unapproved sources.
9. The “**precautionary principle**” that deals with hazardous chemicals, especially if such chemicals are to be applied on food and feed crops is not mentioned in the bill.

What can be done?

- Pesticides should be regulated more like drugs, which are not advertised and cannot be promoted directly to the consumer.
- There should be emphasis on reduction of imports and reduced dependence on imported formulations.
- The registration process of pesticides should be made time-bound and online to make it transparent.
- The government should include the recommendations of NAAS and the Trust for Advancement of Agricultural Sciences (TAAS), which have been prepared after comprehensive consultations with all stakeholders.

- There needs to be adequate representation of stakeholders and experts from agro-ecology, environment, farmers, civil society, health and consumers in the Central Pesticide Board as well the registration committee.
- There should be an introduction of an independent oversight committee to review the decisions of the registration committee.
- Pesticides with no assessment of long-term safety and environmental impact should not be preferred for registration.

Mould your thought:

1. Critically analyse the Pesticides Management Bill (PMB), 2020.

Approach to the answer:

- Jot down the provisions
- Mention both pros and cons
- Give your opinion (what can be done)