

## Need for constructive debate on PMB

CropLife India welcomes the early introduction of the PMB. Before the Bill becomes an Act, it is essential to examine whether the proposed Bill addresses the critical needs of the Indian agriculture and farmers, and incorporates the learning of 45 years from the Insecticides Act, 1968 (implemented in 1972).

Indian farmers need far greater range of newer pesticides molecules to fight the battle against pests, diseases, weeds and other attacks. Out of 1175 molecules globally available, commercially only about 270 are registered in India. Of this only about 75 molecules and their combinations are currently being used to protect 140 million hectare of diverse Indian agricultural crops.

The major bottleneck is the lack of protection for regulatory data (PRD) for new innovations in India. In the interest of the farmers and to meet the ever changing needs of crops and pests, weeds and disease attacks, the molecules that are introduced in the country should get a minimum of five years data protection from the date of registration in India. This must be incorporated as a provision in the PMB. This will also be in line with best practices globally and as per the Parliamentary Standing Committee recommendations (2008-09).

There is a need to revisit the Offences and Punishment clause for Misbranded /Substandard and Spurious products. The draft PMB has made punishment more stringent. This ought to be revisited in view of the budget announcement on 1st February, 2020 (clause 82), which clearly recommended necessary amendments (Criminal to Civil procedure) for the Companies Act and other laws. The industry unanimously recommends decriminalization of the agro-input manufacturing sector, since it may be counterproductive and create a negative investment climate. There are many other provisions which would need comprehensive consultation with various stakeholders. It is therefore requested that in the interest of Indian agriculture and farming community, the Bill should be referred to a Select Committee of Parliament for detailed consultation with concerned stakeholders.



ABOUT THE AUTHOR

Asitava Sen is the Chief Executive Officer of CropLife India. He has earlier worked in leadership and senior advisory positions for various international and multinational organizations such as The World Bank Group, The World Economic Forum, Rabobank etc. CropLife India is an industry association of 16 R & D driven member crop science companies, jointly representing approximately 70% of crop protection market and responsible for 95% of the molecules introduced in the country so far. Website: [www.croplifeindia.org](http://www.croplifeindia.org)

required and when there is no option. Our National Agriculture Research system has developed many effective non-chemical solutions under organic and integrated management system. So all such pesticides which were registered without any data or incomplete bio-safety/effective tests or without the assessment of remaining of the highest limit (MRL) of all the molecules or other regulating conditions related to pesticides should be required to produce again all important missions (also need and option evaluation report). No pesticide should be allowed for registration which has been banned or its usage narrowed by two or more than two nations of the world.

6. Advertisement and higher sale movement of pesticides should be prohibited. Only those pesticides should be allowed for sale in any region which has been suggested by the local agriculture universities, because generally illiterate farmers depend upon the retailer's advice. Hence it is important to save the farmers from being misguided by the retailers of the pesticide companies. This is a question which impacts the economic interest of farmers, our health and also the

environment.

7. State Government Rights: State governments should be empowered to decide upon the grant of permission (or not) of the sale of pesticide in the respective area. They should also be empowered with enforcing a prohibition on the sale of pesticides. This right should not be bound for the period of one year only.

8. The clear definition of grants is important. Under the proposed Pesticide Management Bill, providing grants to affected people and establishment of a new fund is a welcome step. Affected people should be defined in such a way that the definition includes not only those people who are affected with the toxicity of the pesticide (where death is caused due to toxicity). The definition should also include those people where agricultural fertility of land is affected by the neighbour's agricultural pesticide, or whose domestic animals are affected with the toxicity of the pesticide. Those should be included in the definition of 'affected people'.

For this fund, money may be collected by making special cess on the sales of the

pesticide industry. In addition, for inefficient pesticides the provision of compensation should be made in this Act. Farmers should not be compelled to act under the Consumer Protection Act as the use of Consumer Protection Act is difficult for the illiterate farmers of the country.

9. Provision for Crime and penalty: In case of the violation of rules, under the prevailing law there is provision for penalty of Rs. 500 up to Rs 75,000; imprisonment of six months to 2 years, or both. Although in the new Bill, the penalty has been enhanced to Rs 25,000 to Rs 40 lakh, three years imprisonment or both are proposed. If someone is dies with the effect of pesticide, penalty of Rs. 10-50 lakh or 5 years imprisonment or both shall be imposed. This is a welcome step.

10. Safety instruments: The responsibility to provide individual safety instruments for pesticide users should rest with manufacturers or retailers. The same mechanism should also be applicable for the disposal of unused and expired pesticides. It is also essential that through this act, aerial spray of pesticides by drone or any other technique should be completely prohibited in India.