

THE INSECTICIDES ACT, 1968

(Act 46 of 1968, dt. 2-9-1968)

[As amended vide Noti. No. SO 2703(E), dt. 13-6-2025]

An Act to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matters connected therewith.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement

(1) This Act may be called the Insecticides Act, 1968.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States² and for different provisions of this Act.

2. Application of other laws not barred

The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

3. Definitions

In this Act, unless the context otherwise requires,—

(a) “animals” means animals useful to human beings and include fish and fowl, and such kinds of wild life as the Central Government may, by notification in the Official Gazette, specify, being kinds which in its opinion, it is desirable to protect or preserve;

(b) “Board” means the Central Insecticides Board constituted under section 4;

(c) “Central Insecticides Laboratory” means the Central Insecticides Laboratory established, or as the case may be, the institution specified under section 16;

(d) “import” means bringing into any place within the territories to which this Act extends from a place outside those territories;

(e) “insecticide” means—

(i) any substance specified in the Schedule; or

(ii) such other substances (including fungicides and weedicides) as the Central Government may, after consultation with the Board, by notification in the Official Gazette, include in the Schedule from time to time; or

(iii) any preparation containing any one or more of such substances;

(f) “Insecticide Analyst” means an insecticide analyst appointed under section 19;

1 Secs. 4, 7, 8 and 36 came into force on 1-3-1971, vide GSR 300, dt. 27-2-1971 and remaining provisions came into force on 1-8-1971 vide GSR 1108, dt. 28-7-1971.

2 Extended to the State of Sikkim vide SO 1039(E), dt. 2-12-1987.

- (g) "Insecticide Inspector" means an insecticide inspector appointed under section 20;
- (h) "label" means any written, printed or graphic matter on the immediate package and on every other covering in which the package is placed or packed and includes any written, printed or graphic matter accompanying the insecticide;
- (i) "licensing officer" means a licensing officer appointed under section 12;
- (j) "manufacture", in relation to any insecticide, includes—
 - (i) any process or part of a process for making, altering, finishing, packing, labelling, breaking up or otherwise treating or adopting any insecticide with a view to its sale, distribution or use but does not include the packing or breaking up of any insecticide in the ordinary course of retail business; and
 - (ii) any process by which a preparation containing an insecticide is formulated;
- (k) "misbranded"—an insecticide shall be deemed to be misbranded—
 - (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; or
 - (ii) if it is an imitation of, or is sold under the name of, another insecticide; or
 - (iii) if its label does not contain a warning or caution which may be necessary and sufficient, if complied with to prevent risk to human beings or animals; or
 - (iv) 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; or
 - (v) if it is not packed or labelled as required by or under this Act; or
 - (vi) if it is not registered in the manner required by or under this Act; or
 - (vii) if the label contains any reference to registration other than the registration number; or
 - (viii) 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;
- (l) "package" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper, or other thing in which an insecticide is placed or packed;
- (m) "premises" means any land, shop, stall or place where any insecticide is sold or manufactured or stored or used, and includes any vehicle carrying insecticides;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "registered", with its grammatical variations and cognate expressions, means registered under this Act;

- (p) “sale”, with its grammatical variations and cognate expressions, means the sale of any insecticide whether for cash or on credit and whether by wholesale or retail, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any insecticide and includes also an attempt to sell any such insecticide;
- (q) “State Government”, in relation to a Union territory, means the administrator thereof;
- (r) “worker” means a person employed under a contract of service or apprenticeship.

COMMENTS

Sec. 3(a)

Under s. 47 of the Indian Penal Code, 1860 [Section 2(2) of BNS, 2023 (45 of 2023)], the word “animal” denotes any living creature other than a human being. In law, animals are broadly classified into domestic and wild, and this classification affects the rights of property in them and the liability for their behaviour.

Sec. 3(b)

Under s. 4 of the Insecticides Act, the Central Government is empowered to constitute a Board called the Central Insecticides Board to advise the Central Government and State Governments on technical matters arising out of the administration of the Act and to carry out other functions assigned to the Board by or under the Act.

Sec. 3(c)

Sec. 16 empowers the Central Government by notification in the Official Gazette, to establish a Central Insecticides Laboratory under the control of Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act, provided that if the Central Government so directs by a notification in the Official Gazette, the functions of the Central Insecticides Laboratory shall, to such extent as may be specified in the notification, be carried out at any such institution as may be specified therein and thereupon the functions of the Director of the Central Insecticides Laboratory shall to the extent so specified, be exercised by the head of the institution.

Sec. 3(e)

Insecticides, pesticides, etc. are disinfectants and ‘disinfectants’ is defined in Webster Comprehensive Dictionary ‘as a substance used to disinfect or to destroy the germs of infectious and contagious diseases’. In the Concise Oxford Dictionary of Current English ‘disinfectant’ is defined as ‘a commercially produced chemical liquid that destroys germs’. In Encyclopaedia Britannica, Volume 4, it is explained to mean, ‘any substance, such as creosote or alcohol, applied to inanimate objects to kill micro-organisms. Disinfectants and antiseptics are alike in that both are germicidal, but antiseptics are applied primarily to living tissue. The ideal disinfectant would rapidly destroy bacteria, fungi, viruses, and protozoans, would not be corrosive to surgical instruments, and would not destroy or discolour materials on which it is used. It thus cannot be disputed that a disinfectant is also a killing agent.

‘Pesticide’ has been defined in Butterworths Medical Dictionary, Second Edition, as ‘a comprehensive word to include substances that will kill any form of pest, e.g., insects, rodents and bacteria’. The term ‘pesticide’ includes a large variety of compounds of diverse chemical nature and biological activity grouped together usually on the basis of what pests they are used to destroy or eliminate. Under the U S Federal Environment Pesticide Control Act, the term “pesticide” has been defined to include ‘(1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, insect, rodent, nematode, fungus, weed, other forms of terrestrial or aquatic plants or other forms of animal life e.g., viruses, bacteria, or other micro-organisms, which the administrator declares to be a pest and (2) any substance or mixture

of substances intended for use as a plant regulator, defoliant or desiccant [Pesticides in the Indian Environment, by P.K. Gupta p. 2].

A disinfectant which is used for killing may broadly be covered in the word 'pesticide'. Disinfectants may be of two types; one to disinfect and other to destroy the germs. The former, i.e., those products which are used as disinfectant for instance lavender etc. may not be covered in the expression 'pesticide'. But those products which are used for killing insects by use of substances such as high boiling tar acid have the same characteristics as 'pesticide'.

Sec. 3(f)

Sec. 19 of the Act empowers the Central Government or a State Government by notification in the official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticide Analysts for such areas and in respect of such insecticides or class of insecticides as may be specified in the notification, provided that no person who has any financial interest in the manufacture, import or sale of any insecticide, shall be so appointed.

Sec. 3(g)

Under s. 20, the Central Government or a State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticides Inspectors for such area as may be prescribed to be Insecticide Inspectors for such area as may be specified in the notification, provided that any person who does not possess the required qualifications may be so appointed only for the purposes of cls. (a) and (b) of sub-s. (1) of s. 21, provided further that no person who has any financial interest in the manufacture, import or sale of any insecticide shall be so appointed.

Every Insecticide Inspector shall be deemed to be a public servant within the meaning of s. 21 of the Indian Penal Code (45 of 1860) [Section 2(28) of BNS, 2023 (45 of 2023)], and shall be officially subordinate to such authority as the government appointing him may specify in this behalf.

Sec. 21 of the Indian Penal Code, 1860 does not define "public servant" but only enumerates the various functionaries who will be designated as public servants. A public servant is one who is to discharge some public duty. The absence of formal appointment is immaterial where a person is in actual possession of a situation as a public servant.

'Public servant' includes any public servant as defined in the Indian Penal Code (45 of 1860) [Section 2(28) of BNS, 2023 (45 of 2023)] and any servant of any local authority and any person engaged in any employment or class of employment which the State Government may, from time to time, declare to be employment or class of employment essential to the life of the community.

A public servant is one who is to discharge some public duty. The absence of formal appointment is immaterial where a person is in actual possession of a situation as a public servant.—*S.C. Pal v. J. Sharma Sarkar (1978) 2 Cal LJ 245*

Public servants are following : Chief Minister, Minister of a State, Officer-in-Charge of a police station. Pradhan of Gram Sabha, Members of Panchayat Adalat, Chief Officer of Panchayat, and the public prosecutors.

Following are not public servants: Headmaster, teachers, principals of aided schools, civil servants working on deputation with co-operative society, president and secretary of co-operative society, an M.L.A. and the Mukhias.

Sec. 3(h)

Label generally means anything appended to a larger writing, as a codicil; a narrow slip of paper or parchment affixed to a deed or writ in order to hold the appending seal. It is an affixation to or markings on a manufactured article, giving information as to its nature or quality, or the contents of a package or container, name of the maker, etc. It is an identification by inscription of the contents, ownership, etc.—*Graham v. Justice's Court of Colusa Judicial Tp., 20 Cal. App. 2d 328, 67 P. 2d 127, 128*

Sec. 3(i)

Under s. 12 of the Insecticides Act, the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be licensing officers for the purposes of this Act and define the areas in respect of which they shall exercise jurisdiction.

Sec. 3(j)

In Black's Law Dictionary, Fifth Edition, the word "manufacture" has been defined as, "the process or operation of making goods or any material produced by hand, by machinery or by other agency : any thing made from raw materials by hand, by machinery, or by art. The production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties or combinations, whether by hand, labour or machine". Thus by process of manufacture something is produced and brought into existence which is different from that, out of which it is made, in the sense that the thing produced is by itself a commercial commodity capable of being sold or supplied. The material from which the thing or product is manufactured may necessarily lose its identity or may become transformed into the basic or essential properties.

Sec. 3(k)

Misbranding means a false misleading labelling. Before terming an article as sub-standard or misbranded the toxicity level for any registered insecticide should be notified earlier under the Act. In the absence of any standard of toxicity level being prescribed, an insecticide cannot be held misbranded. And also in a case of a firm unless it is proved that the offence was committed with the consent and connivance of particular partner or partners, such partners cannot be prosecuted for the offence of misbranding.—*Madan Dangi v. State of Punjab 1987 Cri LJ. 138 (P&H), Valuri Srivarama Sastri v. State of A.P. (1981) 2 ALT 346 (AP)*.

Sec. 3(l)

'Package' means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which an article of food is placed or packed—*Prevention of Food Adulteration Act, 1954, s. 2(x)*.

'Package' means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which an insecticide is placed or packed.—*Sec. 3(l), Insecticides Act, 1968*

'Package' includes any case, box, container, covering, holder, receptacle, vessel, casket, bottle wrapper, label, band, ticket, reel, frame, capsule, cap, lid, stopper and cork.—*Sec. 2(l), Trade and Merchandise Marks Act, 1958*. According to Black's Law Dictionary, package is a bundle put up for transportation or commercial handling; a thing in form to become, as such, an article or merchandise or delivery from hand to hand. A parcel is a small package; "parcel" being the diminutive of "package".

Each of the words denotes a thing in form suitable for transportation or handling, or sale from hand to hand.—*Haley v. State, 42 Neb. 556, 60 N.W. 962, 47 Am. St. Rep 718, State v. Parsons, 124 Mo. 436, 27 S.W. 1102, 46 Am. St. Rep. 457*

Sec. 3(m)

The term "premises" is used in common parlance to signify land, with its appurtenances; but its usual and appropriate meaning in a conveyance is the interest or estate demised or granted by the deed.—*State v. French, 120 Ind. 229, 22 N.E. 108; Cooper v. Robinson, 302 Ill. 181, 134 N.E. 119, 120*. It is a distinct and definite locality, and may mean a room, shop, building, or other definite areas. The word 'premises' may sometimes means all the foreparts of the deed antecedent to the habendum, or it may mean the thing demised or granted by the deed.—*County Hotel & Wine Co. Ltd. v. London & North Western Ry. Co. (1978) 2 KB 251*.

'Premises' means any building or part of a building and includes—

- (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building;
- (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof.—*Requisitioning and Acquisition of Immovable Property Act, 1952, s. 2(e)*.

'Premises' includes any shop, stall or place where any article of food is sold or manufactured or stored for sale.—*Prevention of Food Adulteration Act, 1954, s. 2(xi)*.

'Premises' means any land or any building or part of a building and includes—

- (i) the garden, grounds and out-houses, if any appertaining to such building or part of a building, and
- (ii) any fittings fixed to such building or part of a building for the more beneficial enjoyment thereof.—*Public Premises (Eviction of Unauthorised Occupants) Act, 1971, s. 2(c)*.

Sec. 3(o)

The manner of registration of insecticides is provided under r. 6 of the Insecticides Rules, 1971, whereunder :

- (a) An application for registration of an insecticide under the Act shall be made in Form I and the said Form including the verification portion, shall be signed in case of an individual by the individual himself or a person duly authorised by him; in case of Hindu Undivided Family, by the Karta or any person duly authorised by him; in case of partnership firm by the managing partner; in case of a company, by any person duly authorised in that behalf by the board of directors; and in any other case by the person in-charge or responsible for the conduct of the business. Any change in members of Hindu Undivided Family or partners or the board of directors or the person in charge, as the case may be, shall be forthwith intimated to the Secretary, Central Insecticides Board and Registration Committee and the licensing officer.
- (b) The registration committee may, if necessary, direct inspection of the 'testing facility' for establishing the authenticity of the data.

An application form duly filled together with a treasury challan evidencing the payment of registration fees of rupees one hundred shall be sent to the Registration Committee, Insecticides Act, Department of Agriculture, Government of India, New Delhi.

The registration fee payable shall be paid by a demand draft drawn on the State Bank of India, Faridabad, in favour of the Accounts Officer, Directorate of Plant Protection, Quarantine and Storage, Faridabad, Haryana.

The certificate of registration shall be in Form II or Form II-A, as the case may be and shall be subject to such conditions as specified therein.

Sec. 3(p)

A contract between two parties, called, respectively, the "seller" (or vendor) and the "buyer," (or purchaser,) by which the former, in consideration of the payment or promise of payment of a certain price in money, transfers to the latter the title and the possession of property. A contract whereby property is transferred from one person to another for a consideration of value, implying the passing of the general and absolute title, as distinguished from a special interest falling short of complete ownership. An agreement by which one gives a thing for a price in current money, and the other gives the price in order to have the thing itself. Three circumstances concur to the perfection of the contract, to-wit, the thing sold, the price, and the consent. "Sale" consists of two separate and distinct elements: First, contract of sale which is completed when offer is made and accepted and, second, delivery of property which may precede, be accompanied by, or follow, payment of price as may have been agreed on between parties.—*Inland Refining Co. v. Langworthy, 112 Okl. 280, 240 P. 627, 629*. An essential element of a "sale" is the money price which must either be fixed by agreement or capable of being ascertained therefrom.—*Puryear-Meyer Grocer Co. v. Cardwell Bank, Mo. App., 4 S.W. 2d 489, 490*.

'Sale', with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of goods on the hire-purchase or other system of payment by instalments, but does not include a mortgage or hypothecation of or a charge or pledge on goods—*Central Sales Tax Act, 1956, s. 2(g)*.

'Sale' is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised—*Transfer of Property Act, 1882, s. 54*.

'Sale', with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use or for the analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale, of any such article and includes also an attempt to sell any such article.—*Prevention of Food Adulteration Act, 1954, s. 2(xiii)*.

'Sale' does not include sale for export across customs frontiers.—*Opium Act, 1878, s. 3*.

Where under a contract of sale the property in the goods is transferred from the seller to the buyer, the contract is called a sale, but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled, the contract is called an agreement to sell—*Sale of Goods Act, 1930, s. 4(3)*.

'Sale' means any transfer of property in goods for cash or deferred payment or other valuable consideration, including a transfer of property in goods involved in the execution of a works contract, but does not include a mortgage, hypothecation, charge or pledge.—*Vishnu Agencies v. Commercial Tax Officer 77 CWN 141*

Sale of Goods : 'Sale of goods' in Entry No. 48, List II of the Seventh Schedule of the Government of India Act, 1935, should bear the precise and definite meaning it has in law and that meaning should not be left to fluctuate with the definition of 'sale' in laws relating to sale of goods which might be in force for the time being.—*State of Madras v. Gannon Dunkerley & Co. AIR 1958 (SC) 560*

4. The Central Insecticides Board

(1) The Central Government shall, as soon as may be, constitute a Board to be called the Central Insecticides Board to advise the Central Government and State Governments on technical matters arising out of administration of this Act and to carry out the other functions assigned to the Board by or under this Act.

(2) The matters on which the Board may advise under sub-section (1) shall include matters relating to—

- (a) the risk to human beings or animals involved in the use of insecticides and the safety measures necessary to prevent such risk;
- (b) the manufacture, sale, storage, transport and distribution of insecticides with a view to ensure safety to human beings or animals.

(3) The Board shall consist of the following members, namely:—

- (i) the Director-General of Health Services, *ex officio*, who shall be Chairman;
- (ii) the Drugs Controller, India, *ex officio*;
- (iii) the Plant Protection Adviser to the Government of India, *ex officio*;
- (iv) the Director of Storage and Inspection, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), *ex officio*;
- (v) the Chief Adviser of Factories, *ex officio*;
- (vi) the Director, National Institute of Communicable Diseases, *ex officio*;
- (vii) the Director-General, Indian Council of Agricultural Research, *ex officio*;
- (viii) the Director-General, Indian Council of Medical Research, *ex officio*;

- (ix) the Director, Zoological Survey of India, *ex officio*;
- (x) the Director-General, Indian Standards Institution, *ex officio*;
- (xi) the Director-General of Shipping or, in his absence, the Deputy Director-General of Shipping, Ministry of Transport and Shipping, *ex officio*;
- (xii) the Joint Director, Traffic (General), Ministry of Railways (Railway Board), *ex officio*;
- (xiii) the Secretary, Central Committee for Food Standards, *ex officio*;
- ¹[(xiii-a) the Animal Husbandry Commissioner, Department of Agriculture, *ex officio*;
- (xiii-b) the Joint Commissioner (Fisheries), Department of Agriculture, *ex officio*;
- (xiii-c) the Deputy Inspector-General of Forests (Wild Life), Department of Agriculture, *ex officio*;
- (xiii-d) the Industrial Adviser (Chemicals), Directorate-General of Technical Development, *ex officio*;
- (xiv) one person to represent the Ministry of Petroleum and Chemicals, to be nominated by the Central Government;
- (xv) one pharmacologist to be nominated by the Central Government;
- (xvi) one medical toxicologist to be nominated by the Central Government;
- (xvii) one person who shall be in charge of the department dealing with public health in a State, to be nominated by the Central Government;
- (xviii) two persons who shall be Directors of Agriculture in States, to be nominated by the Central Government;
- (xix) four persons, one of whom shall be an expert in industrial health and occupational hazards, to be nominated by the Central Government;
- (xx) one person to represent the Council of Scientific and Industrial Research, to be nominated by the Central Government;
- ¹[(xxi) one ecologist to be nominated by the Central Government.]

(4) The persons nominated under clauses (xiv) to ²[(xxi)] inclusive of sub-section (3) shall, unless their seats become vacant earliest by resignation, death or otherwise, hold office for three years from the date of their nomination, but shall be eligible for re-nomination:

PROVIDED that the persons nominated under clauses (xvii) and (xviii) shall hold office only for so long as they hold the appointments by virtue of which their nominations were made.

³[(5) No act or proceeding of the Board, the Registration Committee or any committee appointed under section 6, shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board, the Registration Committee or such Committee, as the case may be.]

5. Registration Committee

(1) The Central Government shall constitute a Registration Committee consisting of a Chairman, and not more than five persons who shall be members of the Board

¹ Inserted by Act 24 of 1977, w.e.f. 2-8-1977.

² Substituted for "(xx)" by Act 24 of 1977, w.e.f. 2-8-1977.

³ Inserted by Act 24 of 1977, w.e.f. 2-8-1977.

(including the Drugs Controller, India and the Plant Protection Adviser to the Government of India)—

- (i) to register insecticides after scrutinising their formulae and verifying claims made by the importer or the manufacturer, as the case may be, as regards their efficacy and safety to human beings and animals; and
- (ii) to perform such other functions as are assigned to it by or under this Act.

(2) Where the Chairman is not a member of the Board, his term of office and other conditions of service shall be such as may be determined by the Central Government.

(3) Subject to the provisions of sub-section (2), a member of the Registration Committee shall hold office for so long as he is a member of the Board.

(4) The Committee may also co-opt such number of experts and for such purpose or period as it may deem fit, by any expert so co-opted shall have no right to vote.

(5) Registration Committee shall regulate its own procedure and the conduct of the business to be transacted by it.

6. Other Committees

The Board may appoint such committees as it deems fit and may appoint to them persons who are not members of the Board to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Board may impose, be delegated to them by the Board.

7. Procedure for Board

The Board may, subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the procedure of any committee thereof and the conduct of all business to be transacted by it or such committee.

8. Secretary and other officers

The Central Government shall—

- (i) appoint a person to be the Secretary of the Board who shall also function as Secretary to the Registration Committee; and
- (ii) provide the Board and the Registration Committee with such technical and other staff as the Central Government considers necessary.

9. Registration of insecticides

(1) Any person desiring to import or manufacture any insecticide may apply to the Registration Committee for the registration of such insecticide and there shall be separate application for each such insecticide:

PROVIDED that any person engaged in the business of import or manufacture of any insecticide immediately before the commencement of this section shall make an application to the Registration Committee within a period of ¹[seventeen months] from the date of such commencement for the registration of any insecticide which he has been importing or manufacturing before that date:

²[PROVIDED FURTHER that where any person referred to in the preceding proviso fails to make an application under that proviso within the period specified therein, he may make such application at any time thereafter on payment of a penalty of one hundred rupees for every month or part thereof after the expiry of such period for the registration of each such insecticide.]

¹ Substituted for "six months" by Act 46 of 1972, w.r.e.f. 8-8-1971.

² Inserted by Act 46 of 1972, w.r.e.f. 8-8-1971.

(2) Every application under sub-section (1) shall be made in such form and contain such particulars as may be prescribed.

(3) On receipt of any such application for the registration of an insecticide, the Committee may, after such enquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to the claims made by the importer or by the manufacturer, as the case may be, as regards the efficacy of the insecticide and its safety to human beings and animals, register¹ [on such conditions as may be specified by it] and on payment of such fee as may be prescribed, the insecticide, allot a registration number thereto and issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application:

PROVIDED that the Committee may, if it is unable within the said period to arrive at a decision on the basis of the materials placed before it, extend the period by a further period not exceeding six months:

PROVIDED FURTHER that if the Committee is of opinion that the precautions claimed by the applicant as being sufficient to ensure safety to human beings or animals are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the insecticide involves serious risk to human beings or animals, it may refuse to register the insecticide.

²[(3A) In the case of applications received by it prior to the 31st March, 1975, notwithstanding the expiry of the period specified in sub-section (3) for disposal of such applications, it shall be lawful and shall be deemed always to have been lawful for the Registration Committee to dispose of such applications at any time after such expiry but within a period of one year from the commencement of the Insecticides (Amendment) Act, 1977 (24 of 1977):

PROVIDED that nothing contained in this sub-section shall be deemed to make any contravention before the commencement of the Insecticides (Amendment) Act, 1977 (24 of 1977), of a condition of a certificate of registration granted before such commencement, an offence punishable under this Act.

(3B) Where the Registration Committee is of opinion that the insecticide is being introduced for the first time in India, it may, pending any enquiry, register it provisionally for a period of two years on such conditions as may be specified by it.

(3C) The Registration Committee may, having regard to the efficacy of the insecticide and its safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may for that purpose require the certificate-holder by notice in writing to deliver up the certificate to it within such time as may be specified in the notice.]

(4) Notwithstanding anything contained in the section, where an insecticide has been registered on the application of any person, any other person desiring to import or manufacture the insecticide or engaged in the business of, import or manufacture thereof, shall, on application and on payment of prescribed fee, be allotted a registration number and granted a certificate of registration in respect thereof on the same conditions on which the insecticide was originally registered.

1 Substituted for "on such conditions" by Act 24 of 1977, w.e.f. 2-8-1977.

2 Inserted by Act 24 of 1977, w.e.f. 2-8-1977.

10. Appeal against non-registration or cancellation

Any person aggrieved by a decision of the Registration Committee under section 9 may, within a period of thirty days from the date on which the decision is communicated to him, appeal in the prescribed manner and on payment of the prescribed fee to the Central Government whose decision thereon shall be final:

PROVIDED that the Central Government may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

11. Power of revision of Central Government

The Central Government may, at any time, call for the record relating to any case in which the Registration Committee has given a decision under section 9 for the purpose of satisfying itself as to the legality or propriety of any such decision and may pass any such order in relation thereto as it thinks fit:

PROVIDED that no such order shall be passed after the expiry of one year from the date of the decision:

PROVIDED FURTHER that the Central Government shall not pass any order prejudicial to any person unless that person has had a reasonable opportunity of showing cause against the proposed order.

12. Licensing officers

The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be licensing officers for the purposes of this Act and define the areas in respect of which they shall exercise jurisdiction.

13. Grant of licence

(1) Any person desiring to manufacture or to sell, stock or exhibit for sale or distribute any insecticide, ¹[or to undertake commercial pest control operations with the use of any insecticide] may make an application to the licensing officer for the grant of a licence:

PROVIDED that any person engaged in the business of manufacturing or selling, stocking or exhibiting for sale or distributing any insecticide immediately before the commencement of this section shall make an application to the licensing officer for the grant of a licence within a period of ²[seventeen months] from the date of such commencement:

¹[PROVIDED FURTHER that any person engaged in the commercial pest control operations immediately before the commencement of the Insecticides (Amendment) Act, 1977 (24 of 1977), shall make an application to the licensing officer for the grant of a licence within a period of six months from the commencement of the said Act.]

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

(3) On receipt of any such application for the grant of a licence, the licensing officer may grant a licence in such form, on such conditions and on payment of such fee as may be prescribed.

1 Inserted by Act 24 of 1977, w.e.f. 2-8-1977.

2 Substituted for "three months" by Act 46 of 1972, w.r.e.f. 1-8-1971.

(4) A licence granted under this section shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fee as may be prescribed :

PROVIDED that where a licence has been granted to any person who has made an application under ¹[the first proviso or, as the case may be, the second proviso] to sub-section (1), that licence shall be deemed to be cancelled in relation to any insecticide, the application for registration whereof has been refused or the registration whereof has been cancelled, under this Act, with effect from the date on which such refusal or cancellation is notified in the Official Gazette.

²[(5) In prescribed fees for the grant or renewal of licences under this section, different fees may be prescribed for the sale or distribution of insecticides for purposes of domestic use and for other purposes.]

14. Revocation, suspension and amendment of licences

(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

- (a) the licence granted under section 13 has been granted because of misrepresentation as to an essential fact; or
- (b) the holder of a licence has failed to comply with the conditions subject to which the licence was granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 13.

15. Appeal against the decision of a licensing officer

(1) Any person aggrieved by a decision of licensing officer under section 13 [except under the proviso to sub-section (4)] or section 14 may, within a period of thirty days from the date on which the decision is communicated to him, appeal to such authority in such manner and on payment of such fee as may be prescribed:

PROVIDED that the appellate authority may entertain an appeal after the expiry of the said period if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of showing cause, dispose of the appeal ordinarily within a period of six months and the decision of the appellate authority shall be final.

16. Central Insecticides Laboratory

The Central Government may, by notification in the Official Gazette, establish a Central Insecticides Laboratory under the control of a Director to be appointed by the Central Government to carry out the functions entrusted to it by or under this Act:

PROVIDED that if the Central Government so directs by a notification in the Official Gazette, the functions of the Central Insecticides Laboratory shall, to such extent as may be specified in the notification, be carried out at any such institution as may be specified therein and thereupon the functions of the Director of the Central Insecticides Laboratory shall to the extent so specified, be exercised by the head of the institution.

¹ Substituted for "the proviso" by Act 24 of 1977, w.e.f. 2-8-1977.

² Inserted by Act 24 of 1977, w.e.f. 2-8-1977.

COMMENTS

Vide GSR 166(E), dt. 12-3-2013, in exercise of the powers conferred by proviso to section 16 of the Insecticides Act, 1968 (46 of 1968), read with rule 5 of the Insecticides Rules, 1971, the Central Government hereby directs that the following functions of the Central Insecticides Laboratory in respect of bio-pesticides shall be carried out by National Institute of Plant Health Management, Hyderabad, namely:—

- (a) to analyse such samples of bio-pesticides sent to it under the Act by any officer or authority authorised by the Central or State Governments and submission of certificates of analysis to the concerned authority;
- (b) to analyse samples of bio-pesticides for chemical substances under the provisions of the Act;
- (c) to carry out such post-registration investigations as may be necessary for the purpose of ensuring the conditions of Registration of Pesticides;
- (d) to determine the efficacy and toxicity of registered bio-pesticides.

17. Prohibition of import and manufacture of certain insecticides

(1) No person shall, himself or by any person on his behalf, import or manufacture—

- (a) any misbranded insecticide;
- (b) any insecticide the sale, distribution or use of which is for the time being prohibited under section 27;
- (c) any insecticide except in accordance with the conditions on which it was registered;
- (d) any insecticide in contravention of any other provision of this Act or of any rule made thereunder:

PROVIDED that any person who has applied for registration of an insecticide¹[under any of the provisos] to sub-section (1) of section 9 may continue to import or manufacture any such insecticide and such insecticide shall not be deemed to be a misbranded insecticide within the meaning of sub-clause (vi) or sub-clause (vii) or sub-clause (viii) of clause (k) of section 3, until he has been informed by the Registration Committee of its decision to refuse to register the said insecticide.

(2) No person shall, himself or by any person on his behalf, manufacture any insecticide except under, and in accordance with the conditions of, a licence issued for such purpose under this Act.

COMMENTS

Import in this context means bringing into any place within the territories to which the Act extends from a place outside those territories. Sec. 27 relating to prohibition of sale, etc., of insecticides for reasons of public safety says that on receipt of a report of notification of poisoning under s. 26 or otherwise, the Central Government or the State Government is of opinion, for reasons to be recorded in writing, that the use of any insecticide specified in sub-cl. (iii) of cl. (e) of s. 3 or any specific batch thereof is likely to involve such risk to human beings or animals as to render it expedient or necessary to take immediate action then that government may, by notification in the Official Gazette, prohibit the sale, distribution or use of the insecticide or batch, in such area, to such extent and for such period (not exceeding sixty days) as may be specified in the notification pending investigation into the matter, provided that where the investigation is not completed within the said period, the Central Government or the State Government, as the case may be, may extend

¹ Substituted for "under the proviso" by Act 46 of 1972, w.r.e.f. 1-8-1971.

it by such further period or periods not exceeding thirty days in the aggregate as it may specify in a like manner.

If, as a result of its own investigation or on receipt of the report from the State Government and after consultation with the Registration Committee, the Central Government is satisfied that the use of the said insecticide or batch is or is not likely to cause any such risk, it may pass such order (including an order refusing to register the insecticide or cancelling the certificate of registration, if any, granted in respect thereof) as it deems fit, depending on the circumstances of the case.

18. Prohibition of sale, etc., of certain insecticides

(1) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale, distribute,¹[transport, use, or cause to be used] by any worker,—

- (a) any insecticide which is not registered under this Act;
- (b) any insecticide, the sale, distribution or use of which is for the time being prohibited under section 27;
- (c) any insecticide in contravention of any other provision of this Act or of any rule made thereunder.

(2) No person shall, himself or by any person on his behalf, sell, stock or exhibit for sale or distribute²[or use for commercial pest control operations] any insecticide except under, and in accordance with the conditions of, a licence issued for such purpose under this Act.

Explanation : For the purposes of this section an insecticide in respect of which any person has applied for a certificate of registration³[under any of the provisos] to sub-section (1) of section 9, shall be deemed to be registered till the date on which the refusal to register such insecticide is notified in the Official Gazette.

19. Insecticide analysts

The Central Government or a State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticide Analysts for such areas and in respect of such insecticides or class of insecticides as may be specified in the notification :

PROVIDED that no person who has any financial interest in the manufacture, import or sale of any insecticide, shall be so appointed.

20. Insecticide Inspectors

(1) The Central Government or a State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Insecticide Inspectors for such area as may be prescribed to be Insecticides Inspectors for such area as may be specified in the notification:

PROVIDED that any person who does not possess the required qualifications may be so appointed only for the purposes of clauses (a) and (d) of sub-section (1) of section 21:

PROVIDED FURTHER that no person who has any financial interest in the manufacture, import or sale of any insecticide shall be so appointed.

¹ Substituted for "transport or cause to be used" by Act 24 of 1977, w.e.f. 2-8-1977.

² Inserted by Act 24 of 1977, w.e.f. 2-8-1977.

³ Substituted for "under the proviso" by Act 46 of 1972, w.r.e.f. 1-8-1971.

(2) Every Insecticide Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860), and shall be officially subordinate to such authority as the government appointing him, may specify in this behalf.

21. Powers of insecticide inspectors

(1) An Insecticide Inspector shall have power—

- (a) to enter and search, at all reasonable times and with such assistance, if any, as he considers necessary, any premises in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed, or for the purpose of satisfying himself that the provisions of this Act or the rules made thereunder or the conditions of any certificate of registration or licence issued thereunder are being complied with;
- (b) to require the production of, and to inspect, examine and make copies of, or take extracts from, registers, records or other documents kept by a manufacturer, distributor, carrier, dealer or any other person in pursuance of the provisions of this Act or the rules made thereunder and seize the same, if he has reason to believe that all or any of them may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder;
- (c) to make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or the rules made thereunder are being complied with and for the purpose stop any vehicle;
- (d) to stop the distribution, sale or use of an insecticide which he has reason to believe is being distributed, sold or used in contravention of the provisions of this Act or the rules made thereunder, for a specified period not exceeding ¹[thirty] days, or unless the alleged contravention is such that the defect may be removed by the possessor of the insecticide, seize the stock of such insecticide;
- (e) to take samples of any insecticide and send such samples for analysis to the Insecticide Analyst for test in the prescribed manner; and
- (f) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the rules made thereunder.

²[(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.]

(3) An Insecticide Inspector may exercise the powers of a police officer under ³[section 42 of the Code of Criminal Procedure, 1973 (2 of 1974)], for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or insecticide is seized.

¹ Substituted for "twenty" by Insecticides (Amendment) Act, 2000, dt. 5-8-2000.

² Substituted by Act 24 of 1977, w.e.f. 2-8-1977.

³ Substituted for "section 57 of the Code of Criminal Procedure, 1898 (5 of 1898)" by Act 24 of 1977, w.e.f. 2-8-1977.

COMMENTS

Sec. 94 of the Code of Criminal Procedure, 1973 [Section 97 of BNSS, 2023 (46 of 2023)] providing for search of place suspected to contain stolen property, forged documents, etc., lays down that if a District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that any such objectionable article is deposited in any place, he may by warrant authorise any police officer above the rank of a constable—

- (a) to enter, with such assistance as may be required, such place,
- (b) to search the same in the manner specified in the warrant,
- (c) to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article to which this section applies,
- (d) to convey such property or article before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose of it in some place of safety,
- (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or production of any such property or article knowing or having reasonable cause to suspect it to be stolen property or, as the case may be, objectionable article to which this section applies.

The objectionable articles to which this section applies are—

- (a) counterfeit coin;
- (b) pieces of metal made in contravention of the Metal Tokens Act, 1889 (1 of 1889), or brought into India in contravention of any notification for the time being in force under section 11 of the Customs Act, 1962 (52 of 1962);
- (c) counterfeit currency note; counterfeit stamps;
- (d) forged documents;
- (e) false seals;
- (f) obscene objects referred to in section 292 of the Indian Penal Code, 1860 [Section 294 of BNS, 2023 (45 of 2023)];
- (g) instruments or materials used for the production of any of the articles mentioned in clauses (a) to (f).

The Magistrate issuing a search warrant performs judicial act; so, the Magistrate before issuing the search warrant has to see that the conditions prescribed in section 94 of the Code [Section 97 of BNSS, 2023 (46 of 2023)] are satisfied and to sustain an order under this section he has been empowered to hold an enquiry as he thinks necessary.

Under s. 42 of the Code [Section 39 of BNSS, 2023 (46 of 2023)] when any person, who, in the presence of a police officer, has committed or has been accused of committing a non-cognisable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so require, provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction. Sec. 42 authorises a police officer to assert a person under the conditions specified in the section and if none of the said conditions is satisfied, the said section is not attracted.

22. Procedure to be followed by Insecticide Inspectors

(1) Where an Insecticide Inspector seizes any record, register or document under clause (b) of sub-section (1) of section 21, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

(2) Where an Insecticide Inspector takes any action under clause (d) of sub-section (1) of section 21—

- (a) he shall use all despatch in ascertaining whether or not the insecticide or its sale, distribution or use contravenes any of the provisions of section 18 and if it is ascertained that the insecticide or its sale, distribution or use does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock seized;
- (b) if he seizes the stock of the insecticide he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;
- (c) without prejudice to the institution of any prosecution, if the alleged contravention be such that the defect may be remedied by the possessor of the insecticide, he shall, on being satisfied that the defect has been so remedied, forthwith revoke his order and in case where the Insecticide Inspector has seized the stock of insecticide, he shall, as soon as may be, inform a Magistrate and obtain his order as to the release thereof.

¹[(3) Where an Insecticide Inspector takes any sample of an insecticide, he shall issue a receipt therefor stating therein that the fair price of such sample shall be tendered if the sample, after test or analysis is not found to be misbranded and the Insecticide Analyst has reported to that effect and on such price having been tendered may require written acknowledgement therefor.]

(4) ²[xxx] where the Insecticide Inspector seizes the stock of any insecticide under clause (d) of sub-section (1) of section 21, he shall tender a receipt therefor in the prescribed form.

(5) Where an Insecticide Inspector takes a sample of an insecticide for the purpose of test or analysis, he shall intimate such purpose in writing in the prescribed form to the person from whom he takes it, and in the presence of such person unless he wilfully absents himself, shall divide the sample into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked:

PROVIDED that where the insecticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Insecticide Inspector may, and if the insecticide be such, that it is likely to deteriorate or be otherwise damaged by exposure shall take three of the said containers after suitably marking the same and, where necessary, sealing them.

(6) The Insecticide Inspector shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it and shall retain the remainder and dispose of the same as follows:

- (i) one portion or container, he shall forthwith send to the Insecticide Analyst for test or analysis; and

¹ Substituted by Insecticides (Amendment) Act, 2000, dt. 5-8-2000.

² Words "Where the price tendered under sub-section (3) is refused, or" omitted by Insecticides (Amendment) Act, 2000, dt. 5-8-2000.

- (ii) the second, he shall produce to the Court before which proceedings, if any, are instituted in respect of the insecticide.

COMMENTS

Under s. 21(1)(b) of the Act, an Insecticides Inspector shall have power to require the production of, and to inspect, examine and make copies of, or take extracts from, registers, records or other documents kept by a manufacturer, distributor, carrier, dealer or any other person in pursuance of the provisions of this Act or the rules made thereunder and seize the same, if he has reason to believe that all or any of them may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder. Clause (d) of s. 21(1) empowers the Inspector to stop the distribution, sale or use of an insecticide which he has reason to believe is being distributed, sold or used in contravention of the provisions of this Act or the rules made thereunder, for a specified period not exceeding twenty days, or unless the alleged contravention is such that the defect may be removed by the possessor of the insecticide, seize the stock of such insecticide.

23. Persons bound to disclose place where insecticides are manufactured or kept

Every person for the time being in charge of any premises where any insecticide is being manufactured or is kept for sale or distribution shall, on being required by an Insecticide Inspector so to do, be legally bound to disclose to the Insecticide Inspector the place where the insecticide is being manufactured or is kept, as the case may be.

24. Report of Insecticide Analyst

(1) The Insecticide Analyst to whom a sample of any insecticide has been submitted for test or analysis under sub-section (6) of section 22, shall, within a period of ¹[thirty] days, deliver to the Insecticide Inspector submitting it a signed report in duplicate in the prescribed form.

(2) The Insecticide Inspector on receipt thereof shall deliver one copy of the report to the person from whom the sample was taken and shall retain the other copy for use in any prosecution in respect of the sample.

(3) Any document purporting to be a report signed by an Insecticide Analyst shall be evidence of the facts stated therein, and such evidence shall be conclusive unless the person from whom the sample was taken has within twenty-eight days of the receipt of a copy of the report notified in writing the Insecticide Inspector or the Court before which any proceedings in respect of the sample are pending that he intends to adduce evidence in controversion of the report.

(4) Unless the sample has already been tested or analysed in the Central Insecticides Laboratory, where a person has under sub-section (3) notified his intention of adducing evidence in controversion of the Insecticide Analyst's report, the Court may, of its own motion or its discretion at the request either of the complainant or of the accused, cause the sample of the insecticide produced before the Magistrate under sub-section (6) of section 22 to be sent for test or analysis to the Laboratory, ²[which shall, within a period of thirty days, make the test or analysis] and report in writing signed by, or under the authority of, the Director of Central Insecticides Laboratory the result thereof, and such report shall be conclusive evidence of the facts stated therein.

(5) The cost of a test or analysis made by the Central Insecticides Laboratory under sub-section (4) shall be paid by the complainant or the accused as the Court shall direct.

¹ Substituted for "sixty" by Insecticides (Amendment) Act, 2000, dt. 5-8-2000.

² Substituted for "which shall make the test or analysis" by Insecticides (Amendment) Act, 2000, dt. 5-8-2000.

COMMENTS

Sec. 22(5) of the Act provides that where an Insecticide Inspector takes a sample of any insecticide for the purpose of test or analysis, he shall intimate such purpose in writing in the prescribed form to the person from whom he takes it, and in the presence of such person unless he wilfully absents himself, shall divide the sample into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portion so sealed and marked provided that where the insecticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Insecticide Inspector may, and if the insecticide be such, that it is likely to deteriorate or be otherwise damaged by exposure shall take three of the said containers after suitably marking the same and, where necessary, sealing them. Under sub-s. (6), the Insecticide Inspector shall restore one portion of a sample so divided or more one container, as the case may be, to the person from whom he takes it and shall retain the remainder and dispose of the same as follows:—

- (i) one portion or container, he shall forthwith send to the Insecticide Analyst for test or analysis; and
- (ii) the second, he shall produce to the court before which proceedings, if any, are instituted in respect of the insecticide.

25. Confiscation

(1) Where any person has been convicted under this Act for contravening any of the provisions of this Act or of the rules made thereunder, the stock of the insecticide in respect of which the contravention has been made shall be liable to confiscation.

(2) Without prejudice to the provisions contained in sub-section (1), where the Court is satisfied on the application of an Insecticide Inspector or otherwise and after such inquiry as may be necessary, that the insecticide is a misbranded insecticide, such insecticide shall be liable to confiscation.

COMMENTS

Confiscation means, to appropriate property to the use of the state or to adjudge property to be forfeited to the public treasury. It is a seizure and condemnation of forfeited property to public use. Formerly, it appears, this term was used as synonymous with "forfeit," but at present the distinction between the two terms is well marked. Confiscation supervenes upon forfeiture. The person, by his act, forfeits his property; the state thereupon appropriates it, that is, confiscates it. Hence, to confiscate property implies that it has first been forfeited; but to forfeit property does not necessarily imply that it will be confiscated.

"Confiscation" is to be distinguished from "condemnation" as prize. The former is the act of the sovereign against a rebellious subject; the latter is the act of a belligerent against another belligerent. Confiscation may be effected by such means, summary or arbitrary, as the sovereign, expressing its will through lawful channels, may please to adopt. Condemnation as prize can only be made in accordance with principles of law recognised in the common jurisprudence of the world. Both are preceding in rem, but confiscation recognises the title of the original owner to the property, while in prize the tenure of the property is qualified, provisional, and destitute of absolute ownership.—*Winchester v. U.S.*, 14 Ct. Cl. 48

Confiscation must be an act done in some way on the part of the government of the country where it takes place, and in some way beneficial to that government, though the proceeds may not, strictly speaking, be brought into its treasury.—*Stroud's Judicial Dictionary*, 5th Ed.

Confiscation is not synonymous with forfeiture. Confiscation is not a part of the sentence for an offence, but is only one of the modes by which courts can dispose of property which comes before it in criminal trials. Forfeiture unlike confiscation is not a mode of disposal of property coming before courts in criminal trials, but is an established form of punishment; it is recognised as such

in s. 53, Indian Penal Code.—*State of Kerala v. Mathai ILR (1961) 1 Ker. 374 : 1961 Ker LJ 15 : (1961) 1 Ker LR 223 : 1961 Ker LT 169*

26. Notification of poisoning

The State Government may, by notification in the Official Gazette, require any person or class of persons specified therein to report all occurrences of poisoning (through the use or handling of any insecticide) coming within his or their cognizance to such officer as may be specified in the said notification.

COMMENTS

Under section 26, the State Government may, by notification in the Official Gazette, require any person or class of persons specified therein to report all occurrences of poisoning (through the use or handling of any insecticide) coming within his or their cognizance to such officer as may be prescribed in the said notification.

27. Prohibition of sale, etc., of insecticide for reasons of public safety

(1) If, on receipt of a report under section 26 or otherwise, the Central Government or the State Government is of opinion, for reasons to be recorded in writing, that the use of any insecticide specified in ¹[xxx] clause (e) of section 3 or any specific batch thereof is likely to involve such risk to human beings or animals as to render it expedient or necessary to take immediate action then that Government may, by notification in the Official Gazette, prohibit the sale, distribution or use of the insecticide or batch, in such area, to such extent and for such period (not exceeding sixty days) as may be specified in the notification pending investigation into the matter:

PROVIDED that where the investigation is not completed within the said period, the Central Government or the State Government, as the case may be, may extend it by such further period or periods not exceeding thirty days in the aggregate as it may specify in a like manner.

(2) If, as a result of its own investigation or on receipt of the report from the State Government and after consultation with the Registration Committee, the Central Government is satisfied that the use of the said insecticide or batch is or is not likely to cause any such risk, it may pass such order (including an order refusing to register the insecticide or cancelling the certificate of registration, if any, granted in respect thereof), as it deems fit, depending on the circumstances of the case.

COMMENTS

Vide SO 2486(E), dt. 24-9-2014, the Central Government, after consultation with the Registration Committee, in exercise of the powers conferred under section 27(2) of the Act, has decided for deletion of crops as mentioned in column (3) of the Table below from the label and leaflets of the following insecticides mentioned in column (2) of the Table below for which MRLs have not been fixed:

ORDER

- (A) Label claim of the following insecticides for the crops mentioned against each insecticides shall be deleted from approved use with effect from the date of publication of this Order:—

¹ Words “sub-clause (iii) of” omitted by Insecticides (Amendment) Act, 2000, dt. 5-8-2000.

TABLE

<i>Sl. No.</i>	<i>Name of the insecticide</i>	<i>Names of crops to be deleted from approved usage</i>
(1)	(2)	(3)
1.	2, 4-Dichlorophenoxy acetic acid	Tea
2.	Anilophos	Soyabean
3.	Bitertanol	Apple, Tea
4.	Carbaryl	Red Gram
5.	Carbofuran	Cotton, Sweet pepper
6.	Chlorothalonil	Apple, Grapes, Chilli
7.	Chlorpyrifos	Moong, Mustard, Sugarcane
8.	Copper oxychloride	Cumin, Tea, Paddy
9.	Cypermethrin	Sugarcane
10.	Deltamethrin (Decamethrin)	Chick Pea
11.	Dichlorvos (DDVP)	Sugarcane
12.	Difenoconazole	Groundnut
13.	Diflubenzuron	Groundnut
14.	Dimethoate	Red Gram, Cotton, Groundnut
15.	Dinocap	Apple, Grapes, Beans, Okra, Peaches, Ber, Pea, Poppy, Chilli, Cumin, Fenugreek
16.	Endosulfan	Sorghum, Maize
17.	Fenarimol	Chilli, Pea
18.	Flusilazole	Grapes, Apple
19.	Malathion	Cotton, Groundnut, Mustard
20.	Mancozeb	Sugarbeat (Potato), Ginger
21.	Methyl parathion	Soyabean, Groundnut
22.	Monocrotophos	Bengalgram, Castor, Mustard
23.	Oxydemeton-methyl	Citrus (Acid Lime)
24.	Permethrin	Okra, Cauliflower, Citrus
25.	Phenthoate	Green Gram, Black Gram, Cotton, Cardamom
26.	Phosalone	Paddy, Cotton, Groundnut, Cardamom, Bhindi, Chilli
27.	Phosphamidon	Mustard
28.	Profenophos	Tea
29.	Propiconazole	Banana, Coffee
30.	Quinalphos	Sugarcane, Brinjal, Onion, Mango, Coffee, Cabbage
31.	Thiophanate-methyl	Wheat, Cucurbit, Pigeonpea