

THE INSECTICIDES ACT, 1968

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THE INSECTICIDES ACT, 1968

ACT NO. 46 OF 1968

[2nd September, 1968.]

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 States 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 includes 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 opinions, 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;

(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

1. 1st March, 1971, *vide* notification No. G.S.R. 300, dated 27th February, 1971, in respect of ss. 4, 7, 8 and 36, *see* Gazette of India, Extraordinary, Part II, sec. 3(i).

1st August, 1971, *vide* notification No. G.S.R. 1108, dated the 28th July, 1971, in respect of remaining provisions *see* Gazette of India, Extraordinary, Part II, sec. 3(i).

- (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 insecticide;
- (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.

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 the 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 the 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[(xiiia) the Animal Husbandry Commissioner, Department of Agriculture, *ex officio*;
- (xiiib) the Joint Commissioner (Fisheries), Department of Agriculture, *ex officio*;
- (xiiic) the Deputy Inspector General of Forests (Wild Life), Department of Agriculture, *ex officio*;
- (xiiid) 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 earlier 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.

1. Ins. by Act 24 of 1977, s. 2 (w.e.f. 2-8-1977).

2. Subs. by s. 2, *ibid.*, for “(xx)” (w.e.f. 2-8-1977).