

No. TQ (2) 29567/17

Directorate of Agriculture Development
and Farmers Welfare Department
Thiruvananthapuram. Date: 13. 12. 2017

CIRCULAR

Sub: State Enforcement Cell - Enforcement of Quality of Fertilizers - Streamlining the Procedures for Follow up actions on Reports of Non- Standard Samples- Reg:

Ref: GO(Rt). No. 911/17/AD Dated 23.09.2017

Government vide order cited have accorded administrative sanction for the Constitution of a Quality Control Enforcement Wing under the Department of Agriculture Development and Farmers' Welfare, primarily for enforcing the statutory regulations and quality control on seeds, fertilizers and pesticides.

Apart from the fact that Quality Control of fertilizers and pesticides is a mandatory requirement as per the Fertilizer Control Order 1985 and the Insecticide Act, it is also one of the major services offered to the farming community by the Agriculture Department. Hence timely drawal and analysis of fertilizer samples and follow up actions on non-standard reports are of paramount importance.

Necessary instructions had been issued earlier for strictly keeping the timeline on the follow up actions on the non-standard reports on analysis of fertilizer samples. Despite this, huge delay is occurring in the finalization of penal action against the defaulters and thereby the economic benefit due to the quality control programme is delayed or even denied to farmers. Often a number of litigations on public interest are arising out of non-compliance of the enforcement provisions of the Fertilizer Control Order or Insecticide Act.

In the circumstances, the following guidelines are further issued on the follow up actions on non-standard reports of fertilizer samples quality analysis, for strict compliance.

1. The Deputy Directors of Agriculture in charge of the Fertilizer Quality Control Laboratories should ensure that the Fertilizer Samples are analysed and results sent within the stipulated time schedule.
2. In case of non-standard reports on quality analysis, Deputy Director of Agriculture in charge of the laboratory should send the analysis reports to the Fertilizer Inspector who have drawn the sample, the Deputy Director of Agriculture (E&T) of the District concerned and the Director of Agriculture within 2 days (*both hard and soft copies.*)

3. Upon receipt of the non-standard report from the laboratory, the DDA (E&T) should closely monitor and follow up all the actions of the Fertilizer Inspector and should ensure that the time-line suggested on various actions is strictly complied with.
4. On receipt of the Non-Standard Report, the Fertilizer Inspector should directly submit the **PRELIMINARY REPORT** in the prescribed proforma (*both hard and soft copies.*) to the Director of Agriculture within 5 days, with copy to the Deputy Director of Agriculture (E&T) and to the immediate Controlling Officer. (*Proforma attached*)
5. The Deputy Directors of Agriculture (E&T) are not required to forward the Preliminary Report to the Director, but should ensure that the Fertilizer Inspector send the preliminary report to the Director within the stipulated time.
6. On receipt of the Non-Standard Report, the Fertilizer Inspector should immediately issue **Stop Sale Memo** (*on the concerned batch / lot as the case be*) to the dealer or distributor or manufacturer from whom the sample has been drawn. Also the Fertilizer / Insecticide Inspector should issue show cause notice to the dealer, distributor and the manufacturer. (*both within 2 days*). The Deputy Directors of Agriculture (E&T) of the district concerned shall be at their discretion to issue Stop Sale Memo in the entire district immediately on receipt of the Non-Standard Report depending on the severity of the report.
7. On receipt of the **PRELIMINARY REPORT** from the Fertilizer Inspector, the State Enforcement Cell shall issue necessary direction to the District Enforcement Cell in all the Districts to issue Stop Sale Memo to all dealers on the non-standard stock.
8. The reply to the explanation from the dealer, distributor and the manufacturer should be obtained by the Fertilizer Inspector who has drawn the sample **within a week** and it should be sent to the Deputy Director of Agriculture (E&T) with copy to the Director of Agriculture **within 14 days** from the date of receipt of the non-standard report. (*Once the District Enforcement Cell become fully functional, the responsibility of issuing show cause notices and obtaining explanations from the delaeer / distributor / manufacturer shall be vested with the District Enforcement Cell.*)
9. The DDA (E&T) should forward the explanations from the dealer, distributor and manufacturer to the Director of Agriculture with specific remarks **within 21 days** of receipt from the date of receipt of the non-standard report.
10. The non-standard fertilizer can be disposed off as per provisions of the FCO **without awaiting** for the decision from the State Registering Authority / State Enforcement Cell regarding the penal action on the non-standard report, provided there is no pending request for Referee Analysis. For disposing the remaining stock of the non-standard fertilizer, the party (*dealer / distributor / manufacturer as the case may be*) should submit

an application through the Fertilizer Inspector to the Deputy Director of Agriculture (E&T) in FORM H. The Deputy Director of Agriculture (E&T) shall fix the sale price of the fertilizer and issue the Certificate of Authorisation in FORM I with specific direction to the effect that the non-standard fertilizer should only be sold to manufacturers of fertilizer mixtures or Govt Research Farms or Universities or such bodies. (There is no need to forward any such application to the Director of Agriculture for approval / price fixation.)

11. The price of non-standard fertilizers should be fixed in such a way that the standard price is adjusted to the percentage of ingredient present in the non-standard fertilizer. eg; in case of Urea (with 46% N), the unit rate of standard fertilizer shall be first obtained by dividing the standard price by 46. This unit standard price when multiplied by the available N% in the non-standard fertilizer shall provide the adjusted price. In case a 18:18:18 mixture reported to contain only 18:15:12, the unit price of the standard fertilizer shall be obtained by dividing the normal price by 54 and the adjusted price for the non-standard fertilizer (18:15:12) shall be obtained by multiplying the unit price by 45.
12. The decision on the penal action if any on the non-standard report of the fertilizer shall be made by the State Registering Authority / the State Enforcement Cell not more than 45 days of receipt of the non-standard report. This decision shall be communicated to the District Enforcement Cell in all the districts and action thereof should be initiated forthwith. No prosecution procedure should be initiated by the Fertilizer Inspector without getting the formal consent from the Director of Agriculture.
13. In cases the penal action on the non-standard report is decided as a strict WARNING, recurrent quality inspections in the concerned unit / units (manufacture / distribution/ retail) shall be conducted by the DDA(E&T) and ADA (QC) and subsequent QC sampling should be undertaken by the Fertilizer Inspectors.
14. If the penal action on the non-standard sample report is decided as "SUSPENSION OF REGISTRATION OF MANUFACTURING CERTIFICATE", in such cases recurrent inspection in the manufacturing premise should be carried out by the DDA(E&T), ADA (QC) and the Fertilizer Inspector during the suspension period and the DDA (E&T) should furnish a report by the end of the suspension period on the compliance of the penal action. Quality inspection and sampling should be continued in such units on a regular basis.
15. In case of non-standard reports from GoI, immediate action should be initiated by the District Enforcement Cell in all the districts. STOP SALE MEMO should be issued forthwith if balance stock of the reported fertilizer is available.

16. Any person aggrieved by the the analysis report of the fertilizer testing laboratories, if wishes to appeal to the Appellate Authority (Director of Agriculture) for reference analysis of the sample, the appeal should be filed within 30 days from the date of receipt of the analysis report. No application received after this period will normally be reviewed / considered.
17. Any person aggrieved by the decision of the State Registering Authority on the penal action can also appeal to the Appellate Authority (Director of Agriculture); and in such cases, the appeal should be made within 30 days from the date of effect of the order.

The Deputy Directors of Agriculture (E&T) in charge of the District Enforcement Cell shall be responsible for any lapse in the compliance of the above guidelines. The Principal Agricultural Officers will monitor the cases of non-standard reports and follow up activities in the districts Every month. The content of this circular should be brought to the notice of all the Fertilizer Inspectors in the districts.

Sd/-
Director of Agriculture



JANARDHANAN. S
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To

- All Principal Agricultural Officers
- All Deputy Directors of Agriculture (E&T)
- Deputy Directors of Agriculture (SPTL, FQCLs and BOQCL)
- All Assnt Directors of Agriculture (QC)
- CA to Additional Director of Agriculture (CP)
- TA to Director of Agriculture

Copy to

IT Cell for Publication in the Department Website (QC Folder)

Fertilizer Quality Control Preliminary Report on Non Standard Fertilizer

1	Laboratory Reference No.	
2	Name of Fertilizer / Fertilizer Mixture	
3	Name and Address of the Dealer <i>(Not applicable in case sample drawn from Distributor / Manufacturer)</i>	
4	Name and Address of the Distributor <i>(Not applicable in case sample drawn from Manufacture premise)</i>	
5	Name and Address of the Manufacturer	
6	Date of Sampling	
7	Balance Stock at the time of drawal of sample	
8	Date of Receipt of Analysis Report	
9	Date of verification of balance stock on receipt of the analytical report	
10	Stock balance found	
11	Whether the stock balance has been seized / frozen <i>(specify the action taken)</i>	
12	Whether action taken for disposal of the Non-standard stock as provided under Clause 23 of FCO 1985	
13	Whether any action as per Clause 31 of FCO is recommended	
14	No & Validity of the Registration Certificate of the Dealer / Distributor / Manufacturer from which sample drawn	
15	Name and Address of the Registering Authority	
16	Name and Address of the Fertilizer Inspector	

Date:

Signature & Designation of the Fertilizer Inspector