

No. TQ (1)20682/17

Directorate of Agriculture Development
and Farmers Welfare Department
Thiruvananthapuram, Date: 09.10. 2017

CIRCULAR

Sub: Constitution of Enforcement Wing under the Department of Agriculture Development and Farmers' Welfare to enforce the Statutory Regulations and Quality Control on Fertilizers, Pesticides and Seeds -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. Establishing the Enforcement Wing is primarily intended for enforcing the statutory regulations and quality control on seeds, fertilizers and pesticides.

The Central Government have enacted various Acts and Rules to regulate the quality of seeds, fertilizers and pesticides which are the primary inputs in agricultural production and State Governments are required to fully comply with the statutory provisions of these Acts and the Rules / Orders made thereunder. Kerala State have complied to all formal requirements of the Central Acts, Rules and Orders for establishing and notifying the enforcement mechanism on aspects of Certification, Registration, Licensing and Quality Assurance of seeds, fertilizers and pesticides.

Department of Agriculture Development and Farmers' Welfare is the Government agency authorized and empowered to enforce the regulations on seeds, fertilizers and pesticides in Kerala. Though the Department Officers have been designated and notified to undertake various enforcement activities, no separate enforcement wing is in existence in the department for exclusively performing the Quality Control/Enforcement functions. Hence it is felt that the present mechanism on Certification, Registration and Quality Assurance is quite inadequate for strictly enforcing the provisions of the respective Acts, Rules and Orders for regulating the production, distribution, movement and supply of seeds, fertilizers and pesticides and their quality control. It is also felt that there is no convergence of enforcement activities in ensuring quality products and services to farmers relating to these inputs due to lack of proper co-ordination among related functionaries. The present system is also ineffective in providing adequate legal / administrative support to our field level officers on related matters. Constitution of an Enforcement Wing has been necessitated under the above circumstances.

Functions of the Enforcement Wing

The Enforcement Wing under the Department of Agriculture Development and Farmers' Welfare shall be responsible for co-ordinating all the mandatory functions under the respective Acts, Rules and Orders on seeds, fertilizers and pesticides and all related activities. This will include the mandatory functions under the Seed Act, 1966 (*also Seed Rules, 1968 and the Seed Control Order, 1983*), Fertilizer (Control) Order 1985 (*also Fertilizer (Movement Control) Order, 1973*) framed by the Central Government under Section 10 of the Essential Commodities Act, 1955 and the Insecticides Act, 1968 (*also Insecticides Rules, 1971*). The Enforcement Wing has been constituted to give more focus on the following vital functions on Certification, Registration, Licensing and Quality Assurance of Seeds, Fertilizers and Pesticides.

A. Seeds and Planting Materials

- a. To ensure an effective mechanism for certification, distribution, movement and supply of seeds with more Government control on seed production, seed business, use of hybrid seed etc.
- b. To strengthen the quality enforcement mechanism of seeds / planting materials as large number of private entrepreneurs are involved in the seed business in the State.
- c. To strengthen the quality assurance of seeds / planting materials produced in the departmental farms and by other Government agencies.
- d. To develop a Certification / Registration procedure for all private nurseries involved in the import, production, distribution and sale of planting materials including import of plants.
- e. To strengthen the Plant Quarantine services in the State, as large quantities of seeds / planting materials are imported / moved into the State.

B. Fertilizers, Organic Manures and Other Bio-products

- a. To ensure stringent measures for regulating the movement, distribution and sale of de-controlled and subsidised fertilizers mainly urea suspected to be diverted for non - agricultural purposes.
- b. To strengthen the quality assurance of imported fertilizers and fertilizers transported from other states reaching our ports / rail rakes by ensuring timely quality inspection, sampling and sample analysis.
- c. To strengthen quality enforcement in the manufacturing units involved in the manufacture of fertilizer mixtures and organic manures
- d. To establish a mechanism for standardization of indigenously made organic manures and bio-fertilizers
- e. To establish stringent regulatory / monitoring system for regulating the production, distribution, sale and use of spurious / harmful organic products.

C. Pesticides, Organic Pesticides and other Bio products

- a. To adopt strict measures for curbing the indiscriminate use of chemical pesticides in Kerala Agriculture.
- b. To prevent the entry of banned pesticides from other states through unlawful means.
- c. To establish a more vigilant enforcement machinery to prevent the use of banned / restricted pesticides in large private farms, estates etc which normally go unnoticed by the Department Officers.
- d. To ensure measures for enforcing the sale of restricted pesticides, only with the prescription of Agricultural Officers.
- e. To prevent the sale of pesticides through unauthorised shops and prevent direct supply of pesticides to farmers or farmer organizations.
- f. To bring under the enforcement umbrella, the manufacture and distribution of hazardous household pesticides and regulate their sale through the retail outlets along with consumable articles.
- g. To regulate the influx of organic bio-pesticides marketed as pesticides without any CIB (Central Insecticide Board) Registration.

Structure and Functioning of the Enforcement Wing

The structure and functioning of the Enforcement Wing under the Department of Agriculture Development and Farmers' Welfare shall be decided by the Government of Kerala in due course. Required manpower shall also be decided by the Government. Until then, the Enforcement Wing shall function in the following structural mode.

a. State Enforcement Cell

The Enforcement Cell at the Directorate shall function under the Additional Director of Agriculture (CP). He will be supported by the Joint Director of Agriculture (Plant Protection), Plant Protection Officer and all the Assistant Directors of Agriculture, Technical Assistants and other Staff of the Headquarters coming under the sections dealing with seeds, fertilizers and pesticides.

b. District Enforcement Cell

There will be a District Enforcement Cell at the Principal Agricultural Office in every district under the control of the Deputy Director of Agriculture (E&T). The team shall comprise of the Assistant Director of Agriculture (Quality Control) in charge of the district and the administrative staff under the disposal of the Deputy Director of Agriculture (E&T).

The activities of the State Vigilance Squad, Regional Vigilance Squad, District Vigilance Committee, State / District Registration Authority, State / District Licensing Officer, Regional Quality Control Assistant Directors, Seed Inspectors, Fertilizer Inspectors, Insecticide Inspectors etc. shall be co-ordinated and monitored by the Enforcement Wing. The notified designatories under the various Acts, Rules and Orders shall continue to function as such until further modifications are made by the Government. The Enforcement Wing shall also be responsible for the implementation of the State scheme on Enforcement for Certification, Registration, Licensing and Quality Control of Seeds, Fertilizers and Pesticides.

To

All Principal Agricultural Officers / Project Directors (ATMA)
All Deputy Directors of Agriculture (E&T)
Deputy Director of Agriculture, FQCLs, BOQCL and SPTL
All Technical Sections of the Department
CA to all Additional Directors of Agriculture
CA to Senior Administrative Officer
CA / TA to Director of Agriculture

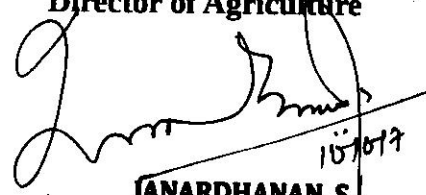
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Agriculture Production Commissioner
PS to Minister for Agriculture

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IT Cell for publication in the Department Website.

Sd/
Director of Agriculture


18/10/19
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