

No. 30/XXXVI(3)/2020/64(1)/2019
Dated Dehradun, January 20, 2020

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand Organic Agriculture Act, 2019' (Act No. 08 of 2020).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 16 January, 2020.

The Uttarakhand Organic Agriculture Act, 2019

(Uttarakhand Act No. 08 of 2020)

AN

ACT

To promote the organic farming, in the State and to regulate the sale of Chemical and Synthetic Fertilizers, Pesticides, Herbicides, Veterinary Drugs, Live stock feed etc. in the State and to provide facilitation of the ancillary matters related therein,

Be it enacted by the Uttarakhand State Legislative Assembly in the seventieth year of the Republic of India as follows:-

Chapter-1

Preliminary

Short Title, extent and commencement

(1) This Act may be called the Uttarakhand Organic Agriculture Act, 2019

(2) The provisions of section 3, 4, 5 and 7 of this Act shall extend to such area as the State Government may by notification specify. Remaining provisions of the Act shall extend to whole of the State of Uttarakhand. The State Government may, by notification, extend or reduce the notified area.

(3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,-

(a) "Government" means the government of the State of Uttarakhand;

- (b) "Organic agriculture" means a system of farm design and management to create an eco system, which may achieve sustainable productivity without the use of artificial external inputs such as chemical, fertilizers and pesticides and it also includes all agricultural crops (food grains, millets, oilseeds, pulses etc), horticultural crops (fruits, vegetables etc), aromatic & medicinal plants, non timber forest produce, animal husbandry, fisheries, sericulture, apiculture etc.;
- (c) "Producer Group" means such group of producers who intend to produce organic products or engage in organic processes in accordance with the National Standards of Organic Production;
- (d) "National Standards for Organic Production" (NSOP) means the National Standards determined by the Ministry of Commerce and Industry, Government of India for Organic Agriculture, harvesting, production, processing and trading of organic products;
- (e) "Livestock" means any domestic or pet animal which also includes bovine (including buffalo and bison), porcine, goats, equine, poultry, fisheries and bees for food or for the production of food;
- (f) "Veterinary drugs" means any drug applied or administered on food producing animals as meat or milk producing animals, chickens fishes or honeybees even though it is used for therapeutic, prophylactic or diagnostic purposes or for modification of physical function or behavior;
- (g) "Regulatory Authority" means the authority designated for grant of license for sale /distribution of pesticides, fertilizers, veterinary drugs etc. regulated under this Act or the rules made thereunder;
- (h) "Prohibited Livestock Feed" means any livestock feedstuff prepared by using chemical solvents or chemical treatment shall be deemed to be prohibited Livestock feed.
- (i) "Farm unit" means such agricultural farm, area or production unit which are managed organically, by a farmer or a group of farmers.
- (j) "Certification Body" means such body which execute certification and inspection services as per the National Accreditation policy and program;

- (k) "Certification" means the procedure by which the certification body it ensures in written that the clearly identified production or processing system has been methodically assessed and it conforms to the specified requirements;
- (l) "Inputs" means such items which are categorized as "inputs prohibited", "inputs permitted" and "inputs restricted" for use in organic farming;
- (m) "Inputs Prohibited" means such items the use of which is prohibited in organic farming;
- (n) "Inputs Permitted" means such items which may be used in organic farming;
- (o) "Inputs Restricted" means such items that are allowed in organic farming in a restricted manner after a careful assessment of contamination risk, natural imbalance and other factors arising out of their use;
- (p) "Green Manure" means manure of fresh green plant which is ploughed in or turned in to the soil for the purpose of soil improvement;
- (q) "Organic seed & Planting material" means such seed and planting material which is produced under certified organic system;
- (r) "Authority" means the Agriculture and Processed Food Products Export Development Authority (APEDA);
- (s) "Prescribed" means prescribed by rules made under this Act.

Chapter-2

License and Prohibition on sale of restricted synthetic fertilizers, pesticides etc.

Prohibition on
licence for sale of
chemical and
synthetic fertilizers,
pesticides and
herbicides

3. (1) Regulatory authority shall not grant any new license for sale of chemical and synthetic fertilizers, pesticides and herbicides etc. in the notified area of the State which are prohibited in the list of products in Appendix 1 and 2 of Chapter 3 of National Standard of Organic Production (NSOP) notified by the Authority.
- (2) The Regulatory authority shall cancel all such existing issued licenses in the notified area of the state with immediate effect.
- (3) No person shall either himself sell chemical and synthetic fertilizers, pesticides and herbicides or cause such sale through any medium in the notified area of the State.

- Prohibition on licensing for sale of veterinary drugs.**
4. (1) Regulatory authority shall not grant any new license for sale of veterinary drugs in the State which is prohibited in the guidelines of the Authority (APEDA);
- (2) The Regulatory authority shall cancel all such existing issued licenses with immediate effect in the notified area of the State.
- (3) No person shall either himself sell the veterinary drugs or cause such sale through any medium in the notified area of State.
- Prohibition on sale of prohibited livestock feed and drugs**
5. (1) Regulatory authority shall not grant any new license for sale of prohibited livestock feed in the notified area of the State which is prohibited under guidelines of the Authority (APEDA).
- (2) The Regulatory authority shall cancel all such existing issued licenses in the notified area of the state with immediate effect.
- (3) No person shall either himself sell any prohibited livestock feed or cause such sale through any medium in the notified area of the State.

Chapter-3

Method of Organic certification

- Documents required to be maintained by farmers for the organic certification of their land**
6. (1) In order to get their organic produce organically certified, the farmer shall maintain documents as may be prescribed.
- (2) Farmers shall use inputs as required for maintaining the fertility of the soil as per norm of organic production.
- Organic Certification**
7. (1) The farmer/ farmer group willing to get their land organically certified shall apply for registration to accredited certification body in the format and with the fee as prescribed by agency.
- (2) The application shall also be provided online by the Certification body.
- (3) The certification body shall facilitate farmers to submit their applications online or offline as per the convenience of the farmers.
- (4) The Certification body shall inform the registration to the farmer/farmer group by electronic means/ telephone and registered post within 21 days from the receipt of application.

- (5) If farmers fulfill all requirements as mentioned in section 6, the accredited Certification Body shall certify their agricultural produce on the basis of inspection of their agricultural produce, farms and documents maintained by them and test of sample of soil and water:

Provided that the farmer has been duly registered himself with the organic certification body.

- (6) In case the accredited certification body refuses to certify the agricultural produce of a farmer or farmer group as organic, the accredited certification body shall intimate its decision in written to the farmer or farmer group and to the Uttarakhand Organic Commodity Board with its reasons for making it.

Provision for private agencies (exporter/ trader, processor, non government organization etc of organic agricultural products)

8. (1) If any private agency (Exporter /Trader, Processor, NGO etc) is willing to engage in the procurement / trade/ export/ processing of organic agricultural produce, such agency shall register itself with Uttarakhand Organic Commodity Board (UOCB) in prescribed manner. Such registration shall be free of cost.
- (2) Agency registered under sub section (1) shall submit such returns as may be prescribed.

Chapter-4

Certification Body and Research and Training Backup policy

Certification Body

9. (1) Any Certification Body accredited by National Accreditation Body (NAB) willing to work in the State of Uttarakhand shall register itself with Uttarakhand Organic Commodity Board in prescribed manner.
- (2) Body registered under sub section (1) shall submit such returns as may be prescribed.
- (3) Authorized Regional Council of Government of India may work for Certification of Participatory Guarantee System Organic Certification in the State of Uttarakhand.
- (4) No person shall manufacture, pack, sell, offer for sale, market or otherwise distribute or import any organic food in the State of Uttarakhand unless such food stuff is certified under National Organic Product Programme or participatory guarantee system and there is Jaivik Bharat Logo of FSSAI on such stuff.

Policy for research and training backup

10. (1) Basic Infrastructure for availability of inputs for organic production within fix period shall be established by the State.

- (2) Agriculture/Horticulture Universities/ Research Centers/ Kirishi Vigyan Kendras, with the financial support of the State Government, shall develop advance methods of organic production based on specific areas.
- (3) Agriculture/ Horticulture Universities/ Research Centers/ Krishi Vigyan Kendras, with the financial support of the State Government, shall organize regular training programs to promote organic farming, raising awareness and providing skilled human power.
- Availability of Organic Inputs** 11. The Agriculture department in every district of the State shall—
- (i) ensure approved organic inputs to the farmers within a fix time period;
 - (ii) encourage the farmers to use onfarm organic input; and
 - (iii) provide training and basic infrastructure to the farmers for making onfarm organic input.

Chapter-5

Punishment and Penalty

- Punishment for the violation of provisions of the Act** 12. (1)Whoever violates provisions of section 3, 4, 5, 8 or 9 of this Act, shall be punished with simple imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both.
- (2) Every offence punishable under this Act shall be non-cognizable and bailable.
- (3) Every such offence shall be triable by Judicial Magistrate of first class. The complaint before the judicial magistrate shall be filled by the Director, Directorate of Agriculture or the officer nominated by him.

Chapter-6

Miscellaneous

- Protection of action taken in good faith** 13. No suit, prosecution or other legal proceeding shall lie against any officer of the government or any other person exercising any powers or discharging any functions or performing any duties under this act for anything done in good faith or intended to be done under this act or any rule made thereunder.
- Power of the State Government to make rules** 14. (1) The State Government may, by notification in the official gazette, make rules for carrying out the provisions of this Act.
- (2) Every rules made under this section shall, as soon as may be after it is made, be laid before the State Legislative Assembly.

Power to remove difficulties

15. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not in consistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislative Assembly.

By Order,

PREM SINGH KHIMAL,
Secretary.

STATEMENT OF OBJECTS AND REASONS

In the State of Uttarakhand, there is no existing law regarding Organic Agriculture at present. It is inevitable to make law for encouraging organic agriculture, registration for organic certification and regulation of provisions related to organic products.

The Proposed bill fulfills the aforesaid objectives.

Subodh Uniyal
Minister.