

An Act Made to Provide for Management of Pesticides

Preamble:

Whereas, it is expedient to make necessary provisions in relation to controlling adverse effects on human, animal and plant health and the environment by regulating acts such as production, synthesis, export, import, storage, sale, distribution, transportation, use and disposal of pesticides;

Now, therefore, be it enacted by the Federal Parliament.

Chapter-1

Preliminary

1. Short title and commencement: (1) This Act may be cited as the “Pesticides Management Act, 2076 (2019).”
 - (2) It shall commence forthwith.
2. Definitions: Unless the subject or the context otherwise requires in this Act,-
 - (a) “Center” means the Plant Quarantine and Pesticides Management Center referred to in Section 14;
 - (b) “domestic pesticide” means a pesticide made by the farmer from natural resources including plants and cow’s urine, milk for household and commercial purposes;

(c) "pesticide" means any organic, vegetation, biological and chemical material which is used to protect plants, agricultural products, forest and forest products, living beings, livestock, human health, storage, packaging and construction works from any harmful disease, insect, mite, nematode, weed grass and rat, and this term also indicates the following substance:

- (1) substance that reduces the growth of insects (harmful living beings) by preying on them, being predator, being parasite or causing disease on them and pheromone, attractant, repellent and deterrent,
- (2) insect growth regulator, inhibitor,
- (3) plant growth inhibitor,
- (4) defoliant,
- (5) desiccant,
- (6) thinning agent,
- (7) agent for preventing problems including the premature fall of fruit,
- (8) substance in labs related to crops and agro-products to make disinfection (Disinfectant).

(d) "prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act;

- (e) "Inspector" means the pesticide inspector appointed pursuant to Section 24;
- (f) "restricted pesticide" means any pesticide that causes adverse effect on human health, animal health and the environment, and the production, synthesis, export, registration, sale, distribution or use of which is restricted;
- (g) "Chief" means the chief of the Centre referred to in Section 16;
- (h) "plant" means the stem, branch, node, graft, bark, root, leaf, fruit, flower, seed and germplasm of any living vegetation or the vegetation used for transmission of heredity;
- (i) "Ministry" means the Ministry of the Government of Nepal responsible for agriculture;
- (j) "adulterated pesticide" means a pesticide which contains any essential active element being more or less, any substance added to it to reduce its efficacy or which does not contain such quality, quantity or characteristic as specified in the specification of pesticides;
- (k) "plant substance" means any substance made from the stem, branch, node, graft, bark, root, leaf, fruit, flower, seed of vegetation, and this term also includes a dead vegetation or any part thereof;
- (l) "active element" means an element that is biologically or chemically active during the synthesis and production of a pesticide (pesticide residue);

- (m) "Committee" means the pesticides management committee referred to in Section 11;
- (n) "notified pesticide" means a pesticide that has been registered by the Government of Nepal under this Act and specified by a notification in the Nepal Gazette.

Chapter 2

Registration of Pesticides

3. Registration of pesticide to be made: (1) Any person, institution or body shall register any pesticide and its active element with the Centre, prior to making its production, synthesis, export, import, commercial use, storage, sale, distribution, transportation, packaging or re-packaging.

(2) An person, institution or body that wishes to make registration pursuant to sub-section (1) shall submit an application, accompanied by such details and in such form as prescribed, to the Center directly or through the Provincial Ministry responsible for agriculture, and the application received by the Provincial Ministry responsible for agriculture shall be forwarded to the Centre within the prescribed time.

(3) The Centre shall make necessary examination of the application received pursuant to sub-section (2), and if the prescribed terms are found to have been met, it shall register such pesticide and grant the certificate thereof.

(4) The certificate granted pursuant to sub-section (3) shall be valid for three years.

(5) Provisions relating to the fee required for the registration of a pesticide and other provisions related thereto shall be as prescribed.

(6) The Ministry shall publish the name of the pesticides registered pursuant to sub-section (3) in the Nepal Gazette.

4. Prohibition on use of pesticide not registered: (1) No one shall do or cause to be done any acts including to produce, synthesize, export, import, commercially use, store, sell, distribute, transport, pack or re-pack any pesticide other than that registered pursuant to sub-section (3).

(2) Notwithstanding anything contained in sub-section (1), nothing shall bar the importing of a pesticide for the purpose of scientific use or research, with the prior-approval approval of the Centre.

5. Power revoked or suspend registration: The Centre may revoke or suspend the registration of a pesticide in any of the following circumstances:

- (a) If it does not appear appropriate to keep the registration of the pesticide, which has been registered, for the reason that it has caused adverse impact on human health, animal or plant health and the environment,
- (b) If the use of the pesticide is not effective for the purpose for which it was imported and synthesized,
- (c) If the pesticide is used in a wrong way other than for the purpose for which it was imported and synthesized,

- (d) If, subsequent to its registration, any fact is found at the national and international levels that the pesticide causes negative effect or if any change in the circumstance creates such a situation requiring revocation or suspension of the registration,
- (e) If it is found that the terms specified at the time of registration have been violated,
- (f) If any act is found committed contrary to this Act or the Rules, Directives and Standards framed under this Act.

(2) The process relating to the revocation or suspension of registration of a pesticide shall be as prescribed.

6. Re-registration of the pesticide: (1) Except for the circumstances mentioned in clauses (a), (c), (e) and (f) of sub-section (1) of Section 5, if it is required to use such pesticide even after the expiry of the validity of the registration certificate, the person, institution or body having made its registration pursuant to Section 3 shall make an application to the Centre for its re-registration.

(2) In the case of a pesticide whose registration has been revoked or suspended on the ground referred to in clause (b) of sub-section (1) of Section 5, if any person, institution or body considers that it is appropriate to use the pesticide upon its re-registration on the ground that such circumstances does not exist, such person, institution or body may make an application to the Centre for re-registration.

(3) If upon making necessary examination of the application made to the Centre pursuant to sub-section (1) or (2), it appears to be appropriate to re-register on such grounds as prescribed, the Centre may re-register such pesticide and grant the certificate.

(4) The certificate granted pursuant to sub-section (3) shall be valid for three years.

(5) The grounds for re-registration of the pesticides, fees to be levied therefor and other provisions shall be as prescribed.

7. Renewal of registered pesticide: (1) An application shall be made to the Centre for renewal prior to thirty days of the expiry of the time-limit of the pesticide registered pursuant to Sections 3 and 6.

(2) If, upon examination of the application made pursuant to sub-section (1), it seems reasonable, the Centre shall renew the registration for another period of three years.

(3) Other process related to the renewal of pesticides shall be as prescribed.

Chapter-3

Provision Relating to the License

8. License to be obtained: (1) Any person, institution or body wishing to produce, synthesize, export, import, transport, pack or re-pack any registered or re-registered pesticide shall obtain the license from the Centre prior to doing such act.

(2) The Centre shall provide such technical information as prescribed prior to granting the license pursuant to sub-section (1).

(3) The validity period of the license granted pursuant to sub-section (1) shall be three years.

(4) The concerned licensee shall make an application, along with the prescribed fee, to the Centre for the renewal of the license, prior to thirty-five days of the expiry of the duration referred to in sub-section (3).

(5) A licensee who fails to make an application within the period referred to in sub-section (4) may make an application for the renewal of the license within fifteen days after the expiry of the period referred to in sub-section (3).

(6) The Centre may renew the license for another period of three years upon making necessary examination of the application made pursuant to sub-section (4) or (5).

(7) Notwithstanding anything contained in sub-section (1), provisions relating to the license for sale, distribution and spraying of pesticides, granting of license for sale, distribution of pesticides and business of spraying of pesticides, out of the pesticides registered pursuant to Section 3 and renewal and revocation thereof shall be as provided in the Provincial law of the concerned Province.

(8) The license not renewed pursuant to this Section shall be deemed to have been revoked ipso-facto.

(9) The form of the license referred to in sub-section (1), the fee and process therefor, qualification of the person, institution or

body wishing to obtain the license and other provisions relating to the renewal of the license shall be as prescribed.

9. License may be revoked: (1) In case any licensee violates the terms specified at the time of granting the license, the Centre may revoke such license at any time.

(2) Prior to the revocation of the license pursuant to sub-section (1), the Centre shall provide the concerned licensee with a time-frame of fifteen days and appropriate opportunity to submit the reasonable ground, if any, for not revoking the license within that time-frame.

(3) If any reason for not revoking the license pursuant to sub-section (2) is submitted or no information is received within the time-frame, the Centre shall, within fifteen days, make necessary decision on the revocation of the license and give information thereof to the concerned licensee.

(4) The license shall be deemed to have *ipso facto* been suspended during the period from the commencement of revocation of the license pursuant to sub-section (2) till the decision made pursuant to sub-section (3).

10. License to be obtained in the Province: (1) A person, institution or body wishing to conduct the business of sale, distribution, storing, commercial use and spraying of the registered or re-registered pesticides shall obtain a license from the Province Pesticides Management Committee.

(2) The provisions on granting the license pursuant to subsection (1), renewal and revocation of such license shall be as determined by the Provincial law.

Chapter-4

Formation and Functions, Duties and Powers of the Committee

11. Pesticides Management Committee: (1) There shall be a Pesticides Management Committee in order to provide opinion, suggestion and advice to the Government of Nepal on matters including the formulation of necessary policy related to the management of pesticides.

(2) The Committee shall comprise the following members:

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| (a) Secretary, Ministry | -Chairperson |
| (b) Joint Secretary, Ministry of the Government of Nepal responsible for environment | -Member |
| (c) Director General, Department of Livestock Services | -Member |
| (d) Executive Director, Nepal Agricultural Research Centre | -Member |
| (e) Chief, Department of Health Services or expert representative, Epidemiology and Disease Control Division | -Member |

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| (f) | Five persons including at least two women nominated by the Ministry from amongst the pesticide experts, forest experts, agriculture expert and consumer farmers | -Member |
| (g) | One person nominated by the Ministry from amongst the pesticide entrepreneurs | -Member |
| (h) | Under Secretary (Law), Ministry | -Member |
| (i) | Chief | -Member-Secretary |

(3) The tenure of the members nominated pursuant to clauses (f) and (g) of sub-section (2) shall be three years and they may be nominated for another tenure.

(4) Notwithstanding anything contained in sub-section (3), if any member nominated pursuant to clause (f) or (g) of sub-section (2) does any act against the interest of the Committee, the Ministry may remove him or her prior to the completion of his or her tenure.

Provided that, prior to such removal, a reasonable opportunity shall be given to him or her to furnish explanation.

(5) The Committee may, as required, invite an expert of the concerned subject to the meeting.

12. Meeting and decision of the Committee: (1) The Committee shall meet at least once in six months.

(2) The meeting of the Committee shall be held at such date, time and place as specified by the Chairperson.

(3) The presence of more than fifty percent of the total member of members of the Committee shall be considered to constitute a quorum for the meeting.

(4) The Chairperson shall preside over the meeting of the Committee, and, in his or her absence, by the member selected by the members attending the meeting from amongst themselves.

(5) The majority opinion shall prevail at the meeting of the Committee, and the in the case of a tie, the Chairperson shall exercise the casting vote.

(6) The decision of the Committee shall be authenticated by the Chairperson and the member-secretary.

(7) Other procedures relating to the meeting of the Committee shall be as prescribed.

13. Functions, duties and powers of the Committee: (1) The functions, duties and powers of the Committee, in addition to the functions, duties and powers mentioned elsewhere in this Act, shall be as follows:

(a) To formulate the policy on pesticides and submit it to the Government of Nepal,

- (b) To encourage the private sector to make investment in organic, vegetation based and safe chemical pesticides industries,
 - (c) To do, or cause to be done, acts relating to the setting of standards of pesticides and management of pesticides,
 - (d) To give necessary suggestion to the Government of Nepal for the ratification and implementation of international treaties and agreements on pesticides,
 - (e) To restrict the pesticides that cause adverse effect on human and animal health, health of living creatures and the environment,
 - (f) To hear complaints made against the decisions made by the Inspector or the Chief,
 - (g) To ascertain, or cause to be ascertained, if any substance or good is a pesticide or not,
 - (h) To approve the standards on the management of pesticides and enforce, or cause to be enforced, the same,
 - (i) To delegate the power as and when required to the Centre and sub-committee,
 - (j) To perform such other functions as prescribed.
- (2) The Committee may, as required, form a sub-committee for the carrying out of acts of production, synthesis, import, export,

commercial use, storage, sale, distribution, transportation, packaging or re-packaging of pesticides easily and smoothly.

(3) The functions, duties, powers and procedures of the sub-committee to be formed pursuant to sub-section (2) shall be as prescribed by the Committee at the time of its formation.

(4) The Committee may delegate some of its powers conferred on it by this Act to the Centre, the Provincial Pesticide Management Committee referred to in Section 39 or the sub-committee.

Chapter 5

Registration and Management Centre

14. Provision of the Centre: (1) There shall be a Plant Quarantine and Pesticides Management Centre under the Ministry for carrying out the functions including the control, regulation, registration and management of pesticides.

(2) The Government of Nepal shall make available the human resources required for the Centre.

15. Functions, duties and powers of the Centre: The functions, duties and powers of the Centre, in addition to the functions, duties and powers mentioned elsewhere in this Act, shall be as follows:

(a) To carry out necessary functions as the secretariat of the Committee,

(b) To arrange for the registration or re-registration of pesticides,

- (c) To specify the process and procedure to be followed for the registration of pesticides,
- (d) To examine the applications received for the registration, re-registration of pesticides or renewal of the registered pesticides,
- (e) To issue the certificate upon registration and re-registration of pesticides and renew the same,
- (f) To issue the license for carrying out work relating to pesticides and renew the same,
- (g) To prepare such infrastructures as prescribed for the use of pesticides,
- (h) To specify the standards for the equipment required for using pesticides,
- (i) To carry out such other functions as specified by the Committee,
- (j) To carry out such other functions as prescribed.

16. Chief: The Ministry may designate a Gazette First Class Officer of the Nepal Agriculture Service serving in the field of crops conservation to function as the Chief of the Pesticides Registration and Management.

17. Functions, duties and powers of the Chief: (1) The functions, duties and powers of the Chief, in addition to the functions, duties and powers mentioned elsewhere in the Act, shall be as follows:

- (a) To function as the Chief of the Centre,

- (b) To monitor and examine, or cause to be monitored and examined, whether the quality of pesticides is in conformity with the specified standards or not, and to take action if it is found to be contrary to the standards,
 - (c) To carry out, or cause to be carried out, functions relating to the registration and management of pesticides,
 - (d) To prepare an annual report on the functions performed by the Centre and submit it to the Committee,
 - (e) To carry out, or cause to be carried out, such other functions as specified by the Committee,
 - (f) To carry out such other functions as prescribed.
- (2) The Chief may, as required, delegate the powers vested in him or her to any subordinate officer employee.

Chapter-6

Use and Management of Pesticides

18. Use of pesticides: (1) No person shall use any pesticide haphazardly and produce, sell and distribute it in a manner that the residue of such pesticide exceeds the specified level.
- (2) No one shall sell, distribute, store and use, or cause to be sold, distributed, stored and used, any pesticide knowingly that the pesticide is adulterated or of low quality.

(3) Any person or institution that sells or distributes pesticides shall put on sale safe pesticides and also safe attire to be worn while using and disposing the pesticides.

(4) Such necessary preventive measures as prescribed shall be adopted while making production, synthesis, import, export, commercial use, storage, sale, distribution, transportation or disposal of pesticides.

(5) The pesticides and foods shall be stored in and sold from different places.

(6) A pesticide shall be used only for the purpose for which it has been registered under this Act.

(7) A pesticide shall be used, or caused to be used, only after getting the container of that pesticide and leaflet written in Nepali and the **form of prescription** approved by the Center prior to the import and synthesis of such pesticide.

(8) Other provisions relating to the use of pesticides shall be as prescribed.

19. Use of domestic pesticides: The production and distribution of domestic pesticides shall be made in an environment friendly manner, in accordance with this Act. The standards required for the registration, production, storage, transportation, sale and distribution of that pesticides shall be as prescribed.
20. Production and use of vegetation based and organic pesticides to be encouraged: The Ministry shall encourage the production and use of

vegetation based and organic pesticides for managing different diseases or insects infecting crops, plants, house and storage

21. Production and synthesis of pesticides: (1) The production and synthesis of pesticides shall be made in such a manner that they are human and animal health and environment friendly.

(2) Provisions relating to the production and synthesis of pesticides shall be as prescribed.

22. Use of pesticides to be restricted: (1) The Committee may, on the recommendation of the Centre, impose restriction on the production, synthesis, import, export, commercial use, storage, sale, distribution and transportation of the pesticides that cause adverse impact on human and animal health and the environment.

(2) The Ministry shall publish a notice relating to the name of the pesticides restricted pursuant to sub-section (1) in the Nepal Gazette.

(3) Other provisions on imposing restriction on the use of pesticides shall be as prescribed.

23. Management of the expired pesticides: (1) If the date of any pesticide imported by any importer expires, the importer shall make proper management of that pesticide at his or her own cost.

Provided that in the case of any pesticide produced, synthesized, imported, exported, commercially used, stored, sold distributed, transported, packed or re-packed, the concerned company or industry shall manage that pesticide properly in advance of one month of the expiry of the date mentioned in that pesticide.

(2) Any person, institution or body, businessperson or entrepreneur shall, in making transaction on pesticides, manage the expired pesticides on his or her own, subject to the standards as prescribed.

(3) In making management pursuant to sub-section (2), the concerned pesticide company, industry and person shall make provision for withdrawing through the importer the expired restricted, broken or leaking pesticides. The Government of Nepal shall make necessary arrangements for storing such pesticides for the time being.

(4) The standards and procedures relating to withdrawal and storage of pesticides pursuant to sub-section (3) shall be as prescribed.

24. Inspector to be appointed: (1) The Ministry may, as required, appoint a gazette third class employee of the Nepal Agriculture Service who has obtained bachelor or equivalent degree in agriculture science and is serving in the field of crop conservation as the pesticide inspector for performing functions relating to the use and management of pesticides.

(2) The Provincial Government may, as required, appoint an officer level employee who has obtained bachelor or equivalent degree in agriculture science and is serving in the field of crop conservation, agriculture service as the pesticide inspector for performing functions relating to the use and management of pesticides.

(3) The concerned Province shall give information of the appointment of the inspector pursuant to sub-section (2) to the Ministry.

25. Functions, duties and powers of the Inspector: (1) The functions, duties and powers of the Inspector, in addition to the functions, duties and powers mentioned elsewhere in this Act, shall be as follows:

- (a) To monitor the compliance with this Act and the Rules framed under this Act and make recommendation to the Committee,
- (b) To enter the place where any pesticide is produced, synthesized, imported, exported, commercially used, stored, sold, distributed, transported, packed, re-packed or advertised and make periodic or casual inspection, and make recommendation to the Committee,
- (c) To withhold the sale and distribution of such pesticide or seal the place of its distribution if any adulterated pesticide or pesticide of low quality is found in the course of monitoring,
- (d) To study and analyze documents and evidences including the certificate, license, records related to pesticides held by any person, institution or body,
- (e) To collect and analyze, or cause to be collected or analyzed, the sample of a pesticide and crops following such process as prescribed,

- (f) To investigate, or cause to be investigated, into the matter if there is any suspicion about the violation of this Act or the Rule framed under this Act and submit a report thereon to the Centre,
- (g) If, upon investigation pursuant to clause (f), it is found that this Act and the Rules framed under this Act have been violated, to seize the equipment used in such act, the pesticide, record, document or other related material and give a receipt of seizure to the concerned violator,
- (h) To make arrangements for safely storing the pesticides seized pursuant to clause (g),
- (i) To carry out such other functions as prescribed.

(2) The Inspector appointed pursuant to sub-section (1) of Section 24 shall submit a quarterly report of the functions performed by him or her to the Centre, and the Inspector appointed pursuant to sub-section (2) of Section 24 shall submit a report of the functions performed by him or her to the Provincial Ministry responsible for agriculture.

26. Samples to be collected: (1) The Centre shall collect samples for examining the quality of pesticides.

(2) Other provisions on the collection and analysis of the samples of pesticides shall be as prescribed.

27. Establishment of laboratory: (1) The Ministry may establish a pesticide laboratory for carrying out acts including examination of the quality of pesticides and research work.

(2) The Provincial Government may establish a pesticide laboratory in congruent with the standards specified by the Ministry.

(3) Until the laboratories referred to in sub-sections (1) and (2) are established, the Ministry may designate any recognized laboratory which is currently in operation with the investment of the Government of Nepal or in operation upon being established at the private sector to act as the laboratory referred to in sub-sections (1) and (2).

28. Prohibition on advertisement of unregistered and restricted pesticides: No person, institution or body shall mention wrong and misleading contents about any unregistered and restricted pesticides and advertise with the intention of deceiving and creating confusion with any other pesticides.

29. Disposal of pesticides: (1) The disposal of pesticides shall be made in such a manner that it does not cause adverse effect on the health of human beings, livestock, aquatics, plants and on the environment.

(2) While destroying pesticides, pesticide wastes and their containers, they shall be disposed separately according to the nature of that goods.

(3) The manner of and standards for destroying pesticides pursuant to sub-section (1) shall be as prescribed by the Committee.

30. Records to be maintained: (1) The person, institution or body producing, synthesizing, importing, exporting, commercially using, storing, selling, distributing, transporting and disposing pesticides shall properly maintain the records containing, inter alia, the

quantity, price and other prescribed details of the pesticides transacted by such person, institution or body.

(2) The records of transaction maintained pursuant to sub-section (1) shall be provided immediately, if so demanded by the Inspector, Chief or Centre.

(3) Other provisions on maintaining records of pesticides shall be as prescribed.

31. Code of conduct may be formulated: (1) The Centre may, with the approval of the Committee, formulate and enforce a code of conduct to be observed by the person, institution or body involved in the acts of producing, synthesizing, exporting, importing, transporting, packing, re-packing of pesticides.

(2) The Provincial Government may, in consonance with the code of conduct formulated pursuant to sub-section (1), formulate a code of conduct to be observed by those who sell, distribute, store, commercially use pesticides and who are wholesalers and retailers of pesticides within the Province.

Chapter-7

Offence, Punishment and Compensation

32. Offence deemed to have been committed: Any person who does, or causes to be done, any of the following acts shall be deemed to have committed the offence under this Act:

(a) To produce, synthesize, import, export, commercially use, store, sell, distribute, transport, pack, re-pack or

- dispose any unregistered pesticide, contrary to Section 4,
- (b) To carry on transaction on pesticides without obtaining the license, contrary to Section 8,
 - (c) To produce, sell and distribute any pesticide with the pesticide residue level exceeding the prescribed level or sell and distribute any adulterated pesticide, contrary to Section 18,
 - (d) To haphazardly use any pesticide or use any adulterated pesticide, contrary to Section 18,
 - (e) To do, or cause to be done, any act contrary to the prevailing standards related to the production, synthesis, import, export, commercial use, storage, sale, distribution, transportation, packaging, re-packaging or disposal of any pesticide, contrary to Section 22,
 - (f) To sell any expired pesticide without managing it, contrary to Section 23,
 - (g) To do any act contrary to Sections 28, 29 or 30,
 - (h) To use or transact any pesticide that fails to conform to the standards or any duplicate **or counterfeit** pesticide,
 - (i) To make obstruction to the management of pesticides,
 - (j) To so use a pesticide as to cause environmental pollution,

- (k) To do, or cause to be done, any other act contrary to this Act or the Rules and standards framed under this Act.

33. Punishment: The commission of any offence referred to in Section 32 shall be liable to the following punishment:

- (a) In the case of the commission of any offence referred to in clause (a), punishment of a fine of fifty thousand to one hundred thousand rupees or imprisonment for a term not exceeding three months or both,
- (b) In the case of the commission of any offence referred to in clause (b), punishment of a fine of ten thousand to twenty thousand rupees or imprisonment for a term not exceeding one month or both,
- (c) In the case of the commission of the offence referred to in clause (c), punishment of a fine of fifty thousand to one hundred thousand rupees or imprisonment for a term not exceeding three months or both,
- (d) In the case of the commission of the offence referred to in clause (d), punishment of a fine of five thousand to twenty thousand rupees,
- (e) In the case of the commission of the offence referred to in clause (e), punishment of a fine of fifty thousand to two hundred thousand rupees or imprisonment for a term from one month to one year or both,
- (f) In the case of the commission of any offence referred to in clauses (f), (g), (h), (i), (j) and (k), punishment of a

fine of five thousand to twenty thousand rupees or imprisonment for a term not exceeding one month or both.

34. Investigation into and filing of case: (1) The Inspector referred to in sub-section (1) of Section 24 shall investigate and inquire into the case referred to in this Act.

(2) Upon completion of the investigation and inquiry pursuant to sub-section (1), the Inspector shall seek the opinion of the Government Attorney and, if decided to institute the case, file the case in the concerned District Court.

35. Provision relating to compensation: If any accident takes place in the course of production, import, export, synthesis, adulteration, transportation, sale, distribution, storage or disposal of any pesticide, the concerned licensee person, institution or body shall provide the victim with such compensation as prescribed.

Provided that no compensation shall be provided in cases where any damage is resulted from the commission of any act considered to be the offence referred to in Section 32.

36. Seizure: (1) If punishment is imposed pursuant to Section 33, the pesticide produced, synthesized, imported, exported, commercially used, stored, sold, distributed, transported, packed or re-packed shall also be seized.

(2) The concerned owner of the pesticide seized by the Inspector pursuant to sub-section (1) shall bear the expenses incurred

in the safe storage and disposal of such pesticide pending the final settlement of the case.

37. Government of Nepal to be plaintiff: The Government of Nepal shall be the plaintiff in the case under this Act.

38. Appeal may be made: (1) A party who is not satisfied with any decision made by the Inspector or the Chief may make an appeal to the Committee within thirty-five days of the date of such decision.

(2) A party who is not satisfied with the decision made by the District Court in a case related to the offence under this Act may make an appeal to the concerned High Court within thirty-five days.

Chapter-8

Miscellaneous

39. Provincial pesticides management committee: (1) A Provincial pesticides management committee shall be formed in each Province in order to carry out functions related to pesticides including to grant the license to the entrepreneurs who carry on business of sale, distribution, storage, commercial use and spraying of pesticides, to renew the license, and monitor such acts, and to cause the compliance with the standards specified by the Ministry.

(2) The committee referred to in sub-section (1) shall be formed in accordance with the Provincial law.

40. Provision relating to monitoring: (1) The Centre shall be responsible for the monitoring of all activities related to pesticides.

(2) The Provincial pesticides management committee shall monitor the activities related to pesticides in the Province and submit a report to the Provincial Ministry responsible for agriculture and to the Committee.

Provided that where the Provincial pesticides management committee has not been formed, the Committee may designate the concerned authority or officer to carry out monitoring and submit the report.

41. Assistance to be provided: (1) The Inspector may ask the local administration for any assistance including security if such assistance is necessary in the course of carrying out his or her duties.

(2) If any assistance is asked for by the Inspector pursuant to sub-section (1), it shall be the duty of the concerned local administration to provide such assistance.

42. Storage home to be made: The Government of Nepal shall make a storage home for storing the pesticides seized in each Province and for safely keeping the pesticides of such nature that cannot be used for various reasons until their safe disposal.

43. Power to launch special programme: The Government of Nepal may launch a special programme as an alternative so as to mitigate the possible effects caused from the use of chemical pesticides on the environment and health of human beings, birds, animals, aquatics, plants.

44. Power to frame Rules: The Government of Nepal may frame necessary Rules for the implementation of this Act.

45. Directives, Procedures and Standards may be made: The Ministry may, for the effective implementation of this Act, make necessary Directives, Procedures and Standards, subject to this Act or the Rules framed under this Act.
46. Repeal and saving: (1) The Pesticides Act, 2048 (1991) is hereby repealed.
- (2) Any acts and actions performed under the Pesticides Act, 2048 (1991) shall be deemed to have been performed under this Act.