

FERTILISER (CONTROL) ORDER, 1985

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FERTILISER (CONTROL) ORDER, 1985

In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955(10 of 1955), the Central Government hereby makes the following Order, namely :

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) This Order may be called the Fertiliser (Control) Order, 1985.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "Act" means the Essential Commodities Act, 1955 (10 of 1955) ;

"(aa) Biofertilizer means the product containing carrier based (solid or liquid) living microorganisms which are agriculturally useful in terms of nitrogen fixation, phosphorus solubilization or nutrient mobilization, to increase the productivity of the soil and/or crop;"

(b) "certificate of source" means a certificate given by a State Government, Commodity Board, manufacturer, pool handling agency or, as the case may be, wholesale dealer indicating therein the source from which fertiliser for-purpose of sale is obtained;

(c) "Commodity Board" means the Coffee Board constituted under S.4 of the Coffee Act, 1942, or the Rubber Board constituted under S.4 of the Rubber Act, 1947, the Tea Board constituted under S.4 of the Tea Act, 1953, or, as the case may be, the Cardamom Board constituted under S.4 of the Cardamom Act, 1965;

(d) "compound or complex fertiliser" means a fertiliser containing two or more [* * * *] nutrients during the production of which chemical reaction takes place;

(e) "Controller" means the person appointed as Controller of Fertilisers by the

"(ee)"Customised fertilizer" means the fertilizer specified under clause 20B";

(f) "dealer" means a person carrying on the business of selling fertilisers, whether wholesale or retail, and includes a manufacturer and a pool handling agency carrying on such business and the agents of such person, manufacturer or pool handling agency;

[(g) * * *]

[(h) "fertiliser" means any substance used or intended to be used as a fertiliser of the soil/or crop and specified in Part A of Schedule I and, includes a mixture of fertiliser, mixture of micro-nutrient fertilisers and special mixture of fertilisers "provisional fertiliser Customized fertiliser" mixture of fertilizer, Bio-fertilizers Specified in Schedule III and Organic fertilizer sspecified in Schedule IV "];

(i) "form" means a form appended to this Order;

[(j) "goods" means the nutrient contents in the fertilisers expressed in percentage;]

(k) "granulated mixture" means a mixture of fertilisers [* * * *] made by intimately mixing two or more [fertilisers] with or without inert material and granulating them together, without involving any chemical reaction;

(l) "Inspector" means an Inspector of Fertilizers appointed under Cl. 27;

(m) "manufacturer" means a person who produces fertilisers or mixtures of fertilisers [or mixtures of micro-nutrient fertilisers] and the expression "manufacture" with its grammatical variations shall be construed accordingly;

(n) "mixture of fertilisers", includes a physical mixture and a granulated mixture, but does not include organic fertilisers or re-enforced organic manures;

[(nn) "Notified Authority" means an authority appointed under Clause 26-A.

(o) "offer for sale" includes a reference to an intimation by a person of a proposal by him for the sale of any fertiliser, made by

publication of a price list, by exposing the fertiliser for sale indicating the price, by furnishing of a quotation or otherwise howsoever;

"(oo) Organic fertilizer means substances made up of one or more unprocessed material(s) of a biological nature (plant/animal) and may include unprocessed mineral materials that have been altered through microbiological decomposition process";

(p) "physical mixture" means a mixture of fertilisers [made by physically mixing two or more] fertilisers with or without inert material necessary to make a required grade, without involving any chemical reaction ;

(pp) "Provisional fertiliser" means fertiliser specified under clause 20-A."

(q) "prescribed standard" means,

(i) in relation to fertiliser included in column 1 of Part A of Schedule I, the standard set out in the corresponding entry in Col. 2, subject to the limits' permissible variation as specified in Part B of that Schedule; and

(ii) in relation to mixture of fertilisers, the standard set out in respect of that mixture under sub-clause (1) of Cl. 13 by the Central Government, subject to the limits of permissible variation as specified in Part B of Schedule I;

[(iii) in relation to [mixture of N.P.K. Fertilisers, mixture of micro-nutrient fertilizers and combination thereof] the standards set out in respect of that mixture under sub-clause (2) of Cl. 13 by the State Government subject to limits of permissible variations as specified in Pan V of Schedule I ;]

"(iv) in relation to a Biofertilizer included in column 1 of Part A of Schedule III, the standard set out in the corresponding entry in column 2, subject to the limits of permissible variation as specified in Part B of that Schedule;";

"(v) in relation to a Organic Fertilizer included in column 1 of Part A of Schedule IV, the standard set out in the corresponding entry in column 2, subject to the limits of permissible variation as specified in Part B of that Schedule;".

(r) "pool handling agency" means an agency entrusted by the

Central Government with functions relating to handling and distribution of unported fertilisers:

(s) "registering authority" means a registering authority appointed under Cl. 26;["in respect of mixture of fertilizers and special mixture of fertilizers"]

(t) "retail dealer" means a dealer who sells fertilisers to fanners/plantations;

(u) "Schedule" means a Schedule appended to this order; ;

(v) "special mixture of fertilisers" means any mixture of fertilisers prepared for experimental purposes in pursuance of a requisition made by any person (including a person engaged in the cultivation of tea, coffee or rubber) for sale to that person in such quantity and within such period as may be specified in such requisition; and

(w) "wholesale dealer" means a dealer who sells fertilisers otherwise than in retail.

CHAPTER 2

PRICE CONTROL

3. Fixation of prices of fertilisers :-

(1) The Central Government may, with a view to regulating equitable distribution of fertilisers and making fertilisers available at fair prices, by notification in the Official Gazette, fix the maximum prices or rates at which any fertiliser may be sold by a dealer, manufacturer or a pool handling agency.

(2) The Central Government may having regard to the local conditions of any area, the period of storage of fertilisers and other relevant circumstances, fixed different prices or rates for fertilisers having different periods of storage or for different areas or for different classes of consumers.

(3) No dealer, manufacturer or pool handling agency shall sell or offer for sale any fertiliser at a price exceeding the maximum price or rate fixed under this clause.

4. Display of stock position and price list of fertilisers :-

Every dealer, who makes or offers to make a retail sale of any fertilisers, shall prominently display in his place of business.

(a) the quantities of opening stock of different fertilisers held by him on each day : ExplanationThe actual stocks at any point of

time during the day may be different from that of the displayed opening stocks to the extent of sale and receipt of such fertilisers up to the time of inspection during that day;

(b) a list of prices or rates of such fertilisers fixed under Cl. 3 and for the time being in force.

5. Issue of cash/credit memorandum :-

Every dealer shall issue a cash or credit memorandum to a purchaser of a fertiliser in ["Form M"].

CHAPTER 3

CONTROL ON DISTRIBUTION OF FERTILISERS BY MANUFACTURER

6. Allocation of fertilisers to various States :-

The Central Governments may, with a view to securing equitable distribution and availability of fertilisers to the farmers in time, by notification in the Official Gazette, direct any manufacturer to sell the fertilisers produced by him in such quantities and in such State or States and within such period as may be specified in the said notification.

CHAPTER 4

AUTHORISATION OR REGISTRATION OF DEALERS

7. Registration of Industrial dealers and authorisation of other dealers. :-

No person shall sell, offer for sale or carry on the business of selling of fertilizer at any place as wholesale dealer or retail dealer except under and in accordance with Clause 8 :

Provided that a State Government may, if it considers it necessary or expedient, by notification in the Official Gazette, exempt from the provisions of this clause any person selling fertilizer to farmers in such areas and subject to such conditions as may be specified in that notification.

8. Application for intimation or registration. :-

(1) Every person intending to sell or offer for sale or carrying on the business of selling of fertilizer as Industrial Dealer shall obtain a certificate of registration from the Controller by making an application in Form A together with the fee prescribed under Clause 36 and a certificate of source in Form O.

(2) Every person including a manufacturer, an importer, a pool handling agency, wholesaler and a retail dealer intending to sell or

offer for sale or carrying on the business of selling of fertilizer shall make a Memorandum of Intimation to the Notified Authority, in Form AI duly filled in, in duplicate, together with the fee prescribed under Clause 36 and certificate of source in Form O.

(3) On receipt of a Memorandum of Intimation, complete in all respects, the Notified Authority shall issue an acknowledgement of receipt in Form A2 and it shall be deemed to be an authorisation letter granted and the concerned person as authorised dealer for the purposes of this order :

Provided that a certificate of registration granted before the commencement of the Fertilizer (Control) Amendment Order, 2003 shall be deemed to be an authorization letter granted under the provisions of this order :

Provided further that where the applicant is a State Government, a manufacturer or an importer or a pool-handling agency, it shall not be necessary for it or him to submit Form O:

Provided also that a separate Memorandum of Intimation shall be submitted by an applicant for wholesale business or retail dealership, as the case may be :

Provided also that where fertilizers are obtained for sale from different sources, a certificate of source from each such source shall be furnished in Form O.

9. Grant or refusal of certificate of registration :-

The [* * *] grant a certificate of registration in Form B within thirty days of the receipt of application to any person who applies for it under Cl. 8 : Provided that no certificate of registration shall be granted to a person:-

- (a) if his previous certificate of registration is under suspension; or
- (b) if his previous certificate of registration has been cancelled within a period of one year immediately preceding the date of application ; or
- (c) if he has been convicted of an offence under the Act, or any Order made thereunder within three years immediately preceding the date of making the application; or
- (d) if he fails to enclose with the application a certificate of source; or

(e) if the application is incomplete in any respect.

10. Period of validity of certificate of registration and letter of authorization. :-

Every certificate of registration granted under Clause 9 and every authorization letter issued under Clause 8 shall, unless renewed, suspended or cancelled, be valid for a period of three years from the date of its issue.

11. Renewal of certificate of registration :-

(1) Every holder of a certificate of registration desiring to renew the certificate of registration granted under Cl. 9 shall, before the date of expiry of such certificate of registration make an application for renewal to the registering authority in Form C, in duplicate, together with the fees prescribed under Cl. 36 for such renewal and a certificate of source as required under Cl. 8.

(2) On receipt of such application, together with such fee and certificate of source, the registering authority may renew the certificate of registration : Provided that a certificate of registration shall not be renewed, if the holder of the certificate of registration did not sell any fertiliser during the period of one year immediately preceding the date of expiry of the period of validity of the certificate of registration sought to be renewed.

(3) If any application for renewal is not made before the expiry of the period of validity of the certificate of registration but is made within one month from the date of such expiry, the certificate of registration may be renewed on payment of such additional fee as may be prescribed by the State Government, in addition to the fee for renewal of the certificate of registration.

(4) Where the application for renewal is made within the time specified in sub-clause (1) or sub-clause (3) the applicant shall be deemed to have held a valid certificate of registration, until such date as the registering authority passes orders on the application for renewal.

(5) If an application for renewal of a certificate of registration is not made within one month of the date of expiry of the period of validity of the certificate of registration, the certificate of registration shall be deemed to have lapsed on the date on which its validity expired and any business carried on after that date shall be deemed to have been carried on in contravention of Cl. 7.

CHAPTER 5

MANUFACTURE OF MIXTURE OF FERTILIZERS, ORGANIC FERTILIZERS AND BIO-FERTILIZERS

12. Restriction on preparation of mixtures of fertilisers :-

No person shall carry on the business of preparing any mixture of fertilisers [or mixtures of micro-nutrient fertilisers] "special mixture of fertilizer, Bio-fertilizer or Organic fertilizer" except under and in accordance with the terms and conditions of a certificate of manufacture granted to him under Cl. [13 or 16].

13. Standards of mixtures of fertilisers :-

"(1) Subject to the other provisions of this Order

(a) no person shall manufacture any mixture of fertilizers whether of solid or liquid fertilizers specified in Part A of Schedule-I of the Order unless such mixture conforms to the standards set out in the notification to be issued by the "Central Government in the Official Gazette";

(b) no person shall manufacture any Bio-fertilizer unless such Bio-fertilizer conforms to the standards set out in the Part A of Schedule-III;

(c) no person shall manufacture any Organic fertilizer unless such Organic fertilizer conforms to the standards set out in the Part A of Schedule-IV".

(2) Subject to the other provisions of this Order, no person shall manufacture any mixture of fertilisers unless such mixture conforms to the standards set out in the notification to be issued by the State Government in the Official Gazette; Explanation For the purposes of this sub-clause, mixture of fertilisers shall not include liquid fertilisers and 100% water soluble fertilisers, containing N.P.K.

(3)[* * * * *]

(4) No certificate of manufacture shall be granted in respect of any mixture of fertilisers or [mixture of N.P.K. fertilisers, mixture of micro-nutrient fertilisers and combination thereof] which does not conform to the standards set out in the notification referred in sub-clause (1) or (2);

(5) Nothing in this clause shall apply to special mixture of fertilisers.

14. Application for certificate of manufacture of mixtures of fertilisers :-

(1) Every person desiring to obtain a certificate of manufacture for preparation of any mixture of fertilisers [or mixtures of micro-nutrient fertilisers] or special mixture of ["and possess the minimum laboratory facility as specified, in Cl. 21-A of this order."]

(2) An applicant for a certificate of manufacture for preparation of mixture of fertilisers or special mixture of fertilisers shall make an application to the registering authority,-

(a) if he is an applicant for a certificate of manufacture for any mixture of fertilisers [or mixtures of micro-nutrient fertilisers] in Form D, in duplicate, together with the fee prescribed therefor under Cl. 36, or.

(b) if he is an applicant for a certificate of manufacturer for any special mixture, in Form E in duplicate together with the fee prescribed therefor under the said Cl. 36 and an attested copy of the requisition of the purchaser.

"(3) Every person desiring to obtain a Certificate of Manufacture for preparation of Organic fertilizer or Bio-fertilizer shall make an application in Form D, in duplicate, together with a fee prescribed thereof under clause 36, to Registering authority."

15. "Grant or refusal of Certificate of manufacture for preparation of mixture of fertilizers, Bio-fertilizers or Organic fertilizers" :-

"(1) On receipt of an application under Clause 14, the registering authority shall, by order in writing, either grant or refuse to grant the certificate of manufacture in respect of any "Bio-fertilizer, Organic fertilizer" or special mixture of fertilizer and shall, within forty-five days from the date of receipt of the application, furnish to the applicant a copy of the order so passed.";

(2) Where an application for a certificate of manufacture for "Bio-fertilizer or Organic fertilizers" [or mixtures of micro-nutrient fertilisers] is not refused under sub-clause (1), ["the registering authority shall, within forty-five days from the date of receipt of the application, grant"] a certificate of manufacture in Form F and where an application for a certificate of manufacture for a special mixture is not refused under that sub-clause, ["such authority shall,

within forty-five days from the date of receipt of the application, grant"] a certificate of manufacture to the applicant in Form G.

16. Conditions for grant of certificate of manufacture in respect of special mixture of fertilisers and period of validity of such certificate :-

(1) No certificate of manufacture in respect of any special mixture of fertilisers shall be granted to an applicant unless he holds a valid certificate of manufacture under this Order for any mixture of fertilisers.

(2) Every certificate of manufacture granted in respect of any special mixture of fertilisers shall be valid for a period of ["six months"] from the date of its issue :

Provided that the registering authority may, if it is satisfied that it is necessary so to do, extend the said period to such further period or periods as it may deem fit, so however, that the total period or periods so extended shall not exceed ["twelve months"].

17. Period of validity of a certificate of manufacture for preparation of mixtures of fertilisers PR795 "Bio-fertilizer or Organic fertilizers" :-

Every certificate of manufacture granted under Cl. 15 for preparation of a "Bio-fertilizer or Organic fertilizers" [or mixtures of micro-nutrient fertilisers] shall, unless suspended or cancelled, be valid for a period of three years from the date of issue.

18. Renewal of certificate of manufacture for preparation of mixtures of fertilisers, PR797 "Bio-fertilizer or Organic fertilizer" :-

(1) Every holder of a certificate of manufacture for preparation of a mixture of fertilisers "Bio-fertilizer or Organic fertilizer" desiring to renew the certificate, shall, before the date of expiry of the said certificate of manufacture make an application to the registering authority in Form D in duplicate, together with the fee prescribed for this purpose under Cl. 36.

(2) On receipt of an application for renewal as provided in sub-clause (1), and keeping in view the performance of the applicant and other relevant circumstance, the registering authority may, if he so, decides, renew the ["certificate of manufacture"] by endorsement on Form F and in case the ["certificate of

manufacture"] is not renewed, the registering authority shall record in writing his reasons for not renewing the ["certificate of manufacture"].

(3) If an application for renewal is not made before the expiry of the ["certificate of manufacture"] but is made within one month from the date of expiry of the ["certificate of manufacture"] the ["certificate of manufacture"] may be renewed on payment of such additional fee as may be prescribed by the State Government for this purpose.

(4) Where the application for renewal is made within the time specified in sub-clause (1) or sub-clause (3), the applicant shall be deemed to have held a valid ["certificate of manufacture"] until such date as the registering authority passes order on the application for renewal.

(5) If an application for renewal of a certificate of manufacture is not made within the period stipulated under sub-clause (1), or, as the case may be, under sub-clause (3), the certificate of manufacture shall be deemed to have expired immediately on the expiry of its validity period and any business carried on after that date shall be deemed to have been carried on in contravention of Cl. 12.

CHAPTER 6

RESTRICTIONS ON MANUFACTURE, SALE, ETC. OF FERTILISERS

19. Restriction on manufacture, sale and distribution of fertilisers :-

(1) No person shall himself or by any other person on his behalf-

(a) manufacture for sale, sell, offer for sale, stock or exhibit for sale or distribute any fertiliser which is not of prescribed standard;

(b) manufacture for sale, sell, offer for sale, stock or exhibit for sale or distribute any mixture of fertilisers [mixture of N.P.K. fertilisers, mixture of micro- nutrient fertiliser and continuation thereof] which is not of prescribed standard [(Subject to such limits of permissible variation as may be specified from time to time by the Central Government)] or special mixture of fertilisers which [* * *] does not conform to the particulars specified in the certificate of manufacture granted to him under this Order in respect of such special mixture ;

- (c) sell, offer for sale, stock or exhibit for sale or distribute-
- (i) any fertiliser the container whereof is not packed and marked in the manner laid down in this Order;
- (ii) any fertiliser which is an ["imitation of or"] a substitute for another fertiliser under the name of which it is sold;
- (iii) any fertiliser which is adulterated:
- (iv) any fertiliser the label or container whereof bears the name of any individual firm or company purporting to be manufacturer of the fertiliser, which individual, firm or company is fictitious or does not exist;
- (v) any fertiliser, the label or container whereof or anything accompanying therewith bears any statement which makes a false claim for the fertiliser or which is false or misleading in any material particular;
- (vi) any substance as a fertiliser which substance is not in fact, a fertiliser; or
- (vii) any fertiliser without exhibiting the minimum guaranteed percentage by weight of plant nutrient.

20. Specifications in respect of imported fertilisers :-

Notwithstanding anything contained in this order, the Central Government may, by an order published in the Official Gazette, fix separate specifications in respect of imported fertilisers.

20A. Specification in respect of provisional fertilizer. :-

Notwithstanding anything contained in this order, the Central Government may, by order published in the Official Gazette, notify specifications, valid for a period not exceeding three years, in respect of fertilizers to be manufactured by any manufacturing unit for conducting commercial trials.

20B. Specifications in respect of customized fertilizers :-

⁶³ Notwithstanding anything contained in this order, the Central Government may by order published in the official Gazette, notify specification, valid for a period not exceeding three years in respect of customized fertilizers to be manufactured by any manufacturing unit.

In the FERTILISER (CONTROL) ORDER, 1985~~§~~Section 20B shall be inserted as follows :- "20B. Specifications in respect of customized

fertilizers.- Notwithstanding anything contained in this order, the Central Government may by order published in the official Gazette, notify specification, valid for a period not exceeding three years in respect of customized fertilizers to be manufactured by any manufacturing unit." by the FERTILISER (CONTROL) (Third Amendment)ORDER, 2006, Noti. No. F.No.2-3/2006 -Fer. Law, dated 28th december, 2006-Gaz. of India, Exty., Pt-II-Sec.3(ii), No. 1539, dated 28th december, 2006, p.3] = 2007 CCS/P.274/H.89.

21. Manufacturers/pool handling agencies to comply with certain requirements in regard to packing and marking, etc

:-

(1) Every manufacturer and pool handling agency shall in regard to packing and marking of Containers of fertilisers, comply with the following requirements, namely :

(a) Every container in which any "fertilizers, Bio-fertilizers or Organic fertilizers" is packed shall conspicuously be superscribed with the word "Fertilizer" and shall bear only such particulars and unless otherwise required under any law nothing else, as may from time to time, be "specified by the Controller in this behalf: Provided that in case of containers the gross weight of which is 5 Kgs. Or less, no such printing of superscription and other particulars shall be necessary if such superscription and other particulars are printed on a separate label which is securely affixed to such container.";;

"(aa) Every container in which any Bio-fertilizer or Organic fertilizer is packed shall conspicuously be superscribed with the words BIO-FERTILIZERS/ORGANIC FERTILIZERS and shall bear only such particulars and unless otherwise required under any law nothing else, as may from time to time, be specified by the Controller in this behalf."

(b) every container shall be so packed and sealed that the contents thereof cannot be tampered with without breaking the seal :

Provided that where fertiliser manufactured in India are packed in bags stitched in hand, such bags shall bear lead seals, so that the contents thereof cannot be tampered with without breaking the seals :

Provided further that lead sealing shall not be necessary:

"Provided also that in case fertilizer bags are in cut, torn or damaged condition during transportation or mishandling during

loading or unloading operation, the manufacturer of such fertilizer may, under intimation to the State Government and the Central Government, repack the fertilizer in new bags or restandardize the quantity in terms of declared weight."

(i) if such bags are machine stitched in such a manner that contents thereof cannot be tampered with without a visible break in the stitching ; and

(ii) in the case of fertilisers imported from abroad and packed in bags stitched in hand, in such a manner that the contents thereof cannot be tampered with without visible break in the stitching.

(c) Every fertilizer bag in which any fertilizer is packed for sale shall be of such weight and size as may be specified by the Central Government from time to time in this behalf.

21A. Manufacturers to comply with certain requirements for laboratory facilities :-

Every manufacturer shall, in order to ensure quality of their product, possess the minimum laboratory facility, as may be specified from time to time by the Controller.

22. Bulk sale of fertilisers :-

Notwithstanding anything contained in this Order,

(a) a retail dealer may retain at any time one bag or container of each variety of fertiliser in an open and unsealed condition for the purpose of sale;

(b) a manufacturer may sell the fertiliser manufactured by him in bulk to a manufacturer of mixture of fertilisers, compound/complex fertilisers or special mixture of fertilisers; and

(c) the Central Government may by notification published in the Official Gazette in this behalf authorise a manufacturer to sell any fertiliser manufactured by him in bulk also direct to farmers for such period as may be specified in that notification:

Provided that a certificate indicating the minimum guaranteed percentage of plant nutrients is issued by the manufacturer to each farmer at the time of such sale.

23. Disposal of non-standard fertilisers :-

(1) Notwithstanding anything contained in this Order, a person may sell, offer for sale, stock or exhibit for sale or distribute ["any

fertilizer except any fertilizer imported by the Central Government,"] which, not being an adulterated fertiliser, does not conform to the prescribed standard (hereinafter in this Order referred to as non-standard fertiliser) subject to the conditions that,

(a) the container of such non-standard fertiliser is conspicuously superscribed in red colour with the words "non-standard" and also with the sign "X" and;

(b) an application for the disposal of non-standard fertilisers in Form H is submitted to the ["Notified Authority"] to grant a certificate of authorisation for sale of such fertilisers and a certificate of authorisation with regard to their disposal and price is obtained in Form I;

(c) such non-standard fertiliser shall be sold only to the manufacturers of mixtures of fertilisers or special mixtures of fertilisers or research farms of Government or Universities or such bodies.

(2) The price per unit of the non-standard fertiliser shall be fixed by the ["Notified Authority"] after satisfying itself that the sample taken is a representative one, and after considering the nutrient contents in the sample determined on the basis of a chemical analysis of the non-standard fertiliser.

(3) The Central Government may, by notification in the Official Gazette and subject to the conditions, if any, laid down in that notification, and subject to guidelines issued in this regard by the Central Government exempt such pool handling agencies, as it deems fit, from complying with conditions laid down in paragraphs (a) and (b) of the sub-clause (1).

(4) Where any fertilizer imported by the Central Government is found to be of non-standard and the Central Government decides that the fertilizer cannot be permitted for direct use in agriculture, it may permit the use of such fertilizer by manufacturers of complex fertilizers, mixture of fertilizers or special mixture of fertilizers to be sold at such price as may be fixed by the Central Government.

"(5) If a manufacturer or importer, detects or has reasonable doubt about the standard of the fertilizer manufactured or imported by him, and dispatched for sale has deteriorated in quality during

transit due to natural calamity and is not of the prescribed standards, he may, within fifteen days from the date of dispatch from factory or port, apply with detailed justifications to the Central Government for obtaining permission for reprocessing the same in a factory to meet the prescribed standards and the Central Government may, after considering the facts, permit the re-processing of such fertilizer on the terms and conditions as may be notified by the Central Government in this behalf:

Provided that no such application for permission to reprocess the fertilizer by the manufacturer or importer shall be accepted by the Central Government after the expiry of the said period of fifteen days."

24. Manufacturers/pool handling agencies to appoint officers responsible with compliance of the order :-

Every manufacturing organisation and pool handling agency shall appoint in that organisation and in consultation with the Central Government, an officer, who shall be responsible for compliance with the provisions of this Order.

25. Restriction on sale/use of fertilisers :-

No person shall, except with the prior permission of the Central Government and subject To such terms and conditions as may be imposed by such Government, shall or use fertiliser, for purposes other than fertilisation of soils and increasing productivity of crops :

Provided that the price of fertilisers permitted for sale for industrial use shall be [the price], excluding all subsidies at the production, import, handling or on sale for agricultural consumers:

Provided further that wherever customs or excise duties are chargeable, these may be added to the price so fixed :

CHAPTER 7

ENFORCEMENT AUTHORITIES

26. Appointment of registering authority :-

The State Government may, by notification in the by Official Gazette, appoint such number of persons, as it thinks necessary, to be registering authorities for the purpose of this Order, and may, in any such notification, define the limits of local area within which each such registering authority shall exercise his jurisdiction.

26A. Notified Authority. :-

The State Government may, by notification in the Official Gazette, appoint such number of persons, as it thinks necessary, to be Notified Authorities for the purpose of this order and define the local limits within which each such Notified Authority shall exercise his jurisdiction.

27. Appointment of Inspectors :-

The State Government, or the Central Government may, by notification in the Official Gazette, appoint such a number of persons, as it thinks necessary, to be Inspectors of fertilisers for the purpose of this Order, and may, in any such notification, define the limits of local area within which each such Inspector shall exercise his jurisdiction.

27A. Qualifications for appointment of fertiliser inspectors

:-

No person shall be eligible for appointment as fertiliser inspector under this Order, unless he possesses the following qualifications, namely :

- (1) graduate in the Agriculture or Science with Chemistry as one of the subjects, from a recognised University, and
- (2) Training or experience in the quality control of fertilisers and working in the State or Central Department of Agriculture.

27B. Qualifications for appointment of Inspectors for Bio-fertilizer and Organic Fertilizer :-

No person shall be eligible for appointment as inspector of Bio-fertilizer and Organic Fertilizer under this Order unless he may possess the following qualifications, namely:

- (1) Graduate in agriculture or science with chemistry/microbiology as one of the subjects; and
- (2) training or experience in the field of quality control of Bio-fertilizers/Organic fertilizers.

28. Powers of Inspectors :-

(1) An inspector may, with a view to securing compliance with this Order,-

(a) require any manufacturer, pool handling agency, wholesale dealer or retail dealer to give any information in his possession with

respect to the manufacture, storage and disposal of any fertiliser manufactured or, in any manner handled by him;

(b) draw samples of any fertiliser in accordance with the procedure of drawal of samples laid down in Schedule II :

Provided that the Inspector shall prepare the sampling details in duplicate in Form J. and hand over one copy of the same to the dealer or his representative from whom the sample has been drawn :

"(ba) draw samples of any Bio-fertilizers in accordance with the procedure of drawal of samples laid down in Schedule III.";

"(bb) draw samples of any Organic fertilizers in accordance with procedure of drawal of samples laid down in Schedule IV.".

(c) enter upon and search any premises where any fertiliser is manufactured or stored or exhibited for sale, if he has reason to believe that any fertiliser has been or is being manufactured, sold, offered for sale, stored, exhibited for sale or distributed contrary to the provisions of this Order;

(d) seize or detain any fertiliser in respect of which he has reason to believe that a contravention of this Order has been or is being or is ["attempted to be committed"] ;

(e) seize any books of accounts or documents relating to manufacture, storage or sale of fertilisers, etc. in respect of which he has reason to believe that any contravention of this Order has been or is being or is about to be committed :

Provided that the Inspector shall give a receipt for such fertilisers or books of accounts or documents so seized to the person from whom the same have been seized :

Provided further that the books of accounts or documents so seized shall be returned to the person from whom they were seized after copies thereof or extracts therefrom, as certified by such person, have been taken :

[Provided also that the Inspector shall give the stop sale notice, in writing, to the

(2) Subject to the proviso to paragraphs (d) and (e) of sub-clause (1), the provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall, so far as may be, apply to

searches and seizures under this clause.

(3) Where any fertiliser is seized by an Inspector under this clause, he shall forthwith report the fact of such seizure to the Collector whereupon the provisions of Sees. 6-A, 6- B, 6-C, 6-D and 6-E of the Act, shall apply to the custody, disposal and confiscation of such fertilisers.

(4) Every person, if so required by an Inspector, shall be bound to afford all necessary facilities to him for the purpose of enabling him to exercise his powers under sub-clause (1).

CHAPTER 8

ANALYSIS OF SAMPLES

29. Laboratory for analysis :-

(1)A fertiliser sample, drawn by an Inspector, shall be analysed in accordance with the instructions contained in Schedule II in the Central Fertiliser Quality Control and Training Institute [Faridabad or Regional Fertiliser Control Laboratories at Bombay, Madras or Kalyani (Calcutta)] or in any other laboratory notified for this purpose by the State Government ["with the prior approval of the Central Government"].

"(1-A) Bio-fertilizer samples drawn by an inspector shall be analysed in accordance with the instructions laid down in Schedule III in the National Center for Organic Farming, Ghaziabad or Regional Centers of Organic Farming at Bangalore, Bhubaneswar, Hissar, Imphal, Jabalpur and Nagpur or any other laboratory notified by Central or State Government;

(1-B) Organic Fertilizer samples drawn by an inspector shall be analyzed in accordance with the instructions laid down in Schedule IV in the National Center for Organic Farming, Ghaziabad or Regional Centers of Organic Farming at Bangalore, Bhubaneswar, Hissar, Imphal, Jabalpur and Nagpur or any other laboratory notified by Central or State Government."

(2) Every laboratory referred to in sub-clause (1) shall, in order to ensure accurate analysis of fertilizer samples, possess minimum equipment and other laboratory facilities, as may be specified from time to time by the Controller in this behalf.

29A. Qualifications for appointment of fertiliser analyst in the fertiliser quality control laboratories :-

No person shall be eligible for appointment as fertiliser analyst for analysis of fertilisers samples in the laboratories notified under Cl. 29 of the Order, unless he possesses the following qualifications, namely :

(1) graduate in Agriculture or Science with Chemistry as one of the subjects from a recognised University, and

(2) training in fertiliser quality control and analysis at Central Fertiliser Quality Control and Training Institute, Faridabad:

Provided that the fertiliser analysis appointed before the commencement of this Order, who do not possess the requisite training, shall undergo prescribed training, within a period of three years, in the Central Fertiliser Quality Control and Training Institute, Faridabad, from the date of commencement of this Order.

29B. Laboratories for referee analysis. :-

(1) Every laboratory referred to in sub-clause (1) of Clause 29 shall be designated as referee laboratory for the purpose of analysis of any sample of fertilizer :

Provided that no such laboratory which carried out the first analysis of the fertilizer sample shall be so designated in respect of that sample :

Provided further that in respect of any sample the analysis of which has been challenged, may be sent for referee analysis to any one of the other laboratories except those which are located in the State or where the first analysis has been done :

Provided also that the Central Fertilizer Quality Control and Training Institute and Regional laboratories shall be considered as one group of laboratories and a sample first analysed by any one of them, shall not be sent for referee analysis to any other in that group, but only to any other laboratory notified by a State Government.

(2) Notwithstanding anything contained in this order, the Appellate Authority as specified [in sub clause (1) of Clause 32-A] in case of sample analysed by the State Government laboratory, or the Controller, in case of samples analysed by Central Fertilizer Quality Control and Training Institute, Faridabad or its Regional Fertilizer Control Laboratories, as the case may be, shall decide and send, one of the two remaining samples, for reference analysis as provided under sub-clause (1).

30. Time limit for analysis, and communication of result :-

(1) Where sample of a fertiliser has been drawn, the same shall be despatched, along with a memorandum in Form K "and in case of Organic fertilizers and Bio-fertilizers in Form K-I" to the laboratory for analysis within a period of seven, days from the date of its drawal.

(2) The laboratory shall analyse the sample and forward the analysis report in Form L "and in case of Organic fertilizers and Bio-fertilizers in Form L1" within ["30 days"] from the date of receipt of the sample in the laboratory to the authority specified in the said memorandum.

(3) The authority to whom the analysis report is sent under sub-clause (2) shall communicate the result of the analysis to the dealer/manufacturer/pool handling agency from whom the sample was drawn within ["15 days"] from the date of receipt of the analysis report of the laboratory.

CHAPTER 9

MISCELLANEOUS

31. Suspension, cancellation or debarment. :-

(1) A Notified Authority, registering authority, or as the case may be, the Controller may, after giving the authorized dealer or the holder of certificate of registration or certificate of manufacture or any other certificate granted under this order, an opportunity of being heard, suspend such authorization letter or certificate or debar the dealer from carrying on the business of fertilizer on one or more of the following grounds, namely:

(a) that the authorization letter or certificate of registration or certificate of manufacture, as the case may be, has been obtained by wilful suppression of material facts or by misrepresentation of relevant particulars;

(b) that any of the provisions of this order or any terms and condition of the Memorandum of Intimation or certificate of registration or the certificate of manufacture, as the case may be, has been contravened or not fulfilled :

Provided that while debarring from carrying on the business of fertilizer or cancelling the certificate, the dealer or the certificate holder thereof may be allowed for a period of thirty days to dispose

of the balance stock of fertilizers if any, held by him :

Provided further that the stock of fertilizer lying with the dealer after the expiry of the said period of thirty days shall be confiscated.

(2) Where the contravention alleged to have been committed by a person is such as would, on being provided, justify his debarment from carrying on the business of selling of fertilizer or, cancellation of authorization letter or certificate of registration or certificate of manufacture or any other certificate granted under this order to such person, the Notified Authority or registering authority or, as the case may be, the Controller may, without any notice, suspend such certificate, authorization letter, as an interim measure:

Provided that the registering authority, Notified Authority or, as the case may be, the Controller shall immediately furnish to the affected person details and the nature of contravention alleged to have been committed by such person and, after giving him an opportunity of being heard, pass final orders either revoking the order of suspension or debarment within fifteen days from the date of issue of the order of suspension :

Provided further that where no final order is passed within the period as specified above, the order of interim suspension shall be deemed to have been revoked without prejudice, however, to any further action which the registering authority, Notified Authority or, as the case may be, the Controller may take against the affected person under sub-clause (1).

(3) Wherever an authorization letter or certificate is suspended, cancelled or the person is debarred from carrying on the business of fertilizer, the Notified Authority, registering authority, or as the case may be, the Controller shall record a brief statement of the reasons for such suspension or, as the case may be, cancellation or debarment and furnish a copy thereof to the person whose certificate or authorization letter has been suspended or cancelled or business has been debarred.

(4) Wherever the person alleged to have committed the contravention is an industrial dealer, the Notified Authority may take action against the holder of such certificate of registration under sub-clause (1) and sub-clause (2):

Provided that where such certificate is suspended or cancelled, the

Notified Authority shall, within a period of fifteen days from the date of issue of such order of suspension or cancellation, furnish to the Controller also, besides sending the same to the person whose certificate has been suspended or cancelled, a detailed report about the nature of contravention committed and a brief statement of the reasons for such suspension or, as the case may be, cancellation :

Provided further that the Controller shall, in case of the order for suspension passed by the Notified Authority, on receipt of the detailed report and after giving the person an opportunity of being heard, pass final order either revoking the order of suspension or cancelling the certificate of registration, within fifteen days from the date of receipt of the detailed report from the Notified Authority, failing which the order of interim suspension passed by the Notified Authority shall be deemed to have been revoked, without prejudice however, to further action which the Controller may take against the holder of certificate under sub-clause (1):

Provided also that the order of cancellation passed by the Notified Authority shall remain effective as if it had been passed by the Controller till such time the Controller, on receipt of the detailed report from the Notified Authority, and if deemed necessary, after giving the person a fresh opportunity of being heard, pass the final order either revoking or confirming the order of cancellation.

32. Appeals at Central Government level. :-

(1) In any State, where the fertilizer allocation is made by the Central Government under this order and if the suspension or cancellation of authorisation letter of the manufacturer and/or pool handling agency or debarment of business, in any way, has an effect of dislocating the said allocation and if the Central Government is of the opinion that it is necessary or expedient so to do for maintaining the supplies, may direct the concerned State Government to furnish detailed report about the nature of contravention and a brief statement of the reasons for such suspension or cancellation and pass such order as it may think fit, confirming, modifying or annulling the order of State Government:

Provided that if the report called by the Central Government is not received from the State Government within a period of fifteen days from the date of issue of the communication, the Central Government may decide the case without the report, on merit.

(2) Any person aggrieved by the analysis report of Central Fertilizer

Quality Control and Training Institute or its regional laboratories may appeal to the Controller for referee analysis of such sample within a period of 30 days from the receipt of analysis report.

32A. Appeal at the State Government level. :-

(1) The State Government shall, by notification in the Official Gazette, specify such authority as the Appellate Authority before whom the appeals may be filed by any person, except by an industrial dealer, aggrieved by any of the following orders or action of registering authority or a Notified Authority, namely:

(i) refusing to grant a certificate of manufacture for preparation of mixture of fertilizers or special mixture of fertilizers; or

(ii) suspending or cancelling a certificate of manufacture; or

(iii) suspending or cancelling authorization letter or debarring from carrying on the business of selling of fertilizer; or

(iv) non-issuance of authorisation letter or certificate of manufacture within the stipulated period; or

(v) non-issuance of amendment in authorisation letter within the stipulated period

.

(2) Any person aggrieved by analysis report of fertilizer testing laboratories notified by the State Government may appeal to the Appellate Authority appointed under sub-clause (1) for reference analysis of such sample within thirty days from the date of receipt of analysis report.

33. Grant of duplicate copies of "authorisation letter or certificate of manufacture" certificate of registrations, etc :-

Where "an authorization letter or" a certificate of registration or a certificate of manufacture or any other certificate granted or, as the case may be, renewed under this Order is ["lost or defaced, the Notified Authority"] , the registering authority may, on an application made in this behalf, together with the fee prescribed for this purpose under Cl. 36, grant a duplicate copy of such certificate.

34. Amendment of authorisation letter, certificate of manufacture and certificate of Registration. :-

The Notified Authority, registering authority or Controller, as the

case may be, may, on application being made by the holder of an authorization letter, a certificate of registration or certificate of manufacture, together with the fee prescribed for the purpose under Clause 36, amend an entry in such authorization letter, certificate of Registration or certificate of manufacture, as the case may be.

35. Maintenance of records and submission of returns, etc :-

(1) The Controller may by an order made in writing direct the dealers, manufacturers, and pool handling agencies-

(a) to maintain such books of accounts, records, etc. relating to their business ["in Form N"]; and

(b) to submit to such authority, returns and statements in such form and containing such information relating to their business and within such time as may be specified in that order.

(2) Where a person holds certificates of registration for retail sale and wholesale sale of fertilisers, he shall maintain separate books of accounts for these two types of sales made by him.

36. Fees :-

(1) The fees payable for grant, amendment or renewal of ["an authorization letter or"] a certificate of registration or certificate of manufacture a duplicate of such certificates or renewal thereof under this Order shall be such as the State Government may, [* * *] from time to time fix, subject to the maximum fees fixed for different purposes by the Central Government and different fees may be fixed for different purposes or for different classes of dealers or for different types of mixtures of fertiliser or special mixture:

[* * *]

(2) The authority to whom and the manner in which the fee fixed under sub-clause (1) shall be paid shall be such as may be specified by the State Government by notification in the Official Gazette.

(3) Any fee paid under sub-clause (1) shall not be refundable unless the grant or renewal of any certificate of registration or certificate of manufacture or duplicate copy of such certificate or

renewal under this Order has been refused.

37. Service of orders and directions :-

Any order or direction made or issued by the Controller or by any other authority under this order shall be served in the same manner as provided in sub-section (5) of Section 3 of the Act.

38. Advisory Committee :-

(1) The Central Government may by notification in the Official Gazette and on such terms and conditions as may be specified in such notification, constitute a Committee called the Central Fertiliser Committee consisting of a Chairman and not more than ten other persons, having experience or knowledge in the field, who shall be members of the Committee, to advise the Central Government regarding-

(i) inclusion of a new fertiliser, under this Order;

(ii) specifications of various fertilisers;

(iii) grades/formulations of physical granulated mixtures of fertilisers that can be allowed to be prepared in a State;

(iv) requirements of laboratory facilities in a manufacturing unit, including a unit manufacturing physical/granulated mixtures of fertilisers;

(v) methods of drawal and analysis of samples;

(vi) any other matter referred by the Central Government to the Committee.

(2) The Committee may, subject to the previous approval of the Central Government, make bye-laws fixing the quorum and regulation its own procedure and the conduct of all business to be transacted by it.

(3) The Committee may co-opt such number of experts and for such purposes or periods as it may deem fit, but any expert so co-opted shall not have the right to vote.

(4) The Committee may appoint one or more sub-committees, consisting wholly of members of the Committee [* * *] or partly of the members of the Committee and partly of co-opted members, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such sub-committee or sub-committees by the

Central Fertiliser Committee.

[(5) The State Government may by notification in the Official Gazette and on such terms and conditions as may be specified in such notification, constitute a Committee called the State Fertiliser Committee consisting of a Chairman and not more than 4 other members, having experience or knowledge in the field, including a representative from State Agricultural University, the Fertiliser Industry and Indian Micro Fertilisers Manufacturers' Association to advise the State Government regarding the grades/formulation of (mixture of NPK Fertilisers, mixture of micro-nutrient fertiliser and combination thereof) and their specifications.]

39. Repeal and saving :-

(1) The Fertilisers (Control) Order, 1957 is hereby repealed except as respects things done or omitted to be done under the said Order before the commencement of this Order.

(2) Notwithstanding such repeal, an order made by any authority, which is in force immediately before the commencement of this Order and which is consistent with this Order, shall continue in force and all appointments made, prices fixed, certificates granted and directions issued under repealed Order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, fixed, granted or issued in pursuance of this Order till revoked.

SCHEDULE 1

SCHEDULE

[See Cls. 2(h) and (q)] PART 1 Specification of fertilisers
PART 2 Tolerance limit in plant nutrient for various fertilisers 1. For fertilisers with definite compounds like ammonium sulphate, urea, ammonium chloride, muriate of potash, sulphate of potash, super phosphate, decalcium phosphate, "Sulphur granular and Sulphur powder" which contain more than 20 percent. plant nutrients. 0.2 For those which contain less than 20 per cent. plant nutrients. 0.1 2. For calcium ammonium nitrate 0.3 3. For diammonium phosphate [* * *] 0.5 for individual nutrients subject to the maximum of 2.5 per cent., for all combined nutrients. [4. For nitrophosphates, ammonium sul- Tolerance varies with nutrient level in
phate nitrate, urea, ammonium phosph- fertiliser, subject to the maximum 2 per phate, ammonium phosphate sulphate, cent. for all combined nutrients: bonemeal, granulated mixture, compound/complex fertilisers "100% water soluble fertilisers".
Nutrient Tolerance level (%) level (unit) 15 or less 0.5 16 to 20 0.6 21 or more 0.7] "Note : (a)In serial no. 4, the term, nutrient besides NPK also includes \ \ \ Sulphur. \ \ (b) The term, nutrient in serial no. 1,2,3,5,6,7

and 8 includes N,P,K,S,Ca,Mg,Fe,Mn,Zn,Cu,B and Mo. (c) In case of fertilisers where "Sulphur" has been specified in the specification under Schedule 1, Part A, the tolerance limit shall be same as prescribed under serial no. 1,6 and 8 independently for each Nutrient." [5. For Borax, Chelated Zinc-EDTA and Chelated Iron-EDTA 0.1 6. For Solubor, Copper Sulphate, Zinc Sulphate, Manganese Sulphate, and ferrous sulphate 0.2 7. For ammonium molybdate .. 0.5]

SCHEDULE 2

Method of analysis of Borax (Sodium Tetraborate decahydrate fertiliser)

SCHEDULE 3

Method of analysis of Borax (Sodium Tetraborate decahydrate fertiliser)

SCHEDULE 4

Method of analysis of Borax (Sodium Tetraborate decahydrate fertiliser)