

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

NOTIFICATION

New Delhi, the 18th November, 2003

S.O. 1322(E).—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Destructive Insects and Pests Act, 1914 (2 of 1914), the Central Government hereby makes the following order, for the purpose of prohibiting and regulating the import into India of agricultural articles mentioned herein, namely :—

CHAPTER I
Preliminary

1. Short title and commencement. —

- (1) This order may be called the Plant Quarantine (Regulation of Import into India) Order, 2003.
- (2) Sub-clause (22) of clause 3 shall come into force on the 1st day of April, 2004 and all other provisions of this Order shall come into force on the 1st day of January, 2004.

2. Definitions. — In this Order, unless the context otherwise requires, —

- (i) “additional declaration”- means a statement that is required by an importing country to be entered in a phytosanitary certificate and which provides specific additional information pertinent to the phytosanitary condition of a consignment;
- (ii) “bio-control agent”- means any biological agent such as parasite, predator, parasitoid, microbial organism or self replicating entity that is used for control of pests;
- (iii) “consignment”- means a quantity of seeds, plants and plant products or any regulated article consigned from one party to another at any one-time shipment and covered by a phytosanitary certificate, bill of entry of customs, shipping or airway bill or invoice;
- (iv) “cotton” includes ginned cotton, cotton linters and dropping, tripping, fly and other waste products of cotton mill other than yarn waste, but does not include cotton seed or un-ginned cotton;
- (v) “form” means a form appended to this Order;
- (vi) “fruit” means any fleshy portion of a plant that contains seeds, which is used for consumption and includes seedless fruit, both fresh and dry, but does not include preserved or pickled or frozen fruits;
- (vii) “grain” means seeds intended for processing or consuming but not for sowing or propagating;

- (viii) "germplasm" means plants in whole or in parts and their propagules including seeds, vegetative parts, tissue cultures, cell cultures, genes and DNA based sequences that are held in a repository or collected from wild as the case may be, and are utilized in genetic studies or plant breeding programmes for crop improvement;
- (ix) "import" means an act of bringing into any part or place in the territory of India any kind of seed, plant or plant product or any other regulated article from a place outside India by sea, land or air or across any customs frontier;
- (x) "import permit" means an official document authorizing importation of a consignment in accordance with specified phytosanitary requirements;
- (xi) "Inspection Authority" means an authority notified by the Central Government or an officer of the Directorate of Plant Protection, Quarantine and Storage duly authorized by the Plant Protection Adviser for the purpose of approval and certification of post-entry quarantine facilities and inspection of growing plants in such facilities in accordance with guidelines issued by the Plant Protection Adviser;
- (xii) "Issuing Authority" means an authority as envisaged under Schedule-X or notified as such by the Central Government from time to time either generally or specifically for issuance of import permit;
- (xiii) "notification" means a notification published in the official Gazette and the expression "notified" shall be construed accordingly;
- (xiv) "noxious weeds" means any weed harmful or hazardous or unwholesome to human beings, animal life or parasitic on plant species;
- (xv) "packing material" means any kind of material of plant origin used for packing, which shall include hay, straw, wood savings, wood chips, saw dust, wood waste, wooden pallets, Dunn age mats, wooden packages, coir pith, peat or sphagnum moss etc;
- (xvi) "pest" means any biotic agent capable of causing any injury or damage to plants and plant products and includes any form or stage of insects, mites, snails, slugs, worms, nematodes, algae, fungi, protozoa, bacteria, actinomycetes, viruses, viroids molecules and genetically engineered or modified organisms and weeds;
- (xvii) "Pest Risk Analysis" means the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and strength of any phytosanitary measures are to be taken against it;
- (xviii) "Phytosanitary Certificate" means a certificate issued in the model format prescribed under the International Plant Protection Convention of the Food and Agricultural Organization and issued by an authorized officer at the country of origin of consignment or re-export;
- (xix) "plant" means a living plant or a part thereof including seed and germplasm;

- (xx) “plant products” means un-manufactured material of plant origin including grain and those manufactured products that, by their nature or that of their processing, may create risk for the introduction and spread of a pest;
- (xxi) “Plant Protection Adviser” means the Plant Protection Adviser to the Government of India in the Directorate of Plant Protection, Quarantine and Storage;
- (xxii) “Point of Entry” means any sea port, airport, or land-border check-post or railway station, river port, foreign post office, courier terminal, container freight station or inland container depot as specified in Schedule I or Schedule II or Schedule III, as the case may be;
- (xxiii) “Post-entry Quarantine” means growing of imported plants in confinement for a specified period of time in a glass house, screen house, poly house or any other facility, or isolated field or an off-shore island that is established in accordance with guidelines/standards and are duly approved and certified by an inspection authority notified under this order;
- (xxiv) “Quarantine pest” means a pest of potential economic importance to an area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;
- (xxv) “regulated article” means any article the import of which is regulated by this Order;
- (xxvi) “schedule” means a Schedule to this Order;
- (xxvii) “seeds” means seeds of any agricultural or horticultural crop or forest plant species produced by sexual reproduction and includes naked seeds (cones) produced by gymnosperms and seed sprouts meant for propagation or consumption;
- (xxviii) “soil” means earth, sand, clay, silt, loam, compost, manure, peat or sphagnum moss, litter, leaf waste or any organic media that support plant life and also includes ship ballast or any organic medium used for growing plants;
- (xxix) “timber” means a form of dead wood, log and lumber cut from plants, with or without bark or sawn and sized, which is used for manufacturing veneer, plywood, particle or chip board and making building material, furniture, packages, pallets, sports goods and handicrafts;
- (xxx) “tissue cultured plants” means any part of a plant or plant tissue or plantlet grown under aseptic or sterile conditions in flasks or other suitable container on appropriate media and includes ex-agar washed plant lets;