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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Department of Labour

New Secretariat Buildings, Block-A, 12th Floor
1, K. S. Roy Road, Kolkata-700001.

NOTIFICATION

No. Labr/29/ Tea & Jute dated : 11.02.2025.— WHEREAS, in exercise of power conferred by section 27, read with section 28, of the Insecticides Act, 1968 (46 of 1968), the Central Government, through the Ministry of Agriculture and Farmers' Welfare, issued notification vide No. S.O. 4294(E), dated 29th September, 2023, and published in the *Gazette of India*, Extraordinary, PART II, vide No. CG-DL-E-06102023-249185 dated 3rd October, 2023, promulgating the Insecticides (Prohibition) Order, 2023, prohibiting the sale, distribution, or use of insecticides as specified in the Schedule of that Order and the said Order also empowers the State Government to take necessary steps under the provisions of the Act and its associated rules to ensure the implementation of this Order within their jurisdiction;

AND WHEREAS, the Food Safety and Standards Authority of India (FSSAI) has notified the Food Safety and Standards (Contaminants, Toxins, and Residues) Regulations, 2011. These regulations aim to facilitate the comprehensive testing of food products, ensuring their safety and quality in India. Subsequently, the FSSAI strengthened these provisions through the Food Safety and Standards (Contaminants, Toxins, and Residues) First Amendment Regulations, 2018, which banned the use of 20 pesticides listed under the Insecticides Act, 1968;

AND WHEREAS, the Food Safety and Standards Authority of India (FSSAI) issued a directive on 4th March 2024, in accordance with the directives outlined in File No. QA/3/2021/FSSAI-Part (3), dated 29th November 2023, regarding the testing of banned pesticides. These directives mandate that all the laboratories notified under sub-sections (1) and (2) of section 43 of the Food Safety and Standards Act, 2006, conduct testing for the pesticides namely *Cypermethrin*, *Acephate*, *Imidacloprid*, *Acetamiprid*, *Dinotefuran*, and *Fipronil*, in addition to the 20 banned pesticides listed under the Insecticides Act, 1968, as well as all pesticides specified for Tea under the Food Safety and Standards (Contaminants, Toxins, and Residues) Regulations, 2011;

AND WHEREAS, the West Bengal Tea Directorate, through notification No. Labr./255/Law dated 17th September 2024, published in the *Kolkata Gazette*, *Extraordinary*, PART I, dated 18th September 2024, has come under the administrative control of the Labour Department, Government of West Bengal;

AND WHEREAS, it has now been reported that tea cultivators and growers in the state are using the aforementioned banned or restricted pesticides despite the prohibition and such tea continues to be bought and sold in West Bengal. These banned/ restricted pesticides are reportedly being used secretly and without authorisation in tea gardens, particularly in certain pockets of North Bengal. This is a matter of grave concern, given the adverse impacts of these chemicals on the health of tea garden workers, tea consumers, and the surrounding environment. Additionally, their usage poses a serious risk to the ecological balance and has negative implications for both domestic and international tea markets;

NOW, THEREFORE, in exercise of the power conferred by section 27 of the Insecticides Act, 1968, read with the Insecticides (Prohibition) Order, 2023, issued by the Central Government through the Ministry of Agriculture and Farmers' Welfare *vide* notification No. CG-DL-E-06102023, dated 29th September 2023, wherein the State Government has been empowered to take necessary steps for implementing the said Order, the Governor is pleased hereby to issue the following directions in connection with tea including a list of banned pesticides/insecticides marked as "Annexure-A" for reference:—

1. Awareness Campaigns:

The West Bengal Tea Directorate, operating under the Labour Department, Government of West Bengal, shall take proactive steps to create awareness among farmers, small tea growers, tea garden stakeholders, wholesalers, dealers, retailers, and agents about the prohibition on the sale, distribution, use, and stock of prohibited, banned, or restricted insecticides/pesticides. For this purpose, the Additional Labour Commissioner, North Bengal Zone, shall provide all necessary assistance and support to the Tea Directorate.

2. Prevention of Unauthorised use and sales:

The West Bengal Tea Directorate, in collaboration with the Additional Labour Commissioner, North Bengal Zone, Siliguri shall immediately implement measures to prevent the use and stocking of the prohibited, banned, or restricted insecticides/pesticides in tea gardens. Additionally, steps shall be taken to stop the unauthorised sale of tea that has been cultivated using such prohibited, banned, or restricted chemicals within West Bengal.

3. Inspection, Sampling and Testing:

All officers of not below the rank of Inspector (Minimum Wages) of the Labour Commissionerate and West Bengal Tea Directorate, under the Labour Department, are hereby authorised to detain the container/vehicle carrying tea leaf and collect samples of tea suspected of being cultivated using the prohibited, banned, or restricted insecticides/pesticides. These samples shall be sent to the nearest notified laboratory or tea testing laboratory to be established, notified and authorised by the State Government for this purpose.

4. Customs Officer Verification at International/ Inter-State Borders connected with the State of West Bengal:

Customs officers stationed at international border check posts connected with the State of West Bengal shall permit vehicles carrying tea only if they possess a valid tea testing clearance report issued by the aforesaid notified laboratory (including tea testing laboratory) or any other the competent authority in this regard. In cases of tea shipments across international or inter-state borders, a sample of the tea may be collected upon request to be made in writing before the designated officer by the owner, occupier, or an authorised agent from the vehicle or carrier across the border or otherwise, the same shall be collected by the designated officer himself. The sample taken by the designated officer, will be sent to the nearest notified laboratory or tea testing laboratory to be established and authorised by the State Government for testing.

Tea found with banned or restricted pesticides or insecticides after such testing will be destroyed and Government of West Bengal shall not be liable to pay any compensation in this regard.

All acts by the officers done or carried out in implementation of this notification shall be deemed to be taken in the public interest/ in good faith.

5. State Police Verification at International/ Inter-State Borders connected with the State of West Bengal:

State Police officers stationed at check posts along international or inter-state borders connected with the State of West Bengal shall allow vehicles carrying tea only if a valid tea testing clearance report accompanies the shipment.

6. Support from District Administration:

The District Administration shall provide all necessary assistance and support to the West Bengal Tea Directorate in implementing Government instructions and guidelines. This includes ensuring the enforcement of the provisions outlined in the Insecticides (Prohibition) Order, 2023, as well as the relevant provisions of the Insecticides Act, 1968.

By order of the Governor,

AVANINDRA SINGH, IAS
Secretary to the Government of West Bengal
Department of Labour.

Annexure-A**List of banned pesticides/insecticides:**

- (A) As per directive issued by the Food Safety and Standards Authority of India (FSSAI) on 4th March 2024, to test the following pesticides namely :
- (a) *Cypermethrin*
 - (b) *Acephate*
 - (c) *Imidacloprid*
 - (d) *Acetamipri*
 - (e) *Dinotefuran*
 - (f) *Fipronil*
- (B) As per directive issued by the Food Safety and Standards Authority of India (FSSAI) on 29th Nov, 2023, to test the following pesticides namely:—
1. *Aldicarb (sum of Aldicarb its sulphoxide and sulphone)*
 2. *Aldrin, Dieldrin*
 3. *Chlordane (Total of α -and β -chlordane)*
 4. *Heptachlor (heptachlor metabolite, heptachlor epoxide)*
 5. *Lindane (Gamma (γ) HCH), Alpha HCH, Beta HCH & delta-HCH)*
 6. *Endosulphan (Total of alpha endosulphan & beta endosulphan and endosulphan sulphate)*
 7. *Carbofuran*
 8. *Methomyl*
 9. *Phosphamidon*
 10. *Captafol*
 11. *Ferbam*
 12. *Formothion*
 13. *Simazine*
 14. *Diazinon*
 15. *D.D.T (Total of p,p'-DDT, o,p'-DDT, p,p'-DDE, o,p'-DDE, p,p'-DDD and o,p'-DDE)*
 16. *Fenitrothion*
 17. *Fenthion (sum of fenthion, its oxygen analogue and their sulphoxides and Sulphones)*
 18. *Methyl Parathion (Methyl Parathion and its oxygen analogue i.e. methyl Paraoxon)*
 19. *Ethyl Parathion (Ethyl Parathion and its oxygen analogue i.e. ethyl paraoxon)*
 20. *Monocrotophos*
- (C) All the pesticides specified for Tea the Food Safety and Standards (Contaminants, Toxins, and Residues) Regulations, 2011.