

**PUBLIC ACCOUNTS COMMITTEE
(1975-76)**

(FIFTH LOK SABHA)

HUNDRED AND EIGHTY-FOURTH REPORT

IMPORT OF HOP PLANTS

[Action taken by Government on the recommendations of the Public Accounts Committee contained in their 136th Report (Fifth Lok Sabha)—Department of Agriculture.]



**LOK SABHA SECRETARIAT
NEW DELHI**

November, 1975/Agrahayana, 1897 (S)

Price : Re. 0.60

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA
SECRETARIAT PUBLICATIONS**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
ANDHRA PRADESH		MAHARASHTRA	
1.	Andhra University General Cooperative Stores Ltd., Waltair (Visakhapatnam).	10.	M/s. Sunderdas Gianchand, 601, Girgaum Road, New Princess Street, Bombay-2.
2.	G. R. Lakshmiapaty Chetty and Sons, General Merchants and News Agents, Newpet, Chandragiri, Chittoor District.	11.	The International Book House, (Private) Limited, 6, Ash Lane, Mahatma Gandhi Road, Bombay-1.
ASSAM		12.	The International Book Service, Deccan Gymkhana, Poona-4.
3.	Western Book Depot, Pan Bazar, Gauhati.	13.	Charles Lambert & Company, 10, Mahatma Gandhi Road, Opposite Clock Tower Fort, Bombay.
BIHAR		14.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-1.
4.	Amar Kitab Ghar, Post Box 78, Diagonal Road, Jsmehdipur.	15.	Deccan Book Stall, Fergusson College Road, Poona-4.
5.	M/s. Crown Book Depot, Upper Bazar, Ranchi.	16.	M. & J. Services, Publishers Representatives, Accounts & Law Book Sellers, Bahri Road, Bombay-15.
GUJARAT		MYSORE	
6.	Vijay Stores, Station Road, Anand	17.	People Book House, Opp. Jaganmohan Palace, Mysore.
7.	The New Order Book Company, Ellis Bridge, Ahmedabad-6.	RAJASTHAN	
HARYANA		18.	Information Centre, Government of Rajasthan, Tripolia, Jaipur City.
8.	M/s. Prabhu Book Service, Nai Subzi Mandi, Gurgaon.	19.	M/s. Usha Book Depot, 585/A, Chitra Bazar, Tripolia, Jaipur.
MADHYA PRADESH		UTTAR PRADESH	
9.	Modern Book House, Shiv Vilas Palace, Indore City.	20.	Law Book Company, Jardar Patel Marg, Allahabad-1.

CORRIGENDA TO HUNDRED AND EIGHTY FOURTH
 REPORT OF THE PUBLIC ACCOUNTS COMMITTEE
 (1975-76) PRESENTED TO LOK SABHA ON 9th
 12th JANUARY, 1976.

-.-.

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
(i) 3		11 14 from bottom	have ISSUES	have not ISSUE
4 7	1.10	2 12	appraise notifica- tion	apprise notifi- cations
8		7	<u>Mesrodere</u>	<u>Hetero- dera</u>

PARLIAMENT LIBRARY
 (Library & Reference Service)
 Central Govt Publications,
 Acc. No. B...43911... (3)
 Date.....15.1.76.....

C O N T E N T S

	PAGE
COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE 1975-76	(iii)
INTRODUCTION	(v)
CHAPTER I . Report	1
CHAPTER II . Recommendations/Observations that have been accepted by Government.	7
CHAPTER III . Recommendations/Observations which the Committee do not desire to pursue in view of the replies from Government	16
CHAPTER IV . Recommendations/Observations replies to which have been accepted by the Committee and which require reiteration	18
CHAPTER V . Recommendations/Observations in respect of which Government have furnished interim replies.	19
APPENDIX . . Summary of Main Conclusions/Observations	21

**PUBLIC ACCOUNTS COMMITTEE
(1975-76)**

CHAIRMAN

Shri H. N. Mukerjee

MEMBERS

2. Shri T. Balakrishniah
3. Shri Chandulal Chandrakar
4. Shri Chandrika Prasad
5. Shri Darbara Singh
6. Shri C. C. Gohain
7. Shri Pampan Gowda
8. Shri Raja Kulkarni
9. Shri Shyam Sunder Mohapatra
10. Shri Priya Ranjan Das Munsii
11. Shri Narendra Singh
12. Shri Noorul Huda
13. Shri Shibban Lal Saksena
14. Shri N. K. Sanghi
15. Shri Somchand Solanki
16. Shri Mohammed Usman Arif
17. Shrimati Pratibha Singh
18. Shri V. B. Raju
19. Shri Gulabrao Patil
20. Shri T. K. Srinivasan
21. Dr. K. Mathew Kurian
22. Shri Rabi Ray.

SECRETARIAT

Shri H. G. Paranjpe	-	Chief Financial Committee Officer
Shri N. Sunder Rajan	-	Senior Financial Committee Officer

INTRODUCTION

I, the Chairman of the Public Accounts Committee as authorised by the Committee, do present on their behalf this Hundred and Eighty-fourth Report on the action taken by Government on the recommendations of the Public Accounts Committee contained in their Hundred and Thirty-Sixth Report (Fifth Lok Sabha) on Import of Hop Plants relating to the Department of Agriculture.

2. On the 3rd June, 1975 an 'Action Taken Sub-Committee', consisting of the following Members, was appointed to scrutinise the replies from Government in pursuance of the recommendations made by the Committee in their earlier Reports:

Shri H. N. Mukerjee	Chairman
Shri V. B. Raju	Convener
Shri Priya Ranjan Das Munsî	} Members
Shri Darbara Singh	
Shri N. K. Sanghi	
Shri Rabi Ray	
Shri Raja Kulkarni	
Dr. K. Mathew Kurian	

3. The Action Taken Sub-Committee of the Public Accounts Committee (1975-76) considered and adopted this Report at their sitting held on the 7th November, 1975. The Report was finally adopted by the Public Accounts Committee on the 24th November, 1975.

4. For facility of reference the main conclusions|recommendations of the Committee have been printed in thick type in the body of the Report. A statement showing the summary of the main recommendations|observations of the Committee is appended to the Report.

5. The Committee place on record their appreciation of the assistance rendered to them in this matter by the Comptroller and Auditor General of India.

NEW DELHI;
November 24, 1975
Agrahayana 3, 1897 (S)

H. N. MUKERJEE,
Chairman,
Public Accounts Committee.

CHAPTER I

REPORT

1.1. This Report of the Committee deals with the action taken by Government on the recommendations/observations of the Committee contained in their 136th Report (Fifth Lok Sabha) on Import of Hop Plants which was presented to the House on the 25th February, 1975. Action Taken Notes have been received from the Ministry of Agriculture & Irrigation (Department of Agriculture) in respect of all the 11 recommendations contained in the Report. The observation contained in paragraph 24 of the Report (Sl. No. 1) does not require any specific action on the part of Government as it relates to a general observation on the service rendered by the Press Trust of India in releasing the story on the import of worm-infested hop cuttings.

1.2. The Action Taken Notes on the recommendations of the Committee have been categorised as follows:—

(i) Recommendations/observations that have been accepted by Government:

Sl. Nos. 2, 4, 6, 8, 9, 11 and 12.

(ii) Recommendations|observations which the Committee do not desire to pursue in the light of the replies of Government:

Sl. Nos. 3 and 7.

(iii) Recommendations|observations replies to which have not been accepted by the Committee and which require reiteration:

—Nil—

(iv) Recommendations|observations in respect of which Government have furnished interim replies:

Sl. Nos. 5 and 10.

1.3. The Committee hope that final replies in regard to the recommendations to which only interim replies have so far been furnished will be submitted to them expeditiously after getting them vetted by Audit.

1.4. The Committee will now deal with the action taken on some of their recommendations.

**IMPORTS OF PLANT MATERIALS—INEFFECTIVENESS OF THE
EXISTING LEGISLATION AND REGULATORY MEASURES
(PARAGRAPH 27—Sl. No. 4)**

1.5. Dealing with the import of one consignment of 12,000 Hop Plant root cuttings by United Breweries Ltd. Bangalore from Australia, without observing some of the regulations prescribed for the import of plant materials from abroad, the Committee, in paragraph 27, had observed:

“In the context of the above regulations, the case of the attempted import of one consignment of hop plant root cuttings (12,000 numbers) packed in six cases (wooden boxes) by United Breweries Ltd., Bangalore from Hoechst Ltd., Australia, against import licence No. E/A/1357325/C/XX/43/H/37-38, dated 23-10-1973 has thoroughly exposed the ineffectiveness of the age-old and outdated existing legislation and the governmental machinery and loopholes in the regulatory measures promulgated by the Government of India from time to time to prevent the import of infested plants which constitute great potential hazard to Indian agriculture. The whole episode is replete with glaring and unpardonable contraventions of existing rules. Firstly, the import licence was granted in favour of United Breweries Ltd., Bangalore on the recommendation of the Ministry of Agriculture and the Directorate of Technical Development. It is surprising that clearance from the Directorate of Plant Protection, Quarantine and Storage for import of hop plants was not obtained. Secondly, the procedure laid down for issue of advance permits from the Directorate of Plant Protection, Quarantine and Storage was not at all observed. The consignment of hop plant root cuttings, packed in six wooden boxes, arrived at Palam Airport on 19th May, 1974 from Air India's Plane. Import permit was required to be obtained from the Plant Protection Adviser in case of imports of plant material by air in terms of the notification dated the 20th July, 1936. This was not done. Under the same notification, plants imported should be accompanied by an official certificate (phytosanitary certificate) that they are free from injurious diseases. The consignments were not accompanied by phytosanitary certificate nor an import permit for effecting imports by air. Therefore, it was obligatory on the part of the Plant Protection Officer, Palam Airport to seize and examine the material to see whether it was free

from injurious pests and diseases under para 16 of the above notification."

1.6. In their Action Taken Note dated 25th July, 1975 on the above recommendation, the Ministry of Agriculture & Irrigation (Department of Agriculture) have replied:

"The import licence was issued after the Directorate of Plant Protection, Quarantine and Storage had been consulted. However, the importing party neither obtained import permit as required when plant materials are to be imported by air, nor was the consignment accompanied by a Phytosanitary Certificate. The Directorate of Plant Protection, Quarantine and Storage, therefore, took timely action and destroyed the hop cuttings and effectively prevented the introduction of any injurious nematodes. The Government have undertaken examination of the need for a comprehensive revision of the Destructive Insects and pests Act in the light of the experience gained so far."

1.7. The Committee note that the Government have undertaken an examination of the need for a comprehensive revision of the Destructive Insects and Pests Act, in the light of the experience gained so far. Since the existing legislation is now over six decades old and is obviously out-dated, the Committee recommend that the examination be completed early and all necessary measures adopted to prevent more effectively the introduction of dangerous pests and diseases into the country.

INVESTIGATION INTO THE SANCTION AND ISSUES OF LICENCES FOR IMPORT OF PLANT ROOT CUTTINGS (PARAGRAPH 28—Sl. No. 5)

1.8. Commenting on the absence of a definite procedure for co-ordination with the Directorate of Plant Protection, Quarantine and Storage before according sanction and issuing licences for the import of hop cuttings, the Committee, in paragraph 28, had recommended:

"It is most regrettable and alarming that the Ministry of Agriculture as also the Ministry of Commerce did not consider it necessary to lay down a definite procedure for having coordination with the Directorate of Plant Protection, Quarantine and Storage before according sanction and issuing licences for the import of hop cuttings. The Committee desire that the entire matter relating to sanction

and issue of licences for the import of hop plant root cuttings should be thoroughly investigated with a view to fixing responsibility for the lapses under advice to the Committee."

1.9. In their reply dated the 21st August, 1975, the Ministry of Agriculture & Irrigation (Department of Agriculture) have stated:

"The recommendations of the Committee are noted. Investigations are being undertaken in consultation with the concerned Ministries and organisations. The results of the investigations will be submitted after completion."

1.10. The Committee consider the reply of Government to be of an interim nature and ask the Government to appraise the Committee of the results of the investigations being undertaken, which need to be completed quickly.

Imposition of Penalties for Contravention of Regulations (Paragraph 31—Sl. No. 8)

1.11. Commenting on the absence of provisions in the Destructive Insects and Pests Act and the rules made thereunder for the imposition of penalties on persons importing plant materials in contravention of the regulations, the Committee, in paragraph 31, had observed:

"The Committee were surprised to hear that there are no provisions under the Destructive Insects and Pests Act or the rules made thereunder to impose penalties on persons importing plant materials in contravention of the regulations. The Committee have been informed that the Government of India are examining the question of imposition of penalties in respect of the transaction of import of hop plants in contravention of the provisions of the D.I.P. Act and that they are also examining the need for a comprehensive revision of the D.I.P. Act. The Committee require that stringent legislation for precluding effectively the introduction of pests, diseases, weeds, virus etc. should be put on the Statute Book immediately. That itself should provide for deterrent punishments against violators"

1.12. In their reply dated the 2nd August, 1975, the Ministry of Agriculture & Irrigation (Department of Agriculture) have stated:

“The question whether penalties could be imposed in the particular case of import of hop plants with reference to Section 3 of the Destructive Insects and Pests Act, 1914 and the relevant provisions of the Customs Act, 1962 is under examination in consultation with the Ministry of Law and Justice. The Committee will be informed of the final result.

The comprehensive review of the various provisions of the Destructive Insects and Pests Act, 1914 has also been undertaken and proposals for amending certain provisions of the Act as well as adding certain other provisions have been formulated. These proposals would be discussed in an inter-Ministerial meeting and finalised as early as possible. Steps thereafter will be taken to introduce the required amending bill in the Parliament. The recommendation of the Committee for inclusion of stringent provisions for precluding effectively the introduction of pests, diseases etc. and also for deterrent punishments against violations has been duly taken into account when drawing up the above proposals for amending the Act.”

1.13. The Committee are of the view that unconscionable delay has already taken place over the review of the Destructive Insects and Pests Act, 1914 and that the proposed amending bill, containing stringent provisions for precluding effectively the introduction of pests, diseases, etc. and also for deterrent punishment against violators of the regulations, should be brought before Parliament early.

Non-Production of Phytosanitary Certificate—Correspondence with the Government of Australia (Paragraph 33—Sl. No. 10)

1.14. In paragraph 33 of the Report, the Committee had observed:

“The Committee have been informed that the Plant Protection Adviser to the Government of India, has written to the Assistant Director General, Plant Quarantine, Department of Health, Government of Australia, pointing out that the consignment in question was not accompanied by phytosanitary certificate. The Committee would like to be informed of the reaction of the Department of Health, Government of Australia, to this communication.”

1.15. In their reply dated the 2nd August 1975, the Ministry of Agriculture & Irrigation (Department of Agriculture) have stated:

“The Assistant Director General, Plant Quarantine, Department of Health, Government of Australia informed the Plant Protection Adviser that the responsibility for export inspection of plants and plants products was that of the Department of Agriculture. The Assistant Secretary, Department of Agriculture, Government of Australia in his letter dated the 14th April, 1975 has informed that enquiries conducted throughout Australia have failed to find any evidence that a shipment took place as claimed and that some doubt has now been cast on the source of the consignment. Further investigations are being made with reference to the airway bill, bill of entry in the customs etc. to find out the source from which the said consignment of hop plants was imported by the firm. The result of the investigations will be intimated to the Committee.”

1.16. The Committee are perturbed by the information now furnished by Government that enquiries conducted throughout Australia have failed to produce any evidence that the shipment of hop plant root cuttings had taken place from that country as claimed and that some doubt has now been cast on the source of the consignment of hop plants imported by United Breweries Ltd., Bangalore. Since this gives an entirely new dimension to the case, the Committee recommend that further investigation into the source of the consignment which is now stated to be in progress, should be completed on a top priority basis and stringent action taken against the importers in case they are found to have misused the import licence issued to them.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS THAT HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation

It is on record that a number of pests/diseases/weeds have accidentally entered into our country and have multiplied, spread and are now established as pests for the agricultural crops. The Ministry of Agriculture claimed that the Government of India could not remain complacent and had taken necessary measures by way of legislation as early as 1914 to preclude the introduction of dangerous pests and diseases. Under the Destructive Insects and Pests Act, 1914 various notification have been issued from time to time prohibiting or restricting the import of certain plants, plant materials, insects and fungi either by air, or by sea. But all the existing Rules were breached in the present case relating to the import of hop cuttings from Australia which could have caused disaster to our agriculture and economy.

[S. No. 2 (Para No. 25) of Appendix III to 136th Report (5th Lok Sabha)]

Action Taken

As already explained, the importer of hop plants in this case did not apply in advance to the Plant Protection Adviser for an import permit for getting them by air as required under para 3 of the orders issued under Government of India notification No. 320-35-A dated the 20th July, 1936. In addition, the consignment was not accompanied by an official certificate from the prescribed authorities in the country of origin to the effect that the hop plant cuttings were free from injurious insects and diseases. The importers in the present case, therefore, had committed breach of these two requirements. It may be stated that the various notifications issued under the Destructive Insects and Pests Act, 1914 (Act. II) did not prohibit the import of hop plants or their cuttings as such. In such cases where the imports are not accompanied by the prescribed permits/certificates, the Plant Protection Adviser or any officer authorised by him in this behalf is empowered under para 16 of the notification dated 20th

July, 1936 to inspect and fumigate, if necessary, the consignment and release the materials after satisfying that the material is free from injurious pests and diseases. It may be noted that in this particular case, the Directorate of Plant Protection, Quarantine and Storage took immediate action under this provision in the rules for inspection of the imported plant material. When it was found that the material carried viable systems of the nematode *Heserodera humuli* and indicated presence of root rot pathogens, the entire plant material was destroyed. The timely action taken in this respect prevented the introduction of exotic pests/diseases into our country.

[Ministry of Agriculture & Irrigation (Department of Agriculture)
O. M. No. 20-9/75-PPS dated 25-7-1975]

Recommendation

In the context of the above regulations, the case of the attempted import of one consignment of hop plant root cuttings (12,000) numbers packed in six cases (wooden boxes) by United Breweries Ltd., Bangalore from Hoechst Limited, Australia, against import licence No. E/A71357325/C/XXH/48/9/38 dated 23-10-1973 has thoroughly exposed the ineffectiveness of the age-old and outdated existing legislation and the governmental machinery and the loopholes in the regulatory measures promulgated by the Government of India from time to time to prevent the import of infested plants which constitute a great potential hazard to Indian agriculture. The whole episode is replete with glaring and unpardonable contraventions of existing rules. Firstly, the import licence was granted in favour of United Breweries Ltd., Bangalore on the recommendation of the Ministry of Agriculture and the Directorate of Technical Development. It is surprising that clearance from the Directorate of Plant Protection, Quarantine and Storage for import of hop plants was not obtained. Secondly, the procedure laid down for issue of advance permits from the Directorate of Plant Protection, Quarantine and Storage was not at all observed. The consignment of hop plant root cuttings, packed in six wooden boxes, arrived at Palam Airport on 19-5-1974 from Air India's plane. Import permit was required to be obtained from the Plant Protection Adviser in case of imports of plant material by air in terms of the notification dated the 20th July, 1936. This was not done. Under the same notification, plants imported should be accompanied by an official certificate (phytosanitary certificate) that they are free from injurious diseases. The consignments were not accompanied by phytosanitary certificate nor an import permit for effecting imports by air. Therefore, it was obligatory on the part

of the Plant Protection Officer, Palam Airport to seize and examine the material to see whether it was free from injurious pests and diseases under para 16 of the above notification.

[S. No. 4 (Para No. 27) of Appendix III to 136 Report
(5th Lok Sabha)]

Action taken

The import licence was issued after the Directorate of Plant Protection, Quarantine and Storage had been consulted. However, the importing party neither obtained import permit as required when plant materials are to be imported by air, nor was the consignment accompanied by a Phytosanitary Certificate. The Directorate of Plant Protection, Quarantine and Storage, therefore, took timely action, and destroyed the hop cuttings and effectively prevented the introduction of any injurious nematodes. The Government have undertaken examination of the need for a comprehensive revision of the Destructive Insects and Pests Act in the light of the experience gained so far.

[Ministry of Agriculture & Irrigation (Department of Agriculture)
O. M. No. 20-9/75-PPS dated 25-7-1975]

Recommendation

The Committee note that the Government now only propose to make prior consultation with Plant Protection Adviser and Production of a 'No objection' certificate from him obligatory before issue of import licences for import of hop plants. The Committee would require that necessary rules in this regard must be issued with utmost expedition and laid on the Table of both Houses of Parliament forthwith under advice to the Committee.

[S. No. 6 (Para 29) of Appendix III to 136th Report (5th Lok Sabha)]

Action taken

Necessary rules have since been framed making production of 'No objection certificate' obligatory before issue of import licence for import of Plants, living, in the Import Policy for the year 1975-76. A copy of the report has been laid down on the both Houses of Parliament on 7-4-1975.

[Office of the Chief Controller of Imports and Exports U.O. No. IPC
(Gen. 207/71/75/3219 dated 29-7-1975*)]

Recommendation

The Committee were surprised to hear that there are no provisions under the Destructive Insects and Pests Act or the rules made thereunder to impose penalties on persons importing plant materials in contravention of the regulations. The Committee have been informed that the Government of India are examining the question of imposition of penalties in respect of the transaction of import of hop plants in contravention of the provisions of the DIP Act and that they are also examining the need for a comprehensive revision of the DIP Act. The Committee require that stringent legislation for precluding the effectively the introduction of pests, diseases, weeds, virus etc. should be put on the Statute Books immediately. That itself should provide for deterrent punishments against violators.

[S. No. 8(Para 31) of Appendix III to 136th Report (5th Lok Sabha)]

Action taken

The question whether penalties could be imposed in the particular case of import of hop plants with reference to Section 3 of the Destructive Insects and Pests Act, 1914 and the relevant provisions of the Customs Act, 1962 is under examination in consultation with the Ministry of Law and Justice. The Committee will be informed of the final result.

The comprehensive review of the various provisions of the Destructive Insects and Pests Act, 1914 has also been undertaken and proposals for amending certain provisions of the Act as well as adding certain other provisions have been formulated. These proposals would be discussed in an inter-Ministerial meeting and finalised as early as possible. Steps thereafter will be taken to introduce the required amending bill in the Parliament. The recommendation of the Committee for inclusion of stringent provisions for precluding effectively the introduction of pests, Diseases etc., and also for deterrent punishments against violators has been duly taken into account when drawing up the above proposals for amending the Act.

[Ministry of Agriculture & Irrigation (Department of Agriculture)
O. M. No. 20-9/75-PPS dated 2-8-1975]

Recommendation

The Committee have been informed that the consignment of hop plant root cuttings was assessed to customs duty and an amount of

Rs. 56,412.75 was collected. The Committee presume that this amount has not been refunded by the Customs authorities.

[S. No. 9 (Para 32) of Appendix III to 136th Report (Fifth Lok Sabha)]

Action taken*

It has been ascertained from the Collector of Customs and Central Excise, New Delhi that the customs duty amounting to Rs. 56,412.75 collected for the consignment of hop plant root cuttings has not been refunded.

[Ministry of Finance O.M. No. 483/8/74-Cus. VII, dated 30-7-1975*]

Recommendation

The Committee are constrained to observe that no precise instructions have been issued by the Plant Protection Adviser to the Government of India, or the Ministry of Agriculture, to the Air Companies, Indian or foreign, regarding the formalities to be observed by them before acceptance of consignments of plant materials, which is deprecated. The Committee would require that in consultation with the Ministry of Finance, Tourism and Civil Aviation, precise instructions in this regard should be issued forthwith by concerned with the importation of plants, plant materials and other such items.

[S. No. 11 (Para 34) of Appendix III to 136th Report (5th Lok Sabha)]

Apart from the instructions to be issued by the concerned Administrative Ministries in this regard, the Committee would also like to know whether any instructions have been issued by Air and Steamer companies, particularly Air India, to their offices and agents abroad on the subject to accepting for carriage consignments, the import of which into the country may have harmful effects. Since such a practice exists in certain foreign airlines, the Committee would suggest that a proper and foolproof procedure should be laid down in this regard and the categories of consignments that should not be accepted for carriage, without the production of a certificate from the competent authority in the country of import, should be clearly specified.

[S. No. 12 (Para 35) of Appendix III to 136th Report (Fifth Lok Sabha)]

*Not vetted in Audit.

Action taken

The recommendations of the Committee have been noted. The Plant Protection Adviser has been instructed to drawup a set of guide-lines in regard to the importation of plants and plant materials with reference to the various provisions in the Destructive Insects and Pests Act, 1914 and the notifications issued thereunder. Copies of the guide-lines are proposed to be sent to Air companies, Indian and foreign, as also Steamer companies. The Air and Steamer companies would also be instructed to send copies of the guide-lines to their offices and agents abroad. It may, however, be stated that the Air India Limited had circulated in March, 1968, the summary of rules under the Destructive Insects and Pests Act, 1914 to all their Stations. A copy of the Air India circular is enclosed (Annexure). Air India have also stated as under:

“All our stations, on-line and off-line-as also our Agents throughout the world are in possession of Airline Cargo Tariff (ACT) which is published on behalf of 30 International Carriers. This publication also reflects various regulations governing imports and exports of all the countries in the world.

The following regulation is published on page 53 under 'India' in the Section 'Regulations by countries' in the issue No. 56 of Airline Cargo Tariff which is effective from February, 1975:

“(b) Plants (live) and plant material (including packing material): May be imported only *via* the following Indian ports: Bombay, Calcutta, Madras or New Delhi. They need, in addition to the usual number of Commercial Invoices:

- a Certificate from the Plant Entomologist of the country of shipment, stating that the plants are free from diseases, and an import permit from the Directorate of Plant Protection, Quarantine and Storage, New Delhi and/or or any plant quarantine and fumigation station within India.

Special Certificate from the Plant Protection Adviser to the Government of India, Delhi, or competent Research Institute, for plants infected with living insects and intended for their introduction. The Certificate must state the purpose of importation.

Note: Plants will be fumigated on arrival or destroyed, if diseased—for prohibited plants see para (7) Prohibitions

below. Plants must be packed in insect-proof containers. Rubber seeds will be treated at Bombay or Madras."

"Para 7. *Prohibitions:*

Plants: Citrus, cocoa and other species of the—obroma, coffee, garlic, onion and other allium species, potatoes, rubber and sugar cane. Plant materials: seeds of bersem cotton, flax, mexican jumping beans and unginned cotton; seeds of cocoa and other species of the abroma from Africa, Ceylon and the West Indies; coffee seeds and beans except from Burma and/or imported by the Director of Research, Indian Coffee Board, Bangalore; Rubber seeds from America and East Indies, except by the Director of Agriculture, Madras; Sunflower seeds from Peru and Argentina; unmanufactured tobacco, raw or cured except from Burma."

[Ministry of Agriculture & Irrigation (Deptt. of Agriculture) O.M.
No. 20-9/75-PPS dated 21.8.1975]

ANNEXURE
AIR-INDIA
CARGO OFFICE, BOMBAY

Ref: CMC|21-32|20740

March 20/21, 1968.

ALL STATIONS

SUB: Rules governing the import into India of plants and plant materials by air.

We reproduce below, for your information a summary of the rules under the Destructive Insects and Pests Act, 1914 (II of 1974) governing the import of plants and plant materials into India. This summary has been forwarded to us by the Directorate of Plant Protection, Quarantine and Storage, Ministry of Food and Agriculture, Government of India, Plant Quarantine and Fumigation Station, Haji Bunder Road, Sewri, Bombay-15.

"Definition:

Plant: A living plant or part thereof such as tuber, bulb, rhizome, corm, cutting, budwood graft layers, suckers, roots, flowers, fruits and vegetables.

Plant materials:

Plant products such as ginned cotton, unmanufactured tobacco, seed etc.

S. No.	Name of Plant	For general public	For Research Institute of Organisation under Central/State Governments	Remarks
1	2	3	4	5
1.	<i>Allium Spp</i> (Onion, Garlic, chive, shallot etc.)	Prohibited	Restricted	
2.	<i>Barsem</i> , seed	"	Prohibited	
3.	<i>Citrus</i> , sp. (Lemon, Lime, Orange and Grape fruit plants).	"	Restricted	
4.	Coffee (Beans, seeds and Plants)	Prohibited except from Burma.	Restricted	
5.	Cotton unginned	Prohibited	Prohibited	
6.	Cotton ginned	Can be imported, fumigation mandatory for American and West Indies Cotton	Can be imported; Fumigation mandatory for American & West Indies cotton.	
7.	Cotton seed	Prohibited	Restricted	

1	2	3	4	5
8.	Cocoa plants and other sp. of <i>Theobroma</i>	Prohibited	Allowed from countries other than Africa, Ceylon & West Indies.	
9.	Cocoa seeds	Permitted from countries other than Africa, Ceylon and West Indies.	Do.	
10.	Flax seeds	Prohibited	Prohibited	
11.	Forest plants and seeds, of <i>Castanea</i> , <i>Ulmus</i> and <i>Pinus</i> sp.	Prohibited	Restricted	
12.	<i>Hevea</i> sp. (Rubber) Plants	Do.	Restricted. No. Restriction for Director of Agriculture, Madras.	
13.	<i>Hevea</i> sp. (Rubber) seeds.	Can be imported from countries other than American & West Indies.	Restricted.	
14.	Mexican jumping Beans	Prohibited	Prohibited	
15.	Potatoes	Prohibited	Restricted	
16.	Sunflower seeds	Allowed from countries other than Argentina and Peru	Allowed from countries other than Argentina and Peru.	
17.	Sugarcane	Prohibited	Restricted	
18.	Tobacco	Restricted	Restricted	
19.	Tobacco seed	Prohibited	Restricted.	

Note :

1. Plant and plant materials other than mentioned above can be imported with a permit issued by the Plant Protection Adviser to the Government of India, New Delhi and Phytosanitary Certificate from the Country of origin. Research Institute/Organisations under the Control of Central and State Governments can import without a permit.
2. Plants cannot be imported into India by a letter of sample post except sugarcane by the Director, Sugarcane Breeding Institute, Coimbatore.
3. Ginned cotton samples from all countries and fruits and vegetables from Afganistan for consumption can be imported without a permit or phytosanitary certificate provided they are inspected. "
4. Please make a careful note of the above.

sd/—(J. FERNANDES)

ASSTT. MANAGER CARGO SALES.

CHAPTER III

RECOMMENDATIONS|OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES RECEIVED FROM GOVERNMENT

Recommendation

The Committee heard with great concern that there is no specific and different procedure laid down for the import of hop plants. Hop plants come under the category of plant material and the procedure laid down for the import of hop plants applied to the import of hops also. Import permit is required to be obtained from the Plant Protection Adviser in case of imports of plant material by air. Application for issue of import permit is required to be made by the importer to the Plant Protection Adviser in advance in the prescribed form, i.e., Schedule I to the Notification dated the 20th July, 1936. Further, under Notification dated the 20th July, 1936, plants imported should be accompanied by an official certificate "Phytopsanitary certificate in technical parlance" that they are free from injurious insects and diseases. In cases of import not accompanied by Phytopsanitary certificate, the Plant Protection Adviser or any other authorised officer may release plant if, after inspection or fumigation the said plant Protection Adviser or such other officer is satisfied that the Plant is free from injurious pests and diseases.

[S. No. 3 (Para 26) of Appendix III to 136th Report (5th Lok Sabha)].

Action taken

The procedure laid down for the import of plant and plant material in the Destructive Insects and Pests Act of 1914 and the Notification dated the 20th July, 1936 applied to the import of hops also, as they come under the category of plant material. Therefore, the import of hops is required to be accompanied by Phytopsanitary certificate from the country of origin and in addition an import permit should be obtained by the Importer from Plant Protection Adviser, if the import is effected by air. The above requirements, if observed, would ensure that the plants do not bring in any pests and diseases. It may be noted that the notification dated the 20th July, 1936, gives powers to the Plant Protection Adviser or any other

authorised officer to inspect, confiscate and destroy, in case the material is found to carry diseases or pests. These general procedures and provisions are sufficient safeguards against the entry of pests and diseases through the import of any plant material and, therefore, it would not be necessary to prescribe separate procedures for different types of plant material.

[Ministry of Agriculture & Irrigation (Deptt. of Agriculture) O.M. No. 20-9/75-PPS, dated 2.8.1975].

Recommendation

How a private brewery could get clearance from both the Ministries of Commerce and Agriculture and Directorate General Technical Development and make a daring attempt to smuggle in, in a way, infested hop cuttings by air without the necessary permits from the Directorate of Plant Protection, Quarantine and Storage is a matter which calls for a thorough investigation with a view to fixing individual responsibility. The matter should be referred to Central Vigilance Commission.

[S. No. 7 (Para No. 30) of Appendix III to 136th Report (5th Lok Sabha)].

Action taken

Under the provisions of the Destructive Insects and Pests Act, 1914, and the notifications issued thereunder, the importer of any plant and plant material is required to apply to the Directorate of Plant Protection, Quarantine and Storage for an import permit in cases where the imports are by air. In this particular case, M/s. United Breweries Limited, Bangalore who are the importers did not apply to the Plant Protection Adviser in advance for an import permit. The responsibility for failure to apply and obtain necessary import permits from the Directorate of Plant Protection, Quarantine and Storage is squarely that of the firm. In view of this, the question of entrusting the matter to the Central Vigilance Commission for a thorough investigation with a view of fixing individual responsibility in so far as Ministry of Commerce and Ministry of Agriculture and Irrigation are concerned would not arise.

[Ministry of Agriculture & Irrigation (Deptt. of Agriculture) O.M. No. 20-9/75-PPS dated 25-7-1975]

CHAPTER IV

**RECOMMENDATIONS/OBSERVATIONS REPLIES TO WHICH
HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND
WHICH REQUIRE REITERATION**

Nil.

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT HAVE FURNISHED INTERIM REPLIES

Recommendation

It is most regrettable and alarming that the Ministry of Agriculture, as also the Ministry of Commerce did not consider it necessary to lay down a definite procedure for having coordination with the Directorate of Plant Protection, Quarantine and Storage before according sanction and issuing licences for the import of hop cuttings. The Committee desire that the entire matter relating to sanction and issuing licences for the import of hop plant root cuttings should be thoroughly investigated with a view to fixing responsibility for the lapses under advice to the Committee.

[S. No. 5 (Para 28) of Appendix III to 136th Report (5th Lok Sabha)]

Action taken

The recommendations of the Committee are noted. Investigations are being undertaken in consultation with the concerned Ministries and Organisations. The results of the investigations will be submitted after completion.

[Ministry of Agriculture & Irrigation (Deptt. of Agriculture) O.M. No. 20-9 '75-PPS dated 21.8.1975]

Recommendation

The Committee have been informed that the Plant Protection Adviser to the Government of India has written to the Assistant Director General, Plant Quarantine, Department of Health, Government of Australia pointing out that the consignment in question was not accompanied by Phytosanitary certificate. The Committee would like to be informed of the reaction of the Department of Health, Government of Australia, to this communication.

[S. No. 10 (Para 33) of Appendix III to 136th Report (5th Lok Sabha)]

Action taken

The Assistant Director General, Plant Quarantine, Department of Health, Government of Australia informed the Plant Protection

Adviser that the responsibility for export inspection of plants and plants products was that of the Department of Agriculture. The Assistant Secretary, Department of Agriculture, Government of Australia in his letter dated the 14th April, 1975 has informed that enquiries conducted throughout Australia have failed to find any evidence that a shipment took place as claimed and that some doubt has now been cast on the source of the consignment. Further investigations are being made with reference to the airway bill, bill of entry in the customs etc., to find out the source from which the said consignment of hop plants was imported by the Firm. The result of the investigations will be intimated to the Committee.

[Ministry of Agriculture & Irrigation (Deptt. of Agriculture) O.M.
No. 20-9/75-PPS dated 2-8-1975]

NEW DELHI;
24th November, 1975
3rd Agrahayana, 1897 (Saka).

H. N. MUKERJEE,
Chairman,
Public Accounts Committee.

APPENDIX

Summary of Main Conclusions/Recommendations

Sl. No.	Para No. of the Report	Ministry concerned	Conclusions/Recommendations
1	2	3	4
1.	1.3	Department of Agriculture	The Committee hope that final replies in regard to the recommendations to which only interim replies have so far been furnished will be submitted to them expeditiously after getting them vetted by Audit.
2.	1.7	-Do-	The Committee note that the Government have undertaken an examination of the need for a comprehensive revision of the Destructive Insects and Pests Act, in the light of the experience gained so far. Since the existing legislation is now over six decades old and is obviously out-dated, the Committee recommend that the examination be completed early and all necessary measures adopted to prevent more effectively the introduction of dangerous pests and diseases into the country.
3.	1.10	-Do-	The Committee consider the reply of Government to be of an interim nature and ask the Government to apprise the Committee of the results of the investigations being undertaken, which need to be completed quickly.

1	2	3	4
4.	I.13	Department of Agriculture	The Committee are of the view that unconscionable delay has already taken place over the review of the Destructive Insects and Pests Act, 1914 and that the proposed amending bill, containing stringent provisions for precluding effectively the introduction of pests, diseases, etc. and also for deterrent punishment against violators of the regulations, should be brought before Parliament early.
5.	I.16	-Do-	The Committee are perturbed by the information now furnished by Government that enquiries conducted throughout Australia have failed to produce any evidence that the shipment of hop plant root cuttings had taken place from that country as claimed and that some doubt has now been cast on the source of the consignment of hop plants imported by United Breweries Ltd., Bangalore. Since this gives an entirely new dimension to the case, the Committee recommend that further investigation into the source of the consignment which is now stated to be in progress, should be completed on a top-priority basis and stringent action taken against the importers in case they are found to have misused the import licence issued to them.

