

No.34-1/2013-FM
Government of India
Ministry of Chemicals & Fertilizers
Department of Fertilizers

Room No.222-A, Shastri Bhawan,
New Delhi, the 11th April, 2014

OFFICE MEMORANDUM

Subject: Guidelines related to non-standard imported fertilizers.

The undersigned is directed to say that some instances have come to the notice of this Department wherein imported fertilizers have failed quality test at designated Fertilizer Quality Check Laboratories. Generally, there is time lag between the time sample of imported fertilizer is taken and report submitted by the laboratory. During this time gap, there are chances of sub-standard material being sold to the farmer. To avoid such instances, following guidelines should be followed strictly by all concerned:

1. The fertilizer quality checking laboratory sends report of quality checks, as per the extant guidelines, to both – Department of Fertilizers and the company concerned.
2. As soon as the reports are received by the concerned division i.e. MPR Division in DoF, the division shall intimate the Movement Division of the Department.
3. Movement Division, on receipt of the intimation, will ask the importers of fertilizer/ companies/ pool handling agencies to intimate the former (Movement Division) regarding the dispatches done from the sub-standard declared consignment in date-wise, State-wise, District-wise and Rake-wise format.
4. As per clause 24 of Fertilizer Control Order (FCO), "Every manufacturing organization/ importer and pool handling agency shall appoint in that organization and in consultation with the Central Government, an officer, who shall be responsible for compliance with the provisions of this Order. Therefore, it is bounden duty of the appointed officer of manufacturer/ pool handling agencies to comply with the provisions of Fertilizer Control Order (FCO) i.e. they shall take immediate action to stop the sale and further movement of sub-standard material and at the same time inform State Government Agencies (to which such sub-standard material has been supplied) for taking up appropriate action by State Agencies. This should be compulsorily complied by all the importers/ companies/ manufacturers/ pool handling agencies.
5. Movement Division, on receipt of date-wise, State-wise, District-wise and Rake-wise details from the concerned company, may also write to the State Agencies for their information and action as per Fertilizer Control Order (FCO).
6. Under Section 6(A) of the Essential Commodity Act (EC Act), the stocks which have been imported/ manufactured in contravention of the provisions of Fertilizer Control Order (FCO), can be seized by fertilizer inspectors and the report of such seizure can be sent to Collector of the district concerned where such stocks have been seized and the Collector under Sector 6(C) of Essential Commodity Act(ECA) can order for confiscation of such stocks. Therefore, the State Governments are required to take action accordingly.

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7. As per Section 7 (Penalties) and 8 (Attempts and Abetment) of Essential Commodity Act(ECA) any person contravening the provisions of Fertilizer Control Order (FCO) can also be prosecuted under these Sections and the sentence prescribed is ranging from a term of imprisonment of 3 months to 7 years.

19/2/15

(Capt. Rana Vikram Singh)
Director (Movement)
Tel.: 23381828

To
CMD/MD- All importers.

Copy to:

- 1) PPS to Secy.(F)
- 2) PS to JS(SC)/ JS(SLG)/ JS(SG)
- 3) ED, FICC/ Dir.(FA)
- 4) JS (INM), Department of Agriculture and Cooperation for information.
- 5) The Commissioners/ Directors of Agriculture (All States and UTs)
- 6) ✓ NIC for uploading on the website.