

SIKKIM
GOVERNMENT



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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 10/LD/P/15

Dated: 7.01.2015

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 28th day of November, 2014 is hereby published for general information:-

**THE SIKKIM AGRICULTURAL, HORTICULTURAL INPUT AND LIVESTOCK
FEED REGULATORY ACT, 2014
(ACT No. 10 OF 2014)
AN
ACT**

to regulate the import, sale, distribution and use of inorganic Agricultural, Horticultural Inputs and Livestock Feed to prevent risk to human beings or animals and environment and to make the State of Sikkim an Organic State and for matters connected therewith.

Be it enacted by the Legislature of Sikkim in the Sixty-fifth Years of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Agricultural, Horticultural input and Livestock Feed Regulatory Act, 2014.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

Definitions.

2. In this Act unless the context otherwise requires-
 - (a) "animals" means animals useful to human beings and also includes fish and fowl and such kinds of wildlife as the State or Central Government may by notification in the Official Gazette specify being kinds which in its opinion it is desirable to protect or preserve;

- (b) "farm unit" means an agricultural farm, area or production unit managed organically by a farmer or a group of farmers;
- (c) "State Government" means the Government of Sikkim through the Department of Food Security and Agriculture Development and Horticulture and Cash Crops Development;
- (d) "green manure" means manure consisting of fresh green plant matter which is ploughed in or turned into the soil for the purposes of soil improvement;
- (e) "habitat" means the area in which a plant or animal species naturally exists;
- (f) "inputs" means those items which are categorised as "inputs prohibited", "inputs permitted" and "inputs restricted" as specified in Schedule I.
- (g) "inputs permitted" means those items which can be used in organic farming and are specified in Schedule I;
- (h) "inputs prohibited" means those items the use of which is prohibited in organic farming and are those which are not permitted or restricted as specified in Schedule I;
- (i) "inputs restricted" means those items that are allowed in organic farming in a restricted manner as per the guidelines of National Programme for Organic Production;
- (j) "inspection" means inspection by an Organic Regulatory Inspectors at any place within the territory of Sikkim to verify the use of inputs and feed as set out in the Act.
- (k) "livestock" means any domestic or domesticated animal including Bovine (Buffalo and Bison), Porcine, Caprine, Equine, Poultry and Bees raised for food or in the production of food but does not include the products obtained by fishing;
- (l) "marketing" means holding for sale or displaying for sale, offering for sale, selling, delivering or placing in the market or in any other form;
- (m) "NPOP" means National Programme for Organic Production;
- (n) "Organic Regulatory Inspectors" means and include such officials as may be appointed/designated by the State Government;
- (o) "Organic" means a particular farming system without artificial chemicals such as fertilizers, pesticides etc as described in the Act;
- (p) "Organic Agriculture" is a system of farm design and management to create an ecosystem which can achieve sustainable productivity without the use of artificial external inputs such as chemical, fertilizers and pesticides;
- (q) "Organic Feed or Feed Materials" mean feeding stuff/feed materials which have been made from organic materials and

produced as per the standards laid down in the National Programme for Organic Production regulations;

- (r) "Organic seeds" and planting material mean seed and planting material produced under certified Organic System;
- (s) "Organic Mission" means the State Organic Mission set up by the State Government;
- (t) "prescribed" means prescribed by rules under this Act;
- (u) "Rules" means the rules framed under the Sikkim Agricultural, Horticultural Input and Livestock Feed Regulatory Act, 2014;

Prohibition of Import of Inorganic Agricultural, Horticultural Inputs and Livestock Feed.

3. No person shall himself or by any person on his behalf import into Sikkim,-
- (a) any inorganic Agricultural, Horticultural Inputs and Livestock Feed for sale or distribution or use of which is for the time being prohibited and restricted under clause (h) and (i) of Section 2;
 - (b) any inorganic Agricultural, Horticultural Inputs and Livestock Feed in contravention of any other provision of this Act or of rules made there under.

Prohibition of sale etc. of Inorganic Agricultural, Horticultural Inputs and Livestock Feed.

4. No person shall himself or by any person on his behalf sell, stock or exhibit for sale, distribute, transport, use or caused to be used :-
- (a) any inorganic Agricultural, Horticultural Inputs and Livestock Feed which is for the time being prohibited and restricted under clause (h) and (i) of Section 2;
 - (b) any inorganic Agricultural, Horticultural Inputs and Livestock Feed in contravention of any other provision of this Act or of any rule made there under.

Prohibition of use in cultivation of crop of inorganic Agricultural and Horticultural Inputs.

5. No person shall himself or by any person on his behalf put to use for cultivation or stock :-
- (a) any inorganic Agricultural, Horticultural Inputs which is for the time being prohibited and restricted under clause (h) and (i) of Section 2;
 - (b) any inorganic Agricultural, Horticultural Inputs in contravention of any other provision of this Act or of any rule made there under.

Explanation:- For the purpose of this section, organic seed and plant materials shall be used for cultivation but when certified organic seed and plant materials are not available, chemically untreated conventional materials shall be used with the permission of State Government as per the provision contained in Section 8 of the Act. The use of genetically engineered seeds, pollen, trans-gene plants or plant material is prohibited for cultivation.

Prohibition of use in poultry farming and cattle farming of inorganic livestock feed.

6. No person shall himself or by any person on his behalf put to use in poultry farming and cattle farming or stock:-
- (a) Any livestock feed which is for the time being prohibited and restricted under clause (h) and (i) of Section 2.
 - (b) Any inorganic livestock feed in contravention of any other provision of this Act as or of any rule made there under.

Explanation: For the purpose of this section livestock feed containing Atrazine, Arsenic based compounds and all forms of Animal Protein including chicken litter are prohibited for use in Poultry and Cattle Farming.

Explanation: For the purpose of this section, the following products shall not be included nor added to the feed given to farm animals:

- (i) synthetic growth stimulants;
- (ii) synthetic appetizers;
- (iii) artificial colouring agents;
- (iv) farm animals by products;
- (v) pure amino acids;
- (vi) genetically engineered organisms or products thereof;

Protection of Habitat.

7. No person shall himself or by any person on his behalf put to use or stock in Sikkim:-
- (a) Any inorganic Agricultural, Horticultural Inputs, Livestock feed which is for the time being prohibited and restricted for the protection and preservation of any area defined as a habitat.
 - (b) any inorganic Agricultural, Horticultural Inputs, Livestock Feed in contravention of any other provision of this Act or of any rule made there under.

Import, Sale and use of Restricted Inputs.

8. (1) Any person desiring to import or to sell, stock, exhibit for sale or distribute or use in the cultivation of crop, any restricted agricultural and horticultural inputs may make an application to the State Government for the grant of permission to import or to sell, stock, exhibit for sale or distribute or use in the cultivation of crop any restricted agricultural inputs.
- (2) Any person desiring to import or to sell, stock, exhibit for sale or distribute or use in Cattle Farming or Poultry Farming any restricted items of Livestock Feed may make an application to the State Government for the grant of permission.

**Organic Regulatory
Inspectors.**

9. (1) The State Government may by notification in the Official Gazette appoint such number of persons as it thinks fit and possessing such technical and other qualifications as may be prescribed to be Organic Regulatory Inspectors for such area as may be specified in the notification;
- (2) Every Organic Regulatory Inspector shall be deemed to be a Public Servant;
- (3) The State Government may by notification also designate/appoint such other officials as Additional Regulatory Inspector for the purpose of assisting the Organic Regulatory Inspector.

**Powers of Organic
Regulatory
Inspectors.**

10. The powers and functions of the Organic Regulatory Inspectors shall be such as may be prescribed by the rules made there under.

**Offences and
Punishment.**

11. Whoever,-
- (a) Imports, sells, stocks, or exhibits for sale or distributes for commercial purposes any Inorganic Agricultural, Horticultural Inputs and Livestock Feed which are prohibited and restricted under clause (h) and (i) of Section 2 or;
- (b) puts to use in the cultivation of farm land or stocks in a farm land inorganic Agricultural, Horticultural Inputs or;
- (c) puts to use and stocks for poultry farming and cattle farming Inorganic Livestock Feed prohibited and restricted under clause (h) and (i) of Section 2 or;
- (d) puts to use or stocks inorganic Agricultural, Horticultural inputs and Livestock feed which are prohibited in an area defined as habitat or;
- (e) Prevents or obstructs an Organic Regulatory Inspector in the exercise of his powers or discharge of his duty under this Act or the rules made there under shall be punishable :
- (i) with imprisonment of either description for a term which may extend to 3 months, or with fine which may not be less than Rs.25, 000/- (Rupees twenty-five thousand) only but shall not exceed more than Rs. 1,00,000/- (Rupees one lakh) or with both.

- (ii) If any person who has been convicted of the commission of an offence punishable under this Act shall be punished for the second and every subsequent offence with a fine which may extend to twice the amount imposed on him in his previous conviction:

Provided that the Court may for reasons to be recorded in judgement, impose a fine exceeding the fine for which a person is liable.

Cognizance and trial of offences.

12. 1. No prosecution for an offence under this Act shall be instituted except by official/officials authorised in this behalf by general or special order issued by the State Government in this behalf.
2. All offences under this Act made there under shall be triable in the Court of Judicial Magistrate upon a complaint instituted as per the provision of sub-section(1)

Protection of action taken in good faith.

13. No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any other person exercising any powers or discharging any functions or performing any duties under this Act for anything done in good faith or intended to be done under this Act or any rule made there under.

Applicability of other laws not barred.

14. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power of the State Government to make Rules.

15. The State Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Repeal and saving.

16. (1) The Sikkim Agricultural, Horticultural Input and Livestock Feed Regulatory Ordinance, 2014 (Ordinance No.1 of 2014), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under that Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this act was in force on the day on which such thing was done or such action was taken.

SCHEDULE - I

(See Section 2)

I. Products for Use in Fertilizing and Soil Conditioning

1. Matter Produced on an Organic Farm Unit

- | | | |
|-----|--|-----------|
| (a) | Farmyard and poultry manure, slurry, urine | Permitted |
| (b) | Crop residues and green manure | Permitted |
| (c) | Straw and other mulches | Permitted |

2. Matter Produced Outside the Organic Farm Unit

- | | | |
|-----|--|------------|
| (a) | Blood meal, meat meal, bone meal and feather meal without Preservatives | Restricted |
| (b) | Compost made from any carbon based residues (Animal excrement including poultry) | Restricted |
| (c) | Farmyard manure, slurry, urine ("factory" farming sources prohibited) | Restricted |
| (d) | Fish and fish products without preservatives | Restricted |
| (e) | Guano | Restricted |
| (f) | Human excrement | Prohibited |
| (g) | By-products from the food and textile industries of biodegradable material of microbial, plant or animal origin without any synthetic additives. | Restricted |
| (h) | Peat without synthetic additives (prohibited for soil conditioning) | Permitted |
| (i) | Sawdust, wood shavings, wood provided it comes from untreated wood | Permitted |
| (j) | Seaweed and seaweed products obtained by physical processes, extraction with water or aqueous acid and/or alkaline solution | Restricted |
| (k) | Sewage sludge and urban composts from separated sources which are monitored for contamination | Restricted |
| (l) | Straw | Restricted |
| (m) | Vermicasts | Restricted |
| (n) | Animal charcoal | Restricted |
| (o) | Compost and spent mushroom and vermiculate substances | Restricted |
| (p) | Compost from organic household reference | Restricted |
| (q) | Compost from plant residues | Restricted |
| (r) | By products from oil palm, coconut and cocoa (including empty fruit bunch, palm oil mill effluent (pome), cocoa peat and empty cocoa pods) | Restricted |
| (s) | By products of industries processing ingredients from organic agriculture | Restricted |

3. Minerals

- | | | |
|-----|-------------------------------|------------|
| (a) | Basic slag | Restricted |
| (b) | Calcareous and magnesium rock | Restricted |
| (c) | Calcified seaweed | Permitted |
| (d) | Calcium chloride | Permitted |

(e)	Calcium carbonate of network origin (chalk, limestone, gypsum and phosphate chalk)	Permitted
(f)	Mineral potassium with low chlorine content (e.g. sulphate of potash, kainite, sylvinite, patenkali)	Restricted
(g)	Natural phosphates (e.g. Rock phosphates)	Restricted
(h)	Pulverized rock	Restricted
(i)	Sodium chloride	Permitted
(j)	Trace elements (boron, I, Fe, Mn, Molybdenum, Zn)	Restricted
(k)	Woodash from untreated wood	Restricted
(l)	Potassium sulphate	Restricted
(m)	Magnesium sulphate (Epson salt)	Permitted
(n)	Gypsum (calcium sulphate)	Permitted
(o)	Stillage and stillage extract	Permitted
(p)	Aluminum calcium phosphate	Restricted
(q)	Sulphur	Restricted
(r)	Stone mill	Restricted
(s)	Clay (bentonite, perlite, zeolite)	Permitted

4. Microbiological Preparations

a.	Bacterial preparations (biofertilizers)	Permitted
b.	Biodynamic preparations	Permitted
c.	Plant preparations and botanical extracts	Permitted
d.	Vermiculite	Permitted
e.	Peat	Permitted

II. Products for Plant Pest and Disease Control

1. Substances from plant and animal origin

(a)	Azadirachta indica [neem preparations (neem oil)]	Restricted
(b)	Preparation of rotenone from Derris elliptica	Restricted
(c)	Lonchocarpus, Thephrosia spp.	Restricted
(d)	Gelatin	Permitted
(e)	Propolis	Restricted
(f)	Plant based extracts (e.g. neem, garlic, pongamia, etc.)	Permitted
(g)	Preparation on basis of pyrethrins extracted from Chrysanthemum cinerariifolium, containing possibly a synergist pyrethrum cinerariifolium	Restricted
(h)	Preparation from Quassia amara	Restricted
(i)	Release of parasite predators of insect pests	Restricted
(j)	Preparation from Ryania species	Restricted
(k)	Tobacco tea	Prohibited
(l)	Lecithin	Restricted
(m)	Casein	Permitted

- (n) Sea weeds, sea weed meal, sea weed extracts, sea salt and salty water Restricted
- (o) Extract from mushroom (Shiitake fungus) Permitted
- (p) Extract from Chlorella Permitted
- (q) Fermented product from Aspergillus Restricted
- (r) Natural acids (vinegar) Restricted

2. Minerals

- (a) Chloride of lime/soda Restricted
- (b) Clay (e.g. bentonite, perlite, vermiculite, zeolite) Permitted
- (c) Copper salts / inorganic salts (Bordeaux mix, copper hydroxide, copper oxychloride) used as a fungicide, maximum 8 kg per ha per year depending upon the crop and under the supervision of inspection and certification agency Restricted
- (d) Mineral powders (stone meal, silicates) Prohibited
- (e) Diatomaceous earth Restricted
- (f) Light mineral oils Restricted
- (g) Permanganate of potash Restricted
- (h) Lime sulphur (calcium polysulphide) Restricted
- (i) Silicates (sodium silicate, quartz) Restricted
- (j) Sodium bicarbonate Permitted
- (k) Sulphur (as a fungicide, acaricide, repellent) Restricted

3. Microorganisms / Biocontrol agents

- (a) Viral preparations (e.g., Granulosis viruses, Nuclear polyhydrosis, viruses etc.). Permitted
- (b) Fungal preparations (e.g., Trichoderma species etc.) Permitted
- (c) Bacterial preparations (e.g., Bacillus species etc.) Permitted
- (d) Parasites, predators and sterilized insects." Permitted

4. Others

- (a) Carbon dioxide and nitrogen gas Restricted
- (b) Soft soap (potassium soap) Permitted
- (c) Ethyl alcohol Prohibited
- (d) Homeopathic and Ayurvedic preparations Permitted
- (e) Herbal and biodynamic preparations Permitted

5. Traps

- (a) Physical methods (e.g., chromatic traps, mechanical traps, light traps, sticky traps and pheromones) Permitted
- (b) Mulches, nets Permitted

List of Approved Feed Materials, Feed Additives and Processing Aids for Animal Nutrition

1. Feed Materials of Plant Origin

- (a) Cereals grains, their products and by - products
- (b) Oilseeds, oil fruits, their products and by – products
- (c) Legume seed, their products and by - products
- (d) Tuber roots, their products and by – products
- (e) Other seeds and fruits
- (f) Forages and roughages
- (g) Molasses as a binding agent

2. Feed Material of Mineral Origin

- (a) Seasalt, rocksalt Restricted
- (b) Sodium sulphate Restricted
- (c) Sodium carbonate Restricted
- (d) Sodium bicarbonate Restricted
- (e) Sodium chloride Restricted
- (f) Calcium carbonate Restricted
- (g) Calcium lactate Restricted
- (h) Calcium gluconate Restricted
- (i) Bone dicalcium phosphate precipitate Restricted
- (j) De fluorinated dicalcium phosphate Restricted
- (k) Anhydrousmagnesia Restricted
- (l) Magnesium sulphate Restricted
- (m) Magnesiumchloride Restricted
- (n) Magnesiumcarbonate Restricted

3. Trace Elements

- (a) Iron Feed additives
- (b) Iodine Feed additives
- (c) Cobalt Feed additives
- (d) Manganese Feed additives
- (e) Zinc Feed additives
- (f) Molydenum Feed additives
- (g) Selenium Feed additives

4. Vitamins Restricted

5. Enzymes Restricted

6. Micro-organisms Restricted

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