SooperKanoon - India's Premier Online Legal Search ( sooperkanoon.com)

Source : sooperkanoon.com/act/2738/

**Insecticides Act, 1968**

**Section 22 - Procedure to Be Followed by Insecticide Inspectors**

---

(1) Where an Insecticide Inspector seizes any record, register or document under clause (b) of sub-section (1) of Section 21, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

(2) Where an Insecticide Inspector takes any action under clause (d) of sub-section (1) of Section 21 --

(a) he shall use all despatch in ascertaining whether or not the insecticide or its sale, distribution or use contravenes any of the provisions of section 18 and if it is ascertained that the insecticide or its sale, distribution or use does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock seized;

(b) if he seizes the sk of the insecticide, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged contravention be such that the defect may be remedied by the possessor of the insecticide, he shall, on being satisfied that the defect has been so remedied, forthwith revoke his order and in case where the Insecticide Inspector has seized the sk of insecticide, he shall, as soon as may be, inform a Magistrate and obtain his orders as to the release thereof.

[1][(3) Where an Insecticide Inspector takes any sample of an insecticide, he shall issue a receipt therefor stating therein that the fair price of such sample shall be tendered if the sample, after test or analysis is not found to be misbranded and the Insecticide Analyst has reported to that effect and on such price having been tendered may require a written acknowledgement therefor.]

(4)[2][**] where the Insecticide Inspector seizes the sk of any insecticide under clause (d) of sub-section (1) of Section 21, he shall tender a receipt therefor in the prescribed form.

(5) Where an Insecticide Inspector takes a sample of an insecticide for the purpose of test or analysis, he shall intimate such purpose in writing in the prescribed form to the person from whom he takes it and, in the presence of such person unless he wilfully absents himself, shall divide the sample into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked :

Provided that where the insecticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Insecticide Inspector may, and if the insecticide be such that it is likely to deteriorate or be otherwise damaged by exposure shall, take three of the said containers after suitably marking the same and, where necessary, sealing them.

(6) The Insecticide Inspector shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it and shall retain the remainder and dispose of the same as follows:--

(i) one portion or container, he shall forthwith send to the Insecticide Analyst for test or analysis; and

(ii) the second, he shall produce to the court before which proceedings, if any, are instituted in respect of the insecticide.

---

**1.** Substituted by The Insecticides (Amendment) Act, 2000 (23 of 2000) w.e.f. 05.08.2000. Prior to substitution it read as under:

"(3) Where an Insecticide Inspector takes any sample of an insecticide, he shall tender the fair price thereof and may require a written acknowledgment therefor."

**2.** Omitted by The Insecticides (Amendment) Act, 2000 (23 of 2000) w.e.f. 05.08.2000. Prior to omission it read as under:

"Where the price tendered under sub-section (3) is refused, or"