

THE MIZORAM ORGANIC FARMING ACT, 2004

ASSEMBLY BILL NO. 6 of 2004

ACT NO. 6 of 2004

PASSED ON 12.07.2004

An Act

to introduce, adopt areas for, promote and regulate organic farming in consonance with the National Organic Programme in the State of Mizoram and for the matters connected therewith.

Be it enacted by the Legislative Assembly of Mizoram in the Fifty-fifth year of the Republic of India, as follows :

Short title, extent and commencement.

1. (1) This Act may be called the Mizoram Organic Farming Act, 2004.
- (2) It extends to the whole of the State of Mizoram except the areas constituted as autonomous districts under the Sixth Schedule to the Constitution of India.
- (3) It shall come into force from such date as may be notified by the State Government in the official Gazette.

Definitions

2. (1) In this Act, unless the context otherwise requires: -
 - (a) 'Accreditation' means Registration by the Accreditation Agency for certifying organic farms, produces and processes as per the National Standards for Organic Products and as per the National Accreditation Policy and Programme for Organic Products.
 - (b) 'Accreditation Agency' means the agency set up or recognised by the Government on the recommendation of the Steering Committee for National Programme for Organic Production, and include Agricultural and Processed Food Products Export Development Authority (APEDA) under the Central Government, Coffee Board, Tea Board and Spices Board.
 - (c) 'Certification Mark' means certification Programme's sign, symbol or logo which identifies the products as certified according to the National Standards for Organic Products, and includes the India Organic logo.

- (d) 'Certification Programme' means the system operated by an Inspection and Certification Agency in accordance with the prescribed criteria for carrying out certification in conformity of standards.
- (e) 'Conventional Farming' means the farming systems dependent on inputs of artificial fertilizers and/or chemicals and pesticides, or which are not in conformity with the basic standards of organic farming.
- (f) 'Conversion-Period' means the time between the start of organic farming and the certification of crops as organic.
- (g) 'Farmers' means individual farmers, group of farmers, farmers' society and even a cooperative society engaged in farming.
- (h) 'Inspection and Certification Agency' means the organisation for inspection & certification in conformity with the National Accreditation Policy & Programme as adapted.
- (i) 'Organic Farming' means a system of cultivation which is eco-friendly and which can achieve sustainable productivity without the use of artificial and external inputs such as chemical fertilizers and pesticides, and shall also include organic processing.
- (j) 'Prescribed' means prescribed under the rules made for the purpose of this Act.
- (k) 'Regulation' means the Regulations made for the purpose of organic production including Accreditation Regulation, 2001 under the National Programme for Organic Production and the Organic Production Certification Mark Regulations, 2002.
- (l) 'Rules' means the rules made under this Act.
- (m) 'Standards' means the standards for National Organic Products, established by the Steering Committee for National Programme for Organic Production.
- (n) 'State Government' means the State Government of Mizoram.

- (2) All other words and expressions used in this Act but not defined in sub-section (1) of this section shall have the same meaning as defined in the National Programme for Organic Production declared by the Department of Commerce, Ministry of Commerce and Industry, Government of India from time to time.

State Policy and Programme of Organic Farming

3. (1) The National Policy and Programme for Organic Production stands adapted as the State Policy and Programme for the purposes of this Act with such modifications as may be found necessary by the State Government.
- (2) Subject to the provision made in sub-section (1), the aims of the State Policy and Programme for Organic Farming includes the following, namely : -
- (a) to notify areas for organic farming and to undertake such farming in such areas;
 - (b) to encourage the development of organic farming in private land and organic processing through various measures as may be prescribed;
 - (c) to facilitate certification of organic products in the state in conformity to the National Standards for Organic Products;
 - (d) to facilitate marketing of organic products in the local, national and international markets.
 - (e) to make infra-structure for organic farming including permitted inputs or materials easily available to the intending farmers.
- (3) The operational structure for the State Policy and Programme shall be such as may be prescribed.

Conformity to National and International Standards

4. (1) If any organic farming is undertaken in any area, all the production-components, procedure, processing, harvesting, packaging, transportation and marketing shall be strictly in conformity to the declared national and/or international standards, and the whole farm, including livestock, shall be converted according to the standards over a set period of time.
- (2) Without prejudice to the generality of the provision contained in sub-section (1) and in particular, land, choice of crops and varieties, duration of conversion period, diversity in crop-production, use of fertilisers, pest, disease and weed management including growth regulators, contamination control, soil and water conservation, collection of non-cultivated material of plant origin, animal husbandry management, handling and processing of organic products, labelling, storage and transportation of organic products shall be in strict conformity to the national certification programme as adapted and prescribed by the State Government.

- (3) In organic farming, all efforts shall be made to achieve sustenance of soil fertility through the re-cycling of organic materials whose nutrients are made available to crops through the action of soil micro-organisms and bacteria, and to this end, products to be used for fertilising and soil conditioning, products to be used for plant pest and disease-control and the procedure to evaluate additional inputs to organic farming shall be such as may be prescribed.
- (4) With a view to maintain standards, use of ingredients of non-agricultural origin as processing aids in the processing of organic food-products, use of certain products for packaging of organic food-products, use of feed materials, feed additives and processing aids for animal nutrition, authorisation of products to be used for cleaning and disinfection of livestock buildings and installations connected with organic farming shall be restricted and approved by the State Government in conformity with the standards and certification programme.

Incentives for Organic Farming

5. (1) To encourage organic farming in the State, in allotment of agricultural land and farm-equipments or materials including seeds, preference shall be given to those farmers who would express an intention in the prescribed form to take up and continue organic farming exclusively on such land for minimum as may be prescribed.
- (2) To promote organic farming in the notified areas, the State Government shall draw up incentive schemes which shall form part of the rules to be made under this Act.

Accreditation

6. (1) For the purposes of accreditation of inspection and certification, the Accreditation Regulations, 2001 under the National Organic Programme for Organic Production shall apply.
- (2) The State Government shall facilitate the accreditation for the purposes of organic farming in the State.

Organic Logo and Certification Mark

7. (1) The State Government shall facilitate in obtaining the licence to use the certification mark, namely, 'India Organic' for such exporters, manufacturers and processors whose organic crops or products are duly certified by the accredited inspection and certification agencies, from the Government of India.

2) For the purposes of the grant of licence to use the certification mark for the organic crops and products, the Organic Products Certification Mark Regulations, 2002 as accepted by the Steering Committee for National Programme for Organic Production constituted by the Department of Commerce, Ministry of Commerce & Industry, Government of India, and as amended from time to time, shall apply.

Marketing of Organic Crops and Products

8. The State Government shall facilitate in tapping and securing every viable and available market – regional, national and international – for all organic crops and products produced in the State.

Constitution of Committee etc.

9. The State Government shall constitute all such committees as may be prescribed, to undertake, promote, coordinate, supervise and facilitate various aspects of organic farming in the State.

Power to make Rules

10. (1) The State Government may, in consultation with the Steering Committee for National Programme for Organic Production, Ministry of Commerce & Industry, and by notification in the Mizoram Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the Mizoram Legislative Assembly.

Power to remove difficulties

11. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of this Act, remove such difficulty.