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AGRICULTURAL PESTICIDES (AMENDMENT) ACT, 1997 (XXXIX OF 1997)

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TEXT

AGRICULTURAL PESTICIDES (AMENDMENT) ACT, 1997
(XXXIX OF 1997)

[8th November, 1997]

**An
Act**

further to amend the Agricultural Pesticides Ordinance, 1971

WHEREAS it is expedient further to amend the Agricultural Pesticides Ordinance, 1971 (II of 1971), for the purposes hereinafter appearing: -

It is hereby enacted as follows: -

1. Short title and commencement.— (1) This Act may be called the Agricultural Pesticides (Amendment) Act, 1997.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance II of 1971.— In the Agricultural Pesticides Ordinance, 1971 (II of 1971), hereinafter referred to as the said Ordinance, in section 3,-

(a) for clause (a) the following shall be substituted, namely:-

"(a) "adulterated" in relation to a pesticide means a pesticide with which spurious, deleterious or harmful substance has been mixed or which is wholly or mainly ineffective for the purpose for which it is intended"; and

(b) in clause (r) the word "and" at the end shall be omitted and after clause (r) the following new clause shall be inserted namely: -

"(rr) "sub-standard" when used with reference to a pesticide, means any pesticide the strength or purity of which fall below the professed standard or quality which is expressed on its label or under which it is sold or a pesticide any valuable ingredient of which has been wholly or partially extracted; and"

3. Amendment of section 10, Ordinance II of 1971.— In the said Ordinance, -

(a) section 10 shall be re-numbered as sub-section (1) of that section and in sub-section (1) re-numbered as aforesaid the words "branded or" shall be omitted; and.

(b) After sub-section (1) amended as aforesaid the following new sub-section shall be added, namely;-

"(2) Any dealer wholesaler, retailer or an agent who has been convicted of not less than two offences under this Ordinance shall be black listed by the importer, manufacturer, distributor or formulator of the pesticide in question."

4. Substitution of section 21, Ordinance II of 1971.— In the said Ordinance, for section 21, the following shall be substituted, namely : -

"21. Offences and penalties.-(1) Any person who imports, manufactures, formulates, sells, offers or exposes for sale, holds in stock for sale or advertises for sale an adulterated or sub-standard pesticide shall be guilty of an offence.

(2) The person guilty of an offence under sub-section (1) shall be punished:-

(a) in the case of an adulterated pesticide, in relation to a first offence with imprisonment for a term which shall not be less than one year or more than three years and with fine amounting to five hundred thousand rupees and for every subsequent offence with imprisonment for a term which shall not be less than two years or more than three years and with fine which shall not be less than five hundred thousand rupees or more than one million rupees; and

(b) in the case of a sub-standard pesticide, in relation to a first offence with imprisonment for a term which shall not be less than six months or more than two years and with fine which may extend to five hundred thousand rupees and for every subsequent offence with imprisonment which may extend to

three years and with fine but shall not be less than the punishment given for the first offence.”

5. Insertion of new section 21A, Ordinance II of 1971.— In the said Ordinance, after section 21 substituted as aforesaid the following new section shall be inserted, namely: -

“21A. Punishment for offences not provide for in section 21.- Any person who contravenes any of the provisions of this Ordinance or the rules for the contravention of which no other punishment is provided in this Ordinance, shall be punishable with fine which may extend to one hundred thousand rupees”.

6. Substitution of section 22, Ordinance II of 1971.— In the said Ordinance, for section 22, the following shall be substituted, namely: -

“22. Manufacturer’s warranty to dealers.- Whoever gives a false warranty to a dealer or purchaser in respect of adulterated or sub-standard pesticide shall, unless he proves that when he gave the warranty he had good reason to believe the same to be true, be guilty of an offence punishable in the same manner and to the same extent as provided for under section 21”

7. Amendment of section 23, Ordinance II of 1971.— In the said Ordinance, in section 23, for the words “shall be punishable with imprisonment for a term which shall not be less than two years or more than four years and fine amounting to one hundred thousand rupees” the following shall be substituted, namely: -

“shall be punishable,-

- (i) in the case of an offence under clause (a) or (b) with imprisonment for a term which shall not be less than two years or more than three years and with fine which may extend to one million rupees; and
- (ii) in the case of an offence under clause (c) with imprisonment for a term which may extend to six months and with fine which may extend to one hundred thousand rupees”.

8. Amendment of section 24, Ordinance II of 1971.— In the said Ordinance, after sub-section (2) the following new sub-section shall be added, namely;-

“(3) an inspector may apply to the District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate of the District or Sub-Division or Tehsil or Taluka, as the case may be, for police assistance and such Magistrate may direct that an executive magistrate shall accompany the Inspector alongwith a police party for the purpose of collecting sample for examination.”

9. Addition of new section 26A, Ordinance II of 1971.— In the said Ordinance, after section 26, the following new section shall be inserted, namely:-

“26A. Cognizance and prosecution of offences, - The offences punishable under this Ordinance shall be cognizable and non-bailable but a police officer shall not register or investigate a case relating to an offence under this Ordinance except on a complaint by the Inspector and the Public Prosecutor shall be responsible for conducting prosecution of offences under this Ordinance.”