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# **THE AGRICULTURAL PESTICIDES ORDINANCE, 1971**

## **(II of 1971)**

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## TEXT

### **THE AGRICULTURAL PESTICIDES ORDINANCE, 1971**

**(II of 1971)**

[25<sup>th</sup> January, 1971]

#### **An Ordinance**

*to regulate the import, manufacture, formulation, sale, distribution and use of pesticides*

**WHEREAS** it is expedient to regulate the import, manufacture, formulation, sale, distribution and use of pesticides and for matters ancillary thereto;

**AND WHEREAS** the national interest of Pakistan in relation to the achievement of uniformity requires <sup>2</sup>[Federal Legislation] in the matter;

**NOW, THEREFORE**, in Pursuance of the proclamation of the 25<sup>th</sup> day of March, 1969, read with the Provincial Constitution Order, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

#### **CHAPTER – I INTRODUCTORY**

**1. Short title, extent and commencement.**— (1) This Ordinance may be called the Agricultural Pesticides Ordinance, 1971.

(2) It extends to the whole of <sup>3</sup>[the Punjab].

(3) It shall come into force at once.

**2. Application of other laws not barred.**— The provisions of this Ordinance shall be in addition to, and not in derogation of, the provisions of the Poisons Act, 1919 and any other law for the time being in force.

**3. Definitions.**— In this Ordinance, unless there is anything repugnant in the subject or context, the expression—

<sup>4</sup>[(a) “Adulterated” in relation to a pesticide means a pesticide with which

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<sup>1</sup>Pursuant to the proclamation of the 25th day of March, 1969, read with the Provincial Consultation Order and in exercise of all powers enabling him in that behalf, the President was pleased to make and promulgate this Ordinance which was published in the Gazette of Pakistan (Extraordinary), dated 25th January, 1971, pages 96-107, saved and validated by the Validation of Laws Act, 1975 (LXIII of 1975), s. 2 and Sch.

This Ordinance was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Punjab Agricultural Pesticides (Amendment) Act 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172.

<sup>2</sup>Substituted by the Federal Adaptation of Law Orders 1975 (P.O. 4 of 1975); and published in the Gazette of Pakistan (Extraordinary), dated 1.8.1975, pages 435-467, see Article 2 and Table of General Adaptations.

<sup>3</sup>The word “Pakistan” is substituted as the words “the Punjab” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.3.

<sup>4</sup>Amended by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.2.

spurious, deleterious or harmful substance has been mixed or which is wholly or mainly ineffective for the purpose for which it is intended;]

- (b) “advertise” means to make known by publication or distribution of any advertisement, circular or other notice;
- (c) <sup>5</sup>[\* \* \* \* \* ]
- (d) “Committee” means the Agriculture Pesticide Technical Advisory Committee constituted under this Ordinance;
- (e) “formulation” means the process by which a pesticide is converted, by mixing with other substances, into a form in which it is ready to be used;
- (f) “fungi” means all rusts, smuts, mildews, moulds, yeasts, and similar forms of plant life prescribed in this behalf and includes bacteria affecting plant life;
- <sup>6</sup>[(ff) “Government” means Government of the Punjab;]
- (g) “Government Analyst” means a Government Analyst appointed under this Ordinance;
- (h) “guarantee” means the statement indicating the strength, effectiveness and other qualities <sup>7</sup>[\*\*\*\*\*] of a pesticide which an importer, manufacturer, formulator, vendor or person holding stock for sale <sup>8</sup>[\*\*\*\*\*] of a pesticide is required to submit under the rules at the time of applying for the registration of the <sup>9</sup>[pesticide];
- (i) “Inspector” means an Inspector appointed under this Ordinance;
- (j) “ingredient” means any material used in making a pesticide;
- (k) “insect” means any of the small invertebrate animals commonly known as insects and includes such forms of animal life as may be prescribed;
- (l) “label” means the written, printed or graphic matter on, or attached to, a pesticide or the immediate container thereof, and the outside container or wrapper of the retail package, if any, of the pesticide;
- (m) “package” includes every container;
- (n) “pesticide” means any substance or mixture of substances used or represented as means for preventing, destroying, repelling, mitigating or controlling, directly or indirectly, any insect, fungus, bacterial organisms, nematodes, virus, weed, rodent, or other plant or animal

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<sup>5</sup>Omitted by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.2.

<sup>6</sup>Clause (ff) is inserted by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.4.

<sup>7</sup>Omitted the words “a brand of” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.2.

<sup>8</sup>Omitted *ibid*.

<sup>9</sup>Substituted for the word “brand ” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.2.

pests; but does not include a substance which is a 'drug' within the meaning of <sup>10</sup>[the Drugs Act, 1976 (XXXI of 1976)];

- (o) "prescribed" means prescribed by rules made under this Ordinance;
- (p) "registered" means registered under this Ordinance;
- (q) "registration number" means a specific number assigned by the <sup>11</sup>[Government] to each registered <sup>12</sup>[\*\*\*\*\*] pesticide;
- (r) "rules" means rules made under this Ordinance; <sup>13</sup>[\*\*\*]
- <sup>14</sup>[(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]
- (s) "weed" means any plant which grows where not wanted.

## CHAPTER II IMPORT, MANUFACTURE, FORMULATION, SALE, DISTRIBUTION, AND USE OF PESTICIDES

<sup>15</sup>**[4. Pesticides to be registered.**— No person shall import, manufacture, formulate, sell, offer for sale, hold any stock for sale or in any manner advertise any pesticide which has not been registered in the manner provided by this Act or the rules framed thereunder:

Provided that the <sup>16</sup>[Government] may, by notification in the official gazette directed that the pesticide specified in the notification and not having a trade name will be imported only by a class or classes of importer as specified; except a pesticide having a trade name and registered in the country of manufacture which may be imported without undergoing the registration process but subject to the conditions notified from time to time by the <sup>17</sup>[Government].]

**5. Application for registration of pesticide.**— (1) Any person intending to import, manufacture, formulate, sell, offer for sale, hold in stock for sale or advertise

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<sup>10</sup>Substituted for "the Drugs Act 1940 (XXIII of 1940)" by the Federal Laws (Revision and Declaration) Ordinance 1981 (XXVII of 1981); and published in the Gazette of Pakistan (Extraordinary), dated 8.7.1981, pages 162-475, see section 2 and 3 and sixth Schedule.

<sup>11</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>12</sup>Omitted the words "brand of" by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.3.

<sup>13</sup>The word "and" omitted by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.2.

<sup>14</sup>Amended by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.2

<sup>15</sup>Substituted by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.3.

<sup>16</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>17</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

any <sup>18</sup>[\*\*\*\*\*] pesticide may apply to the <sup>19</sup>[Government] for the registration of the <sup>20</sup>[pesticide] under such name as he may indicate in the application.

(2) An application under sub-section (1) shall be in such form, be accompanied by such fee and contain such statements and information as may be prescribed.

(3) Where the person making an application under sub-section (1) is not domiciled in Pakistan, the application shall, besides such person, be signed by his agent or representative in Pakistan.

(4) Upon the receipt of an application under sub-section (1), the <sup>21</sup>[Government] may register a <sup>22</sup>[\*\*\*\*\*] pesticide by the name indicated in the application, if it is satisfied that—

- (a) the <sup>23</sup>[name of the pesticide] is not such as would tend to deceive or mislead the purchaser with respect to the guarantee relating to the pesticide or its ingredients or the method of its preparation; or
- (b) the guarantee relating to the pesticide or its ingredients is not the same as that of another registered <sup>24</sup>[pesticide] <sup>25</sup>[by the same manufacturer] or is not so similar thereto as to be likely to deceive; or
- (c) it is effective for the purpose for which it is sold or represented to be effective; or
- (d) it is not generally detrimental or injurious to vegetation, except weeds, or to human or animal health even when applied according to directions.

(5) When it registers a <sup>26</sup>[\*\*\*\*\*] pesticide on the application of any person, the <sup>27</sup>[Government] shall grant to him a certificate of registration in such form as may be prescribed.

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<sup>18</sup>Omitted the words “brand of a” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.4.

<sup>19</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>20</sup>Substituted for the word “brand” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.4.

<sup>21</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012).

<sup>22</sup>Omitted the words “brand of a” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.4.

<sup>23</sup>Substituted for the word “brand” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.4.

<sup>24</sup>Substituted for the word “brand” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.4.

<sup>25</sup>Inserted by the Agricultural Pesticides (Amendment) Ordinance, 1979 (XII of 1979); and published in the Gazette of Pakistan (Extraordinary), Part I, dated 24.2.1979, s.2.

<sup>26</sup>Omitted the words “brand of a” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.4.

<sup>27</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

**6. Period for which registration shall be effective.**— The registration of a <sup>28</sup>[\*\*\*\*\*] pesticide shall be effective from the date of its registration until the thirtieth day of June of the third year following the year of registration.

**7. Cancellation of registration.**— If, at any time after the registration of <sup>29</sup>[\*\*\*\*\*] a pesticide, the <sup>30</sup>[Government] is of opinion that the registration has been secured in violation of any of the provision of this Ordinance or the rules or that the pesticide is ineffective against pests or hazardous to vegetation, other than weeds, or to human or animal life, the <sup>31</sup>[Government] may, after giving to the person on whose application it had been registered an opportunity of being heard, cancel the registration.

**8. Renewal of registration.**— (1) The <sup>32</sup>[Government] may, on the application of the importer, manufacturer, formulator, vender or stock-holder of a registered <sup>33</sup>[\*\*\*\*\*] pesticide in the guarantee or ingredients of which no change has taken place since the date of its registration, renew the registration of the <sup>34</sup>[pesticide] for a further period of three years.

(2) An application under sub-section (1) shall be in such form and be accompanied by such fee as may be prescribed and shall be made before the expiration of the period for which the registration of <sup>35</sup>[pesticide] is effective.

**9. Importation may be prohibited.**— If any pesticide imported into Pakistan is found to be adulterated or incorrectly or misleadingly tagged, labeled or named, or if its sale in any way contravenes any of the provisions of this Ordinance, the <sup>36</sup>[Government] may, by notification in the official Gazette, prohibit the further import of the pesticide into Pakistan.

**10. Labelling of packages.**— <sup>37</sup>[(1)] No person shall sell or offer or expose for sale, or advertise or hold in stock for sale any pesticide unless each package containing the pesticide, and every tag or label durably attached thereto, is

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<sup>28</sup>Omitted the words “brand of a” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.5.

<sup>29</sup>Omitted the words “the brand of” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.6.

<sup>30</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>31</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>32</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.1.

<sup>33</sup>Omitted the words “brand of a” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.7.

<sup>34</sup>Substituted for the word “brand” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.7..

<sup>35</sup>Substituted for the word “the brand to which it relates” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.7.

<sup>36</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.1.

<sup>37</sup>Section 10 renumbered as sub-section (1) by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.3.

<sup>38</sup>[\*\*\*\*\*]marked in printed characters in such form and in such manner as may be prescribed.

<sup>39</sup>[(2) Any dealer wholeseller, 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.]

**11. Storage and use of pesticides.**— No person shall store or use any pesticide save in accordance with rules made under this Ordinance.

### **CHAPTER III THE AGRICULTURE PESTICIDE TECHNICAL ADVISORY COMMITTEE, ETC.**

**12. The agriculture Pesticide Technical Advisory Committee.**— (1) As soon as may be after the commencement of this Ordinance, the <sup>40</sup>[Government] shall constitute a committee, to be called Agriculture Pesticide Technical Advisory Committee, to advise the <sup>41</sup>[Government] on technical matters arising out of the administration of this Ordinance and to perform any other functions assigned to it by or under this Ordinance.

<sup>42</sup>[(2) The Committee shall consist of a Chairman and such number of Vice-Chairmen and other members, being officers of the Government or persons representing trade and industry engaged in pesticide business as the Government may appoint.]

(3) The names of Chairman, the Vice-Chairman and the other members of the Committee shall be published in the official Gazette.

(4) The <sup>43</sup>[Government] shall appoint one of the members of the Committee, being an officer of the Government, to be the Secretary of the Committee for the period for which he is such a member.

(5) The non-official members of the Committee shall hold office for a term of three years and shall be eligible for reappointment.

(6) A member of the Committee may, at any time, resign his office by writing under his hand addressed to the Chairman but the seat such member shall not be deemed to have fallen vacant unless the resignation has been accepted by the Chairman with previous approval of the <sup>44</sup>[Government].

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<sup>38</sup>Omitted the words “branded or” by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.3.

<sup>39</sup>Added by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.3.

<sup>40</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>41</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>42</sup>Section 12, sub-section (2) is substituted by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.5.

<sup>43</sup>The words “Federal Government” substituted by the word “Government” by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>44</sup>Substituted *ibid*.



(7) A person appointed to fill a vacancy created by the resignation or death of a member shall hold office for the residue of the term of his predecessor.

(8) The functions of the Committee may be exercised notwithstanding any vacancy in the membership thereof.

(9) The Committee shall have the power to regulate with the prior approval of the <sup>45</sup>[Government] the procedure for the conduct of its business.

(10) The Committee may appoint sub-committees consisting of specialists for the consideration of particular matters for such periods, not exceeding three years, as it may consider necessary.

**13. Pesticide Laboratory.**— (1) As soon as may be after the commencement of this Ordinance, the <sup>46</sup>[Government] shall set up a Pesticides Laboratory <sup>47</sup>[or, in consultation with the Provincial Government, declare a Provincial laboratory as Pesticide Laboratory which may be] suitably equipped to carry out the functions entrusted to it by or under this Ordinance.

(2) The functions of the Pesticides Laboratory and the mode of submission of samples for analysis or test to the Laboratory shall be such as may be prescribed.

(3) The secrecy of the formula of <sup>48</sup>[\*\*\*\*\*] pesticides, samples of which are submitted to the Pesticides Laboratory for analysis or test, shall be duly safeguarded in the manner prescribed.

**14. Government Analyst.**— The <sup>49</sup>[Government] may, by notification in the official Gazette, appoint as many persons as it deems fit to be Government Analysts for pesticides and, where it appoints more than one person to be Government Analysts, shall specify in the notification the local limits within which each one of them shall perform the functions of Government Analyst.

**15. Inspectors.**— The <sup>50</sup>[Government] may, by notification in the official Gazette, appoint from amongst the officers of the <sup>51</sup>[Government] employed for work relating to plant protection such number as it deems fit to be Inspectors within such local limits as may be specified in the notification.

**16. Powers of Inspectors.**— An Inspector may, within the local limits for which he is appointed, enter upon any premises where pesticides are kept or stored, whether in containers or in bulk, by or on behalf of the owner, including premises belonging to

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<sup>45</sup>Substituted *ibid*.

<sup>46</sup>Substituted *ibid*.

<sup>47</sup>Inserted by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.8.

<sup>48</sup>Omitted the words "brand of" by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.8.

<sup>49</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>50</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.6.

<sup>51</sup>The words "Federal Government or a Provincial Government" are substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.6.

a bailee such as a railway, a shipping company or any other carrier, and may take samples therefrom for examination. No compensation shall be payable for a reasonable quantity taken as a sample.

**17. Procedure of Inspectors.**— (1) Where an Inspector takes a sample of a pesticide for the purpose of test or analysis under section 16, he shall intimate such purpose in writing in the prescribed form to the person from whose possession he takes it and, in the presence of such of person (unless he willfully 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 pesticide is made up in containers of small volume, instead of dividing a sample as aforesaid, the Inspector may, and if the pesticide 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.

(2) The 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) he shall forthwith send one portion or container to the Government Analyst for test or analysis; and
- (ii) he shall send the second portion or container to the <sup>52</sup>[Government].

**18. Report of Government Analyst.**— (1). The Government Analyst to whom a sample of any pesticide has been forwarded by an Inspector under sub-section (2) of section 17 shall deliver to the Inspector, in triplicate in the prescribed form a signed report of the result of the test or analysis conducted by him.

(2) The Inspector shall deliver one copy of the report received by him to the person from whose possession the sample was taken and shall send one copy to the <sup>53</sup>[Government].

(3) Any document purporting to be a report signed by the Government Analyst of an analysis conducted by him under this Chapter shall be conclusive evidence of the particulars stated therein unless the person to whom the report has been delivered under sub-section (2) disputes the correctness of the analysis conducted by the Government Analyst and, within thirty days of the delivery of the report to him, places before the <sup>54</sup>[Government] evidence which in his opinion controverts the correctness of such analysis.

(4) Where the evidence placed before the <sup>55</sup>[Government] under sub-section (3) is such as would in its opinion justify a further investigation, it may cause a second part of the same sample to be analyzed at the Pesticides Laboratory.

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<sup>52</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>53</sup>Substituted *ibid*.

<sup>54</sup>Substituted *ibid*.

<sup>55</sup>Substituted *ibid*.

(5) After the sample forwarded to it by the <sup>56</sup>[Government] has been analyzed by the Pesticide Laboratory, the laboratory shall record the result of the analysis in a certificate of analysis and forward the certificate to the <sup>57</sup>[Government].

(6) A certificate of analysis prepared by the Pesticide Laboratory shall be conclusive evidence of the facts stated therein.

**19. Publication of results of tests and analysis.**— The <sup>58</sup>[Government] may publish in such manner as it may deem fit the result of the test and analysis of a pesticide made by a Government Analyst or the Pesticide Laboratory under Section 18 together with such other information relating thereto, if any, as it may consider necessary.

**20. Purchaser of pesticide may have it tested or analysed.**— (1) Any person who has purchased a pesticide may apply to a Government Analyst to conduct a test or analysis of the pesticide.

(2) An application under sub-section (1) shall be made in such form and manner and be accompanied by such fee as may be prescribed.

(3) The Government Analyst to whom an application is made in accordance with sub-section (2) shall conduct the test or analysis and issue to the applicant a report signed by him of the test or analysis.

#### **CHAPTER IV MISCELLANEOUS**

<sup>59</sup>**[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 pesticides, 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

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<sup>56</sup>Substituted *ibid.*

<sup>57</sup>Substituted *ibid.*

<sup>58</sup>Substituted *ibid.*

<sup>59</sup>Substituted by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.4.

which may extend to three years and with fine but shall not be less than the punishment given for the first offence.]

<sup>60</sup>**[21.A Punishment for offences not provided 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.]

<sup>61</sup>**[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.]

**23. Unlawful use of registration number, lowering of pesticidal value or hindering the Inspector from performing his duty.**– Any person who–

- (a) unlawfully uses any registration number assigned or as if it had been assigned under this ordinance, or
- (b) willfully alters the composition of a pesticide by mixing any other substance therewith after the said pesticide has been placed on the market by the manufacturer, importer or vendor, or
- (c) willfully obstructs, hinders, resists, or in any way opposes any Inspector in performing his duties under this ordinance,

<sup>62</sup>[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 extend to six months and with fine which may extend to one hundred thousand rupees.]

**24. Entry and seizure.**– (1) If an Inspector has reason to believe that an offence punishable under this ordinance or the rules made there under has been, is being or it being or is about to be committed at any time or place, he may enter and search such place and seize any pesticide, article or thing to which the offence relates found therein.

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<sup>60</sup>Added by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.5.

<sup>61</sup>Substituted by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.6.

<sup>62</sup>Substituted for the words “shall be punishable with imprisonment for a term which shall not be less than two years or more than four years” by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.7. Earlier substituted for the words “fine which shall not be less than two thousand and five hundred rupees or more than five thousand rupees or with imprisonment for a term which shall not be less than one year or more than four years and with fine amounting to one hundred thousand rupees” by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.11.

(2) Any pesticide, article or thing seized under sub-section (1) shall be disposed of in accordance with the decision of the Court before which the offender is prosecuted for a contravention of any of the provisions of this ordinance or the rules.

<sup>63</sup>[(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 along with a police party for the purpose of collecting sample for examination.]

**25. Power of Court to order for forfeiture.**— If any person is convicted of an offence punishable under this ordinance committed by him in respect of any pesticide, article or thing, the Court convicting him may further direct that the pesticide, article or thing shall be forfeited to the <sup>64</sup>[Government].

**26. Cognizance of offences, etc.**— (1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, (Act V of 1898), it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this ordinance even if such sentence exceeds his powers under the said section 32.

<sup>65</sup>[**26 A. 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.]

**27. Power to try offences summarily.**— Any Magistrate of the first class or any bench of Magistrate invested with the powers of a Magistrate of the first class empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898<sup>66</sup>, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in section 262 to 265 of that Code, any offence punishable under section 21.

**28. Indemnity.**— No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this ordinance of the rules.

**29. Power to make rules.**— (1) The <sup>67</sup>[Government] may, in consultation with the

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<sup>63</sup>Substituted by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.8.

<sup>64</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012) ; and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

<sup>65</sup>Inserted by the Agricultural Pesticides (Amendment) Act, 1997 (Act No. XXXIX of 1997); and published in the Gazette of Pakistan (Extraordinary), dated 8.12.1997, pages 1719-1722, s.9.

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<sup>67</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012) ; and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

Agriculture Pesticide Technical Advisory Committee and after previous publication in the official Gazette, make rules<sup>68</sup> for carrying the provisions of this Ordinance into effect .

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:–

- (a) the nomenclature of every form of plant and animal life that shall be deemed to be insects, fungi or other plant or animal pests;
- (b) the form in which an application for the registration of a <sup>69</sup>[\*\*\*\*\*] pesticide or for the renewal of registration shall be made, the information that shall be furnished therewith and the fee that shall accompany it;
- (c) the procedure for the grant of certificate of registration of <sup>70</sup>[pesticides not having a trade name or otherwise] and renewal of such registration and the form of such certificates;
- (d) the language of the tags or label to be attached to the containers and packages containing pesticides and the character and location of the printing to be marked on such tags, labels and containers;
- (e) the functions of the Pesticide Laboratory and the procedures to be followed by in the performance of such functions, including–
  - (i) safeguarding of the secrecy of the formula of any <sup>71</sup>[\*\*\*\*\*] pesticides disclosed to it;
  - (ii) collection of samples of pesticides for test or analysis; and
  - (iii) the form in which its reports of test or analysis shall be written;
- (f) the methods of analysis to be followed, and the limits of variability to be allowed, by the Government Analyst as between the information marked on the container or on a label attached thereto or supplied to the purchaser when sold in bulk, and the results of the analysis;
- (g) the qualifications and duties of the Government Analyst;
- (h) the form in which an intimation of the purpose for which a sample is taken by an Inspector shall be given by him to the person from whose possession the sample is taken, the instruments to be employed, and the quantities to be taken, by an Inspector while taking samples for test or analysis and the manner in which they should be preserved and sent to the Government Analyst and the <sup>72</sup>[Government];

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<sup>68</sup>For the Agricultural Pesticides Rules, 1973, see R.O. No 1187 (1) 73, dated 8-8-73, Gazette of Pakistan, 1973, Extraordinary (Islamabad) Pt. II, pp.1695-1727.

<sup>69</sup>Omitted the words "brand of a" by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.12.

<sup>70</sup>Substituted for the words "brand of pesticides" by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.12.

<sup>71</sup>Omitted the words "Brands of" by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.12.

<sup>72</sup>The words "Federal Government" substituted by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012) ; and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.2.

- (i) the form in which an application shall be made by the purchaser of a pesticide to a Government Analyst for test or analysis of the pesticides, the manner in which a purchaser may send a pesticide for test or analysis to the Government Analyst, the information that shall be furnished with such application and the fee that shall accompany it;
- (j) the pesticides that are generally a detrimental or injurious to vegetation, domestic animals or public health even when used according to directions;
- (k) the pesticides that are to be labeled "Poison" and their antidotes;
- (l) the requirement for the safe storage of pesticides;
- (m) the quantities of different <sup>73</sup>[\*\*\*\*\*] pesticides which a person may hold in stock at any one time and the premises in which, and the conditions subject to which, he may hold them in stock;
- (n) the precautions for the protection of workers against risk of poisoning by pesticides arising from their working—
  - (i) in connection with the use of such pesticides in agriculture; or
  - (ii) on land on which such pesticides are being or have been used in agriculture;
- (o) the restrictions or conditions as to the purposes for which, the circumstances in which, or the methods or means by which, a pesticide may be used;
- (p) the restrictions or conditions involving in a general prevention or limitation of the use of any pesticide in agriculture;
- (q) the provision, and keeping available and in good order, of facilities for washing and cleaning and of other things needed for protecting persons, clothing, equipment and appliances from contamination with pesticides or for removing sources of contamination therefrom;
- (r) the observance of precautions against poisoning by pesticides including the use of things provided in pursuance of the rules, and abstentions from eating, drinking and smoking in circumstances involving risk of poisoning by pesticides;
- (s) intervals between, or limitations of periods of exposure to risk of poisoning by pesticides;
- (t) the observance of special precautions in the case of persons who, by reason of their state of health, age, or other circumstances, are subject to particular risk of poisoning by pesticides or of injury therefrom, or imposing, in case of persons so subject, prohibitions or restrictions on employment of workers;
- (u) the measures for detecting and investigating cases in which poisoning by pesticides has occurred;

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<sup>73</sup>Omitted the words "brands of" by the Agricultural Pesticides (Amendment) Act, 1992 (XIX of 1992); and published in the Gazette of Pakistan (Extraordinary), dated 2.9.1992, pages 539-542, s.12.

- (v) the provisions of effective facilities for prevention of poisoning by pesticides and first aid treatment; and
- (w) the provision of instruction and training in the use of things provided in pursuance of the rules and in the observance of precautions against poisoning by pesticide.

<sup>74</sup>**[30. Delegation of powers.**— The Government may, by notification in the official Gazette, delegate any of its powers under the Ordinance or the rules to any officer or authority subordinate to the Government on such conditions as the Government may determine.]

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<sup>74</sup>Section 30 by the word "Government" by the Punjab Agricultural Pesticides (Amendment) Act, 2012 (XXV of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40171-40172, s.7.