

Agricultural Pesticide Ordinance / Act



**Ministry of National Food Security & Research
Government of Pakistan**

THE GAZETTE OF PAKISTAN, EXTRAORDINARY, JAN. 25, 1971
MINISTRY OF LAW & PARLIAMENTARY AFFAIRS
(LAW DIVISION)

Islamabad, the 25th January, 1971

No. F. 24(I)71-Pub.- The following ordinance Made by the President on the 22nd January, 1971, is hereby published for general information:

ORDINANCE NO : II OF 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 Central Legislation in the matter.

NOW, THEREFORE, in Pursuance of the proclamation of the 25th day of March, 1969, read with the Provisional Consultation 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

Short title, extent and commencement	1	(1) The Ordinance may be called the Agricultural Pesticides Ordinance, 1971 (2) It extends to the whole of Pakistan (3) It shall come into force at once
Application of other laws not barred	2	The provisions of this Ordinance shall be in addition to, and not in derogation of, the Provisions of the Poisons Act, 1919 (XII of 1919) and any other law for the time being in force.
Definitions	3	In this Ordinance, unless there is anything repugnant in the subject or context, the expression: (a) “Adulterated” (<i>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</i>) ⁴ ;

4. Amended vide Act No. XXXIX of 1997.

- (b) “advertise” means to make known by publication or distribution of any advertisement, circular or other notice;
- (c) (~~-----Omitted-----~~)²;
- (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 substance, 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;
- (g) “Government analyst” means a Government Analyst appointed under this Ordinance;
- (h) “Guarantee” means the statement indicating the strength, effectiveness and other qualities (-----)² of a pesticide which an importer, manufacturer, formulator, vendor or person holding stock for sale (-----)² of a pesticide is required to submit under the rules at the time of applying for the registration of the (*pesticide*)²;
- (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 pests; but does not include a substance which is a ‘drug’ within the meaning of the Drugs Act, 1940. (XXIII of 1940);

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992

- (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 Federal Government to each registered (-----)² pesticide;
- (r) “rules” means rules made under this Ordinance;
- (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)⁴ ;
- (s) “weed” means any plant which grows where not wanted.

CHAPTER – II

IMPORT, MANUFACTURE, FORMULATION, SALE, DISTRIBUTION AND USE OF PESTICIDES.

Pesticides
to be Regis-
tered **4**

(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 Federal 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 Federal Government)³

Application
for Regis-
tration of
Pesticides **5** (1)

Any person intending to import, manufacture, formulate, sell, offer for sale, hold in stock for sale or advertise any (-----)² pesticide may apply to the Federal Government for the registration of the (pesticide)² under such name as he may indicate in the application.

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992.

³ Amended vide Act No. XIX of 1992

⁴ Amended vide Act No. XXXIX of 1997.

- (2) An application under sub-section (I) 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 (I) 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 Federal Government may register a (-----)² pesticide by the name indicated in the application, if it is satisfied that:
- (a) the (*name of the pesticide*)² 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 an other registered (*pesticide*)² (*by the same manufacturer*)¹ or is not so similar thereto as 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 (-----)² pesticide on the application of any person, the Federal Government shall grant to him a certificate of registration in such form as may be prescribed.

Period for
which
Registra-
tion shall
be effective

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The registration of a (-----)² 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.

Cancella-
tion of
Regis-
tration

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If, at any time after the registration of (-----)² a pesticide, the Federal Govt. 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 weed, or to human or animal life, the Federal Government may, after giving to the person on whose application it has been registered an opportunity of being heard, cancel the registration.

¹ Amended vide Ordinance No. XII of 1979

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992.

Renewal of Registration	8	(1)	The Federal Government may, on the application of the importer, manufacturer, formulator, vender or stock-holder of a registered (---) ² pesticide in the guarantee of ingredients of which no change has taken place since the date of its registration, renew the registration of the (<i>pesticide</i>) ² for a further period of three years.
		(2)	An application under sub-section (I) 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 (<i>pesticide</i>) ² to which it relates is effective.
Importation may be prohibited	9		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 Federal Govt. may, by notification in the official Gazzette, prohibit the further import of the pesticide into Pakistan.
Labelling of packages	10	(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 (----- -----) marked in printed characters in such form and in such manner as may be prescribed.
		(2)	<i>(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)</i> ⁴
Storage and use of Pesticides	11		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.			
The Agricultural Pesticides Technical Advisory Committee	12	(1)	As soon as may be after the commencement of this Ordinance, the Federal Government shall constitute a committee, to be called APTA Committee, to advise the Federal 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.

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992.

⁴ Amended vide Act No. XXXIX of 1997.

- (2) The Committee shall consist of a Chairman and such number of vice Chairman and other members, being officers of the Federal Government or a Provincial Government or persons representing trade and industry engaged in pesticide business, as the Federal Government may appoint.

Provided that no officer of a Provincial Govt. and no person representing trade and industry so engaged in a province shall be appointed otherwise than on the recommendation of the Government of the Province concerned.

- (3) The names of Chairman, the Vice-Chairman and the other members of the Committee shall be published in the official Gazette.
- (4) The Federal 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 member 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 of such member shall not be deemed to have fallen vacant unless the resignation has been accepted by the Chairman with previous approval of the Federal Government.
- (7) A person appointed to fill a vacancy created by the resignation or death of a member shall hold office for the residue to 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 prior approval of the Federal Government the procedure for the conduct of its business.
- (10) The Committee may appoint sub-Committee consisting of specialists for the consideration of particular matters for such periods, not exceeding three years, as it may consider necessary.

- Pesticide Laboratory **13** (1) As soon as may be after the commencement of this Ordinance, the Federal Government shall set up a Pesticides Laboratory (*or, in consultation with the provincial government, declare a provincial laboratory as pesticide laboratory which may be*)³ 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 formulae of (----)² pesticides, samples of which are submitted to the pesticides Laboratory for analysis or test, shall be duly safeguarded in the manner prescribed.
- Government Analyst **14** The Federal 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 Govt. Analysts, shall specify in the notification the local limits within which each one of them shall perform the functions of Government Analyst.
- Inspectors **15** The Federal Government may, by notification in the official Gazette, appoint from amongst the officers of the Federal Government or a Provincial 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.
- Power of Inspectors **16** 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 a bailee, such as a railway, a shipping company or any other carrier, and may take samples therefrom for examination. No compensations shall be payable for a reasonable quantity taken as a sample.
- Procedure of Inspectors **17** (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 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:

Contd.....

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992.

³ Amended vide Act No. XIX of 1992.

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 suitable 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 Federal Government.

Report of
Govt.
Analyst

- 18** (1) The Government Analysts to whom a sample of any pesticides 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 Federal 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 Govt. Analyst and , with in thirty days of the delivery of the report to him, places before the Federal Government evidence which in his opinion controverts the correctness of such analysis.
- (4) Where the evidence placed before the Federal 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.
- (5) After the sample forwarded to it by the Federal 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 Federal Government.
- (6) A certificate of analysis prepared by the pesticide Laboratory shall be conclusive evidence of the facts state therein.

Punishment for offences not provided for in Section 21	21 A	<i>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.)⁴</i>
Manufacturer's Warranty to Dealers	22	<i>(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 reasons 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)⁴</i>
Unlawful use of Registration Number, lowering of pesticidal value or hindering the Inspector from performing his duty	23	<p>Any person who:-</p> <p>a) unlawfully uses any registration number assigned or as if it had been assigned under this ordinance, or</p> <p>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</p> <p>c) willfully obstructs, hinders, resists, or in any way opposes any Inspector in performing his duties under this Ordinance shall be punishable,-</p> <p>i) <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)⁴</i></p> <p>ii) <i>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)⁴</i></p>
Entry & seizure	24	<p>(1) if an Inspector has reason to believe that an offence punishable under this ordinance or the rules made thereunder has been, is 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.</p> <p>(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 at any of the provisions of this ordinance or the rules</p>

		(3)	<i>(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) ⁴</i>
Power of Court to order for forfeiture	25		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 directs that the pesticides articles or things, shall be forfeited to the Federal Government.
Cognizance of offence etc.	26	(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, 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.
		Act V of 1898	
Cognizance and prosecution of offences	26A		<i>(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 Public Prosecutor shall be responsible for conducting prosecution of offences under this ordinance) ⁴</i>
Power to try offence summarily	27		Any Magistrate of the first class or any bench of Magistrates 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 subsection (1) of section 260 of the code of criminal procedure, 1898, 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.
		Act V of 1898	
Indemnity	28		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 or the rules.

Power to
make rules

- 29** (1) The Federal Government may, in consultation with the Agriculture Pesticide Technical advisory committee and after previous publication in the official Gazette, make rules 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 (-----)² 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 (*pesticides not having a trade name or otherwise*)² 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 pesticide laboratory and the procedures to be followed by in the performance of such functions, including:-
 - i) safeguarding of the secrecy of the formulae of any (-----)² 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 results of the analysis;
 - g) the qualifications and duties of the Government Analyst;

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992.

- 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 Federal Government;
- 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 (-----)² 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 a general prevention or limitation of the use of any pesticide in agriculture;

² Amended vide Ordinance No. XXXVII of 1991 and Act No. XIX of 1992.

- 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 case in which poisoning by pesticides has occurred;
- 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.

Delegation of Powers **30**

The Federal Government may, by notification of the official Gazette, direct that all or any of its powers under this Ordinance or the rules shall, in such circumstances, and under such conditions, if any, as may be specified in the direction, be exercised, also –

- a) by any officer or authority subordinate to the Federal Government, or
- b) by any Provincial Government or by any officer or authority subordinate to such Government.