

9.0 INSECTICIDE LEGISLATIONS IN PAKISTAN

AGRICULTURAL PESTICIDE ORDINANCE 1971 AMENDED 1997 AND AGRICULTURAL PESTICIDES RULES 1973 PAKISTAN

Main points of pesticide ordinance are

1. Short title, range and commencing.
 - (1) This Ordinance should be pronounced as the Agricultural Pesticides Ordinance, 1971.
 - (2) It is applicable to whole of Pakistan.
 - (3) This ordinance will be effective immediately.
2. Other laws for the time being in force will not be interrupted by this ordinance.
3. Definitions– In this Ordinance include different definitions of terminology which is used in rest of ordinance.
 - (a) “Adulterated” is a pesticide that is not of the standard quality or fulfills the values written on the label. It is either mixed with a material and is not effective against the target pests];
 - (b) “Advertise” referred to awareness of the community through publication, notice or circular.
 - (d) “Committee” is meant for Agriculture Pesticide Technical Advisory Committee
 - (e) “Formulation” is a preparation of a pesticide by mixing an active ingredient with an inert material to make it readily usable to overcome the pest problem.
 - (f) “Fungi” indicates all kinds of diseases causing mildews, moulds, yeasts, rusts, smuts, and similar other fungi effecting plant life.
 - (g) “Government analyst” is person who works as a Government Analyst in the Pesticide laboratory under.
 - (h) “Guarantee” means written statement by an applicant about the quality of pesticide required to submit under the rules when applying for registration of the pesticide.
 - (i) “inspector” is any Government officer exercising powers under this Ordinance;
 - (j) “ingredient” means chemicals used to prepare pesticides;
 - (k) “insect” indicates invertebrate animals
 - (l) “label” is the wrapper of the pesticide container containing the information regarding its usage, handling, quantity, and retail price etc.;
 - (m) “package” is a container of pesticide;
 - (n) “pesticide” is any material or mixture of matter (not a drug according to the definition of drug in the [(Drugs Act 1976 (XXXI of 1976)] applied to repel, mitigate, prevent, destroy, or control an insect, weed, virus, bacterial organisms, fungus, nematodes, rodent, or other plant or animal pests; but does not under comes within the meaning of drug.
 - (o) “prescribed” according to the Ordinance;
 - (p) “registered” according to the Ordinance;
 - (q) “registration number” is a code assigned to each registered pesticide product
 - (r) “rules” are made under this ordinance (rr) “sub-standard” pesticide does not fulfill the criteria of purity or strength mentioned on the label of the container. Its ingredients are partially or wholly destroyed]
 - (s) “weed” a plant grown on an unwanted place.
4. **Pesticides to be registered**– No one is allowed to manufacture, formulate, sell, distribute or stock any pesticide until unless it is registered according to this ordinance. A pesticide, notified by the Government in an official gazette that a pesticide without trade will be imported by particular firms. It is also possible that a registration process but notification by the Government for that particular pesticide will be issued.
5. **Application for registration of Pesticide.**

- (1) Registration of the name of the pesticide is required by the person (by submitting application to the Government), who is intended to import, manufacture, import, sale or stock for sale.
- (2) Following sub-section (1) of the ordinance an application for the registration along with the fee should be submitted.
- (3) A person who is not Pakistani and is intended to apply for the registration of pesticide under subsection (1) must have a representative in Pakistan to sign the application.
- (4) A pesticide should be registered with name mentioned in the application submitted for this purpose.
 - (a) A name of pesticide should be chosen keeping in mind that it will not deceive or mislead the public about its quality, ingredients or other criteria written on its label.
 - (b) The guarantee of one pesticide is such that it will never confuse with the similar product launched or registered by another firm.
 - (c) A pesticide shall be effective against the pest for which it is meant.
 - (d) A pesticide applied at label recommended dose is not detrimental to non-target organisms including vegetation except weeds, human beings and wild life etc.
- (5) After the successful registration of a pesticide, Government shall issue a certificate of registration to a person who will apply for a particular pesticide.
6. Registration shall be effective for three years and needs to be renewed before the fifteenth day of June of the third year.
7. Cancellation of registration shall be done by Government for a pesticide that violates any provisions of the ordinance or rules or observed to have negative effect on the non-targets like humans, animals or plants other than weeds. However, the Government shall provide an opportunity of clearance to the person who owned its registration by hearing his opinion.
8. (1) Registration of a registered pesticide is renewed for the period of three years on the application to the Government. Meanwhile, the applicant has to assure the guarantee that ingredients are same as that to date of its registration.
 (2) The application for the renewal of a registration of shall be submitted under sub-section (1) of this ordinance.
9. Importation of a pesticide that is found adulterated, ineffective or contravenes any rule of ordinance may be prohibited into Pakistan by Government through notification in the official Gazette.
10. (1) Proper labelling of packages (pesticide containers) is required in the form of a printed material before it is presented for sale or stocked for such purpose. Advertisements should also follow this format.
 (2) Black-listing of a dealer, wholesaler, retailer or an agent who has been convicted two offences under this ordinance shall be done for a specific pesticide.
11. A person can only store or use the pesticide as per requirements of this ordinance or its rules specified.
12. The Agriculture Pesticide Technical Advisory Committee.
 - (1) The committee should be devised on first priority basis after the commencement of this ordinance. The advice and guidance about the technical matters and hindrances arisen as a result of the administration of this ordinance should be provided to the Government by the Agriculture Pesticide Technical Advisory Committee.
 - (2) Government may appoint the officers (Government servants) as the chairman, vice chairman and members of the committee and persons indulged in the pesticide business could also be selected as its members.
 - (3) The names of the Chairman, the Vice-Chairman and the other members of the Committee shall be published in the official Gazette.
 - (4) The Government should select one of the members of this committee who is officer as the secretary of the committee for the period he owns the membership.

- (5) The non-official members of the Committee shall hold office for a term of three years and shall be eligible for re-appointment.
 - (6) A member of this committee reserves the right to resign from the membership of the committee by writing his resignation to the chairman of the committee. But the seat of that member would be considered vacant only at the conditions that resign is accepted.
 - (7) An appointment made on a post due to death of or resign of member will remain effective only for residue period of that specified post.
 - (8) The functions of the Committee may be exercised notwithstanding any vacancy in the membership thereof.
 - (9) The procedures of working of committee are regulateable by the prior approval of the Government.
 - (10) The committee has power to appoint the sub-committee consists of specialists to perform the special tasks.
- 13. Pesticide Laboratory**
- (1) The Government should set up a pesticide laboratory at provincial level to fulfill the tasks assigned by this ordinance.
 - (2) Submission of the sample for analysis to the pesticide laboratory and functions of the laboratory may be as such prescribed.
 - (3) The information regarding the formula or other aspects of the pesticides should be duly safeguarded as may be prescribed.
- 14. Government Analyst.** – The Government shall appoint one or more than one persons as the Government analysts of pesticides by a notification that may also describe the local limits to perform their duties.
- 15. Inspectors.** – The Government notify the officers working related to plant protection as the inspectors in their local limits.
- 16. Powers exercisable by the Inspectors.** – An Inspector may enter into the premises holding the pesticide in bulk or storage, could also took samples and no compensation will be paid for this purpose.
- 17. Procedure of Sampling.** –
- (1) An inspector taking sample under section 16 shall intimate in writing to the owner (Unless he is willfully absent), properly seal the sample, mark it and divide it into three portions. The owner should also be allowed to add his signature and stamp on the challan forms. Provided that the containers are of small size, chances of the deterioration of the pesticides by disturbing its container, three containers shall be marked with the same sign and sealed if necessary.
 - (2) Out of three portions of the pesticide samples drawn by an inspector, one portion should be given to the dealer or the person from whom sample of pesticide is drawn and remaining should be disposed of as follows:
 - (i) Second portion of the sample should be sent to the Govt Analyst for analysis.
 - (ii) Third portion of the sample should be sent to the Reference Laboratory (One at Provincial laboratory).
- 18. Report of Government Analyst.** –
- (1) After the analysis of the pesticide samples received from the inspector under subsection 2 of the section 17. The Government Analyst delivers his signed report to the inspector in triplicate form. (If the sample is fit the analysis report will be in duplicate form which include one copy for whom from where the sample is taken and second for the office record of inspector. While in case of unfit sample, analysis report is in triplicate form to deliver one copy to whom from where the sample is taken, second to the Director, Reference Laboratory and third to be submitted as evidence in police station to lodge FIR against the accused).
 - (2) The Inspector shall forward one copy to whom from where the sample was taken and other copy to the Director of reference laboratory.

- (3) Anyone who wants to challenge the result of the Government Analyst shall put an application to the Government (Competent authority) with solid evidence that is assumed to be enough to contravene the correctness of results.
 - (4) If the filer of the applicant under sub-section (3) has evidence of strong nature and convincing, 2nd portion of the sample sent to the reference laboratory shall be analyzed to confirm the results.
 - (5) After the receipt of the sample in a pesticide laboratory (Reference laboratory), results of analysis are recorded and forwarded to the Government.
 - (6) The report of the results of the analysis shall be considered as the final evidence.
- 19.** The Government Analyst or pesticide laboratory shall publish the results of the analysis and related information thereto.
- 20.** Purchaser of Pesticide may have it tested or analyzed. –
- (1) The purchaser of the pesticide could apply for analysis of the pesticide to the Government analyst or pesticide laboratory.
 - (2) Fees should also be paid along with the sample submitted for the analysis under sub-section 1 of section 20.
 - (3) The Government Analyst should issue a report to the applicant duly signed by him after the analysis of the sample received under sub-section-1.
- 21.** Offences and Penalties.
- (1) It is an offence to deal an adulterated or sub-standard pesticide in any way the for import, manufacture, formulate, sell, or advertises for sale.
 - (2) Offences made under sub-section (1) are punishable
 - (a) In the case of an adulterated pesticide, accused shall be punished for imprisonment not less than one year or more than two years and with fine that may extend to five hundred thousand rupees. In all consequent offenses, punishment of two years with a fine that may extend to one million rupees and punishment shall not be less than charged in first offence.
 - (b) For a substandard pesticide, accused shall be punished for imprisonment not less than six months or more than two years and with fine that may extend to five hundred thousand rupees. In all consequent offenses, punishment shall extend for three years with a fine not less than charged in previous conviction.
 - (c) 21A. All the offences under this ordinance for whom the punishment is not defined are punishable with a fine that may extend to the one hundred thousand rupees.
- 22.** Manufacturer's Warranty to dealers. –
Warranty by the manufacturer to the purchaser about the fitness of a substandard or adulterated pesticide is same offence and deserves the same punishment as described under section 21.
- 23.** Any person who–
- (a) Unlawful use of registration number either not assigned by or assigned by this Ordinance
 - (b) Intentionally alters the mix something or alters the composition of the pesticides after it is offered in market by a formulator or distributor.
 - (c) Intentional interference in performing the duties of Inspectors is offence
 - (i) A person accused of the sub-section (a) or (b) shall be punished with imprisonment of two or more years along with fine that is extendable to one hundred thousand rupees.
 - (ii) A person accused of the sub-section (c) with imprisonment for a term which may extend to six months and with fine which may extend to one hundred thousand rupees.
- 24.** Entry and seizure. –
- (1) An Inspector may enter a place where any provision of this ordinance is believed to be violated and seize an article or pesticide that believes to commit an offence according to this ordinance.

- (2) Material seized under sub-section (1) shall be handled following the decision of the court.
- (3) An Inspector may take the assistance of the police party in pesticide sampling by applying to the magistrate who can direct an executive magistrate to accompany the inspector.
- 25.** Court has power to order for penalty. – if a person is convicted under this ordinance, court may further order the person to forfeiture the thing, pesticide or article.
- 26.** Cognizance of Offence etc.–
- (1) Offences made under this ordinance shall not be punished in a court inferior to that of the first-class magistrate.
- (2) The first-class magistrate can pass any sentence of this ordinance following section 32 of the Code of Criminal Procedure, 1898 (V of 1898).
- 26A.** Cognizance and prosecution of offences. – Offences under this Ordinance are cognizance and non-bail able, only be registered on the complaint by the Inspector. Prosecution of offences under this Ordinance is the responsibility of Public Prosecutor.
- 27.** Power to try offences summarily– Any Magistrate of the first class or any bench of Magistrates has power to try any offence summarily that is punishable under section 21 of this ordinance.
- 28.** Indemnity. –Under this ordinance or rules any suit, complaint or prosecution shall lie against anything or person done or intended to be done in good faith (Inspector will not be punished by the court in case of weak/incomplete evidence for a case put by him against an accused).
- 29.** Power to make rules. –
- (1) The Government makes rules to make the provisions of this ordinance into effect.
- (2) Rules provide guidance for all or any of the below mentioned matters and will not prejudice to any of the foregoing power.
- (a) Names of the animals and plants. (effects of pesticide to be registered on target and non- target organisms)
- (b) Form in which an application for the renewal or registration of pesticide should be made containing the necessary information and fee.
- (c) The procedure for the grant of certificate of registration or renewal of registration of a pesticide not having a trade name.
- (d) The language of tags/labels and character and location of printing.
- (e) Following are the functions of the Pesticides Laboratory including
- (i) To make sure the secrecy of the formulae of a pesticide known to him.
- (ii) Collection of pesticide samples for test or analysis; and
- (iii) the form to write down the reports of analysis
- (f) Criteria of variability for a tested pesticide product keeping in view the label information and method to be followed for analysis.
- (g) Nature of Job and academic requirement for the Government Analyst;
- (h) Form that contains information like intimation to the whom from where sample is to be taken and other relevant information including batch no, quantity, manner of preservation and way of sending to the Government Analyst.
- (i) Form used to file an application by the purchaser of a pesticide for the analysis of a pesticide that shall send to the Government Analyst. Complete Application along with the necessary fees should be sent.
- (j) Generally detrimental poisons (pesticides) which are deleterious to human health even when applied according to the recommended dose.
- (k) Labeled contains the words the poison and their antidotes should be mentioned
- (l) Storage requirements
- (m) The requirements and conditions for the premises where the pesticide is stored and quantity of the pesticide that a person can stock.

- (n) Precautionary measures regarding pesticide poisoning of the agriculture workers.
 - (i) Spraying pesticides in agriculture
 - (ii) on health of agricultural land being sprayed with pesticides
 - (o) The restrictions, purpose, terms and conditions and circumstances in which the pesticides are being used.
 - (p) Prohibition of the use of a pesticide in agriculture due to some reasons.
 - (q) The availability of the materials for cleaning and washing of the body parts or clothes impregnated with the pesticides.
 - (r) The observation of the precaution measures to avoid the pesticide poisoning that is defined in the rules and abstentions form eating, circumstances and drinking.
 - (s) Limitations/interval between the consequent exposures of the workers to the pesticide poisoning.
 - (t) Prohibitions or restrictions on employment of workers to the person who is poisoned by the pesticide
 - (u) The measure about the exploration of the pesticide poisoning cases by investigation or detection
 - (v) The provision of the first aid in case of pesticide poisoning and also taking effective efforts to avoid such disturbances
 - (w) Impart training related to the use of the instruments provided.
- 30.** Delegation of powers. – The Government may delegate power to any of its sub-ordinate officer on its own terms and conditions.