

THE AGRICULTURAL PESTICIDES ORDINANCE, 1971
(Ordinance No. II of 1971)

An ordinance to regulate the import, manufacture, formulation, sale, distribution and use of pesticides.

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

- (a) "adulterated" when used with reference to a pesticide, means any pesticide the strength or purity of which falls 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;
- (b) "advertise" means to make known by publication or distribution of any advertisement, circular or other notice;
- (c) "brand" means the trade name applied by an importer, manufacturer, formulator or vendor to the goods imported, manufactured or sold by him;
- (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;
- (h) "guarantee" means the statement indicating the strength, effectiveness and other qualities of a brand of a pesticide which an importer, manufacturer, formulator, vendor or person holding stock for sale of a brand of a pesticide is required to submit under the rules at the time of applying for the registration of the brand;
- (k) "insect" means any of the small invertebrate animals commonly known as insects and includes such forms of animal life as may be prescribed;
- (n) "pesticide" means any substance or mixture of substances used or represented as a means for preventing, destroying repelling, mitigating or controlling, directly or indirectly, any insect, fungus, bacterial organism, nematodes, virus, weed, rodent, or other plant or animal pest but does not include a substance which is a 'drug' within the meaning of the Drugs Act, 1940.

4. Pesticides to be registered.- No person shall import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale or in any manner advertise any brand of pesticide which has not been registered in the manner hereinafter provided.

5. Application for registration of pesticide.-(1) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale or advertise any brand of a pesticide may apply to the

Government for the registration of the brand under such name as he may indicate in the application.

(4) Upon the receipt of an application under sub-section (1), the Government may register a brand of a pesticide by the name indicated in the application, if it is satisfied that-

- (a) the brand 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 brand 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.

7. Cancellation of registration.- If, at any time after the registration of the brand of a pesticide, the Government is of opinion that the registration has been secured in violation of any of the provisions 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 Government may, after giving to the person on whose application it had been registered an opportunity of being heard, cancel the registration.

8A. Requirement of licence.-(1) Any person may, after obtaining a licence granted by the licensing authority import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise in any manner any brand of registered pesticide.

(2) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise any brand of registered pesticide may apply for a licence to the licensing authority.

9. Importation may be prohibited.- If any pesticide imported into Bangladesh is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if its sale in any way contravenes any of the provisions of this Ordinance, the Government may, by notification in the official Gazette, prohibit the further import of the pesticide into Bangladesh.

10. Labelling of packages.- 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 branded or marked in printed characters in such form and in such manner as may be prescribed.

14. Government Analyst.- The 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 Government may, by notification in the official Gazette, appoint from amongst the officers of the 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 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 person (unless he wilfully absents himself), shall divide the sample into three portions and effectually 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 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.

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

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

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

21. Offences and penalties.- Any person who-

- (a) sells, offers or exposes for sale, holds in stock for sale or advertises a registered brand of a pesticide which is of the nature, substance or quality which it is represented to be by the brand or mark on the package containing it or, as the case may be, on the tag or label attached thereto; or
- (b) falsely represents a pesticide in an advertisement; or
- (c) contravenes any of the provisions of this Ordinance or the rules for the contravention of which no other penalty is provided in this Ordinance,

shall be punishable, for the first offence, with fine which may extend to one thousand Taka and for every subsequent offence with fine which shall not be less than two thousand Taka or more than three thousand Taka and in default of payment of any such fine with imprisonment for a term which may extend to one year.

22. Manufacturer's warranty to dealers.- Whoever gives false warranty to a dealer or purchaser in respect of a pesticide, that it complies in all respect with the provisions of this Ordinance shall, unless he proved that when he gave the warranty he had good reason to believe the same to be true, be punishable with fine which may extend to one thousand Taka.

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) wilfully 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) wilfully obstructs, hinders, resists, or in any way opposes any Inspector in performing his duties under this Ordinance,

shall be punishable with fine which shall not be less than two thousand and five hundred Taka or more than five thousand Taka or with imprisonment for a term which shall not be less than one year or more than two year.

25. Power of Court to order 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 Government.

29. Power to make rules.-(1) The Government may, in consultation with the 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 all or any of the following matters, namely:-

- (j) the pesticides that are generally detrimental or injurious to vegetation, domestic animals or public health even when used according to directions;
- (k) the pesticides that are to be labelled "Poison" and their antidotes;
- (l) the requirements for the safe storage of pesticides;
- (m) the quantities of different brands of 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; or
 - (ii) on land on which such pesticides are being or have been used;

- (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;
- (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 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 abstention from eating, drinking and smoking in circumstances involving risk or 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 person so subject, prohibitions or restrictions on employment of workers;
- (u) the measures for detecting and investigating cases 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 pesticides.