

DIRECTORATE GENERAL
AGRICULTURE (EXTENSION)
N.W.F. PROVINCE, PESHAWAR.

NO. E&M/25/4-A/Vol. 5/ 11617-35 /DGA(E)

Dated Peshawar the 20/6 /2000.

Ph: No. 9216372 Fax No. 9216372

To

All the Extra Asstt: Directors of Agriculture,
in N.W.F.P.

Subject:- NWFP FERTILIZER (CONTROL ACT, 1999).

Memo:

I am directed to enclose herewith a photocopy of
the "NWFP Fertilizer Control Act, 1999" for your guidance,
reference and office record.

Encl: a.a.

o/c *Yusuf Jan*
DY. DIRECTOR OF AGRI: (E&M),
DIRECTORATE GENERAL AGRI:,
(EXTENSION) NWFP, PESHAWAR.

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to regulate the manufacture, sale and distribution of fertilizers.

WHEREAS it is expedient to regulate the manufacture, sale and distribution of fertilizers and for matters ancillary thereto;

It is hereby enacted as follows:

CHAPTER - I
INTRODUCTORY

1. Short title, extent and commencement.---(1) This Act may be called the North-West Frontier Province Fertilizer Control Act, 1999.
 - (2) It extends to the whole of the North-West Frontier Province.
 - (3) It shall come into force at once.
2. Application of other laws not barred.---The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.
3. Definitions.---In this Act, unless there is anything repugnant in the subject or context,-
 - (a) "adulterated" when used with reference to a fertilizer, means any fertilizer to which any other material, including fertilizer of other type, has been added which alters the characteristics of its professed standard of quality expressed on its label or marking under which it is sold as fertilizer;
 - (b) "advertise" means to make known by publication or distribution of any advertisement, circular or other notice including the use of radio and television media;
 - (c) "brand" means the trade name applied by any manufacturer or vendor to the fertilizer, manufactured or offered for sale by him;
 - (d) "Committee" means the Fertilizer Registration Committee constituted under section 12;
 - (e) "essential plant nutrient" includes carbon, hydrogen, oxygen, nitrogen, phosphorus, potassium, sulphur, calcium,

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magnesium, boron, copper, iron, manganese, zinc, molybdenum, chlorine, etc;

- (f) "Fake fertilizer" means a fertilizer which does not contain the required ingredients according to its specifications both quantitatively and qualitatively;
- (g) "Fertilizer" means any organic, inorganic or mixture thereof, used to supply one or more of the essential plant nutrient elements for promoting soil fertility;
- (h) "Fertilizer laboratory" means a fertilizer testing laboratory or a research institute set up or nominated under section 13;
- (i) "Government" means the Government of the North-West Frontier Province;
- (j) "Government analyst" means an analyst appointed by Government under section 14;
- (k) "grade" means the guaranteed analysis of a fertilizer containing one or more of the essential plant nutrient elements expressed as percentage Nitrogen(N), available Phosphate (P_2O_5) and Potash as K_2O ;
- (l) "guarantee" means the statement including the nutrient strength, effectiveness and other qualities of a brand of a fertilizer which a manufacturer, vendor or person holding stock for sale of brand of fertilizer is required to submit under the rules at the time of applying for the registration of the brand;
- (m) "gypsum" means sulphate of calcium;
- (n) "ingredient" means any material present in a fertilizer;
- (o) "Inspector" means an Inspector appointed under section 15;
- (p) "marking" means the written or graphic matter printed on or attached to a fertilizer container, bag or other retail package, if any;
- (q) "prescribed" mean prescribed by rules made under this Act;
- (r) "Registrar" means the Registrar appointed under section 11 and includes an Additional Registrar;

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- (s) "registered" means registered under this Act;
 - (t) "registration number" means a specific number assigned by the Registrar to each registered brand of fertilizer;
 - (u) "rules" mean rules made under this Act;
 - (v) "section" means a section of this Act; and
 - (w) "worker" means an employee of fertilizer manufacturer, stock holder or seller.

CHAPTER - II

MANUFACTURE, SALE, REGISTRATION AND DISTRIBUTION OF FERTILIZER

4. Fertilizer to be registered.---No person shall manufacture, sell, offer for sale, hold in stock for sale or advertise in any manner, any brand of fertilizer which has not been registered in the manner hereinafter provided.
5. Brand of fertilizer.---(1) Any person intending to manufacture, sell, offer for sale, hold in stock for sale or advertise any brand of fertilizer may apply to Government for registration of the brand under such name as he may indicate in the application.
- (2) Where the person making an application under sub-section (1), is not domiciled in Pakistan, the application shall be signed, besides such person, by his agent or representative in Pakistan.
- (3) 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.
- (4) Upon receipt of an application under sub-section (1), Government shall register a brand of a fertilizer by the name indicated in the application, if it is satisfied that the brand is not such as would tend to deceive or mislead the purchaser with respect to the guarantee relating to the fertilizer or its ingredients or the method of its preparation.
- (5) When it registers a brand of a fertilizer on the application of any person, Government shall grant him a certificate of registration in such form as may be prescribed.

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6. Effectiveness of registration.---The registration of a brand of a fertilizer shall be effective from the date of its registration and shall be valid until it is cancelled under section 7.

7. Cancellation of registration.---If, at any time, after the registration of a brand of a fertilizer, Government is of the opinion that the registration has been secured in violation of any of the provisions of this Act or the rules made thereunder or that the fertilizer is ineffective or does not achieve the desired end or is dangerous to human, plant or animal life, it may, after giving the person, on whose application it has been registered, an opportunity of being heard, cancel the registration.

8. Prohibition on manufacture, etc.---If any fertilizer is found to be adulterated or incorrectly or misleadingly tagged, labelled, marked or named, or its sale in any way contravenes any of the provisions of this Act, Government may, by notification in the official Gazette, prohibit further manufacture or sale of such fertilizer and ban its use.

9. Brand or marking of fertilizer.---No person shall sell, offer or expose for sale, advertise or hold in stock for sale any fertilizer unless each package containing the fertilizer and tag or label durably attached thereto, is branded or legibly marked in printed character in such form and in such manner as may be prescribed.

10. Condition of sale.---No person shall store or sell any fertilizer, save in accordance with the provision of this Act and the rules made thereunder.

11. Appointment of Registrar.---As soon as may be after the commencement of this Act, Government shall appoint a Registrar and may also appoint as many Additional Registrars as it deems necessary.

12. Fertilizer Registration Committee.---(1) Government shall, by notification in the official Gazette, constitute a Committee, to be called the Fertilizer Registration Committee, to advise Government on all matters arising out of the implementation of this Act and to perform any other function assigned to it by or under this Act. The Committee shall have the right to have access to such data and information from any manufacturer, distributor and vendor as the Committee deem necessary for the effective implementation of this Act.

(2) The Committee shall consist of the Registrar and such number of Additional Registrars and other members, being officers of the Agriculture Extension and Research Services and Agricultural Development Authority, the persons representing trade and industry engaged in fertilizer and gypsum business and representative of farmers as Government may deem fit to appoint.

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(3) Government shall appoint one of the members of the Committee, being an officer of the Agricultural Development Authority, to be the Secretary of the Committee.

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

(5) A non-official member of the Committee may, at any time, resign by writing under his hand and address to the Registrar but the seat of such member shall not be deemed to have fallen vacant unless the registration has been accepted by the Registrar with the previous approval of Government.

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

(7) The Committee shall perform its functions notwithstanding any vacancy in the membership thereof.

(8) The Committee shall have the power to regulate, with the prior approval of Government, the procedure for the conduct of its business.

(9) The Committee may appoint a sub-committee consisting of specialists for the consideration of a particular matter for such period not exceeding three years, as it may consider necessary.

13. Fertilizer analysis.—(1) As soon as may be after the commencement of this Act, Government shall set up or nominate fertilizer testing laboratories suitably equipped to carry out the functions entrusted to it by or under this Act.

(2) The manner and mode of submission of samples for analysis in the laboratory shall be in such form as may be prescribed and the laboratories shall conduct the analysis accordingly.

(3) The secrecy of the formula of brands of fertilizers, samples of which are submitted to the fertilizer laboratory for analysis or test, shall be duly safeguarded in the manner to be prescribed by rules.

14. Appointment of Government analysts. Where fertilizer laboratories are set up under this Act, Government may, by notification in the official Gazette, appoint as many persons as it deems fit to be Government analysts, and where it appoints more than one person it shall specify in the notification the local limits within which each one shall perform his functions as Government analyst.

15. Appointment of Inspectors.—Government may by notification, appoint Inspectors from among the staff of Agriculture Extension Service and Agricultural

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Development Authority for checking and reporting irregularities in fertilizers and gypsum business.

16. Power of Inspectors.—An Inspector may, within the local limits of his jurisdiction, enter upon any premises where fertilizer or gypsum is kept or stored, whether in bag or in bulk or in any other packing or container by or on behalf of the owner, including premises belonging to hauliers, such as railway, shipping company or any other carrier and may take samples therefrom for examination. No compensation shall be paid for the samples so taken.

17. Intimation of purpose.—(1) Where an Inspector takes a sample of fertilizer or gypsum 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. The Inspector shall, in the presence of such person as may choose to be present, divide the sample into three portions and effectively seal and suitably mark it and permit such person to add his own seal and mark to all or any of the portions so sealed and marked.

(2) The Inspector shall restore one portion of the sample so divided to the person from whom it was taken and shall forthwith send one of the remaining two portions to the fertilizer laboratory for testing or analysis and the other portion to the Registrar.

18. Delivery of report.—(1) The fertilizer laboratory, to which a sample of any fertilizer has been forwarded by an Inspector under sub-section (2) of section 17, shall deliver within two weeks to the Inspector, a signed report of the result of the chemical test or analysis in the prescribed form in triplicate.

(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 Registrar while the third copy of the report shall be retained on his own record.

(3) Any document purporting to be a report signed by the fertilizer laboratory 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 laboratory test report and, within thirty days of the delivery of the report to him, places before the Registrar evidence which in his opinion controverts the correctness of such report or analysis.

(4) Where the evidence placed before the Registrar under sub-section (3) is such as would, in his opinion, justify further investigation, he may cause the portion of the same sample, sent to him under section 17(2), to be analyzed at another fertilizer laboratory.

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(5) After the sample forwarded by the Registrar under sub-section (4) has been analyzed by another fertilizer laboratory, it shall record the result of the analysis in a certificate of analysis and forward it to the Registrar.

(6) A certificate of analysis prepared under sub-section (5) shall be conclusive evidence of the facts stated therein.

19. Application for conducting test of fertilizer.---(1) Any person who has purchased a registered brand of fertilizer which he claims to be adulterated, may apply to the Registrar for an order directing the fertilizer laboratory to conduct a test or analysis of the fertilizer.

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

(3) The Registrar upon being satisfied, after such investigation as he deems fit, that the fertilizer has not been tampered with or adulterated after its manufacture, may refer the application and sample to the fertilizer laboratory.

(4) The fertilizer laboratory, to which a reference is made in accordance with sub-section (3), shall conduct the analysis of the sample and issue to the applicant a report of the test or analysis.

CHAPTER III

MISCELLANEOUS

20. Sale of fake fertilizer.---Any person who

- (a) sells, offers or exposes for sale, holds in stock for sale or advertises registered brand of a fertilizer or gypsum which is not of the nutritional strength and purity represented 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 fertilizer or gypsum in an advertisement; or
- (c) contravenes any of the provision of this Act or the rules, for the contravention of which no other penalty is provided in this Act;

shall be punished for the first offence with fine which shall not be less than twenty five thousand rupees or more than thirty thousand rupees and for every subsequent offence with fine which shall not be less than thirty five thousand rupees or more than fifty thousand rupees and in default of payment of any such fine, the offender may be punished with simple imprisonment for a term which may extend upto two

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years in the case of first offence and upto three years in the case of every subsequent offence.

21. False warranty.---Whoever gives false warranty to a dealer or purchaser in respect of a fertilizer or fertilizer material that complies in all respects with the provisions of this Act shall, unless he proves that when he gave the warranty he had good reasons to believe the warranty to be true, be punished with fine which may extend to twenty five thousand rupees or in default of payment of fine with simple imprisonment which may extend upto two years.

22. Unlawful use of registration.---Any person who--

- (a) unlawfully uses any registration number assigned under this Act; or
- (b) wilfully alters the composition of a fertilizer or gypsum by mixing any other substance therewith after it has been placed in 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 Act;

shall be punished with a fine which shall not be less than ten thousand rupees or more than thirty thousand rupees or with imprisonment for a term which may extend to two years.

23. Power to enter and search.---(1) If an Inspector has reasons to believe that an offence punishable under this Act 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 fertilizer, or fertilizers material, article or thing to which the offence relates.

(2) Any fertilizer, article or thing seized under sub-section (1) shall be disposed off in accordance with the decision of the court which tries the offender.

24. Forfeiture of fertilizer.---If any person is convicted of an offence, punishable under this Act, the Court convicting him may further direct that the fertilizer, article or thing be forfeited to Government.

25. Cognizance of offence.---No court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act.

26. Indemnity.---No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done, or intended to be done under this Act or the rules made thereunder.

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27. Power to make rules.—(1) Government may, in consultation with the Committee and after publication in the official Gazette, make rules for carrying out the provisions of this Act.

(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 form in which an application for the registration of a brand of fertilizer or gypsum shall be furnished and the fee that shall accompany it;
- (b) the procedure for the grant of certificate of registration of brands of fertilizer or gypsum and the form of such certificates;
- (c) the language of the tag or label or marking on the containers, bags and packages containing fertilizer or gypsum and character and location of the printing to be marked on such tag, labels, containers, bags and packages;
- (d) the functions of the fertilizer laboratory and the procedure to be followed by it in the performance of such functions, including—
 - (i) safeguarding of the secrecy of the formula of the brands of fertilizer disclosed to it;
 - (ii) collection of samples of fertilizer and gypsum for test or analysis;
 - (iii) the form in which its reports of tests or analysis shall be written;
- (e) the methods of chemical analysis and other testing to be followed, and the limit of variability to be allowed by the Registrar as between the information marked on the packages or on a label attached thereto or supplied to the purchaser or sold in bulk or retail and the results of the laboratory tests;
- (f) the qualification and duties of Government Analyst and the Inspector;
- * (g) the form in which intimation of the purpose for which a sample is taken by an Inspector to 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

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such an Inspector for laboratory test and the manner in which it should be preserved and sent to the Registrar and the fertilizer laboratory;

- (h) the requirements for the safe storage of fertilizer and gypsum; and
- (i) the quantities of different brands of fertilizer which a person may hold in stock at one time and the premises in which and the conditions subject to which the same may be held in stock.

28. Delegation of powers.—Government may, by notification in the official Gazette, direct that all or any of its power under this Act or rules framed there under shall in such circumstances, and under such conditions, if any, as may be specified in the direction, be exercised by any officer or authority subordinate to it.

STATEMENT OF OBJECTS AND REASONS

Fertilizer is one of the major factors of crop production and its manufacture, sale, registration and distribution have attained considerable importance during the past few years. A great emphasis is placed on the judicial application of organic and inorganic fertilizers for increasing the agricultural production so as to meet the food requirements of the growing population. In this context it is necessary to check the manufacture and sale of fake fertilizer. Hence this bill.

Minister-in-Charge

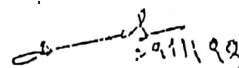
such an Inspector for laboratory test and the manner in which it should be preserved and sent to the Registrar and the fertilizer laboratory;

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STATEMENT OF OBJECTS AND REASONS

Fertilizer is one of the major factors of crop production and its manufacture, sale, registration and distribution have attained considerable importance during the past few years. A great emphasis is placed on the judicious application of organic and in-organic fertilizers for increasing the agricultural production so as to meet the food requirements of the growing population. In this context it is necessary to check the manufacture and sale of fake fertilizer. Hence this bill.


Minister-in-Charge
MINISTER
for Agriculture &
Dya Stock & WFP

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GOVERNMENT OF N.W.F.P
AGRICULTURE, LIVESTOCK & COOP. DEPT. DEPARTMENT

NOTIFICATION

Dated Peshawar, the February 17, 2003.

NO.SOAI(AD)7(11)/2001. In exercise of the powers conferred by section 27 of the North-West Frontier Province Fertilizer Control Act, 1999, the Government of the North-West Frontier Province is pleased to make the following rules, namely:

PART-I, PRELIMINARY.

1. Short title and commencement --- (1) These rules may be called the North-West Frontier Province Fertilizer Control Rules, 2003.

(2) These rules shall come into force at once.

2. Definitions --- (1) In these rules, unless there is anything repugnant in the subject or context, ---

- (i) "Act" means the North-West Frontier Province Fertilizer Control Act, 1999 (NWFP Act No.VI of 1999);
- (ii) "Certificate" means the certification of registration granted to a person under sub-section (5) of section of 5 of the Act;
- (iii) "Form" means a form appended to these rules;
- (iv) "Licence" means a licence issued for sale and distribution of fertilizer and fertilizer material;
- (v) "Laboratory" means a fertilizer testing laboratory or research institute set up under this Act; and
- (vi) "Licensing authority" means such authority as may be appointed by the Registrar under these rules.

(2) The words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

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PART-II
SALE, REGISTRATION AND
DISTRIBUTION OF FERTILIZER AND
FERTILIZER MATERIAL.

3. Licensing Authority. (1) The Registrar shall appoint licensing authorities for such areas as may be specified

(2) Application for licence by duly trained persons by Government/ fertilizer manufacturers for safe handling, storage, transportation or use of fertilizer shall be made in Form-1, given in the Schedule appended to these rules, to the Licensing Authority along with a fee of Rs. 1000/- (One thousand only).

(3) A Licence to sell, stock and exhibit for sale and distribute fertilizer and fertilizer material shall be issued in Form-2 and such consolidated list will be maintained by the Registrar.

(4) If fertilizer or fertilizer material is sold or stocked for sale at more than one places, a separate application shall be made and separate licence shall be issued in respect of each such place.

(5) Licence to sell fertilizer or fertilizer material shall, unless sooner suspended or cancelled, be in force for two years from the date of the issue and shall be renewed for further period on an application made in this behalf in Form-3, subject to payment of renewal fee as prescribed by the Government from time to time.

(6) A certificate of renewal shall be issued by the Licensing Authority in Form-4.

(4) Conditions of Licence. - A licensee shall,

- (a) provide and maintain adequate premises for the proper sale and storage of fertilizer and fertilizer material in respect of which licence has been granted;
- (b) maintain adequate number of properly trained staff, having sufficient knowledge regarding the fertilizer or fertilizer material and their use;
- (c) providing necessary training to the seller regarding safe storage and use of fertilizer;

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- (d) keep the fertilizer in the prescribed package;
 - (e) maintain proper storage facility for fertilizer and fertilizer material; and
 - (f) not to allow transportation of adulterated/spurious fertilizer or fertilizer material.

5. Delegation of Powers.--- A Licensing Authority may with the approval of Registrar, by an order in writing, delegate the power to sign a licence and such other powers as may be specified.

6. Record and its inspection.---(1) A licensee shall keep and maintain record of all purchases and sales relating to fertilizer and fertilizer material which include-

- (a) the date of purchase and sale;
- (b) the name and address of the person from whom purchased and to whom sold;
- (c) the name of manufacturer; provided that such record shall be preserved for three years from the date of sale of fertilizer and fertilizer material.

(2) The licensee shall produce for inspection by an Inspector appointed under this Act, on demand, all the registers and record and maintained under these rules and shall supply to the Inspector such information as he may require for the purpose of ascertaining whether the provision of this Act and Rules made there under have been observed.

7. Cancellation and Suspension of Licence.--- A licensee is liable to be suspended or cancelled, if the licensee is found guilty of mal-practices involving adulteration, infringement of patent rights or any other activity repugnant to the Act and Rules framed there under:

Provided that before a licence is suspended or cancelled, a show cause notice in writing mentioning reasons for suspension or cancellation are to be served upon the licensee.

8. Appeal.--- A licensee whose licence has been suspended or cancelled may appeal to Government within three months of the date of such suspension and cancellation.

PART-III ADVERTISING OF FERTILIZER OR FERTILIZER MATERIAL.

9. Conditions of Advertising.--- (1) The Registrar may allow advertisement of fertilizer or fertilizer material, approve the contents of such advertisement and specify conditions subject to which such advertisement shall be made

(2) An advertisement may be made through mass media subject to the condition that the Registrar may prohibit such advertisement if, in his opinion, it is not in the public interest that an advertisement be made

(3) The advertisement information shall be presented with courtesy and good tastes and words and phrases implying urgency, uniqueness or such expressions which are absolute in character, such as, the most potent, the most rapid or the most efficacious, etc.

(4) No licensee shall, in the course of trade or business, engage in a conduct that is misleading or deceptive.

(5) Sale advertisement by false representation that goods and services are of a particular standard or grade shall qualify as an offence.

PART-IV PACKING AND LABELLING

10. Packing.--- The container of fertilizer or fertilizer material shall be such as may be suitable for its storage and transportation, and shall be of such material which does not deteriorate its contents.

11. Labelling.--- No person, shall sell or distribute fertilizer or fertilizer material unless it is labelled in accordance with these rules

12. Manner of Labelling.--- The following information shall be printed conspicuously, legibly and indelibly in Urdu or English on the container and every tag or label attached thereto, namely:

- a) name of fertilizer or fertilizer material;
- b) net contents;
- c) form of fertilizer nutrients (i.e.) in case of Nitrogen %age of Nitrate (NO_3^-) or Ammonium (NH_4^+).

- d) date and place of manufacture;
- e) the name and %age by weight of plant nutrients;
- f) direction for use (optional on label) for example Muriate of Potash (MOP) may be specified that "Not for tobacco crop";
- g) distinctive colourful marks are recommended to indicate the different fertilizers or fertilizer materials for easy recognition, especially for areas of illiteracy, the label is also a useful tool for conveying simple message about the fertilizers.

13. Sale of Fake Fertilizers.--- Manufacturing, mixing, packing, labelling or sale of any type of material such as gypsum or any other material which is given a granular shape or colour to look like a fertilizer or fertilizer material which is not a standard fertilizer shall be deemed as offence and punishable under the Act.

PART-V FERTILIZER TESTING LABORATORY:-

14. Functions of the laboratory.--- The following shall be the functions of the laboratory, namely:

- a) analyze and test such samples of fertilizer or fertilizer material sent to it under the Act or under these rules; and
- b) to carry out such other duties as may be entrusted to it.

15. Samples of Fertilizer or Fertilizer Material How to be Sent.---(1)

The sample of fertilizer or fertilizer material, for testing or analysis in the laboratory shall be sent by registered post in seal packet together with a memorandum in *Form -5* in an outer cover to the Government Analyst.

(2) The packet as well as outer cover shall be marked with a distinguishing number.

(3) A copy of the memorandum and the specimen impression of the seal used to seal the packet shall be sent separately by registered post to the Government Analyst.

16. Condition of Seal.--- On receipt of the packet, it shall be opened by an officer authorized in writing in this behalf, by the Government Analyst of the laboratory who shall record the condition of the seal on the packet.

17. Report of result.---(1) After testing or analysis, the report of the result of test or analysis together with full particulars of the test applied shall be supplied forthwith to the sender in *Form -6*.

(2) The report of the test or analysis shall be signed by the Government Analyst of the laboratory or an officer authorized by him.

18. Access to Information.--- No person other than Government Analyst of the laboratory or an officer authorized by him shall have access to the information deposited in the laboratory.

19. Disclosure of Information.--- No person or staff of the laboratory shall disclose to any person any information relating to the test, analysis or test report.

Provided that any such information may be disclosed to the extent necessary for the purpose of prosecution under the Act.

PART-VI GOVERNMENT ANALYST AND INSPECTOR

20. Qualification of the Government Analyst.--- No person shall be appointed to be Government Analyst unless he possesses a Master's degree in Agriculture Chemistry or Soil Science having at least 5 years experience in chemical analysis of fertilizer or fertilizer material.

21. Duties of Analyst.--- (1) The Government Analyst shall analyze or test or cause to be analyzed or tested such samples of fertilizers or fertilizer materials as may be sent to him by an inspector or any other person under the Act and furnish report of the results of test or analysis in accordance with these rules

(2) On receipt of a package of sample for test or analysis, the Government Analyst shall compare the seal on the packet with the specimen impression received separately and shall note the condition of the seal on the package.

(3) After the test or analysis has been completed, the Government Analyst shall forthwith supply to the inspector or person a report in triplicate in *Form-7* of the result of test or analysis together with full details of the test methods applied.

(4) The method of analysis of fertilizer or fertilizer material shall be as under:-

- (i) Nitrogen: Digestion, Distillation and Titration by Kjeldhal Method.
- (ii) Phosphorous: Yellow color method by Barton Solution.
- (iii) Potassium: Flame Photometer Method.

Provided that the method of analysis mentioned above is in conformity with standards prepared by The Pakistan Standard Institute (PSI), for fertilizer or fertilizer material.

22. Report of Results of Test or Analysis.--- An application from a purchaser for test or analysis shall be made in *Form-8* and the report of the test or analysis of the fertilizer or fertilizer material made on such application, shall be supplied to the applicant in *Form-9*.

23. Fees.--- The fees of test or analysis of a fertilizer or fertilizer material shall be two hundred rupees per test.

24. Duties of Inspector.--- An inspector may, within the local limits of the area for which he is appointed;

(1). Inspect any premises wherein fertilizer or fertilizer material is being stored, stocked, sold or exhibited for sale or is being distributed and all relevant books and registers relating thereto; or

(2). Take sample of fertilizer or fertilizer material, which is being sold, or stocked or exhibited for sale or is being distributed, and forward it for test or analysis in accordance with these rules:

Provided that a sample shall not exceed one and a half kilogram/litre in quantity in presence of such person (unless he willfully absents himself) shall make three samples (portions) each 500 grams/millilitres and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any other portions so sealed and marked.

Of the three samples, one sample effectively sealed and properly marked is to be sent to the designated fertilizer testing laboratory. The second sample be sent to the Registrar and the third sample to be kept with the person from whose possession the sample was taken. The standard procedure for taking sample is the one adopted by the Association of Analytical Chemists (AOAC) mentions-

- (i) Sampling of at least 10 % of the bags in stock with an especially designed slotted single tube probe diagonally inserted to the other corner after rolling over bag twice or thrice and then placing horizontally.
- (ii) Sampling each bag if the lot is less than ten bags.
- (iii) Mixing entire sample, sealing and sending to the laboratory.

(3). Enter and search, at all the reasonable times, with such assistance, if any he may consider necessary, any building, vessel or place in which he has reason to believe from personal knowledge or from information given by any person and take down in writing that an offence under the Act or these rules has been or is being committed.

(4). Seize such fertilizer or fertilizer material and all other articles, including registers, cash memos, invoices, bills which he has reason to believe may furnish evidence of committing an offence punishable under the Act.

(5). Any fertilizer or fertilizer material seized can be kept or stored in the building or place, where it was seized or can be removed to any other place.

25. Form of Intimation of Purpose of Taking Sample.--- Where an inspector takes a sample for the purpose of test or analysis, he shall intimate such purpose in writing in *Form-10* to the licensee from whom he takes it.

26. Prohibition of Disclosure of Information.--- Except for the purpose of official business or when required by a court of law, an inspector shall not without the sanction in writing of his superior, disclose to any person any information acquired by him in the course of his official duties.

27. Form of Receipt for Seized Stock.--- A receipt by an inspector for the stock of fertilizer or fertilizer material seized by him shall be issued in *Form-11*.

SECRETARY TO GOVT. OF NWFP
AGRICULTURE DEPARTMENT
PESHAWAR.

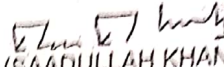
Endst. No. SOAII(AD)7(11)2001/Vol-III dated Pesh. the February 17, 2003

1 Copy forwarded for information and necessary action to:

1. The Director General, Agriculture (Ext.), NWFP, Peshawar.
2. The Director General, Agricultural Research System, NWFP Agricultural University, Peshawar.

3. The Assistant Legal Drafter-I, Govt. of NWFP, Law Department w/r to his letter No.LEGIS:3(1)/2001/1105 dated 30-01-2003.

4. The Private Secretary to Minister for Agriculture, Livestock & Cooperation, NWFP, Peshawar.


(SAADULLAH KHAN)
SECTION OFFICER (AGRI.)

Endst.No. is also even.

Copy forwarded to the Manager, Govt. Printing & Stationery Department, NWFP, Peshawar for publication in the next issue of Government Gazette.

SECTION OFFICER (AGRI.)

SCHEDULE

FORM-1
{See Rule 3(2)}

Application for licence to sell, stock and exhibit for sale and distribution of fertilizer or fertilizer material.

1. *Name of the applicant* _____
2. *Father's name* _____
3. *Address of the applicant* _____
4. *National Identity Card No.* _____
5. *Name of bank with account No.* _____
6. *Storage facility with structure and location.* _____

I do hereby apply for the licence as a dealer / vendor of fertilizer and fertilizer material. My particulars which are given above are correct to the best of my knowledge and belief. I undertake to abide by the NWFP Fertilizer Control Act, 1999 and Rules, 2003.

Signature of the applicant

Date _____

FORM-2

{See Rule 3(3)}

Licence for dealer/vendor of fertilizer and fertilizer material

No. _____

Certified that the person whose particulars are given below has been issued a licence as a dealer/vendor of fertilizer or fertilizer material.

1. Name _____
2. Father's name _____
3. Address _____
4. National Identity Card No. _____

Date _____

Licensing Authority
Seal

30/12
83

12

FORM-3
{See Rule 3(5)}

Application for renewal of licence as a dealer/vendor
of fertilizer and fertilizer material.

1. Name _____
2. Father's name _____
3. Address _____

4. National Identity Card No. _____
5. No. and date of licence _____
6. No. and date of challan _____

I do hereby apply for the renewal of licence issued in terms of Rule 3(5) of the NWFP Fertilizer Control Rules, 2003 of which the particulars are given above. It is certified that no change has been made since issue of the original certificate except as indicated below.

Date _____

Signature of the Applicant _____

FORM-4
{See Rule 3(6)}

Certificate of renewal of licence

This is to certify that licence as dealer/vendor of
fertilizer and fertilizer material bearing No. _____
dated _____ M/S _____
S/O _____ R/O _____
NIC/No. _____ address _____

_____ is renewed for the period of two years w.e.f. _____
to _____

Date _____

Signature of Licensing Authority
Seal

360
85

14

FORM-5
{See Rule 15(1)}

Memorandum

I do hereby certify that accompanying is a sample of fertilizer taken by me on _____ at _____ (specify full address) _____ from stock in the charge of M/S _____ (State name and address of importer/stockist/seller) in the presence of _____ (State name and address of witness).

The following additional information are given in connection with the sample:-

1. Name of fertilizer _____
2. Mark or number on sample _____
3. Information given on bag from which sample was taken _____
4. Approximate quantity of fertilizer represented by the sample _____
5. Other particulars _____

Signature of Witness: _____

Signature of Inspector: _____

Place _____

Date _____

Note:- A copy of this memorandum shall be handed over or forwarded to owner of the fertilizer or to his agent. A copy shall be retained by the inspector.

311
26

FORM-6
{See Rule 17(1)}

Report of test or analysis by fertilizer testing laboratory

It is hereby certified that:

1) On _____ the sample _____ was received from _____ in the fertilizer testing laboratory _____ for test or analysis.

2) The sample was labeled, sealed and marked _____ and _____

3) The sample was tested and/or analyzed and found that it contained (specify details of the result of test and/or analysis below):-

Dated _____ SIGNATURE OF GOVT. ANALYST
FERTILIZER TESTING LABORATORY

312

37

FORM-7

{See Rule 21(3)}

Report of result of analysis or test of sample of
fertilizer by Government Analyst

I (Full name _____)

a duly appointed Government Analyst, in terms of Section 14 of
the NWFP Fertilizer Control Act, 1999 do hereby make oath and
state:

(1) that on _____ I received a sample of _____
from _____ for analysis and/or test.

(2) that sample was labelled, sealed and marked _____

(3) that I have analyzed/tested the sample and found that
(specify details of results of analysis and/or test _____

Date _____

SIGNATURE OF
GOVERNMENT ANALYST

3/3
22

17

FORM -8
{See Rule 22}

Application for testing of fertilizer and
fertilizer material by the purchaser
(to be submitted in triplicate)

1. Name of the applicant _____
2. Address of the applicant _____
3. Name of fertilizer/
fertilizer material _____
4. Name of dealer/vendor _____
5. Cash Memo/Bill No and Date _____
6. Requirement of tests _____
Specification limit
i) _____
ii) _____
iii) _____

I do hereby apply for the testing of fertilizer or fertilizer material in terms of Rule 21 of the NWFP Fertilizer Control Rules, 2003 of which the particulars are given above. A challan of fee for Rs. _____ is being submitted herewith as per schedule.

Date _____

Signature of the Applicant

18

3/4

25

FORM -9

{See Rule 22}

Report of the test or analysis for purchaser

1. Name of person from whom sample is received
2. Date of receipt.
3. Name of fertilizer/
fertilizer material
4. Percent of active ingredient
5. Findings by the
Government Analyst.

The sample referred to above is/ is not of standard quality as specified.

SIGNATURE OF
GOVERNMENT ANALYST

Date _____

320

90

FORM -10

{See Rule 26}

Intimation to person from whom sample of
fertilizer or fertilizer material is taken

To

I have, this day, taken from the premises
of _____ situated at _____
sample of the fertilizer or fertilizer material specified below
for the purpose of test or analysis.

Details of sample(s) taken:

SIGNATURE OF INSPECTOR

Date _____