



The *Agricultural Pesticides Ordinance, 1971* was a federal law regulating pesticide import, manufacture, sale, and use across Pakistan. After the 18th Constitutional Amendment, pesticide regulation became a provincial subject, but in Balochistan the APO continued as “deemed provincial law” under Article 270AA(6) without any new provincial enactment. In May 2025, the *National Agri-trade and Food Safety Authority Ordinance* repealed the APO, focusing mainly on quality control in imports, exports, and inter-provincial trade. This repeal will potentially leave a vacuum for intra-provincial pesticide regulation in Balochistan.



RESEARCH CENTER, HIGH COURT OF BALUCHISTAN

COURT: HON'BLE MR. SARDAR AHMED HALEEMI
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BY: Research Center

Report on the Regulatory Law of Pesticide in Balochistan.

The **Agricultural Pesticides Ordinance, 1971 (Ordinance No. II of 1971)** was promulgated by the federal government under the rule of President Yahya Khan. It was designed to regulate the import, manufacture, formulation, sale, and use of pesticides uniformly across Pakistan. Upon the enforcement of the **Constitution of Pakistan, 1973**, all laws existing at the time — including this ordinance — were saved and continued by virtue of **Article 268(1)**, which states:

"All laws in force in Pakistan immediately before the commencing day shall, subject to the Constitution, continue in force until altered, repealed or amended by the competent authority."

Thus, the 1971 Ordinance remained valid **federal law** in the country including Balochistan. **Key features and enforcement mechanism of the APO/Rules are separately drawn and annexed as annexure "A"**

Post-18th Amendment Position (2010–2025)

The **18th Constitutional Amendment (2010)** radically restructured the legislative distribution of powers by **abolishing the Concurrent Legislative List**, and **transferring pesticide regulation** (being part of agriculture) to the **exclusive domain of the provinces**, barring some aspects such as international and inter-provincial trades etc. However, to ensure continuity, **Article 270AA (6)** of the Constitution states:

"Notwithstanding the omission of the Concurrent Legislative List, all laws with respect to any matter which is no longer in the Federal Legislative List shall continue to remain in force until altered, repealed or amended by the competent authority."

Effect in Balochistan:

The **Agricultural Pesticides Ordinance, 1971 and Rule 1973**, although originally a federal law, **continued to apply in Balochistan** as **"deemed provincial law"** on the strength of Article 270AA (6), and no **separate provincial legislation** was passed for pesticide regulation. In contrast **Punjab amended and adapted** the 1971 Ordinance under provincial law-making powers.

NAFSA Ordinance, 2025

On **2 May 2025** the **National Agri-trade and Food Safety Authority Ordinance, 2025** was promulgated to establish the **National Agri-trade and Food Safety Authority (NAFSA)**. The primary purpose of the Ordinance 2025 is to regulate the quality aspects of **agrochemicals (including pesticides)**, agricultural produce, plants, animals, and related products **primarily in the context of imports, exports, and inter-provincial trade**, in line with international **Sanitary and Phytosanitary (SPS) measures** and trade commitments. The key feature of the Ordinance is annexed herewith as Annexure "B".

Legal Impact on APO

Section 34 (1) (iii) explicitly **repeals** the **Agricultural Pesticides Ordinance, 1971** (II of 1971) **upon notification by the federal government**, alongside the Plant Quarantine Act 1976, Animal Quarantine Ordinance 1979, and Agricultural Produce (Grading and Marking) Act 1937. While NAFSA 2025 contains **saving provisions** (Section 34(3)) for actions already taken under repealed laws, **it does not recreate the provincial licensing, registration, inspection or retail-level enforcement system** of APO 1971.

Impact in Balochistan: All regulatory and enforcement provisions of APO 1971 and Rules 1973 will cease to operate in Balochistan upon the notification of the Federal Government, as the APO in Balochistan was never re-enacted by the provincial legislature, as was done in the province of Punjab, ***its repeal at the federal level removes its statutory basis, creating a legal vacuum in the province for intra-provincial pesticide regulation unless replaced by new provincial legislation***.

While the Ordinance is **primarily trade-focused**, it **indirectly regulates domestic matters** by:

- Setting **national standards** for food safety and agricultural products.
- Ensuring **inter-provincial trade compliance**.
- Providing a framework for **emergency measures** in domestic markets.
- Establishing **testing and inspection mechanisms** applicable to domestic producers.

However, **specific domestic enforcement** (e.g., inspections & market surveillance etc) would likely require **additional provincial regulations** under this Ordinance to fill any vacuum/gap and effectively coordinate with the NAFSA.

Conclusion

The regulatory framework for pesticides in Balochistan has historically rested on the Agricultural Pesticides Ordinance, 1971, which continued as "deemed provincial law" after the 18th Amendment under Article 270AA(6) in the absence of any provincial enactment. With the promulgation of the National Agri-trade and Food Safety Authority Ordinance, 2025, and the federal repeal of the APO, this framework will cease to operate in Balochistan. While NAFSA 2025 addresses regulatory framework in the context of imports, exports, and inter-provincial trade, effective regulation on local level may still require provincial legislation.

The end

Annexures:

Annexure "A"

Key Features and Enforcement mechanism of APO/Rules

The APO 1971/Rules 1973 established a **comprehensive regulatory architecture**, including:

- **Registration of Pesticides**
 - **Sections 4–8, Rules 3–6:** No pesticide could be imported, manufactured, or sold without registration.
 - Process: Application; Lab testing; Field; Registration certificate (valid 3 years, renewable).
- **Licensing of Dealers**
 - **Rule 11A:** No sale or storage without license. Requires training, record-keeping, and safety compliance.
- **Packaging and Labeling Requirements**
 - **Rules 12–15:** Clear hazard warnings, antidotes, manufacturer details, "POISON/DANGER" marks, skull and crossbones.
- **Authorities for Enforcement:**
 - **Federal Government** – Registers pesticides, appoints Inspectors, establishes pesticide laboratories.
 - **Agriculture Pesticide Technical Advisory Committee (APTAC)** – Advises on standards, policy, and registration.
 - **Department of Plant Protection (DPP)** – Secretariat for registration, certifies manufacturing/formulation units, inspects facilities.
 - **Inspectors** – Powers to enter, inspect, sample, seize, and initiate legal proceedings.
 - **Government Analysts** – Test samples, issue conclusive reports.
- **Inspection and Testing Procedures:**
 - Inspectors collect samples, send them for testing to Government Analysts, issue reports; buyers can request testing; appeals possible for re-testing.
- **Penal Provisions**
 - **Sections 21–24:**
 - ❖ *Adulterated pesticides, 1–3 years imprisonment + up to Rs. 1 million fine.*
 - ❖ *Sub-standard pesticides, 6 months–2 years + up to Rs. 0.5 million fine.*
 - ❖ *Obstruction of Inspector, false labeling, misuse of registration numbers all punishable.*
- **Public Health and Safety Provisions**
 - Worker safety rules, prohibition on under-18/over-60 handling pesticides, proper disposal of containers, ventilated storage.
- **Criminal Proceedings**
 - Only Inspectors could file formal complaints (Section 26A).
 - Magistrate of First Class had jurisdiction; summary trials allowed for minor offences.

In sum, the APO 1971 and Rules 1973 provided **regulations** from product registration to dealer licensing, inspection, testing, and criminal prosecution with clear federal oversight.

Annexure “B”

Key Features of the National Agri-trade and Food Safety Authority Ordinance, 2025

1. Establishment & Scope

- Creates the National Agri-trade and Food Safety Authority (NAFSA) as a federal body corporate.
- Regulates agrochemicals (including pesticides), agricultural produce, plants, animals, and related products primarily in the context of **imports, exports, and inter-provincial trade** in line with international Sanitary and Phytosanitary (SPS) standards.
- Overrides other laws in case of inconsistency.

2. Functions & Powers

- Develop and enforce SPS measures for goods in inter-provincial and international trade.
- Register business operators, formulation plants, and regulate grade designations.
- Inspect, quarantine, and test goods; issue and cancel licenses and certificates.
- Impose penalties and take emergency measures against SPS risks.
- Coordinate with provincial governments, requiring nominated departments to submit **annual official control programmes** for SPS enforcement.
- Harmonise provincial laws and publish model regulations/guidelines.

3. Provincial-Level Enforcement Mechanism

- **Nominated Departments** in provinces implement SPS measures for goods intended for export and related domestic controls.
- Annual control plans prepared by provinces must be approved by NAFSA.
- Provincial authorities execute inspections, testing, and market surveillance in coordination with NAFSA.
- Emergency SPS measures can be taken by provincial departments, with mandatory reporting to NAFSA.

Mechanism for Initiating, Investigating & Conducting Trials of Offences

1. Initiation of Action

- Authorized Officers (appointed by NAFSA or nominated from federal/provincial bodies) can inspect, sample, seize goods, order quarantines, prohibit exports/imports, destroy hazardous goods, and require documents.
- Offences are identified through inspections, laboratory testing, and document verification.

2. Investigation

- Authorized Officer records evidence (samples, seizure reports, lab results, witness statements).

- Non-compliance notices or directions for discontinuance of offences may be issued.
- Goods can be detained or forfeited pending court action.
- 3. **Filing of Complaint**
 - **Only the Director General or an Authorized Officer** can file a written complaint before the **Court of Sessions** (Section 22).
- 4. **Trial**
 - The Court of Sessions takes cognizance and conducts proceedings under the Code of Criminal Procedure, 1898.
 - Penalties include imprisonment, fines, and daily fines for continuing offences.
 - Forfeited goods are disposed of by NAFSA at the offender’s cost.

List of Offences (Section 20 – Brief)

1. Import/export of banned animals/products or without valid health certificates.
2. Manufacturing, sale, storage, or advertisement of adulterated, banned, or sub-standard pesticides/agrochemicals.
3. Quarantine violations (non-quarantining, removal, or processing at unapproved facilities).
4. Supplying from unapproved premises or without sanitary requirements of importing country.
5. Submitting forged/fake documents or lab reports.
6. Import/storage of banned/hazardous agrochemicals without precautions.
7. Obstructing Authorized Officers or law enforcement.
8. Selling unregistered, expired, incomplete-labeled agrochemicals.
9. Concealing facts or misleading officers.
10. Import/export without documents or undeclared goods.

Purport of Sections 28 – Emergency measures in Provinces

Section 28 – Emergency Measures for Ensuring SPS Conditions

This section grants provinces the authority, through their nominated departments, to take **immediate protective measures** when goods pose a serious risk to human, animal, or plant health that cannot be contained under existing measures. For domestically produced goods, provinces can suspend marketing/use, impose special conditions, trace hazards to their source, and prevent recurrence, The provision effectively makes provinces the **first responders** in SPS emergencies, but under a framework where actions are reported to, and may be supplemented by, NAFSA to ensure uniform national response and compliance with trade obligations.

Section 28 gives provinces power to act in emergencies, but it’s not a complete regulatory framework for everyday agricultural chemical use within the province NOT COVERED BY THE ORDINANCE 2025

Annexure “C”

Report on the Pesticide Regulation Mechanism in India

Pesticide Regulation in India: India regulates pesticides under the **Insecticides Act, 1968** and the **Insecticides Rules, 1971**, both still in force and periodically amended, most recently by the *Insecticides (First Amendment) Rules, 2025*, which introduced bilingual labelling, QR-code traceability, and stricter packaging rules. The Act governs import, manufacture, sale, transport, distribution, and use of pesticides, while the **Food Safety and Standards Act, 2006** empowers the **Food Safety and Standards Authority of India (FSSAI)** to set **Maximum Residue Limits (MRLs)** in food and monitor compliance. At the central level, the **Central Insecticides Board (CIB)** advises on technical and policy matters, and the **Registration Committee (RC)** approves or rejects pesticide registrations, sets formulation and labelling conditions, and maintains schedules of approved, restricted, and banned pesticides.

At the state level, governments issue manufacturing and sales licences, appoint Insecticide Inspectors for inspections, seize stocks, collect samples, and prosecute offences, and operate Pesticide Testing Laboratories. States may temporarily prohibit hazardous pesticide batches for up to two months. FSSAI works with state food safety departments to enforce MRLs and block contaminated produce. The framework provides centralised registration with decentralised enforcement, but faces challenges from weak coordination between CIBRC, FSSAI, and states, delays in banning hazardous products, insufficient residue monitoring, and uneven state capacity. The pending **Pesticide Management Bill, 2020** aims to replace the 1968 Act, but until enacted, the current laws remain the operative framework.

1. *Insecticides Act, 1968* – Full text. Government of India. <https://www.indiacode.nic.in/bitstream/123456789/1551/1/A1968-46.pdf>
2. “Insecticides First Amendment Rules, 2025.” *Legality Simplified*. <https://www.legalitysimplified.com/wp-content/uploads/2025/06/Insecticides-first-amendment-rules-2025.pdf>
3. “Govt notifies new labelling rules for insecticides.” *Mint*, 5 June 2025. <https://www.livemint.com/news/insecticide-labelling-rules-insecticides-first-amendment-rules-2025-substandard-non-compliant-pesticides-ban-11749222668260.html>
4. *Food Safety and Standards Act, 2006* – Government of India. <https://www.fssai.gov.in/>
5. “Pesticides Regulation in India and the Need for Protection.” *EPW Engage*. <https://www.epw.in/engage/article/pesticides-regulations-india-and-need-protection>
6. “Maharashtra Insecticide Amendment Bill – A Surprise.” *PAN India*. <https://pan-india.org/maharashtra-insecticide-amendment-bill-a-surprise/>