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PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

May 29, 2025

No. PAP/Legis-2(57)/2025/407. The Punjab Fertilizers Control Bill 2025, having been passed by the Provincial Assembly of the Punjab on May 21, 2025, and assented to by the Governor of the Punjab on May 29, 2025, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB FERTILIZERS CONTROL ACT 2025

ACT XLIII OF 2025

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated May 29, 2025.]

An

Act

to provide for regulation and control of fertilizer in the Punjab.

It is necessary to provide for the regulation and control of the manufacture, supply, importation, distribution, dealership, quality standards, pricing, licensing, advertising, transportation, storage, sale, monitoring, and disposal of fertilizers in the Punjab, ensure availability of quality fertilizers for agricultural purposes and the matters ancillary thereto and connected therewith.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.**– (1) This Act may be cited as the Punjab Fertilizers Control Act 2025.
   (2) It extends to whole of the Punjab.
   (3) It shall come into force at once.

2. **Definitions.**– In the Act:
   (a) "Act" means the Punjab Fertilizers Control Act 2025;
   (b) "Additional Controller" means the Additional Controller as provided under section 3 of the Act;
   (c) "Additional Secretary (Task Force)" means the Additional Secretary (Task Force), Government of the Punjab, Agriculture Department;
   (d) "adulterated" denotes a fertilizer wherein the nutritional strength of an ingredient is less than 69.9%, falling within the range of up to 30% of the approved limit for active ingredients or viable cells count specified in the applicable standard;
   (e) "Assistant Controller" means the Assistant Controller as provided under section 3 of the Act;
   (f) "batch" means an identifiable quantity of fertilizer manufactured and processed under uniform conditions in a single lot;
   (g) "bio-fertilizer" means the product containing carrier based, either solid or liquid, living microorganisms which are agriculturally useful in terms of nitrogen fixation, phosphorus solubilization or nutrients mobilization, to increase the productivity of the soil or crop;
   (h) "bio-stimulants" mean a product that is applied to plants or soil to enhance plant growth, development, and includes, but is not limited to, plant growth promoters, plant growth regulators, soil microorganisms, amino acids,

humic-acids, fulvic-acids, seaweed extracts, and other naturally occurring substances that improve plant nutrition and stress tolerance;

(i) "brand" means the trade name applied by a manufacturer or importer to the fertilizer;

(j) "Controller" means the Controller as provided under section 3 of the Act;

(ik) "crop supplements" means any material, substance or mixture of substances, other than major fertilizer, that is manufactured, sold, or represented for use in the improvement of the physical condition of soils or to aid plant growth or crop yields;

(l) "dealer" means a person or an association of persons carrying on the business of selling any brand of fertilizer whether on wholesale or on retail having license from the Deputy Controller;

(m) "Department" means Agriculture Department of the Government;

(n) "Deputy Controller" means the Deputy Controller as provided under section 3 of the Act;

(o) "distributor" means a person, or an association of persons engaged in the distribution of a fertilizer;

(p) "essential plant nutrient elements" include carbon, hydrogen, oxygen, nitrogen phosphorus, potassium, sulphur, calcium, magnesium, boron, copper, iron, manganese, zinc, molybdenum and chlorine;

(q) "expired" means a fertilizer of which validity date mentioned by the manufacturer, where applicable, has passed;

(r) "fake" means a fertilizer whose nutritional strength is below 30% of the approved limit for active ingredient or viable cells count given in the applicable standard or any fertilizer that does not conform to parameter beyond chemical criteria;

(s) "fertilizer" means any material, organic or inorganic, or mixture used to supply one or more of the essential plant nutrient elements; and includes, within its scope, bio-fertilizer, bio-stimulant, crop supplement, soil conditioner, and soil and water amendment;

(t) "Form" means a Form as prescribed under the Act;

(u) "Government" means Government of the Punjab;

(v) "importer" means a person or an association of persons importing into Pakistan whether under an import license or otherwise, any brand of fertilizer from outside Pakistan and includes a buying agent, an indenter and a manufacturer's agent;

(w) "major fertilizer" means solid fertilizer material containing anyone, two, or three macronutrients such as Nitrogen, Phosphorus and Potash;

(x) "manufacturer" means a person, or an association of persons engaged in manufacturing or production of fertilizer;

(y) "marking" refers to any written or graphic information that is printed on or attached to a fertilizer container, bag, or other retail package, if present;

(z) "misbranded" means an unauthorized utilization of already notified product with approved label having certain nomenclature that possesses the ability to differentiate one company's product from another as per approved standards;

(aa) "mislabeled" means a fertilizer that is not marketed in accordance with the label as per the notified standard;

(bb) "notified" means notified by the Controller under the Act;

(cc) "packing" refers to the package or container, along with specified pack size outlined in the respective standard for any fertilizer;

(dd) "person" means a natural person or legal entity and includes an individual, or association of individuals, firm, partnership, society, group, a public or

private limited company, corporation, cooperative society or any other body corporate;

(ee) "prescribed" means prescribed by the rules made or framed under the Act;

(ff) "producer" means a person engaged in the manufacturing or production of a fertilizer;

(gg) "PSQCA" means Pakistan Standards and Quality Control Authority;

(hh) "rules" means the rules made under the Act;

(ii) "soil conditioner" means a product applied to soil to modify its characteristics, including but not limited to its structure, water-holding capacity, aeration, pH balance, nutrient availability, and microbial activity;

(jj) "special circumstances" means when supply of fertilizer is short and demand is high in the market;

(kk) "standard fertilizer" means any material, organic or inorganic, or mixture used to supply one or more of the essential plant nutrient elements whose specifications are established by PSQCA and adapted by the Additional Controller (Technical);

(ll) "standard operating procedure" means the standard operating procedures under section 25 of the Act;

(mm) "standard" means specifications established by PSQCA;

(nn) "sub-dealer" means a person, having license from the Deputy Controller, who receives fertilizer from the dealer with acknowledgment and sells it directly to farmers;

(oo) "sub-standard fertilizer" means a fertilizer whose nutritional strength falls below 95% up to 70% of the approved limit for active ingredient or viable cells count given in the applicable standard;

(pp) "unlicensed fertilizer" means a fertilizer that is not manufactured, imported, distributed, stored, sold or offered for sale in conformity with the prescribed license as stipulated under the Act; and

(qq) "water conditioner" means a product added to water to alter its characteristics, including but not limited to its pH balance, hardness, alkalinity and turbidity, with the intention of making the water more suitable for irrigation.

3. Controller, Additional Controller, Deputy Controller and Assistant Controller.– (1) The Secretary of the Department shall be the Controller for the purposes of the Act.

(2) The Director of Agriculture (Extension) Hqrs, Punjab shall be the Additional Controller (Field) at provincial level for the purposes of the Act.

(3) The Chief Scientist, Soil Fertility Research Institute, Punjab, shall be the Additional Controller (Technical) at provincial level for the purposes of the Act.

(4) The Director of Agriculture (Extension)/Divisional Incharge, shall be the Additional Controller at Division level for the purposes of the Act.

(5) The Deputy Director Agriculture (Extension)/District Incharge shall be the Deputy Controller at District level for the purposes of the Act.

(6) The Assistant Director Agriculture (Extension)/Tehsil Incharge shall be the Assistant Controller at Tehsil level for the purposes of the Act.

4. Inspection committees.– The Controller may, by an order, in writing, constitute one or more inspection committees at provincial level and one inspection committee in each division to carry out the purposes of the Act.

5. Registration Committee.– The Controller may, by an order, in writing, constitute registration committee at provincial level to carry out the purposes of the Act.

6. Licensing.– (1) No person shall manufacture, import, distribute, store, sell and offer for sale any fertilizer without obtaining a license under the Act.

(2) An application, on a format as may be prescribed, for grant of license as manufacturer, importer, distributor, after fulfilling such conditions and on payment of such fee, as may be prescribed and complete in all respects, shall be submitted to the Additional Controller (Technical) through an online process or by hand.

(3) The office of Additional Controller (Technical) shall, after receipt of the application under sub-section (2), process it in the manner as may be prescribed.

(4) If the application is found complete in all respects, the Additional Controller (Technical) shall forward the same to the inspection committee for inspection of the unit or site, as the case may be, as provided in the application, in such manner as may be prescribed.

(5) The inspection committee, after conducting inspection, shall submit its report along with its recommendations, to the Additional Controller (Technical) within such period as may be prescribed.

(6) An applicant aggrieved of the recommendations of the inspection committee may, within seven days of the receipt of such recommendations, file a representation before the Additional Controller (Field) who may, if considers suitable, direct re-inspection of the unit or site, as the case may be, by another inspection committee and the recommendations of such inspection committee, after its re-inspection, shall be final.

(7) On receipt of the report of the inspection committee, the Additional Controller (Technical), shall forward the case to the registration committee for consideration of the case.

(8) On the recommendations of registration committee, the Additional Controller (Technical) shall issue the license in favor of the applicant for a period of three years which may be renewed for another term of three years subject to fulfilling of such terms and conditions and on payment of such fee as may be prescribed.

(9) In case the license is refused, a representation, within a period of ten days of such refusal, may be filed before the Additional Secretary (Task Force) who shall, after hearing the applicant and perusing the relevant record, pass a speaking order which shall be final.

7. Cancellation of license.– (1) The Additional Controller (Technical), on his own or on a report or application received by him, finds that violation of any provision of the Act or the rules made thereunder has been made, may issue a notice to the violator to remove the violation within one month.

(2) If the manufacturer, importer or distributor fails to remove the violation within the given period, the Additional Controller (Technical) may, after affording an opportunity of being heard, cancel the license of such manufacturer, importer or distributor.

8. Appeal against cancellation of license.– (1) A manufacturer, importer or distributor whose license has been cancelled under the Act, may file an appeal, within ten days of such cancellation, to the Additional Secretary (Task Force), who shall pass appropriate order thereupon.

(2) An appeal against the order of the Additional Secretary (Task Force) may be filed before the Controller who shall, after hearing of the applicant and perusing the relevant record, pass speaking order which shall be final.

9. Change in license.– (1) A manufacturer, importer or distributor who intends to change the particulars given in the license, shall apply to Additional Controller

(Technical), in such manner and on payment of such fee as may be prescribed.

(2) In case the change in the license is refused, the aggrieved may, within ten days of such refusal, file an appeal to the Additional Secretary (Task Force) who shall, after affording an opportunity of being heard, pass appropriate order thereupon which shall be final.

10. Restrictions and prohibitions.– (1) No manufacturer, importer, distributor, dealer and sub-dealer shall manufacture, import, distribute, deal, store, supply, offer for sale or use any fertilizer which is fake or adulterated or substandard or unlicensed, or misbranded or mislabeled or underweight or expired or tampered or hazardous or dangerous or harmful to human health, safety or environment.

(2) No manufacturer, importer, distributor, dealer and sub-dealer shall dispose of, or cause to be disposed of, any fertilizer, whether by way of burial, burning, dumping, or otherwise, unless such disposal is in full compliance with such procedure as may be prescribed.

(3) No manufacturer, importer, distributor, dealer and sub-dealer shall destroy, obliterate, damage, alter, or cause to be destroyed, obliterated, damaged any label or sign affixed to a container or package of fertilizer or alter any marking or indication of the price or sell on higher price or use license other than the purpose provided in the license.

(4) No manufacturer, importer, distributor, dealer and sub-dealer shall engage in the sale or offer for sale any fertilizer unless such fertilizer is labeled and marked in such manner as may be prescribed, including but not limited to the requirements pertaining to labeling and marking of containers or packages, disclosure of net weight or volume, declaration of nutrient content, warning and caution statements and conformity with other prescribed labeling and marking requirements.

(5) No manufacturer, importer, distributor, dealer and sub-dealer shall manufacture, import, distribute, deal, sale or offer for sale agricultural grade gypsum below minimum purity of seventy percent and a mesh size of not less than thirty and such gypsum shall not be manufactured or imported or distributed or dealt with, sold or offered for sale in a granular form.

11. Licensing of a dealer and sub-dealer.– (1) No dealer and sub-dealer shall deal in any fertilizer without obtaining a license as a dealer or sub-dealer, as the case may be, from Deputy Controller of the respective District, in such manner, upon payment of such fee and on such terms and conditions as may be prescribed.

(2) The Deputy Controller, after such further enquiry, if any, as he may consider necessary, is satisfied that the requisite requirements have been complied with, may issue a license to the applicant as a dealer or sub-dealer, as the case may be, for a period of three years which may be renewed for a further period of three year, subject to payment of such fee and on such terms and conditions as may be prescribed.

(3) In case application for grant of a license or renewal, as the case may be, is rejected, such rejection shall contain reasons and the same shall be communicated to the applicant.

(4) The applicant, whose application is rejected under the Act, may within ten days of communication of such rejection, prefer an appeal as may be prescribed.

12. Cancellation of license of a dealer and sub-dealer.– (1) If a dealer or sub-dealer licensed under the Act, is found guilty of malpractices involving adulteration or any other activity repugnant to the provisions of the Act, the Deputy Controller may, after affording an opportunity of being heard, by an order in writing stating the reasons thereof, cancel the license.

(2) The person whose license has been cancelled may file an appeal to the Additional Controller within thirty days of the receipt of such cancellation.

(3) An appeal against the order of the Additional Controller may be filed before the Additional Secretary (Task Force) who shall, after hearing of the applicant and perusing the relevant record, pass speaking order thereupon which shall be final.

13. Fixing of maximum quantity which may be held or sold.– The Controller may, by an order in writing, in respect of any fertilizer as and when required in special circumstances, fix the maximum quantity which may be held or sold by manufacturer, importer, distributor, dealer and sub-dealer.

14. Notification of prices.– The Deputy Controller may, by an order in writing, notify maximum price of any brand of fertilizer in his territorial jurisdiction and no person shall sell such fertilizer at a price higher than the notified price and such price list shall be exhibited at a prominent place in the premises of sale point.

15. Marking of prices and exhibiting price lists.– The Controller may, in writing, direct any importer, manufacturer, distributor, dealer and sub-dealer to mark fertilizer exposed or intended for sale with the sale price or to exhibit on his premises a price list of fertilizer held by him for sale and may further give directions regarding the manner of sale.

16. Power to order sale.– The Controller may, by an order in writing, direct any manufacturer, importer, distributor, dealer and sub-dealer to store, sell or offer for sale fertilizer in special circumstances.

17. Restriction on movement.– The Controller may impose restrictions on movement of fertilizer within or outside the district or province of the Punjab in special circumstances.

18. Track and trace a fertilizer.– (1) The Department shall, for ensuring the authenticity and origin of a fertilizer, establish a track and trace system and monitor to ensure compliance:

Provided that until the track and trace system is established by the Department, the information shall be shared manually in such manner and form as may be prescribed.

(2) A manufacturer, importer, distributor, dealer and sub-dealer shall enter the details of the fertilizer stock in the track and trace system established by the Department and non-compliance thereto shall be treated as violation of the provisions of the Act.

19. Issuance of receipt.– A manufacturer, importer, distributor, dealer and sub-dealer shall issue a receipt on each sale of fertilizer to the purchaser and such receipt, either system generated or in a manual form, shall contain details of the sale with full address of the purchaser.

20. Refusal to sell.– Subject to the provisions of section 13 of the Act, no manufacturer, importer, dealer and sub-dealer shall, with previous authorization of the Controller, refuse to sell to any person any fertilizer.

21. Declaration of godowns, storehouses or warehouses etc.– (1) Every manufacturer, importer, distributor, dealer and sub-dealer holding stock of fertilizer shall, after the commencement of the Act, submit to the Deputy Controller a declaration of the place where such stock of fertilizer is kept or stored.

(2) When any such importer, manufacturer, distributor, dealer and sub-dealer or other person as aforesaid, desires to change the place of stock of fertilizer after he had

made declaration under sub-section (1), shall bring to the notice of the Deputy Controller his intention to change the place at least one month before or after such change.

22. Maintenance of record.– Every manufacturer, importer, distributor, dealer and sub-dealer shall maintain and furnish record of all sale and purchase of fertilizer in such form as may be prescribed.

23. Packing and labeling.– (1) The package or container of fertilizer shall be such as is suitable for its storage and transportation and shall be of such material which does not adulterate or deteriorate the fertilizer.

(2) No person shall sell or offer for sale or hold in stock for sale any fertilizer unless it is labeled as under:

(a) Brand name:						
(b) Category:						
(c) PS / Reference No.						
(d) License No.						
(e) Composition:	Nutrients (%)	W/W (for solid)	W/V (for Liquid)	Nutrients (%)	W/W (for solid)	W/V (for Liquid)
	(i) (ii)			(iii) (iv)		
(f) Net weight:						
(g) Name & address of manufacturer or importer:						
(h) Name & Address of distributor:						
(i) Batch No. with date: (as prescribed)						

24. Security features.– (1) Quick response code and human readable alphanumeric code shall be affixed on bag or container to help trace the origin of the fertilizer and provide contact information of manufacturer or importer or distributor.

(2) Covert security feature shall be affixed on bag or container as a hidden feature that requires an electronic handheld device for verification, aiding field inspectors in detecting counterfeit products.

25. Powers of the Controller.– The Controller shall have powers to:

(a) overall monitor and enforce the standards, mechanisms, methodologies of production and test regarding fertilizer for the purposes of the Act;
(b) monitor the availability, pricing, quality and licensing of fertilizer;
(c) take appropriate measures to ensure supply, quality and fair pricing of fertilizer;
(d) hear appeals against orders passed by the Additional Secretary (Task Force);
(e) exercise the powers of Additional Controller, Additional Controller (Field), Additional Controller (Technical), Deputy Controller and Assistant Controller under the Act; and
(f) issue guidelines or standard operating procedures for the purposes of the Act subject to the provisions of the Act, rules made thereunder.

26. Powers of the Additional Controller (Field).– The Additional Controller (Field) shall have powers to:

(a) require the requisite information from a fertilizer manufacturer, importer or distributor under the Act;

(b) draw sample of fertilizer throughout the province as and when required;
(c) hear appeals against orders passed by the Director of Agriculture (Extension)/Divisional Incharge;
(d) hear appeal against recommendations of inspection committee as prescribed;
(e) exercise all powers of Deputy Controller and Assistant Controller; and
(f) perform such other duties as may be assigned by the Controller.

27. **Powers of the Additional Controller (Technical).**– The Additional Controller (Technical) shall have powers to:
(a) grant, renew, cancel or withdraw license of fertilizer under the Act;
(b) monitor the manufacturing unit for production, quality assurance and warehouse as and when required;
(c) monitor the Government Fertilizer Testing Laboratories as and when required for transparency and traceability of test result;
(d) extend expert opinion regarding production and analysis methodologies;
(e) obtain retesting of fertilizer sample as and when required for verification of test results of the laboratories;
(f) conduct field trials of new products as and when required for evaluation purposes;
(g) exercise all powers of Deputy Controller; and
(h) perform such other duties as may be assigned by the Controller.

28. **Powers of the Additional Controller.**– The Additional Controller shall have powers to:
(a) require information from a fertilizer manufacturer, importer, distributor, dealer and sub-dealer under the Act;
(b) draw sample of fertilizer throughout the division as and when required;
(c) hear appeal against the order passed by the Deputy Controller and Assistant Controller;
(d) exercise all powers of Deputy Controller; and
(e) perform such other duties as may be assigned by the Controller.

29. **Powers of the Deputy Controller.**– (1) The Deputy Controller shall have powers to:
(a) issue license to fertilizer dealers and sub-dealers in the respective District;
(b) notify maximum price of fertilizer in the respective district;
(c) inspect fertilizer unit, warehouse, and other related infrastructure; and
(d) perform such other duties as may be assigned by the Controller.

(2) In addition to the above, the Deputy Controller may exercise the powers of an Assistant Controller for carrying out the purposes of the Act.

30. **Powers of the Assistant Controller.**– The Assistant Controller shall have powers to:
(a) require any person to give such information as he possesses with respect to any business in fertilizer carried on by that person or any other person;
(b) inspect or cause to be inspected any book or other document belonging to or under the control of any person and shall provide the copy and get receiving for the concrete evidence;

(c) enter, search and seal any premises, seal or seize any unlicensed or misbranded fertilizer, material, articles, record, or equipment to which the offence relates or found in such premises;
(d) dispose of any fertilizer, material, article, or thing seized, under clause (c) or under the Act or rules made thereunder;
(e) apply for police assistance in case of any hindrance and the police officer to whom he applies shall provide such assistance as may be necessary for the purpose of sealing or seizing in prescribed form or taking into possession any fertilizer, sample of fertilizer, material, articles, record, or thing;
(f) take sample of fertilizer as per procedure given under the Act;
(g) initiate legal action against a manufacturer, importer, distributor, dealer, sub-dealer, or any other individual based on the test results of a fertilizer sample received from the Government Fertilizer Testing Laboratory under the Act; and
(h) exercise such other powers as may be necessary for carrying into effect the provisions of the Act or rules made there under.

31. Procedure of Sampling.– (1) Where the Deputy Controller or Assistant Controller, as the case may be, takes a sample of a fertilizer for the purpose of test or analysis, he shall intimate, in writing, on prescribed Form to the person from whose possession he takes and, in the presence of such person, unless he willfully absents himself, shall divide the sample into three portions in the sampling bottles 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.

(2) Where the quantity of fertilizer is less than one liter or one kilo gram in a sealed container of fertilizer, the Controller or any officer authorized by him shall take three of the sealed containers of fertilizer after suitably marking the same and sealing them.

(3) The Deputy Controller or Assistant Controller, as the case may be, or any officer authorized by him shall, forthwith, send the sampling bottles or the sealed containers of fertilizer in the following manners:

(a) first portion of the sample to the Government Fertilizer Testing Laboratory in the Punjab for test and analysis;
(b) second portion of the sample to the Provincial Reference Fertilizer Testing Laboratory; and
(c) third portion of the sample to the person from whom he takes it that may be utilized as may be prescribed.

(4) The sampling bottles or the sealed containers of fertilizer shall be in sealed packet together with copies of the memorandum in prescribed Form, placed in an outer cover, by registered post or through a special messenger.

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

(6) A copy of the memorandum in prescribed Form and a special impression of the seal used to seal the packet shall be sent together with the sample.

(7) On receipt of the packet, it shall be opened by the Chief Scientist or the Principal Scientist, as the case may be, or an officer authorized by him who shall record the condition of the seal on the packet.

32. Government Fertilizer Testing Laboratories and analytical methodologies.– (1) The soil and water testing laboratories for research at divisional level shall serve as Government Fertilizer Testing Laboratories.

(2). The laboratory of the Punjab Agriculture, Food and Drug Authority shall function as the Provincial Reference Fertilizer Testing Laboratory, until so operated, the Provincial Reference Fertilizer Testing Laboratory in Raiwind, Lahore, shall function as the Provincial Reference Fertilizer Testing Laboratory.

(3) The Additional Controller (Technical) shall notify the methods of analysis of fertilizer which shall be applied by the Government Fertilizer Testing Laboratories and private sector's laboratories for monitoring the quality of fertilizers.

33. Report of result of analysis.– (1) After the test or analysis has been completed, the Chief Scientist or Principal Scientist of the laboratory or an officer authorized by him shall forthwith supply to the concerned officer an analysis report of the result of the test or analysis.

(2) The report of the test or analysis shall be signed by the Chief Scientist or the Principal Scientist himself or an authorized officer and such report shall be conclusive proof of the particulars stated therein.

(3) The concerned officer shall deliver one copy of the report received by him to the person from whose possession the sample was taken and send one copy to Chief Scientist, Soil Fertility Research Institute, Punjab, Lahore.

34. Appeal against analysis.– (1) Any person aggrieved by report may file appeal, against the analysis conducted by the Government Fertilizer Testing Laboratory, within thirty days of the delivery of report to him, before the Additional Secretary (Task Force) in the prescribed Form.

(2) An onus to prove the analysis incorrect shall be on an aggrieved person and in case of re-analysis, the prescribed fee shall be charged.

(3) In case, the sample is declared as sub-standard by the Government Fertilizer Testing Laboratory, legal action shall be initiated after reanalysis of the second portion of sample by the Provincial Reference Fertilizer Testing Laboratory whereas in cases of declaration of sample by the Government Fertilizer Testing Laboratory as adulterated or fake, FIR shall be lodged abruptly.

(4) The report of re-analysis shall be conclusive evidence of the facts stated therein.

35. Disposal of expired, fake, adulterated and sub-standard fertilizer.– (1) Any fertilizer, which is found fake or expired, shall be recalled, buried, burnt, dumped or disposed of in such manner as may be prescribed.

(2) Any fertilizer, which is found adulterated or sub-standard, shall be disposed of in such manners as may be prescribed.

36. Offences and penalties.– (1) Whoever manufactures, produces, formulates, imports, repacks, transports, distributes, sells, offers for sale, holds in stock for sale or advertises for sale of any or all of the following category of fertilizers shall be punished:

(a) in case of offence relating to a fake or unlicensed fertilizer:

(i) with imprisonment for a term which may extend to four years, but not less than two years and with fine which may extend to two million rupees, but not less than one million rupees, in case of commission of the first offence;

(ii) with imprisonment for a term which may extend to five years, but not less than two years and with fine which may extend to four million rupees, but not less than two million rupees, in case of commission of the second offence; and

(iii) with imprisonment for a term which may extend to seven years, but not less than three years and with fine which may

extend to four million but shall not less than two million rupees and cancellation of license for every subsequent offence;

(b) in case of offence relating to an adulterated fertilizer:
  (i) with imprisonment for a term which may extend to three years, but not less than one year and with fine which may extend to one and a half million rupees, but not less than half million rupees, in case of commission of the first offence;
  (ii) with imprisonment for a term which may extend to six years, but not less than two years and with fine which may extend to three million rupees, but which shall not be less than one million rupees, in case of commission of the second offence; and
  (iii) with imprisonment for a term which may extend to six years, but not less than three years and with fine which may extend to three million but not less than one million rupees and cancellation of license for every subsequent offence;

(c) in case of offence relating to a substandard fertilizer:
  (i) with fine which may extend to one million rupees, but not less than half million rupees in case of commission of the first offence;
  (ii) with fine which may extend to two million rupees but not less than one million rupees, in case of commission of the second offence, if committed within three years from the first offence; and
  (iii) with fine which may extend to two million rupees but not less than one million rupees and cancellation of license for every subsequent offence, if committed within three years from the first offence;

(d) in case of offence relating to mislabeled fertilizer:
  (i) with fine which may extend to two million rupees, but not less than one million rupees in case of commission of the first offence; and
  (ii) with fine which may extend to two million rupees but not less than one million rupees and cancellation of license for every subsequent offence; and

(e) in case of offence relating to misbranded fertilizer:
  (i) with fine which may extend to two million rupees, but not less than one million rupees in case of commission of the first offence; and
  (ii) with fine which may extend to two million rupees but not less than one million rupees and cancellation of license for every subsequent offence.

(2) Whoever manufactures or imports or distributes or sells fertilizer in contravention of the Act or unlawfully uses license number shall be liable to punishment with imprisonment for a term which may extend to six months and with fine which may extend to two million rupees but not less than one million rupees or with both.

(3) Whoever sells or offers for sale an expired fertilizer or fertilizer for more than the price marked or impressed on the bag, box, pack, packet parcel, or anything containing the fertilizer shall be liable to punishment with imprisonment for a term which may extend to six months and with fine which may extend to one million rupees but not less than half million rupees or with both.

(4) Whoever stores, sells, offers for sale or runs business of sale of a fertilizer without a valid license of dealership shall be liable to punishment with imprisonment for a term which may extend to six months and with fine which may extend to five hundred thousand rupees but not less than one hundred thousand rupees or with both.

(5) In case of any offence concerning to infringement of packing and marking, the offender shall be liable to punishment with imprisonment for a term which may extend to six months with and a fine may be imposed up to one million rupees but not less than half a million rupees or with both.

(6) In case of any offence concerning infringement of underweight, the offender shall be liable to punishment with imprisonment for a term which may extend to six months and with fine which may extend to five hundred thousand rupees but not less than one hundred thousand rupees or with both.

(7) Whoever sells or offers for sale a fertilizer containing a hazardous or dangerous or harmful to human health, safety, or environment, shall be liable to punishment with imprisonment for a term which may extend to six months and with fine which may extend to one million rupees but not less than half million rupees or with both.

(8) Any person who sells or offers for sale a fertilizer and is found guilty of destroying, obliterating, damaging, altering, or causing to be destroyed, obliterated, damaged, any label or sign affixed to a container or package of fertilizer, or alters any marking or indication of the price, shall be liable to a fine not less than five hundred thousand rupees but not more than one million rupees.

(9) A person who contravenes sub-section (5) of section 10 of the Act by selling or offering for sale agricultural grade gypsum that does not conform to the prescribed standards, including a minimum purity of seventy percent and a mesh size of not less than thirty or gypsum in a granular form, shall commit an offence punishable with a fine of not less than one million rupees but not exceeding two million rupees.

(10) A person who violates or fails to comply with the requirements for the disposal of fertilizer, including burial, burning, dumping, or any other means, unless such disposal is done strictly in accordance with the prescribed procedure, shall be guilty of an offence punishable with a fine not less than five hundred thousand rupees but not more than one million rupees.

(11) Whoever contravenes or fails to comply with any of the provisions of the Act for which no other penalty is provided, shall be punished with fine which may extend to one hundred thousand rupees but not less than fifty thousand rupees.

37. Fee.– The fee required under the Act shall be paid in such manner as may be prescribed and which shall be non-refundable.

38. Delegation of powers.– The Controller may, by notification in the official Gazette, direct that all or any of his powers under the Act 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 him.

39. Cognizance of offences.– (1) The offences under sub-sections 1(a) and 1(b) of section 36 shall be cognizable and all other offences shall be non-cognizable.

(2) No Court shall take cognizance of a non-cognizable offence under the Act except on a complaint under the Code of Criminal Procedure 1898 (V of 1898) by any officer authorized by the Controller.

(3) The Court of competent jurisdiction shall try the offences under the Act in accordance with the procedure laid down in the Code of Criminal Procedure 1898 (V of 1898).

40. Obstruction to lawful authority.– (1) Anyone who deliberately obstructs, hinders, or in any manner opposes any authority in the execution of its duties under the Act shall be subject to maximum imprisonment of six months and fine not less than one hundred thousand rupees.

(2) For each subsequent similar offence, a minimum fine of two hundred thousand rupees, along with cancellation of the licence, shall be imposed.

41. Indemnity.– No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in good faith under the Act and rules made thereunder.

42. Rules.– The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

43. Removal of difficulties.– If any difficulty arises in giving effect to any of the provisions of the Act, the Government may by an order give such directions not inconsistent with provisions of the Act as it thinks fit for removing such difficulty.

44. Right to appeal.– (1) An order of Assistant Controller shall be appealable before the Deputy Controller.

(2) An order of Deputy Controller shall be appealable before the Additional Controller/Director of Agriculture (Extension)/Divisional Incharge.

(3) An order of the Additional Controller, Additional Controller (Field) and Additional Controller (Technical) shall be appealable before the Additional Secretary (Task Force).

(4) An order of the Additional Secretary (Task Force) shall be appealable before the Controller.

45. Provisions of the Act.- The provisions of the Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

46. Repeal and savings.– (1) The Punjab Fertilizers (Control) Order, 1973 (VII of 1973) is hereby repealed.

(2) Clause (j) of sub-section (2) of section 3 and entry No. 40 of the Schedule to the Punjab Essential Articles (Control) Act, 1973 (XVII of 1973) are hereby repealed.

(3) Notwithstanding the repeal of the Punjab Fertilizers (Control) Order, 1973 (VII of 1973), any act, proceeding, action or notification passed, taken or issued under the repealed Order and Act shall, so far as it is not inconsistent with the provisions of the Act, be deemed to have been passed, taken or issued under the Act and shall continue to have force unless it is superseded by any act, proceeding, action or notification under the Act.

(4) An offence committed in relation to a fertilizer under the Punjab Essential Articles (Control) Act, 1973 (XVII of 1973), if being investigated, prosecuted or tried, shall continue to be investigated prosecuted or tried as if the Punjab Essential Articles (Control) Act, 1973 has not been repealed.

Ch Amer Habib
Secretary General