

**THE PUNJAB FERTILIZERS (CONTROL) ORDER, 1973
(VII OF 1973)**

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TEXT

THE PUNJAB FERTILIZERS (CONTROL) ORDER, 1973 (VII OF 1973)

[10th August, 1973]

NOTIFICATION

No. SO(ECB) - Ferti - 73(1)-- In exercise of the powers conferred by Section 3 of the Punjab Essential Articles (Control) Ordinance, 1973 (Punjab Ordinance No. VII of 1973), The Governor of the Punjab is pleased to make the following Order:

1. Short title and commencement:- (1) This Order may be called the Punjab Fertilizers (Control) Order, 1973.

(2) It extends to the whole of the Province of the Punjab.

(3) It shall come into force at once.

2. Definitions:- In this Order, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

^[1](a) "adulterated" when used with reference to a fertilizer means fertilizer the nutritional strength or purity of which falls below the professed standard or quality mentioned on its label or under which it is sold ;

^[1] (b) "dealer" means a person or an association of persons carrying on the business of selling any brand of fertilizer whether wholesale or retail;

^[2] (bb) "fertilizer" means any material, organic or inorganic, or mixture used to supply one or more of the essential plant nutrient elements.

^[1] (c) "importer" means a person or an association of persons importing into the Punjab whether under an import licence or otherwise, any brand of fertilizer from outside the Punjab and includes a buying agent, an indenter and a manufacturer's agent; and

^[1] (d) "producer" means a person or an association of persons engaged in the manufacture or production of any brand of fertilizer.

3. Dealers:- (1) The controller may, by notification in the Official Gazette, specify the person or persons who shall be the dealer for the purposes of this Order and thereupon, subject to sub-clause-(2), no importer or producer shall, except with the prior permission in writing of the Controller, sell or otherwise dispose of fertilizer to any person who is not such dealer.

(2) The Controller may, by an order in writing require any importer or producer to sell to such dealer or dealers such quantity or quantities of fertilizer as may be specified in the Order, and may issue incidental or supplementary instructions in writing to any importer, producer or dealer in regard to the sale thereof as he thinks fit.

4. Maximum Prices:- The Controller may, by notification in the official gazette, fix the maximum price of fertilizer and no importer, producer or dealer shall sell it at a higher price than the price so fixed.

5. Information to be furnished by importers:- (1) Every importer shall, within one week from the date of his receiving intimation of despatch of a consignment containing any fertilizer

¹ Inserted & Described vide Notification No. SO (ECB) Ferti.-73 (1) dated. 12.03.1999

² Inserted vide Notification No. STO (PSB) 03-02/90, dated 18.02.2003

from any place outside the Punjab, furnish to the controller, by registered post, acknowledgement due, the following information in respect of that consignment:-

- (a) description and quantity of the fertilizer included in the consignment; and
- (b) expected date and place of the arrival of the consignment in the Punjab.

(2). Every importer shall, within two weeks of the arrival of the consignment of fertilizer, furnish to the Controller by registered post, acknowledgement due, the following information in respect of the consignment:-

- (a) description and quantity of the fertilizer included in the consignment;
- (b) landed cost of the fertilizer showing the CIF value, customs duty and other incidental charges if any; and
- (c) indenting commission included in the invoiced value of the consignment

6. Information to be furnished by producer:- Every producer shall furnish the following information to the Controller, so as to reach him by the 10th day of each calendar month:

- (a) description and actual quantity of each brand of fertilizer produced in the preceding calendar month ; and
- (b) the actual or estimated cost of production of each brand of fertilizer.

7. Disposal of fertilizer:- No importer or producer shall sell or otherwise dispose off fertilizer of any brand, imported or, as the case may be, produced by him without the instructions in writing in this behalf issued by the Controller.

8. Fixing of maximum quantity which may be held or sold:- The Controller may, by notification in the official gazette, fix in respect of any fertilizer:

- (a) the maximum quantity which may at one time be held in stock by an importer, producer, dealer or any other person ; and
- (b) the maximum quantity which may in any one transaction be sold to any person.

9. Duty to declare possession of excess stock:- Any person having in his possession a quantity of fertilizer exceeding that permitted by or under this order shall forthwith report the fact to the Controller and take such action in respect of the storage, distribution or disposal of the excess quantity as the controller may direct.

10. Cash memorandum to be given on certain sales:- Every importer, producer and dealer when selling fertilizer for cash shall give the purchaser a cash memorandum containing particulars of the transaction and full address of the purchaser.

11. Marking of prices and exhibiting price lists:- The Controller may, in writing direct any importer, producer or 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.

^[3] (2) No dealer or person responsible for storage, distribution and sale of fertilizers shall mix any particular type of fertilizer with any other type of fertilizer or other extraneous material and no such person shall store or sell under-weight bags of fertilizer, destroy, efface or alter or cause to be destroyed, effaced or altered any label or mark fixed to any brand of fertilizer indicating the price marked by an importer or producer

³ Substituted vide Notification No. SO (EAB) 7-77/74, dated 01.06.1977.

12. Power to order sale:- (1) The Controller may, by Notification in the official gazette; direct dealer to sell fertilizer only to such persons as are authorized by such competent authority as may be specified in the direction to purchase.

(2) the Controller, may by order in writing, direct any importer or producer to sell, subject to other provision of this order, any brand of fertilizer to such person or persons and in accordance with such conditions as may be specified in the Order.

13. Restriction on movement:- The Controller may impose restrictions on movement of fertilizer within or outside the Province of the Punjab.

14. Refusal to sell:- Subject to the provision of clause 8(b) of this Order, no importer, producer or dealer shall, without sufficient cause or previous authorization of the controller, refuse to sell to any person any fertilizer.

Explanation:- The possibility or expectation of obtaining a higher price for any fertilizer at a later date shall not be deemed to be sufficient cause for the purpose of this clause.

15. Declaration of godowns, store houses or ware houses etc.:- (1) Every producer, importer, and dealer holding stock of fertilizer shall, within two weeks of the publication of this Order, declare to the Controller the place or places where such stock is kept or stored.

(2) When any such importer, producer, dealer or other person as aforesaid desires, to change the place or places of stock after he had made declaration under sub clause (1) he shall bring to the notice of the Controller his intention to change the place at least seven days before such change is effected.

16. Maintenance of records:- Every importer, producer and dealer shall maintain records of all sales and purchases of fertilizer in such form as may be prescribed by the Controller.

17. Power to search, inspect, etc.:- The Controller may, with a view to securing compliance with this Order-

- (a) requiring 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
- (c) enter and search or authorise any person to enter and search any premises and seize or to take into possession or authorize any person to seize or to take into possession fertilizer ^[4] { and samples of fertilizers} in respect of which he has reason to believe that a contravention of this Order has been or is being, or is about to be committed and any records connected therewith.
- ^[5] (d) apply for police assistance or authorize any person to apply for police assistance and the police officer to whom he applies shall provide such assistance as may be necessary for the purpose of seizure or taking into possession fertilizer and samples of fertilizer or the material mentioned in sub-clause (4) of clause 18, for analysis.

18. Sale of adulterated and fake fertilizers:- ^[6] [(1) No person shall sell or store for sale adulterated or spurious or fake fertilizers.

⁴ inserted vide Notification No. SO (ECB) Ferti-73 (I) dated 12.03.1999

⁵ Added vide Notification No. STO (PSB) 3-2/2003, dated 01.12.2004.

⁶ Clauses (1)-(4) in para 18 substituted vide Notification dated 12.03.1999

(2) No person shall produce, store for sale or sell under-weight bags of fertilizers, destroy, efface or alter or caused to be destroyed, effaced or altered any label or mark fixed on any brand of fertilizers indicating the price marked by an importer or producer.

(3) Gypsum, chemical amendments, or such other material as is not a standard fertilizer, shall not be manufactured, stored or offered for sale in granular form.

^[7] [(4) No person shall manufacture, formulate, distribute, store, sell and offer for sale zinc sulphate, growth regulators, soil amendments, soil conditioners other micro nutrients and such other material which is not a standard fertilizer but notified by the Agriculture Department, Government of the Punjab, as a fertilizer, without obtaining a license from the Controller.]]

^[8] (5) The license shall be granted under sub-clause (4) after compliance of the prescribed standards of fertilizer and the procedure laid down by the Agriculture Department, Government of the Punjab from time to time; and

(6) No person shall import Zinc Sulphate, growth regulators or micronutrients from overseas or from other provinces without obtaining licence from the Controller for store, sale and offer for sale.

(7) No person shall manufacture, store or offer for sale agricultural grade Gypsum with less than 70% purity and thirty mesh size

(8) A license granted under sub-clause (4) shall be cancelled if the license holder is found guilty of malpractices involving adulteration or any other activity repugnant to the provisions of this Order.

19. Procedure of Sampling:- Where a Controller takes a sample of a fertilizer for the purpose of test or analysis, he shall intimate such purpose in writing in Form-I to the person from whose possession he takes it and, in the presence of such person (unless he wilfully absents himself), shall divide the sample into three portions and 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;

Provided that:-

- (1) Where the fertilizer is packed in containers of small volume, ^[9]{ i.e. 1 Litre or less,} instead dividing a sample as aforesaid, the Controller, shall take three of the said containers after suitably marking the same and, where necessary, sealing them; and
- (2) the Controller shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it, and shall retain the remainder and dispose of the same as follows:-
 - (i) He shall forthwith send one portion or container to the Government fertilizer testing laboratory for test or analysis; and
 - (ii) He shall send the second portion or container to the Director Soil Fertility, Punjab, Lahore.

^[10] **20. Government Fertilizer Testing Laboratory:-** (1) The Soil and Water Testing Laboratories for Research, except at Lahore, shall function as fertilizer testing laboratories within their areas of

⁷ Substituted vide Notification dated, 01.12.2004

⁸ Inserted vide Notification dated. 01.12.2004

⁹ Inserted vide Notification No. STO (PSB) 3-2/2003, dated 01.12.2004

¹⁰ substituted vide Notification dated 01.12.2004

jurisdiction under the Administrative control of provincial set up of Agriculture Department, Government of the Punjab and the Soil and Water Testing Laboratory for Research at Lahore shall function as Reference Fertilizer Testing Laboratory.

(2) The samples collected from the areas of Lahore, Kasur and Sheikhpura, Okara shall be supplied to, and analyzed by the Soil and Water Testing Laboratories for Research at Gujranwala and Faisalabad respectively. Sub-clauses (6) & (7) added vide Notification No. STO (PSB) 3-2/90, dated 18.02.2003 which were re-numbered vide Notification No. STO (PSB) 3-2/2003, dated 01.12.2004

^[11] **21. Despatch of sample for test or analysis in the laboratory:-** (1) Samples of fertilizers for test or analysis shall be sent to the Agricultural Chemist of the Laboratory in sealed packet, together with copies of the memorandum in Form-I placed in an outer cover by registered post or through a special messenger.

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

(3) A copy of the memorandum in Form-I and a special impression of the seal used to seal the packet shall be send separately by a registered post or through a special messenger to the Agricultural Chemist.

(4) On receipt of the packet, it shall be opened by the Agricultural Chemist or an officer authorised in writing in this behalf by him, who shall record the condition of the seal on the packet.

^[12] **22. Report of result of analysis:-** (1) After the test or analysis have been completed, the Agricultural Chemist of the laboratory shall forthwith supply to the Controller a report in triplicate in prescribed form of the result of the test or analysis, together with the test method applied.

(2) The report of the test or analysis shall be signed by the Agricultural Chemist himself ^[13]{and such report shall be conclusive proof of the particulars stated therein; and}

(3) The Controller 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 Director Soil Fertility, Punjab, Lahore.

^[14] (4) The person to whom the report has been delivered under sub-clause (3) may challenge the correctness of the analysis conducted by the Agricultural Chemist within thirty days of the delivery of report to him before the Additional Secretary (Task Force), Government of the Punjab, Agriculture Department, and produce such evidence which in his opinion contravenes the correctness of such analysis

(5) Where the evidence produced under sub-clause (4) is such as in the opinion of Additional Secretary justified a further investigation, he may cause it second portion of the same sample to be analyzed at the Reference Fertilizer Testing Laboratory

(6) After analysis of the sample, the Reference Fertilizer Testing Laboratory shall report the result of test or analysis and such report shall be conclusive evidence of the facts stated therein

¹¹ substituted vide Notification SO (ECB) Ferti-73 (I) dated 12.03.1999

¹² Added vide Notification dated 12.03.1999

¹³ inserted vide Notification dated 01.12.2004

¹⁴ Clauses (4) to (7) in para 22 added vide Notification dated 01.12.2004

(7) The Reference Fertilizer Testing Laboratory shall send the copy of test or analysis to the Controller concerned.

^[15]**23. Printing & Labelling:-** (1) The package or container of fertilizer shall be such as is suitable for its storage and transportation and shall be such as material which does not adulterate or deteriorate the fertilizer.

^[16] (2) Omitted

(3) No person shall sell or offer for sale or hold in stock for sale any fertilizer or the material mentioned in sub-clause (4) of Clause (18) unless it is labelled.

(4) The following information shall be printed conspicuously, legibly and indelibly on the containers, bags or packing stored or offered for sale:-

- (a) name of fertilizer;
- (b) name and address of the manufacturer, formulator and distributor
- (c) net weight and contents; and
- (d) registration number
- (f) analysis of the material by percentage of the nutrient element (s).

By order of the Governor of the Punjab

SYED MUNIR HUSSAIN, S.Q.A., C.S.P.

Secretary to Government of the Punjab,

Industries and Mineral Development Department.

PUNJAB FERTILIZER (CONTROL) ORDER, 1998

FORM- I

I do hereby certify that accompanying is a sample of Fertilizer taken by me

on _____ at _____

(Specify full address) from stock incharge of _____

(State name & address of importer / manufacturer / dealer) in the presence of

(State name & address of witness). The following further particulars are given:

¹⁵ Para 23 substituted vide Notification dated 01.12.2004

¹⁶ Clause (2) Para 23 omitted vide Notification No. STO (PSB) 3-2/2003, Dated 27.08.2005

1. Name & brand of fertilizer _____
2. Name of the manufacturer _____
3. Marks or number of packing _____
4. Information given on containers _____
5. Distinguished No. or Marking of sample _____
6. Quantity of samples _____
7. Impression of Seal as on sample _____
8. Other particulars (if any) _____

Signature of witness _____ Signature of Controller with seal _____

Place _____

Date _____

Signature of the dealer / importer / manufacturer