

# **The M.P. Vanaspati Rog Tatha Vinashi Kit Adhiniyam, 1972**

MADHYA PRADESH

India

# **The M.P. Vanaspati Rog Tatha Vinashi Kit Adhiniyam, 1972**

## **Act 27 of 1973**

- Published on 25 April 1973
- Commenced on 25 April 1973
- [This is the version of this document from 25 April 1973.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Vanaspati Rog Tatha Vinashi Kit Adhiniyam, 1972(M.P. Act No. 27 of 1973)[Dated 25th April, 1973]Received the assent of the President on the 25th April, 1973; assent first published in the Madhya Pradesh Gazette (Extraordinary), dated the 7th May, 1973.An Act to prevent the introduction spread or re-appearance of plant diseases, pests, parasites and noxious weeds.Be it enacted by the Madhya Pradesh Legislature in the Twenty-third Year of the Republic of India as follows :-

### **1. Short title and extent.**

(1)This Act may be called the Madhya Pradesh Vanaspati Rog Tatha Vinashi Kit Adhiniyam, 1972.(2)It extends to the whole of Madhya Pradesh.

### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(a)"Affected area" means any area declared as such under Section 3;(b)"District Magistrate" includes any Gazetted Officer of Government authorised by the District Magistrate to perform all or any of the functions of the District Magistrate under this Act;(c)"Inspecting Officer" means an Inspecting Officer appointed under Section 14;(d)"Noxious weeds" means any weed declared as such under Section 3;(e)"Occupier" means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent or any person in actual occupation of the land, water or premises, and includes a local authority and a company having such right of occupation or in such actual occupation;(f)"parasite" means any plant or animal carrying on its existence wholly or in part on any agricultural crop, plant, tree, bush or herb and declared to be a parasite under Section 3;(g)"pest" means any insect, invertebrate animal or vertebrate animal (including any other animal organism) and declared to be a pest under Section 3;(h)"plant" includes all horticultural or agricultural crops,

trees, bushes or herbs and also includes the seed, fruit, leaves, trunk, roots, bark or cutting or any part thereof; and (i) "plant disease" meant any fungoid; bacterial, virus, vegetable organism, parasitic or other disease, declared to be a plant disease under Section 3.

### **3. Power to declare plant diseases, pests, parasites and noxious weeds.**

- Where it appears to the State Government that any disease, pest, parasite or weed in any area is injurious to plants, or is likely to contaminate water supply or is obstructive to waterways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction, spread or re-appearance, the State Government may, by notification, declare the area to be an affected area for such period as may be specified, and with reference to such area also, - (a) declare that such disease, pest, parasite or weed is a plant disease, pest, parasite or noxious weed; (b) prohibit or restrict the movement and renewal of any plant, soil or manure from one place to another; (c) prohibit the plantation or growing of any plant which is likely to be injurious to other plants; (d) direct that such other preventive or remedial measures shall be carried out as the District Magistrate may consider necessary to eradicate, destroy or prevent the introduction, spread or reappearance of any plant disease, pest, parasite or noxious weed; and (e) prescribe the period within which it shall not be lawful to plant the specified crop or to allow a specified crop to remain in the whole or in portion of the affected area.

### **4. Power to issue directions.**

- On or after the issue of a notification under Section 3, the District Magistrate may, by notice, - (i) direct every occupier within the affected area to carry out such preventive or remedial measures, including the removal or destruction of plants which are infested or likely to be infested, as the District Magistrate may specify in the notice, to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed within the period specified in the notice; (ii) call upon any male person, not being below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (i) : Provided that, - (a) no person who is not an occupier shall be called upon to render whole time service for a period exceeding seven days at a time and there shall be an interval of not less than ninety days before any such person is called upon to render whole time service after having already rendered such service; and (b) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who lives at a distance of more than 8 kilometres from the place where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; (c) it shall not be necessary to notify every occupier under clause (i) or every other person whose assistance is required under clause (ii) and a proclamation in this behalf made by beat of drum or other customary mode in the area, village or locality shall be deemed sufficient notice to all affected persons residing in that area, village or locality.

## **5. Duties of occupier on the issue of notice under Section 4.**

- On the issue of a notice under Section 4, it shall be the duty of. -(i)every occupier within the affected area to carry out the preventive or remedial measures specified in such notice; and(ii)every male person to render assistance in such manner as has been specified in the notice.

## **6. Power of Inspecting Officer to enter upon any land or premises.**

(1)Any Inspecting Officer may, after giving reasonable notice to the occupier enter upon any land, water or premises situated in the affected area within his jurisdiction for the purpose of ascertaining,-(i)where there is any plant disease, pest, parasite or noxious weed on such land, water or premises;(ii)whether any prohibition or restriction imposed under clause (h) or clause (c) of Section 3 has been complied with;(iii)whether other preventive or remedial measures specified in clause (i) of Section 4 have been carried out.(2)The Inspecting Officer shall have the authority to stop any person or vehicle for the purposes of inspection at a notified check post to prevent the entry of pests, plant diseases and weeds in the areas other than the affected area.(3)The Inspecting Officer shall have the power to inspect the plant material, soil or manure being removed from an affected area to any other place within the State.(4)The Inspecting Officer shall have the power to seize, quarantine or destroy any material specified in sub-section (3) which is unaccompanied by an authoritative phytosanitary certificate.

## **7. Power to carry out measures.**

(1)If on inspection of any land, water or premises, an Inspecting Officer finds that any prohibition or restriction imposed under clause (b) or clause (c) of Section 3 has not been complied with or that the preventive or remedial measures specified under clause (i) of Section 4 have not been carried out as directed, he may, subject to any general or special order of the District Magistrate and without prejudice to any action that may be taken against the defaulter under Section 11, carry out the preventive or remedial measures including the removal or destruction of plants which are infested or are likely to be infested.(2)The cost of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall on demand be recoverable from him as an arrear of land revenue.

## **8. Power to carry out measures in emergent situations.**

(1)Notwithstanding anything contained in Sections 3, 4, 5, 6 and 7, if the State Government is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, pest, parasite or noxious weed prevalent in that area and that it is necessary to take immediate preventive or remedial measures it may by notice published in the Gazette or in any local newspaper or by beat of drums in the affected area,-(a)declare that it shall be competent for the District Magistrate or any Inspecting Officer to carry out such preventive or remedial measures in the affected area of any part thereof or to take such other steps, including the removal or destruction of plants which are infested or likely to be infested, as he may deem fit;(b)direct that every occupier

in respect of whose land such preventive or remedial measures or other steps have been taken, shall be liable to pay the cost thereof at such rate and within such time as the District Magistrate may by order from time to time determine having regard to the following namely-(i)the charges to be incurred for labour, material or use of equipment; and(ii)any other charges to be incurred for the purpose aforesaid.(2)Subject to any general or special order of the State Government any Inspecting Officer may upon the publication of a notice under sub-section (1) enter upon any land or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.(3)The Inspecting Officer shall by order in writing assess the amount payable by an occupier in respect of the preventive or remedial measures or other steps taken under sub-section (2).(4)If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), the amount shall be recoverable from him as an arrear of land revenue.

## **9. Appeal.**

(1)Any person aggrieved by an order made under Section 7 or sub-section (3) of Section 8 may, within thirty days from the date of the service of the order, prefer an appeal to such authority and in such form as may be prescribed :Provided that no appeal shall lie against an order under Section 7 or sub-section (3) of Section 8 except on the following grounds,-(i)in the case of an order under Section 7-(a)that no preventive or remedial measures were taken in respect of his land; or(b)that the charges for labour, material or use of implements are unreasonably high; and(ii)in case of an order under sub-section (3) of Section 8-(a)that the assessment of the amount payable has not been made in accordance with the rates fixed by the District Magistrate;(b)that the amount assessed includes charges other than the items mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of Section 8;(c)that the charges for labour material or use of equipment are unreasonably high :Provided further that in computing the period of thirty days the time requisite for obtaining a copy of the order shall be excluded.(2)Subject to such procedure as may be prescribed and after such further enquiry as the appellate authority may deem fit, it may either affirm, vary or reverse the order of the Inspecting Officer :Provided that it shall not vary or reverse any order unless notice has been served on the parties interested and an opportunity of being heard is given to them.(3)Every order passed under sub-section (2) shall be final and shall not be called into question in any Court of law.(4)If the appellate authority is satisfied that the amount paid by the occupier is in excess of the amount payable by him, it shall cause a refund to be made of the amount paid in excess.

## **10. Special provisions in the event of locust infestation.**

(1)Where any affected area in which locusts have been declared as pest under Section 3, is infested or is in danger of being infested by locusts; the District Magistrate may, with a view to facilitating preventive or remedial measures or other steps against locusts, by order in writing requisition any vehicle and make such other orders as may appear to him to be necessary or expedient in connection with such requisitioning.(2)Every order made under sub-section (1) shall be served on such persons and enforced in such manner as may be prescribed.(3)Any vehicle requisitioned under this section may be used or dealt with in such manner as may appear to the officer requisitioning the vehicle to be necessary or expedient.(4)If the owner of the vehicle in respect of which an order of requisition

has been made, does not place the vehicle at the disposal of the District Magistrate, the District Magistrate may, without prejudice to any other action that may be taken under the Act or the rules, seize the vehicle from any person who for the time being may be in custody of it.(5)No person shall remove or allow to be removed any part of a vehicle (including tyre, tube or any other accessory) in respect of which an order of requisition has been made or in any way damage it or permit it to be damaged so as to reduce the value or utility of such vehicle.(6)When any vehicle is requisitioned under this section, there shall be paid to the owner such compensation as may be agreed upon between him and the District Magistrate and in the absence of any such agreement, such compensation as the District Magistrate may fix, having due regard to the type and condition of the vehicle at the time of requisition and the fares or rates prevailing in the locality for the hire of such vehicle.Explanation. - In this section, 'vehicle' means any vehicle used or capable of being used for the purpose of road-transport whether propelled by mechanical power or otherwise.(7)The manner in which the compensation shall be assessed and the manner in which the order of compensation shall be served, the time within which and the persons to whom it shall be paid and the other matters relating thereto shall be such as may be prescribed.(8)Any person aggrieved by any order fixing compensation under sub-section (6), may appeal against the same to such authority, within such time and in such manner as may be prescribed.(9)Any vehicle requisitioned under this section may at any time by an order be released from such requisition by the District Magistrate.(10)When an order of derequisitioning is made, notice of the same shall be given to the person to whom the vehicle is to be returned and if he cannot be found and has no local agent or other person empowered to accept delivery of the vehicle on his behalf, such notice shall be given by publishing the order in the Gazette. After service of the notice personally or by publication as aforesaid, the vehicle specified therein shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the Government shall not be liable for any compensation or other claims in respect of any such vehicle for any period after the said date.

## **11. Contravention of directions issued.**

(1)If a person,-(i)act in contravention of the prohibition or restriction contained in any notification issued under Section 3; or(ii)acts in contravention of the direction contained in a notice issued under Section 4 or fails to render assistance having been called upon to do so by notice issued under the said section; or(iii)acts in contravention of the declaration or direction contained in any notification issued under sub-section (i) of Section 8; or(iv)obstructs the entry of any person referred to in Section 6 as sub section (2) of Section 8; or(v)obstructs the carrying out of the preventive or remedial measures under sub-section (1) of Section 7 or sub-section (2) of Section 8; or(vi)does not place the vehicle at the disposal of the District Magistrate in pursuance of an order under sub-section (1) of Section 10 or acts in contravention of the provisions of subsection (5) of Section 10;shall be deemed to have committed an offence under this Act.(2)Any person convicted by a Magistrate for an offence specified in sub-section (1) for the first time shall be liable to a fine not exceeding one hundred rupees or in default to a simple imprisonment for a period not exceeding ten days and if the same person is subsequently convicted for a like offence he shall be liable to fine not exceeding three hundred rupees or in default for a simple imprisonment for a period not exceeding one month for each such subsequent conviction.(3)If a person has been convicted under this section

for a contravention of the prohibition or restriction contained in the notification issued under Section 3, the plant or soil or manure in respect of which such contravention has been committed may also be forfeited to the State Government.

## **12. Cognizance of offences.**

- No Magistrate shall take cognizance of an offence under this Act except upon a complaint made by an Inspecting Officer.

## **13. Obligation of village officers to report plant diseases, pests, etc.**

(1) Patel, Sarpanch and Patwari and such agriculturist who is affected thereby and such other officers as may be prescribed of the village adjoining an affected area shall forthwith report the existence within the village of any plant diseases, pest, parasite or noxious weed of the nature specified in the notification issued under Section 3, in respect of the said area, to the village level worker, Agriculture Demonstrator, Inspecting Officer or such other officer as the State Government may appoint in this behalf. (2) The officer to whom a report is made under sub-section (1) shall on receipt of such report and after making such further enquiry as he may deem necessary forward it with his comments to the District Agriculture Officer for onward transmission to the State Government. Explanation. - For the purpose of this section, - (a) "Patel" means a person appointed as Patel under Section 222 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959); (b) "Patwari" means a person appointed as Patwari under Section 104 of the Madhya Pradesh Land Revenue Code, 1959 (20 of 1959); (c) "Sarpanch" means a Sarpanch of a Gram Panchayat.

## **14. Appointment of Inspecting Officers.**

- The State Government may, by notification, appoint Inspecting Officer for such local areas as may be specified in the notification.

## **15. Protection of persons acting in good faith.**

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer in respect of anything done or intended to be done in good faith under this Act, or for any damage caused by any action taken in good faith in carrying out the provisions of this Act.

## **16. Delegation of powers.**

- The State Government may, by notification delegate to any officer or authority all or any of the powers conferred on it under this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

## **17. Power to make rules.**

(1)The State Government may after previous publication make rules for carrying out the purposes 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)(i)the authority to which and the form in which an appeal under sub-section (1) of Section 9 shall be preferred;(ii)the procedure to be followed in the disposal of appeal under sub-section (2) of Section 9;(b)(i)the manner in which the order under sub-section (1) of Section 10 shall be enforced;(ii)the manner in which the compensation shall be assessed and the order thereto shall be served, the time within which and the persons to whom it shall be paid and the other matters relating thereto, to be prescribed under sub-section (7) of Section 10;(iii)the authority to which, the time within which and the manner in which an appeal under sub-section (8) of Section 10 shall be filed;(c)the class of officers who are bound to make a report as required under sub-section (1) of Section 13; and(d)any other matter which has to be or may be prescribed.(3)Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.(4)All rules made under this Act shall be laid on the table of the Legislative Assembly.

## **18. Repeal.**

- The Madhya Pradesh Agricultural Pests and Diseases Act, 1936 (No. XXXV of 1936), is hereby repealed.