

The U.P. Agricultural Diseases and Pests Act, 1954

UTTAR PRADESH

India

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Rule

THE-U-P-AGRICULTURAL-DISEASES-AND-PESTS-ACT-1954 of 1954

- Published on 6 October 1955
- Commenced on 6 October 1955
- [This is the version of this document from 6 October 1955.]
- [Note: The original publication document is not available and this content could not be verified.]

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019.

Statement of Object and Reasons.- Pests and diseases take a heavy toll of agricultural crops every year. With a view to combating their incidence it becomes necessary sometime to root out and destroy the whole crop of a particular field or fields. Collective campaigns have also to be organized and enforced covering a large number of contiguous fields so that the pests or diseases driven from one field may not find shelter in the adjoining field and from there continue to infect and damage the crop. Past experience has shown that the persuasive methods adopted so far in this direction have failed to bring any relief to improvement. The grower did not agree to burn or destroy the affected crop nor join in any collective effort organised for eradicating pest or disease from adjoining fields. All this can be possible only through the enactment of an enabling legislation. The U.P. Agricultural Pests and Diseases Bill, 1954, is therefore, introduced. [For Ref. please see U.P. Gazette, Extraordinary, dated August 9, 1954. The Bill was thereafter passed by the Uttar Pradesh State Legislature and received the assent of the Governor on October 6, 1955 and was thereafter published in the U.P. Gazette, Extraordinary, dated October 11, 1955.]For Statement of Objects and Reasons please see U.P. Gazette, Extraordinary, dated August 9, 1954. The Act received the assent of the Governor on October 6, 1955 and was published in the Uttar Pradesh Gazette, Extraordinary dated October 11, 1955.[6th October, 1955]An Act to prevent the introduction, spread or re-appearance of diseases and pests destructive to cropsWhereas it is expedient to make provision for preventing the introduction, spread or re-appearance of diseases and pests destructive to crops and to make provisions for other matters connected therewith;It is hereby enacted in the fifth year of our Republic as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Uttar Pradesh Agricultural Diseases and Pests Act, 1954. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant to the subject or context - (a) "affected area" means any area declared as such under Section 3; (b) "District Magistrate" includes any officer authorized by the District Magistrate to perform the functions of a District Magistrate under this Act; (c) "noxious weeds" means any weed declared as such by the State Government under Section 3; (d) "occupier" means any person in actual occupation of the land, water, premises and includes a person who has for the time being right of occupation of the same; (e) "parasite" means any plant or animal carrying on its existence wholly or in part on any agricultural crop, plant, tree, bush or herb which may be declared as such by the State Government under Section 3; (f) "pest" means any insect, invertebrate animal or vertebrate animal which has been declared as such by the State Government under Section 3; (g) "plant" includes all horticultural or agricultural crops, trees, bushes or herbs and includes the seed, fruit, leaves trunk, roots, bark or cutting or any part thereof; (h) "plant disease" means any fungoid, bacterial, virus, parasitic or other disease declared to be a plant disease by the State Government under Section 3; (i) "prescribed" means prescribed by rules made under this Act; and (j) "State Government" means the Government of Uttar Pradesh.

3. Declaration by the State Government.

- Where it appears to the State Government that any disease, pest, parasite or weed is injurious to plants in any area and that it is necessary to take measures to eradicate such disease, parasite, pest or weed or to prevent its introduction, spread or reappearance, the State Government may by order publish in the official Gazette, declare the area to be an affected area for such period as may be specified, and with reference to such area, also - (a) declare any disease, parasite, pest or weed to be a plant disease, parasite, pest or noxious weed for purposes of this Act; (b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another; (c) direct that such preventive or remedial measures shall be carried out as the District Magistrate may consider necessary to eradicate, destroy or prevent the introduction, spread and re-appearance of any noxious weed, parasite, pest, plant, or plant disease; and (d) prohibit the plantation or growing of any plant, within such area as may be specified, which is likely to be injurious to the other crops in the area so specified.

4. Power to issue directions.

(1) 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 as the District Magistrate may specify in the notice, to eradicate, destroy or prevent the introduction, spread or re-appearance of any parasites, noxious weeds, pest, plant or plant disease; and (ii) call

upon any male person, not being below the age of 18 years and residing within the said area, to render such assistance in carrying out the measures referred to in clause (1): Provided that 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 5 miles from the place where his presence is required shall be called upon to render such assistance; (iii) specify the area within which and the period during which the measures specified in clause (i) are to be carried out. (2) It shall not be necessary to notify every occupier under clause (i) of sub-section (1) or other person whose assistance is required under clause (ii) of the said subsection 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 of all affected persons residing in that area, village or locality.

5. Power to enter upon land or premises.

- Any officer who may be authorized by the District Magistrate in this behalf may after giving notice enter upon any land, water, premises situate in the affected area for the purposes of ascertaining whether - (i) any noxious weed, parasite, pest or plant disease exists on such land, water or premises; and (ii) the prescribed preventive or remedial measures specified in clause (i) of sub-section (1) of Section 4 are being carried out.

6. Power to carry out measures.

- Where on inspection of any land water or premises an officer authorized in this behalf under Section 5, finds that the preventive or remedial measures specified under clause (i) of sub-section (1) of Section 4 have not been carried out as directed, he may, subject to any general or special order of the District Magistrate, carry out at the expense of the occupier the said preventive or remedial measures.

7. Recovery of costs.

- The cost of any preventive or remedial measure carried out under Section 6 shall be recoverable from the occupier as arrears of land revenue:

8. Appeal against cost.

(1) Any occupier referred to in Section 7 may, within thirty days from the date of the first demand of such cost, prefer an appeal to the District Magistrate on the grounds that - (i) the costs include charges for items other than the cost of labour, material or use of implements; (ii) the charges for labour, material, or use of implements are unreasonably high, or more than the expenditure actually incurred. (2) On receipt of the appeal under sub-section (1) the District Magistrate shall, after giving the occupier opportunity of being heard, pass such orders thereon as he thinks fit. (3) An order passed under sub-section (2) shall be final and conclusive and shall not be called in question in any court of law.

9. Failure to carry out directions or render assistance.

(1)The District Magistrate may, if after hearing the objection of the person concerned, is satisfied that -(a)an occupier failed to comply with any directions issued under Section 4; or(b)any person failed to render assistance required of him under Section 4; order such occupier or person to pay a penalty up to Rs. 50.(2)The order requiring payment of penalty under sub-section (1) shall be final and conclusive and shall not be questioned in any court.(3)The penalty under sub-section (1) shall be recoverable as arrears of land revenue.

10. Bar to suits or other legal proceedings.

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer in respect of any thing 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.

11. Delegation of powers.

- The State Government may by notification in the official Gazette delegate to any officer or authority any of the powers conferred on it by this Act to be exercised subject to any restriction and conditions as may be specified in the notification.

12. Power to issue rules.

(1)The State Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Act.(2)All rules made under this Act shall -(a)be published in the official Gazette and shall, unless some other date is appointed, come into force on the date of such publication, and(b)be laid for not less than fourteen days before the State Legislature as soon as they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid.