

# The Maharashtra Agricultural Pests And Diseases Act, 1947

MAHARASHTRA

India

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### Act 43 of 1947

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The Maharashtra Agricultural Pests And Diseases Act, 1947.[10th December, 1947](BOM. Act No. XLIII of 1947)An Act to repeal and re-enact the Bombay Agricultural Pests and Diseases Act, 1941, providing for the prevention of the introduction, spread, or re-appearance of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Maharashtra.WHEREAS it is expedient to repeal and re-enact the Bombay Agricultural Pests and Diseases Act, 1941, providing for the prevention of the introduction, spread or re-appearance of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Maharashtra ; It is hereby enacted as follows :—

### 1. Short title and extent.—

(1)This Act may be called the Maharashtra Agricultural Pests and Diseases Act.(2)It extends to the whole of the State of Maharashtra.

### 2. Definitions.—

In this Act unless there is anything repugnant in the subject or context—(1)“Assessor” means an assessor appointed under section 14 ;(2)“Insect pest” means any pest declared to be an insect pest by notification under section 3 ;(3)“Inspector” means an inspector appointed under section 14 ;(4)“Notified Area” means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force;(5)“Noxious weed” means any weed declared to be a noxious weed by notification under section 3;(6)“Occupier” means the person having for the time being the right of occupation of any land or premises, or his authorized agent or any person in actual occupation of the land or premises ;(7)“Pest” means any insect or other invertebrate animal;(8)“Plant” includes the fruit, leaves, bark, cuttings and any living or dead

portion of a plant but does not include the seed: Provided that the State Government may by notification in the Official Gazette direct that the seed of any particular plant shall be included in the definition of plant; (9) "Plant disease" means any fungoid, bacterial, parasitical or other disease declared to be a plant disease by notification under section 3; (10) "Prescribed" means prescribed by rules made under section 17.

### **3. Power to declare insect pests, plant diseases and noxious weeds and direct measures to eradicate or prevent them.—**

Whenever it appears to the State Government or the Commissioner that any pest, disease or weed is injurious to any crop, plants or trees in any local area and that it is necessary to take measures to eradicate such pest, disease or weed, or to prevent its introduction, spread or re-appearance, the State Government or the Commissioner may, by notification in the Official Gazette—(i) declare that such pest, disease or weed is an insect pest, plant disease or noxious weed; (ii) specify the local area within which and the period during which such declaration shall remain in force; (iii) prohibit or restrict the removal of any plant or tree or earth or soil manure or any other thing which is likely to carry any pest, disease or weed from one place to another; and (iv) direct the carrying out of such preventive or remedial measures including the destruction of any pest, disease or noxious weed or any crops, plants or trees, as the State Government or the Commissioner may deem necessary, in order to eradicate such pest, disease or weed or to prevent its introduction, spread or re-appearance.

### **4. Duties of occupier on the issue of a notification under section 3.—**

On the issue of a notification under section 3, every occupier within the notified area shall carry out the preventive or remedial measures mentioned in such notification.

### **5. Power of inspector to enter upon any land or premises—**

Any inspector may, after giving the prescribed notice, enter upon any land or premises situated in a notified area for the purpose of ascertaining—(i) whether there is any insect pest, plant disease or noxious weed on such land or premises; and (ii) whether the preventive or remedial measures mentioned in the notification issued under section 3 have been carried out.

### **6. Notice to occupier to carry out preventive or remedial measures**

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### **7. Power of inspector to carry out measures.—**

(1) If, on inspection of any land or premises under section 5, the Inspector finds that there is any insect pest, plant disease or noxious weed on such land or premises or that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may carry out such preventive or remedial measures. (2) The costs of any preventive or

remedial measures carried out under sub-section (1) shall be payable by the occupier and shall be recoverable from him as an arrear of land revenue.(3)Any such occupier may, within thirty days from the date of the first demand of such costs from him, prefer an appeal to the Collector or to such other officer as the collector may appoint in this behalf on the ground that—(i)the costs include charges for items other than the cost of labour, material or use of implements, or(ii)the charges for labour or material or use of implements are unreasonably high.(4)On receipt of the appeal under sub-section (3) the Collector or other officers as the case may be, shall, after giving the occupier an opportunity of being heard, pass such order thereon as he thinks fit.(5)Every order passed under sub-section (4) shall be final.

## **7A. Power to carry out measures in emergent situation.—**

(1)Notwithstanding anything contained in sections 3, 4, 5 and 7 if the State Government or any officer of the State Government or of any local authority, duly authorised by the State Government in that behalf is satisfied that plants in any notified area are in danger of being damaged or destroyed by any plant disease, pest or noxious weed prevalent in that area and that it is necessary to take immediate preventive or remedial measures, it or he may, by notification in the Official Gazette,—(a)declare that it shall be competent for any Inspector to carry out such preventive or remedial measures in the notified area or any part thereof, or to take such other steps (including the removal or destruction of plants which are infected or likely to be infected) 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 such officer may by order from time to time determine, having regard to the following matters, namely :—(i)the charges to be incurred for labour, material or use of implements and(ii)any other charges to be incurred for the purpose aforesaid.(2)Subject to any general or special order of the State Government or such officer, any Inspector may, upon the issue of a notification under sub-section (1) enter upon any land or premises within the notified 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 Inspector 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.(5)Any occupier aggrieved by an order made under sub-section (3) may, within thirty days from the date of receipt of the order, prefer an appeal to the Collector or such other officer not lower in rank than a Deputy Collector, as the State Government may appoint in this behalf, on the ground—(i)that the assessment of the amount payable has not been made in accordance with the rates fixed by such officer ;(ii)that the amount assessed includes charges other than the items mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) ; or(iii)that the charges for labour, material or use of implements are unreasonably high.(6)On receipt of an appeal under sub-section (5), the Collector or other officer, as the case may be, shall, after making such enquiry as he may deem fit and giving the occupier an opportunity of being heard, pass such order thereon as he may deem fit.(7)Every order passed under sub-section (6) shall be final.

## **8. Compensation for destruction of crop, plants or trees.—**

(1) If, in carrying out any preventive or remedial measures under section 7 or 7A, the Inspector destroys or causes to be destroyed—(a) any crop or tree which is infected with an insect pest or a plant disease, or (b) any plants some or all of which are infected with insect pest or plant disease and which are grown so closely together that it is not practicable to treat each plant individually, or (c) any crop, plants or trees, which though not infected at the time with an insect pest or a plant disease, are, in the opinion of the Inspector, liable to such infection, (d) the Inspector shall give notice to the occupier of the land or premises on which such crop, plants or trees were grown stating particulars of the crop, plants or trees destroyed and his estimate of their value. (2) When any crop, plants or trees are destroyed under sub-section (1), the occupier shall be entitled to compensation determined in the manner provided in section 11.

## **9. Compensation for crop, plants or trees destroyed by occupier.—**

If an occupier in carrying out any preventive or remedial measures, directed to be carried out by the notification issued under section 3 destroys any crop, plants or trees in accordance with such direction, he shall be entitled to such compensation as he would have been entitled to under section 8, if such crop, plants or trees had been destroyed by the Inspector.

## **10. Procedure or claims for compensation.—**

Every claim for compensation shall be made in writing to the Assessor within one month from the date of—(i) the notice given under sub-section (1) of section 8, if the claim is made under the said section, or (ii) the destruction of the crop, plants or trees, as the case may be, if the claim is made under section 9.

## **11. Award of Assessor; Appeal.—**

(1) On receipt of any claim under section 10, the Assessor shall, subject to the provisions of sub-section (2) and after making an enquiry in the prescribed manner and taking such evidence as he thinks fit, fix the amount of compensation due to the occupier under the provisions of this Act and make an award for such amount. (2) The amount of compensation shall—(a) for every destroyed crop or tree of the kind referred to in clause (a) of sub-section (1) of section 8, not exceed one-half of its value; (b) for every destroyed plant of the kind referred to in clause (b) of sub-section (1) of section 8, not exceed the two-thirds of its value; and (c) for every destroyed crop, plant or tree of the kind referred to in clause (c) of sub-section (1) of section 8, be its full value: Provided that no compensation shall be payable for—(i) any noxious weed destroyed; (ii) any rotten cotton plant or stalks destroyed in order to eradicate or prevent the introduction or re-appearance of any insect, pest or plant disease; (iii) the destruction of any crop, plants or trees infected with any insect, pest or plant disease which in the opinion of the Inspector contracted inspection due to the negligence of the occupier in carrying out the preventive or remedial measures mentioned in the notification issued under section 3. Explanation.—For the purposes of this section, value means the value of any

crop or of a plant or tree at the time of its destruction.(3)If any amount is due from the occupier on account of costs incurred in carrying out the preventive or remedial measures under section 7 or 7A, the whole or part of the amount of compensation awarded to him, as may be necessary, shall be set off against the amount of costs due from him.(4)A copy of every award made by an Assessor shall be sent to the occupier to whom such compensation has been awarded and to the Inspector of the notified area concerned.(5)The occupier or the Inspector, as the case may be, may within 30 days from the date of receipt of a copy of the award under sub-section (4), prefer an appeal to the Collector against the award.(6)On receipt of the appeal under sub-section (5), the Collector shall, after giving the occupier and the Inspector an opportunity of being heard, pass such order thereon as he thinks fit.(7)Every order passed under sub-section (6) shall be final.

## **12. Duty of certain village officers to report appearance of insect pest, plant disease or noxious weed.—**

(1)If any insect pest, plant disease or noxious weed appears in any village adjoining a notified area, the village officers of such village shall forthwith report the fact to the Collector or such other officer as the State Government may appoint in this behalf.(2)The Collector or such other officer, as the case may be, shall on receipt of such report and after making such further inquiry as he may deem necessary forward it to the State Government with his remarks thereon.

## **12A. Public to assist and to render service in carrying out preventive or remedial measures including destruction of locusts in case of locust menace.—**

(1)When any notified area in which locusts have been declared to be an insect pest under section 3 is invaded or is in danger of an invasion by locusts, the Collector or any officer appointed by him in this behalf may, with a view to facilitating preventive or remedial measures against locusts, by proclamation published in the manner hereinafter specified—(a)call upon all male persons not below the age of 14 and above the age of 60 years and residing in the notified area to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts :Provided that no person who, on account of physical infirmity, is incapable of rendering assistance or who resides at a distance of more than 5 miles from the place where his assistance is required, shall be called upon to render assistance under this clause ;(b)require all or any male persons not below the age of 18 and above the age of 60 years and residing in the notified area to present themselves at such time and at such place and to such authority as may be specified in the proclamation and to render such service and for such time as may be required of them by the authority to whom they have presented themselves in pursuance of such proclamation :Provided that no person who, on account of physical infirmity, is incapable of rendering such service shall be called upon to render service under this clause.(2)When any person is called upon to render assistance under clause (a) of sub-section (1) the Collector or the officer appointed or any officer authorised by the Collector may direct such person to do or not to do any particular thing.(3)Persons who are called upon to render service under clause (b) of sub-section (1) shall, in consideration of such service, be entitled to such payment as may be prescribed.(4)A proclamation

under sub-section (1) shall be published by beat of drum in the town or village and by affixing a copy thereof in chawdi or in some other public building or place in the town or village, as the case may be, and the statement in writing by the Collector or officer making the proclamation to the effect that the proclamation was duly published on a specified day, shall be conclusive evidence that the requirements of this section have been complied with and that the proclamation was published on such day.(5)A proclamation under sub-section (1) shall cease to operate at the expiration of three months from the date of its issue unless before the expiration of the said period of three months, the State Government or the Commissioner by public notice extends it to a further period not exceeding three months. The provisions of sub-section (4) shall mutatis mutandis apply to the publication of such public notice.

## **12B. Power to requisition vehicles in case of locust menace.—**

(1)When any notified area in which locusts have been declared to be an insect pest under section 3 is invaded or is in danger of an invasion by locusts, the Collector or any officer appointed by him in this behalf may, with a view to facilitating preventive or remedial measures 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 requisition. Any vehicle requisitioned under this section may then be used or dealt with in such manner as may appear to be necessary or expedient to the officer requisitioning the vehicle.(2)(i)Every order made under sub-section (1) shall,—(a)if it is an order affecting a corporation or a firm, be served in the manner provided for the service of a summons, in rule 2 of Order XXIX or rule 3 of Order XXX as the case may be, in the First Schedule of the Code of Civil Procedure, 1908 ;(b)if it is an order affecting an individual owner other than a corporation or a firm, be served on the owner—(i)personally by delivering or tendering to him the order, or(ii)by post, or(iii)where the owner cannot be found by leaving an authentic copy of the order with some adult male member of the family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain ;(c)if the ownership of the vehicle to be requisitioned is in dispute, be published in the Official Gazette.(ii)Where a question arises whether a person or owner was duly informed of an order made in pursuance of sub-section (1) compliance with the requirements of this sub-section shall be conclusive proof that he was so informed ; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.(3)If the owner of the vehicle does not, after service of the order in the manner provided in sub-section (2), place the vehicle in possession of the officer or authority mentioned therein, such officer or authority as the case may be, may seize the vehicle from any person who may for the time being be in possession thereof.(4)No owner of any vehicle or any person in possession of it shall, after service or publication of an order under this section, remove or allow to be removed any part, tyre, tube or any other accessory or in any way damage the vehicle or permit it to be damaged so as to reduce the usefulness of such vehicle.(5)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 officer requisitioning the vehicle and in the absence of such agreement, such compensation as may be determined by the Collector. In determining the amount of compensation, the Collector shall take into consideration the loss caused to the owner by reason of requisition and also the model, make, type, class and condition of the vehicle at the time of requisition :Provided that the maximum rate of

compensation payable to the owner shall not exceed such rate per day as the State Government may, by general or special order fix from time to time, having regard to the current rates of hire of such vehicles prevailing in the district during the period of requisition. The order determining the compensation made under this sub-section shall be served in the manner provided in sub-section (2). (6) The officer requisitioning any vehicle may at any time release the vehicle from requisition and when it is decided to do so, a notice in writing shall be served on the owner in the manner provided in sub-section (2) to take delivery of the vehicle on or before such date and from such place and person as may be specified therein. (7) When such notice is served, with effect from such date no further liability for compensation or payment of any other kind shall accrue for requisitioning the vehicle: Provided that the officer requisitioning the vehicle may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisition as may be assessed by the Collector. (8) The delivery of possession of the vehicle to the owner or his accredited agent shall be a full discharge of any liability of the State Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered. (9) If the owner fails to take delivery of the vehicle on or before the specified date the officer who passed the order of release of the vehicle may dispose of the same thereafter in the manner provided in sub-section (10): Provided that such officer shall be competent to allow the owner such extension of time as he deems proper without any liability for any compensation or other payment for the period of extension. (10) The disposal of a vehicle under sub-section (9) shall be by public auction and at the risk of the owner and the sale proceeds shall be made over to the owner after deducting any expenditure incurred by the officer releasing the vehicle from requisition due to the owner not taking delivery of it on or before the specified date. (11) The Collector or the officer appointed by him in this behalf may, with a view to requisitioning any vehicle under this section or determining the compensation payable for such requisitioning, by order in writing—(a) require any person to furnish to such officer or authority as may be specified in the order such information in his possession relating to the vehicle as may be specified; (b) direct that the owner or the person in possession of the vehicle shall not without his permission dispose it off or remove it till the expiry of such period as may be specified in the order from the premises or the place in which it is kept. Explanation.—For the purpose of this section—(a) “owner” includes in relation to a vehicle which is the subject of a hire purchase agreement the person in possession of the vehicle under the agreement; (b) “vehicle” means any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads, whether propelled by mechanical power or not.

## **12C. Appeal against orders passed under section 12B.—**

(1) Every order passed under section 12B, including any order determining compensation for requisitioning vehicles shall be appealable to the Collector if it is passed by any officer lower in rank than that of a Collector and to the prescribed authority if it is passed by the Collector. (2) Such appeal shall be presented within 30 days of the date on which the order appealed against was served on the appellant. (3) Every order passed in such appeal shall be final.

## **12D. Special powers of entry and Inspection.—**

Without prejudice to any powers otherwise conferred by this Act, any person authorised in this behalf by the State Government or the Commissioner may enter and inspect any premises or vehicle for the purpose of ascertaining or determining whether, and if so, in what manner any order under section 12A or 12B should be made or with a view to securing compliance with any order made thereunder.

## **13. Penalty.—**

(1)Whoever removes any plant, earth, soil manure or any other thing referred to in clause (iii) of section 3 in contravention of the directions contained in a notification issued under section 3 shall, on conviction, be punishable with fine which may extend to Rs. 25.(3)Whoever commits a breach of the provisions of any rule made under section 17 shall, on conviction, be punishable with fine which may extend to Rs. 25.(3A)Whoever, having been convicted of an offence under sub-section (1) or (3) is again convicted of an offence under the same sub-section shall be punished with fine which may extend to Rs. 250, and in default of payment of fine, with simple imprisonment for a term which may extend to one month.(4)Whenever any person is convicted under this Act, the Court may in addition to the penalty imposed under this Act, order the destruction of any crop, plant or tree of the kind referred in clause (a), (b) or (c) of sub-section (1) of section 8.

## **13A. Further Penalties.—**

(1)Whoever without reasonable excuse fails to render in the manner required any assistance or service which he is required to render or to do anything or to abstain from doing anything which he is required to do or to abstain from doing in pursuance of a proclamation under section 12A shall, on conviction, be punished with fine which may extend to rupees fifty.(2)Whoever contravenes any order made under section 12B or does anything in contravention of the provisions of the said section shall, on conviction, be punished with fine which may extend to rupees five hundred.(3)Whoever voluntarily obstructs or offers any resistance to or impedes or otherwise interferes with—(a)any officer or person exercising any powers or performing any duties conferred or imposed on him by or in pursuance of the provisions of this Act or otherwise discharging any lawful functions in connection with preventive or remedial measures taken or to be taken against locusts under the provisions of this Act or any proclamations, orders or directions made or given thereunder, or(b)any person who is carrying out the orders or directions of any such officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of this Act or any proclamations, orders or directions made or given thereunder,shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to rupees five hundred or with both.

## **13B. Special procedure regarding trial of certain offences.—**

Offences under section 13A shall be tried in accordance with the provisions contained in sections 262 to 265 of the Code of Criminal Procedure, 1898.



#### **14. Appointment of Inspectors and Assessors.—**

The State Government may, by notification in the Official Gazette, appoint persons not below the rank of such officer of the State Government or of any local authority as Inspectors and Assessors for such local areas as may be specified in the notification.

#### **15. Bar of suit or other legal proceedings.—**

(1) No suit, prosecution or legal proceedings shall lie against any person in respect of anything in good faith done or intended to be done under this Act. (2) No prosecution under this Act shall be commenced without the previous sanction of the Collector, nor after six months from the date of the commission of the alleged offence.

#### **16. Delegation of Powers.—**

The powers conferred on the State Government under this Act may, with the exception of the powers under section 17, be delegated by the State Government to any officer.

#### **17. Rules.—**

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purpose, namely :—(i) the form and manner of giving notice under section 5 or 8; (ii) the manner of making of an enquiry under sub-section (1) of section 11; (ii-a) the payment of remuneration to persons for the services required to be rendered under section 12A; (ii-b) the authority to whom appeals may be made under section 12C against the orders of the Collector and the procedure to be followed in respect of such appeals; and (iii) the mode of determining the value of any crop or of plants or trees for the purposes of this Act. (3) The rules made under this section shall, subject to the condition of previous publication, be published in the Official Gazette. (4) All rules made under this section shall be laid before each House of the State Legislature as soon as possible after 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 or the session immediately following and publish in the Official Gazette.

#### **18. Repeal of Bom. XIV of 1941.—**

The Bombay Agricultural Pests and Diseases Act, 1941, is hereby repealed.

#### **19. Further repeal and savings.—**

On the commencement of this Act in the Vidarbha and Hyderabad areas of the State of Maharashtra to which it is extended by the Bombay Agricultural Pests and Diseases (Extension and Amendment) Act, 1961, the following laws that is to say—(i) the Central Provinces and Berar Agricultural Pests and

Disease Act, 1936, and(ii)so much of the Hyderabad Agricultural Pests and Diseases Regulation, 1361 Hijri as has not been repealed,shall stand repealed :Provided that, such repeal shall not affect,—(a)the previous operation of any laws so repealed or anything duly done or suffered thereunder ; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ; or(c)any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed ;(d)any investigation, proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the aforesaid laws had not been repealed :Provided further that, but subject to the preceding proviso, anything done or action taken (including any appointment, award or appeal made, notification, order or direction issued, notices served, powers delegated or rules made), by or under any law so repealed shall be deemed to be done or taken under the corresponding provisions of this Act, and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act.