

# **The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949**

PUNJAB

India

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### **Act 4 of 1949**

- Published on 23 March 1949
- Commenced on 23 March 1949
- [This is the version of this document from 23 March 1949.]
- [Note: The original publication document is not available and this content could not be verified.]

The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949East Punjab Act 4 of 1949Statement of Objects and Reasons - As a result of work carried out by the Provincial Department of Agriculture for the protection of crop and fruit plants against damage from insect pests, plant diseases, flowering parasites and noxious weeds, simple and effective measures have been devised. In order to control these enemies of the farmers which result in heavy financial loss running into crores of rupees, the Agriculture Department has been carrying on intensive propaganda in the affected areas and has been helping the cultivators in adopting the control measures. Owing to apathy on the part of some cultivators, however, in the absence of real co-ordinated effort it has not been possible so far to eradicate these pests, diseases and weeds effectively. No measures against these pests are likely to succeed unless they are simultaneously brought into operation by all the cultivators concerned. It is, therefore, absolutely essential for the Government of the East Punjab to take powers to coerce the recalcitrant minority which sets itself in opposition against any progressive movement. The legislation proposed now is intended to facilitate the execution of such beneficial schemes for improvement. Published vide East Punjab Government Gazette Extraordinary, dated the 8th October, 1949, page 590. Received the assent of His Excellency the Governor of East Punjab on the 23rd March 1949, and was first published in the East Punjab Gazette Extraordinary, dated the 25th March, 1949. An Act to provide for the prevention of the introduction, spread and reappearance of [pests] [Substituted for the word 'insect pests' by the Punjab Act, 2 of 1951, section 2.], plant diseases and noxious weeds injurious to crops, plants or trees in [the State of Punjab] [Substituted for the word 'Province of East Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.]. It is herein enacted as follows :-

## **Part I – Preliminary**

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

(1) This Act may be called the East Punjab Agricultural Pests Diseases and Noxious Weeds Act, 1949. (2) It extends to the whole of the [State] [Substituted for the word 'Province' by the Adaptation of Laws Order, 1950.] of [Punjab] [Substituted for the word 'Province of East Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.].

### **2. Definitions.**

- In this Act unless there is anything repugnant in the subject or context, - (1) [ "Pest" means any insect vertebrate or invertebrate animal declared to be pest by notification under section 3] [Substituted for the old clause by Punjab Act 2 of 1951, Section 3.]; (2) "Inspector" means an inspector appointed under section 10; (3) "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; (4) "noxious weed" means any weed declared to be a noxious weed by notification under section 3; (5) "occupier" means the person having for the time being the right of occupation of any land or premises or his authorised agent or any person in actual occupation of the land or premises and includes a local authority having such right of occupation or in such actual occupation; (6) "plant" includes all agricultural or horticultural crops, trees, bushes or herbs, or the seed, fruit or any other part thereof which is used for food of man or beast or for any purposes in connection with art or manufacture; (7) "plant disease" means any fungoid, bacterial virus, parasitical or other disease declared to be a plant disease by notification under section 3; (8) "prescribed" means prescribed by rules made under this Act.

## **Part II – [Pests] [Substituted for the word 'insect pest' by Punjab Act 2 of 1951, Section 2.], Plant Diseases and Noxious Weeds**

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

- Whenever it appears to the [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order 1950.] Government that any [insect, vertebrate or invertebrate animal] [Substituted for the word 'pest' by Punjab Act 2 of 1951, section 3(a).] disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such [insect, vertebrate or invertebrate animal] [Substituted for the word 'pest' by Punjab Act 2 of 1951, section 3(a).] disease or weed or to prevent its introduction, spread or re-appearance, the [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order 1950.] Government may by notification in the official Gazette - (i) [declare such insect, vertebrate or invertebrate animal to be a pest or such disease or weed to be a plant disease or noxious weed, respectively] [Substituted for the old clause by Punjab Act 2 of 1951, section 4 (b).]. (ii) specify the local area within which and the period during which such declaration

shall remain in force;(iii)prohibit or restrict the movement or removal of any plant, earth, soil manure or other thing from one place to another;(iv)direct the carrying out of such preventive or remedial measures, including the destruction of any [pest] [Substituted for the word 'insect pest' by Punjab Act 2 of 1951, section 2.], plant disease or noxious weed or any plant as the [State] [Substituted for the word 'Provincial' by Adaptation of Laws Order 1950.] Government may deem necessary, in order to eradicate such pest, disease or weed, or to prevent its introduction, spread or re-appearance; and(v)prescribe the period within which it shall not be lawful to plant with a specified crop in the whole or any portion of the notified area.

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

(1)On the issue of a notification under section 3, every occupier within the notified area shall be bound to carry out the preventive or remedial measures mentioned in such notification.(2)[Notwithstanding anything contained in this Act, in the event of any area being invaded, or in danger of an invasion, by locusts, the Collector of the district or other officer authorised by him in this behalf may call upon any male person not below the age of 14 years resident in the district to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts;] [Added by Punjab Act 2 of 1951, Section 5.]Provided as follows :-(i)No person who is by virtue of old age or any physical disability incapable of rendering assistance or who lives at a distance of more than five miles from the place where his presence is required, shall be called upon to render any such assistance;(ii)it shall not be necessary to notify every person individually for his services, and a proclamation by beat of drum or other customary mode in the village or locality shall be deemed sufficient notice to all affected persons residing in that village or locality.(3)Any person who fails to render the assistance required of him under sub-section (2) shall, on conviction [-] [The words 'by a Magistrate', omitted by Punjab Act 25 of 1964.] be punishable with fine which may extend to fifty rupees or in default to simple imprisonment for a period not exceeding ten days, and the offence shall be tried summarily as provided in section 260 of the Code of Criminal Procedure, 1898 (V of 1908).

#### **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 the notified area within his local jurisdiction for the purposes of ascertaining -(i)whether there is any [pest] [Substituted for the words 'insect pest' by Punjab Act, 2 of 1951, section 2.], plant disease or noxious weed on such land or premises; and(ii)whether the preventive or remedial measures or both, as the case may require, mentioned in the notification issued under section 3 have been carried out.

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

(1)If, on the inspection of any land or premises under section 5, the inspector finds that there is any [pest] [Substituted for the words 'insect pest' by Punjab Act, 2 of 1951, section 2.], plant disease or noxious weed on such land or premises and that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may, subject to any

general or special orders of the[State] [Substitute for the word 'Provincial' by the Adaptation of Laws Order, 1950.], Government, call upon the occupier of such land or premises, by notice in writing, to carry out such preventive or remedial measures within the time specified in such notice.(2)Within seven days from the date of the service upon him of the notice under sub-section (1), the occupier may prefer an appeal to the Collector or such other officer as the [State] Government may appoint.(3)On receipt of the appeal under sub-section (2), the Collector or other officer, as the case may be, may extend the time specified in the notice under sub-section (1) and shall, after giving the occupier an opportunity of being heard, pass such order on the appeal as he thinks fit.(4)An order passed under sub-section (3) of this section shall be final and be conclusive and shall not liable to be called in question in any court.

## **7. Failure to comply with notice under section 6 and power of Inspector to carry out measures.**

(1)If any occupier upon whom a notice has been served under sub-section (1) of section 6 does not comply with such notice within the time specified therein or if an appeal has been preferred under sub-section (2) of section 6, does not comply with the order passed on such appeal within the time specified in such order the Inspector may carry out at the expense of the occupier the preventive of remedial measures mentioned in such notice or order.Clauses (2), (3), (4) and (5) omitted of Punjab Act 26 of 1973.

## **7A. [ Aerial spraying of insecticides to eradicate pests. [Sections 7-A, 7-B, 7-C, inserted by Punjab Act 26 of 1973.]**

- Notwithstanding anything contained in this Act, whenever the State Government is satisfied that any pest is injurious to plants in any notified area and it is necessary to take emergent measures to eradicate such pest, the State Government may arrange for aerial spraying of insecticides by an aircraft in that area.(2)The cost per acre of such aerial spraying shall be determined by an officer appointed in this behalf by the State Government keeping in view the cost of labour, material and use of implements including aircraft.(3)Every occupier shall be liable to pay the cost determined under sub-section (2) in respect of his land or premises having plants in the notified area.Explanation. - The expression "aircraft" shall have the meaning assigned to it in the Indian Aircraft Act, 1934.

## **7B. Appeal.**

(1)An occupier who is liable to pay the cost of any preventive or remedial measures carried out under section 7 or the cost of aerial spraying of insecticides under section 7-A may, within thirty days from the date of the first demand of such cost from him, prefer an appeal to the Collector or to such other officer as the Government may appoint in this behalf, on the ground that -(i)the cost includes charges for items other than the cost of labour, material or use of implements including aircraft;(ii)the charges for labour, material or use of implements including aircraft are unreasonably high;(iii)the cost includes charges for aerial spraying of insecticides in respect of lands and premises

having no plants; or (iv) the lands and premises for determining the cost of aerial spraying of insecticides have been wrongly measured. (2) On receipt of an appeal under sub-section (1) the appellate authority shall, after giving the occupier an opportunity of being heard, pass such order thereon as it may think fit.

## **7C. Recoveries.**

- Any sum due under this Act, which remains unpaid, shall be recoverable as an arrears of land revenue.]

## **8. Duty of certain village officers to report appearance of pest, plant disease or noxious weeds.**

(1) If any [pest] [Substituted for the words 'insect pest' by the Punjab Act, 2 of 1951, section 2.], plant disease or noxious weed appears in any village adjoining a notified area, the Patwari or Lambardar of such village shall forthwith report the fact to such officer as the [State] Government may appoint in this behalf. (2) The officer aforesaid shall on receipt of such report and after making such further inquiry as he may deem necessary forward it to the [State] Government through the Director of Agriculture with his remarks thereon.

## **9. Offences and Penalties.**

(1) Whoever removes any plant, earth, soil, manure or other thing in contravention of the directions contained in a notification issued under section 3 shall, on conviction [-] [The words 'by a Magistrate' omitted by Punjab Act 25 of 1964.] be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days. (2) Any occupier who fails to comply with a notice given under sub-section (1) of section 6 or with any order passed on appeal under sub-section 3 of Section 6 shall, on conviction [-] [The words 'by a Magistrate' omitted by Punjab Act 25 of 1964.] be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days. (3) Whoever having once been convicted of an offence under sub-section (1) or (2) of this section is again convicted of an offence under either of these sections shall be punishable with fine which may extend to Rs. 250 or in default to simple imprisonment not exceeding one month.

## **Part III – General**

### **10. Appointment of Inspectors.**

- The [State] Government may, by notification in the Official Gazette, appoint persons as Inspectors for such local areas as may be specified in the notification. [10A. Bar of jurisdiction of courts. - No order made or direction given by the State Government or any other authority in exercise of any power conferred by or under this Act shall be called in question in any court.] [Inserted by Punjab Act 26 of 1973.]

## **11. Bar of suits or other legal proceedings.**

(1) No suit, prosecution or legal proceedings shall lie against the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or any officer of the [State] Government in respect of anything in good faith done or intended to be done under this Act or of any damage to property caused by any action taken in good faith in carrying out the provisions of this Act. (2) No prosecution under the Act shall be commenced without the previous sanction of the Collector or other officer authorised by the [State] Government in this behalf more than after three months from the date of the commission of the alleged offence.

## **12. Delegation of powers.**

- The powers conferred on the [State] Government under this Act, may, with the exception of the powers under section 13, be delegated by the [State] Government to any officer.

## **13. Rules.**

(1) The [State] Government may, from time to time, make rules for the purpose of carrying into effect of 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 purposes :-(a) the form or manner of giving notice under section 5; (b) the manner of making an inquiry under section 5; (c) the method of publication of description of [pest] [Substituted for the words 'insect pest' by the Punjab Act, 2 of 1951, section 2.], plant diseases, noxious weeds and the treatment to be followed; (d) the qualifications required of the Inspectors; (e) prescribing the officers to whom an appeal may be made and procedure to be followed in such appeal; (f) prescribing the notices and methods of service thereof, and registers needed for the effective working of the Act; and (g) generally to carry out the purposes of this Act. (3) The rules made under this section shall be subject to the condition of being made after previous publication.