

Telangana Agricultural Pests and Diseases Act, 1919

TELENGANA

India

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Act 3 of 1919

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Telangana Agricultural Pests and Diseases Act, 1919(Act No. 3 of 1919)Last Updated 7th January, 2020The Andhra Pradesh Agricultural Pests and Diseases Act, 1919 in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

Part I – Preliminary

1. Short title.

- This Act may be called [the Telangana Agricultural Pests and Diseases Act, 1919.] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.]

2. Interpretation clause.

- In this Act unless there is anything repugnant in the subject or context,—"Insect pest" means any insect or other invertebrate animal [or vertebrate animal] [Substituted by Act No.9 of 1978.] which has been declared by notification under section 3 of this Act to be an insect pest;"Plant disease" means any fungoid, bacterial, parasitical or other disease which has been declared by notification under section 3 of this Act to be a plant disease;"Noxious weed" means any weed which has been declared by notification under section 3 of this Act to be a noxious weed;"Plant" includes the fruit, leaves, bark, cuttings or any living portion of a plant but does not include the seed unless the seed has been especially included in the definition of plant by the State Government by notification under this Act;"Occupier" means the person having for the time being the right of occupation of any land, premises, or water or his authorised agent or any person in actual occupation of the land, [premises or water and includes a local authority, a railway administration, a co-operative society or any company] [Substituted by Act No.13 of 1962.] having such right of occupation or in such actual occupation;"Notified area" means the area covered by a notification published under section

3;"Director of Agriculture" means an officer appointed by the State Government to be the Director of Agriculture and includes every person who for the time being performs the duties of the office;["Collector" means any officer in charge of a revenue division and includes a Deputy Collector, a Sub-Collector and an Assistant Collector;] [Substituted by Act No.13 of 1962.]"Prescribed" means prescribed by notification or rules made under this Act;["notification" means a notification published in the [Telangana] [Added by Act No.9 of 1978.] Gazette and includes a notification published in the District Gazette concerned where such publication is made by a delegate exercising the powers of the State Government; and the word "notified" shall be construed accordingly.]

Part II – Of insect pests, plant diseases and noxious weeds.

3. Notification by the State Government of areas affected by insect pests, plant diseases or noxious weeds.

(1)If the State Government consider that any pest, disease or weed in any local area is dangerous to health or is injurious to crops, plants, trees or water-supply or is obstructive to water-ways and that it is necessary to take measures to eradicate it or to prevent its introduction or reappearance, they may by notification [XXX] [Omitted by Act No.9 of 1978.],-(a)declare that such pest, disease or weed is an insect pest, a plant disease or a noxious weed,(b)prohibit or restrict the removal of any plant from one place to another or prescribe such other preventive or remedial measures as may be necessary in respect of such pest, disease or weed, and(c)define the local area within which and the period during which such notification shall be in force.(2)Where the preventive or remedial measures prescribed in sub-section (1) include the removal or destruction of any plant in order to eradicate or prevent the introduction or re-appearance of any insect pest, such notification shall, prior to the date on which the notification shall come into force, be proclaimed in the local area defined in the notification in such manner as may be prescribed.

4. Liability on the occupiers.

- On the issue of a notification under section 3 every occupier within the notified area shall be bound to carry out the remedial and preventive measures prescribed in such notification.[Explanation. [Substituted by Act No.13 of 1962.] - For the purpose of this section, the Government shall be deemed to be the occupier of lands which are in their ownership.]

5. Right of entry.

- Any officer appointed under section 19 may enter on any land or water within the notified area and take such action as may be necessary in order to ascertain,-(a)whether any insect pest, plant disease or noxious weed is there present; and(b)whether the prescribed remedial or preventive measures or both, as the case may require, have been taken.

5A. [Procedure where measures prescribed to eradicate insect pests include removal or destruction of plants. [Section 5-A was substituted by Act No.13 of 1962.]

- Where the remedial or preventive measures prescribed by a notification under section 3 include the removal or destruction of any plant or residue after harvest in order to eradicate or prevent the introduction or reappearance of any insect pest, any occupier who fails to remove such plant or residue on or before the date specified in the notification after a notice is served on him therefor shall be deemed to have committed an offence under this Act and the removal or destruction of such plant or residue after harvest may be carried out by the inspecting officer or under his supervision.]

6. Inspecting officer may serve a notice on occupier to take remedial or preventive action.

(1)If any inspecting officer appointed under section 19 finds that any prescribed remedial or preventive measures other than those specified in section 5-A have not been properly carried out he may, subject, to such rules as the State Government may prescribe under section 21 (g), call upon the occupier by notice in writing to carry out the prescribed remedial or preventive measures within a time to be specified in such notice.(2)The occupier may within seven days of the service upon him of such notice prefer an appeal to the prescribed officer who may make such order as he thinks fit. The decision on such appeal shall be final.(3)The officer receiving the appeal may extend the time specified in the notice under sub-section (1).

7. Occupier failing to comply with the notice served on him commits an offence.

- If any occupier upon whom notice has been served under section 6 fails to comply with the notice within the time specified by the inspecting officer or in cases where an appeal has been preferred, by the prescribed officer on appeal, he shall be deemed to have committed an offence under this Act and the prescribed remedial or preventive measures may be carried out by the inspecting officer or under his supervision.

8. Recovery from the occupier of the cost of preventive or remedial measures carried out by the inspecting officer.

(1)If any prescribed remedial or preventive measures are carried out by inspecting officer under section 5-A or 7 the cost of such measures shall be recoverable from the occupier as if it were an arrear of land revenue, but such occupier may appeal to the Collector within thirty days from the date of demand on the ground that,-(a)charges for items other than cost of labour, material or use of implements have been included, or(b)the charges for labour, material and or use of implements are unduly high.(2)The order of the Collector on such appeal shall be final.

8A. [Power to carry out remedial or preventive measures in emergent situations. [Inserted by Act No.9 of 1978.]

(1)Notwithstanding anything in the foregoing provisions where the State Government are satisfied that plants in any notified area are in danger of being damaged or destroyed by any insect pest, plant disease or noxious weed prevalent in that area and that it is necessary to take immediate remedial or preventive measures they may by notification,-(a)declare that it shall be competent for any Inspecting Officer to carry out in the notified area or any part thereof such remedial or preventive measures 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 remedial or preventative measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as the Collector may, by order, from time to time, determine having regard to the following, namely:-(i)the charges that have been or may be incurred for labour, material or use of implements, and(ii)any other charges that have been or may be incurred for the purposes aforesaid.(2)Subject to any general or special order of the State Government, any Inspecting Officer may upon the issue of a notification under sub-section (1), enter on any land or premises within the notified area and carry out such remedial or preventive 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 at the rate determined by the Collector under clause (b) of sub-section (1) the amount payable by an occupier in respect of the remedial or preventive measures or other steps taken under sub-section (2).(4)If any occupier fails to pay the amount assessed under sub-section (3) within the time determined under clause (b) of sub-section (1) the said amount shall be recoverable from him as if it were 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 communication to him of the order prefer an appeal to such authority as the State Government may specify in that behalf on the ground,-(i)that the assessment of the amount payable has not been in accordance with the rates determined by the Collector;(ii)that the amount assessed includes charges for items other than those 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 unduly high.(6)On receipt of an appeal under sub-section (5) the appellate authority shall, after making such enquiry as it may deem proper and after giving the occupier an opportunity of making his representation pass such order thereon as it may deem fit and every such order shall be final.]

9. Destruction of trees or plants in execution of remedial or preventive measures and compensation therefor.

(1)If in carrying out any [XXX] [Omitted by Act No.9 of 1978.] remedial or preventive measures [under section 5-A, section 7 or section 8-A] [Substituted by Act No.9 of 1978.] the inspecting officer destroys or causes to be destroyed,-(a)any tree which is infected with the insect pest or plant disease, or,-(b)any plants not being trees, some or all of which are affected by the insect pest or plant disease but which are grown so closely together that it is not ordinarily practicable to treat each plant individually, or(c)any plants including trees which, though not so infected, have in his opinion become liable to such infection,he shall serve a notice in writing on the occupier stating particulars

of the trees and plants destroyed and his estimate of their value.(2)When any trees or plants [other than the residue after harvest] [Inserted by Act No.13 of 1962.] are destroyed as aforesaid the occupier shall be entitled to compensation as follows:-for a tree destroyed under sub-section 1 (a) - not exceeding one-half the value thereof;for plants destroyed under sub-section 1 (b) - not exceeding two-thirds of the value thereof;for plants destroyed under sub-section 1 (c) - their full value:Provided that no compensation shall be payable for cotton plants the destruction of which has been prescribed in order to eradicate or prevent the introduction or reappearance of any insect pest.(3)For the purposes of this section 'value' shall mean the value of the tree or plant at the time of its destruction.

10. Claims for compensation how and when to be made.

- All claims for compensation under section 9 shall be made in writing to the valuing officer appointed by the State Government within one month from the service of the notice mentioned in sub-section (1) of section 9.

11. Award of compensation.

(1)The valuing officer after making such inquiry and taking such evidence as he may consider necessary shall award compensation not exceeding the rates prescribed in section 9 and transmit or cause to be transmitted copies of his award in writing to the occupier and to the inspecting officer.(2)The date within which and the officer before whom an appeal may be preferred shall be entered in the award.

12. Appeal against award.

- Either the occupier or the inspecting officer may within thirty days of the date of receipt of the award prefer an appeal against such award to the prescribed officer whose decision shall be final.

13. Obligation of village officers to report on insect pests, plant diseases or noxious weeds.

- Village officers of villages in taluks adjoining a notified area within whose village limits a pest, disease or weed similar to the insect pest, plant disease or noxious weed within the notified area shall appear, shall report the same to the Collector.

14. Punishment for offence under section 5-A or 7.

- Anyone convicted by a magistrate of an offence under section 5-A or 7 of this Act shall be liable to fine not exceeding Rs. 50, or in default to simple imprisonment for a period not exceeding ten days.

15. Contravening notification under section 3 (b) [or section 8-A] [Inserted by Act No.9 of 1978.] to be an offence and punishment therefor.

- If any person contravenes a notification under section 3 (b) of this Act prohibiting or restricting the removal of any plant from one place to another [or acts in contravention of the declaration or direction contained in any notification issued under sub-section (1) of section 8-A] [Inserted by Act No.9 of 1978.] he shall be deemed to have committed an offence under this Act. Any one convicted by a magistrate of such an offence shall, in addition to confiscation and destruction of the plant in respect of which the offence was committed, be liable to fine not exceeding Rs. 50, or in default to simple imprisonment for a period not exceeding ten days.

15A. [Penalty for obstructing inspecting officer. [Inserted by Act No.9 of 1978.]

- whoever voluntarily obstructs any inspecting officer in the discharge of his functions imposed by or under this Act shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to fifty rupees or with both.]

Part III – General

16. Compensation to occupier for trees and plants destroyed.

- Where an occupier destroys any trees or plants in obedience to a notice issued under section 6, he may be granted compensation in accordance with such rules as may be made under this Act.

17. Compensation not payable for noxious weed destroyed.

- Notwithstanding anything in this Act, no compensation shall be payable for any noxious weed destroyed.

17A. [Special provision in the event of locust infestation. [Inserted by Act No.9 of 1978.]

(1)where any notified area in which locusts have been declared as an insect pest under section 3, is infected or is in danger of being infected by locusts the Collector 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 requisition.(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 Collector 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 officer or authority mentioned therein such officer or

authority may, without prejudice to any other action that may be taken under the Act or the rules made thereunder, seize the vehicle from any person, who for the time being may be in possession 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 diminish the value or utility of such vehicle.(6)When any vehicle is requisitioned under this section, there shall be paid to the owner such amount as may be agreed upon between him and the Collector and in the absence of any such agreement such amount as the District Collector may fix having due regard to the type and condition and the market rate of hire of the vehicle at the time of the requisition and the loss caused to the owner during the period of requisition.(7)The manner in which the amount payable under sub-section (6) shall be assessed and the manner in which the order of payment shall be served, the time within which and the persons to whom it shall be paid and all other matters relating thereto shall be such as may be prescribed.(8)Any person aggrieved by an order fixing the amount payable under sub-section (6), may appeal against the same to such authority and within such time as may be prescribed.(9)Any vehicle requisitioned under this section may at any time be released from such requisition by an order in writing of the Collector.(10)When an order of de-requisitioning is made under sub-section (9), notice of the same shall be served on the person to whom the vehicle is to be returned in such manner as may be prescribed and, if he cannot be found and has no local agent or other person empowered to accept delivery of vehicle on his behalf such notice shall be given by publishing the order in the Telangana Gazette. After service of the notice personally or by publication as aforesaid, the vehicle specified therein shall cease to be subject to requisition with effect on and from the date of such service or 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 claim in respect of any such vehicle for any period after the said date.]

18. Institution of prosecutions or other legal proceedings under the Act.

(1)No suit, prosecution or other legal proceedings shall lie against any officer for anything done under this Act in good faith or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.(2)No prosecution under this Act shall be commenced without the previous sanction of the District Collector.(3)No prosecution under this Act shall be commenced after six months from the date of the alleged offence.

19. Appointment of inspecting officers.

- The State Government may from time to time appoint Inspecting Officers for the purpose of carrying out the duties [imposed by or under this Act] [Substituted by Act No.9 of 1978.].

20. Delegation of powers.

- The State Government may by notification [XXX] [Omitted by Act No.9 of 1978.] delegate all or any of their powers under this Act except those conferred by [section 21] [Substituted by Act No.9 of 1978.] to the Director of Agriculture or any other officer or to any local authority or the president or chairman of any local authority.

21. Powers to make rules.

- [(1)] [Section 21 renumbered as sub-section (1) by Act No.9 of 1978.] The State Government may by notification [XXX] [Omitted by Act No.9 of 1978.] make such rules not inconsistent with the provisions of this Act as may from time to time, be necessary, -(a)including seed within the definition of a plant;(b)prescribing the methods of publication of descriptions of insect pests, plant diseases and noxious weeds and of the treatment to be followed,(c)prescribing the qualifications required of inspecting officers,(d)prescribing the procedure to be followed in making an award under section 11 and the methods and conditions of valuation of trees and plants,(e)providing for payment of compensation under section 16 and for all matters connected therewith,(f)prescribing the officers to whom appeals may be made, and the procedure to be followed in respect of such appeals,(g)prescribing the procedure, notices and method of service thereof, notifications, registers and other processes needed for the effectual working of this Act, and(h)generally to carry out the purposes of this Act.(2)[Every rule made under this Act shall, immediately after it is made be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done, under that rule.(3)A rule made under this Act may provide that a breach thereof shall be punishable with fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days.] [Sub-section (2) added by Act No.9 of 1978.]