

Bihar Prevention and Control of Agricultural Pests, Diseases and Noxious Weeds Act, 1953

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Act 22 of 1953

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Bihar Prevention and Control of Agricultural Pests, Diseases and Noxious Weeds Act, 1953[Bihar Act 22 of 1953]Last Updated 31st January, 2020[Dated 01.07.1953]An Act to provide for the prevention and control of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Bihar.Whereas it is expedient to provide for the prevention and control of insect, pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Bihar;It is hereby enacted as follows: -

1. Short title and extent.

- This Act may be called the Bihar Prevention and Control of Agricultural Pests, Diseases and Noxious Weeds Act, 1953.(2)It extends to the whole of the State of Bihar.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"Agricultural Officer" means an agricultural officer appointed under Section 10;(b)"Deputy Director of Agriculture" means an officer-in-charge of a Range of the Agriculture Department comprising the local area notified under Section 3 or any other person appointed by the State Government to discharge all or any of the functions of the Deputy Director of Agriculture under this Act;(c)"insect pest"means any insect or other invertebrate animal which has been declared to be an insect pest by notification under Section 3;(d)"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;(e)"noxious weed" means any weed declared to be a noxious weed by notification under Section 3;(f)"occupier" means the person having for the time being the right of occupation of land or his agent, authorised agent or any person in actual occupation of the land and includes a local authority having such right of occupation or in

such actual occupation;(g)"plant" includes all agricultural or horticultural crops, trees, bushes or herbs or the seed, fruit or any part thereof which is used for food of man or beast or for any purposes in connection with art or manufacture;(h)"plant diseases" means any fungoid, bacterial virus, parasitical or other disease declared to be a plant disease by notification under Section 3; and(i)"prescribed" means prescribed by Rules made under this Act.

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

- Whenever it appears to the State Government that any pest, disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such pest, disease or weed, or to prevent its appearance, spread or re-appearance, the State Government may, by notification in the Official Gazette and in such other manner as may be prescribed. -(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 the declaration shall remain in force;(iii)prohibit or restrict the movement or removal of any plant, earth, soil or manure from any place in the notified area to any place outside it;(iv)direct the carrying out of such preventive or remedial measures, including the destruction of any insect pest, plant disease or noxious weed or any plants as the State 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 the whole or any portion of the notified area.

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 be bound to carry out the preventive or remedial measures mentioned in such notification.

5. Power of Agricultural Officer to enter upon any lands.

- Any Agricultural Officer may, after giving the prescribed notice, enter upon any land situated in the notified area within his local jurisdiction for the purpose of ascertaining -(i)whether there is any insect pest, plant disease or noxious weed on such land; 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 under Section 5, the Agricultural Officer finds that there is an insect pest, plant disease or noxious weed on such land and that the preventive or remedial measures mentioned in the notification issued under Section 3 have not been carried out, the Agricultural Officer may, subject to any general or special orders of the State Government, call upon the occupier of such land, 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 Deputy Director of Agriculture or to such other officer as the State Government may appoint.(3)On receipt of the appeal under sub-section (2), the Deputy Director of Agriculture 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 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 conclusive and shall not be liable to be called in question in any Court.(5)The State Government may grant such subsidy as may be prescribed to an occupier who carries out the preventive or remedial measures contained in the order of the Agricultural Officer, subject to any order in appeal, under this section.

7. Failure to comply with notice under Section 6 and power of Agricultural Officers 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 Agricultural Officer may carry out at the expense of the occupier, to be calculated in the prescribed manner, the preventive or remedial measures mentioned in such notice or order:Provided that the charges for the use of implements shall not be included in such calculation.(2)The costs of any preventive or remedial measures carried out under subsection (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 Deputy Director of Agriculture or to such other officer as the State Government may appoint in this behalf on the ground that the cost includes charges for items other than those prescribed, or that the charges for any of the prescribed items are unreasonable.(4)On receipt of the appeal under sub-section (3), the Deputy Director of Agriculture or other officer appointed by the State Government shall, after giving the occupier an opportunity of being heard, pass such orders thereon as he thinks fit.(5)An order passed under sub-section (4) shall be final and conclusive and shall not be liable to be called in question in any Court.

8. Duty of certain village officers to report appearance of insect pests, plant diseases or noxious weeds.

(1)If any insect pest, plant disease or noxious weed appears in any village adjoining a notified area, the mukhia of the Gram Panchayat, the chaukidar or headman of such village shall forthwith report the fact to such officer as the State Government may appoint in this behalf.(2)Such officer 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 and the State Government may pass such orders thereon as it thinks fit.

9. Offences and penalties.

(1)Whoever removes any plant, earth soil or manure in contravention of the directions contained in a notification issued under Section 3 shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or, in default with simple imprisonment for a period not exceeding ten days.(2)Any occupier who fails to comply with a notice under sub-section (1) of Section 6 or with any order passed on appeal under sub-section (3) of Section 6 shall on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees or, in default, with simple imprisonment for a period not exceeding ten days.(3)Whoever having once been convicted of an offence under sub-section (1) or (2) is again convicted of an offence under either of these sub-sections shall be punishable with fine which may extend to one hundred rupees or, in default, with simple imprisonment not exceeding fifteen days.

10. Appointment of Agricultural Officers.

- The State Government may by notification in the Official Gazette, appoint persons not below the rank of a member of Class II of the Bihar Agricultural Service as Agricultural Officer for such local areas as may be specified in the notification.

11. Bar of suits or other legal proceedings.

(1)No suit, prosecution or other legal proceedings shall lie against the State Government or any other officer of the State Government or any other person in respect of anything in good faith done or intended to be done under this Act 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 Deputy Director of Agriculture or any other officer authorised by the State Government in this behalf or, in any case, 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 the Director of Agriculture.

13. Power to make Rules.

(1)The State Government may, from time to time, make Rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, 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 insect pests, plant diseases, noxious weeds and the treatment to be followed;(d)prescribing the subsidy which the State Government may pay to an occupier under sub-section (5) of Section 6;(e)prescribing the manner in which the cost should be calculated under

sub-section (1) of Section 7 and the items which should be taken into account in calculating such costs;(f)prescribing the officers to whom an appeal may be made and the procedure to be followed in such appeal under Section 6 and 7;(g)prescribing the notices and methods of service thereof, and registers needed for the effective working of the Act; and(h)any other matter which is required to be or may be prescribed.(3)The Rules made under this Section shall be subject to the condition of being made after previous publication.