

The Tamil Nadu Agricultural Pests and Diseases Act, 1919

TAMILNADU

India

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Act 3 of 1919

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The Tamil Nadu Agricultural Pests and Diseases Act, 1919 Tamil Nadu Act 3 of 1919 Published in the Fort. St. George Gazette, dated the 29th April 1919. An Act for the prevention of the spread of insect pests, plant diseases and noxious weeds. Whereas it is expedient to take measures to prevent the spread of insect pests, plant diseases and noxious weeds injurious to health or to crops, plants, trees or water-supply or obstructive to water-ways within the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]. It is hereby enacted as follows:-

Part I – Preliminary

1. Short title.

- This Act may be called the Tamil Nadu Agricultural Pests and Diseases Act, 1919. Notes. - This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), repealing the corresponding law in force in that territory. This Act was further extended to the merged territory of Pudukkottai by section 2 of the Tamil Nadu Aided Institutions (Prohibition of Transfers of Property) (Extension to Pudukkottai) Act, 1961 (Tamil Nadu Act 54 of 1961), repealing the corresponding law in force in that territory.

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 which has been declared by notification under section 3 [or 8-A] [Added by Tamil Nadu Act 28 of 1982.] 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 [or 8-A] [Added by Tamil Nadu Act 28 of 1982.] of this Act to be a plant disease;"Noxious weed" means any weed which has been declared by notification under section 3 [or 8-A] [Added by Tamil Nadu Act 28 of 1982.] 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] [Words 'Governor in Council' was substituted by the Adaptation Order, 1937 and the word 'State' was Substituted for 'Provincial' by the Adaptation Order of 1950.] 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 and [x x x] [Words 'railway or other' were omitted by section 3 of, and the Second Schedule to, Tamil Nadu Act XXXVI of 1955.] company having such right of occupation or in such actual occupation;["Company" means any body corporate, and includes a firm, society or other association of individuals;] [Added by Tamil Nadu Act 28 of 1982.]"Notified area" means the area covered by a notification published under section 3 [or 8-A] [Added by Tamil Nadu Act 28 of 1982.];"Director of Agriculture" means an officer appointed by the [State Government] [Words 'Governor in Council' was substituted by the Adaptation Order, 1937 and the word 'State' was Substituted for 'Provincial' by the Adaptation Order of 1950.] to be the Director of Agriculture and includes every person who, for the time being, performs the duties of the office;"Prescribed" means prescribed by notification or rules made under this Act.

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)] [Section 3 was re-numbered as sub-section (1) and sub-section (2) was added to section 3 by section 2 of Tamil Nadu Act VII of 1925.] If the [State Government] [Words 'Provincial Government' were Substituted for 'Governor in Council' by the Adaption Order, 1937 and the word 'State' was Substituted for 'Provincial' by the Adaption Order of 1950.] [consider] [Substituted for 'considers' by the Adaptation Order of 1937.] 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 of reappearance, [they] [Substituted by Adaptation Order of 1937.] may by notification [x x x] [Words 'in the Official Gazette' were omitted by the Tamil Nadu Act 28 of 1982.](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 maybe 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 maimer as may be prescribed.] [Section 3 was re-numbered as sub-section (1)and sub-section (2) was added to section 3 by section 2 of Tamil' Nadu Act VII of

1925.]

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. - For the purpose only of this section, the [State Government] [Words 'Provincial Government' were Substituted for 'Governor in Council' by the Adaption Order, 1937 and the word 'State' was Substituted for 'Provincial' by the Adaption Order of 1950.] shall be deemed to be the occupier in the case of all lands which are the property [of the Government] [Words 'of the Crown' were Substituted for 'of Government' by the Adaptation Order of and the word 'Government' was Substituted for 'Crown' by the Adaptation Order of 1950.] within the meaning of section 2(1) of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905).

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.

- Where the remedial or preventive measures prescribed by a notification under section 3 include the removal or destruction of any plant in order to eradicate to prevent the introduction or re-appearance of any insect pest, any occupier who fails to remove such plant on or before the date specified in the notification shall be deemed to have committed an offence under this Act and the removal or destruction of such plant 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.

- 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] [Words 'Provincial Government' were Substituted for 'Governor in Council' by the Adaptation Order of 1937 and the word 'State' was Substituted for 'Provincial' by the Adaptation Order of 1950.] 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 the inspecting officer [under section 5-A or 7] [Substituted by section 2 of Tamil Nadu Act VII of 1925.] 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 or use of implements are unduly high. (2) The order of the Collector on such appeal shall be final.

8A. [Preventive or remedial measures in emergent cases. [Inserted by the Tamil Nadu Act 28 of 1982.]

(1) Notwithstanding anything contained in sections 3 to 8, if the State Government is satisfied that any pest, disease or weed injurious to crops, plant or trees is prevalent or is likely to break out in any local area and that immediate preventive or remedial measures have to be taken, they may, by notification, -(a) declare that such pest, disease or weed is an insect pest, a plant disease or a noxious weed; (b) prescribe such preventive or remedial measures such as ground spraying or dusting as may be necessary in respect of such pest, disease or weed; (c) prohibit or restrict the removal of any plant from one place to another; (d) define the local area within which and the period during which such notification shall be in force; and (e) declare that the State Government may cause the prescribed preventive or remedial measures to be carried out in the notified area. (2) On the issue of a notification under sub-section (1), any inspecting officer appointed under section 19 may enter on any land or water within the notified area and carry out, or cause to be carried out under his supervision, the prescribed preventive or remedial measures. (3) Where any preventive or remedial measures are carried out under subsection (1) or (2), the occupier shall be liable to pay the State Government towards the cost of such measures, such amount (not exceeding the prescribed percentage of the cost aforesaid) as the inspecting officer may, by order in writing, determine and the amount so determined shall be recoverable from the occupier as if it were an arrear of land revenue. (4) In calculating the cost referred to in sub-section (3), the following shall be taken into account, namely: -(a) the charges for labour, material or use of implements; and (b) proportionate

charges for any special establishment entertained for the purpose.(5)(a)Any occupier may, within thirty days of the date of receipt of the order under sub-section (3), prefer an appeal against such order to the prescribed officer who may make such order as he thinks fit. The decision on such appeal shall be final:Provided that no such appeal shall lie unless the amount determined under sub-section (3) has been paid.(b)Where the amount paid by the occupier is in excess of the amount payable under any order made in such appeal, such excess shall be refunded to him.]

9. [Destruction of trees, plants or crops in execution of remedial or preventive measures and compensation therefor.] [Substituted by the Tamil Nadu Act 28 of 1982.]

(1)If in carrying out any prescribed remedial or preventive measures under [section 5-A, 8 or 8-A] [Inserted by the Tamil Nadu Act 28 of 1982.], 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, [or] [Inserted by the Tamil Nadu Act 28 of 1982.](d)[any crops which are infected with insect pest or plant disease, he shall serve a notice in writing on the occupier stating particulars of the trees plants and crops destroyed and his estimate of their value.] [Inserted by the Tamil Nadu Act 28 of 1982.](2)When [any trees, plants or crops are destroyed] [Substituted by the Tamil Nadu Act 28 of 1982.] aforesaid, the occupier shall be entitled to compensation as follows:-for a tree destroyed under sub-section (1)(a) - not exceeding one half of 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; for crops destroyed under sub-section (1)(d) - 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 re-appearance of any insect pest.(3)For the purposes of this section 'value' shall mean value of the [tree, plant or crop] [Substituted for 'tree or plant' by the Tamil Nadu Act 28 of 1982.] 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 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] [Substituted by Tamil Nadu Act VII of 1925.] 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 [clause (b) of sub-section (1) of section 3 or clause (c) of sub-section (1) of section 8-A] [Substituted by the Tamil Nadu Tamil Nadu Act 28 of 1982.] to be an offence, and punishment therefor.

- If any person contravenes a notification under [clause (b) of subsection (1) of section 3 or clause (c) of sub-section (1) of section 8-A] [Substituted by the Tamil Nadu Act 28 of 1982.] of this Act prohibiting or restricting the removal of any plant from one place to another, 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. [Offences by companies. [Inserted by the Tamil Nadu Act 28 of 1982.]

(1)Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly:Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall also be liable to be proceeded

against and punished accordingly.Explanation. - For the purposes of this section, "director" in relation to(a)a firm, means a partner in the firm,(b)a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association with the management of the affairs of the society or other association, as the case may be.]

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.

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] [Words 'Governor in Council' was substituted by the Adaptation Order, 1937 and the word 'State' was Substituted for 'Provincial' by the Adaptation Order of 1950.] may, from time to time, appoint inspecting officers for the purpose of carrying out the duties prescribed in sections [5, 5-A, 6 and 8-A] [Substituted by the Tamil Nadu Act 28 of 1982.].

20. Delegation of powers.

- The State Government may by notification delegate all or any of their powers under this Act except those conferred by sections [3, 8-A and 21] [Substituted by the Tamil Nadu Act 28 of 1982.] to the Director of Agriculture or any other officer or any local authority or the president or chairman of any local authority.

21. Power to make rules.

- The State Government may 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, plants and crops] [Inserted by the Tamil Nadu Act 28 of 1982.].(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 fees to be paid for] [Inserted by the Tamil Nadu Act 28 of 1982.] 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.

22. [Publication of rules, commencement of rules and notifications and placing them on the table of the Legislature. [Added by the Tamil Nadu Act 28 of 1982.]

(1)(a)All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.(2)Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of [the Legislative Assembly], and if before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for 'both the Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or notification or [the Legislative Assembly agrees] [Substituted for 'both the Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification, shall thereafter, have effect only in such modified form or be of no effect, 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 or notification.]