

THE PUNJAB AGRICULTURAL PESTS ORDINANCE, 1959
(W.P. Ordinance XXVIII of 1959)

C O N T E N T S

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Powers of Government.
4. Occupier to carry out preventive measures.
5. Appointment of Inspectors.
6. Powers of Inspector.
7. Notice to occupier to carry out preventive measures.
8. Powers of Inspectors to take preventive measures and to recover expenses incurred in connection therewith.
9. Powers of Government to declare affected area and to recover costs of remedial and preventive measures in such area.
10. Penalty for contravening the provisions of section 3.
11. Appeals.
12. Power to amend the Schedule.
13. Bar of suits.
14. Jurisdiction.
15. Government to make rules.
16. Repeal and Savings.

SCHEDULE

^{1[1]}THE ^{2[2]}[PUNJAB] AGRICULTURAL PESTS ORDINANCE, 1959
(W.P. Ordinance XXVIII of 1959)

[11 May 1959]

An Ordinance to amend and consolidate the law relating to the eradication of agricultural pests in the
province of ^{3[3]}[the Punjab]

Preamble.— WHEREAS it is expedient to amend and consolidate the law relating to the eradication of agricultural pests in the province of ^{4[4]}[the Punjab];

Now, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance—

1. Short title, extent and commencement.— (1) This Ordinance may be called ^{5[5]}[the Punjab] Agricultural Pests Ordinance, 1959.

^{1[1]}This Ordinance was promulgated by the Governor of West Pakistan on 15th May, 1959; published in the West Pakistan Gazette (Extraordinary), dated 11th May, 1959, pages 403-407; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

^{2[2]}Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for “West Pakistan”.

^{3[3]}*Ibid.*

^{4[4]}*Ibid.*

- ^{6[6]}[(2) It extends to the whole of the Province of ^{7[7]}[the Punjab], except the Tribal Areas.]
- (3) It shall come into force^{8[8]} in such area or areas and from such date or dates as Government may, by notification specify.
2. Definitions.— In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-
- (a) “affected area” means any area affected by an agricultural pest;
 - (b) “agricultural pest” means a pest mentioned in the Schedule to this Ordinance;
 - (c) “crops” include all agricultural or horticultural crops and all trees, bushes or plants;
 - (d) “Government” means the ^{9[9]}[Provincial Government of the Punjab];
 - (e) “infested ^{10[10]}[/infected] crop” means a crop affected by any agricultural pest;
 - (f) “Inspector” means an officer appointed under this Ordinance to perform the functions of an Inspector;
 - (g) “occupier” means the person in actual possession of land and includes the manager or managing agent or any other person authorised to represent the occupier ^{11[11]}[or land holder on lease or tenant or pattadar, etc.];
 - (h) “preventive measures” means measures prescribed by Government to eradicate and to prevent the spread of any agricultural pest; and
 - (i) “prescribed” means prescribed by rules made under this Ordinance.
3. Powers of Government.— Government may, by notification, prohibit^{12[12]}—
- (a) the employment of such methods of cultivation as help the spread of agricultural pests either generally or with respect to any particular crop;
 - (b) the transport or sale of any infested ^{13[13]}[/infected] crop.
4. Occupier to carry out preventive measures.— Every occupier of land in which any crop is cultivated shall be bound to carry out the preventive measures prescribed in respect of such crop or crops.
5. Appointment of Inspectors.— Government may, by notification^{14[14]}, appoint such persons as it thinks fit to be Inspectors for the purposes of this Ordinance, within each such local area as may be specified, and the persons so appointed shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code^{15[15]}.
6. Powers of Inspector.— An Inspector may, subject to any rules^{16[16]} made in this behalf by Government—

^{5[5]}*Ibid.*

^{6[6]}Substituted by the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (VII of 1964).

^{7[7]}Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for “West Pakistan”.

^{8[8]}This Ordinance was brought in force in the whole of the Province of West Pakistan with effect from 19th February, 1960, *see* Gazette of West Pakistan, 1960 (Extraordinary), p. 1249.

^{9[9]}Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for “Government of West Pakistan”.

^{10[10]}Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002).

^{11[11]}Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002).

^{12[12]}*See* Gazette of West Pakistan, 1961, Pt. I, p. 54; and, *ibid* 1962, Pt. I, p. 542.

^{13[13]}Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002).

^{14[14]}*See* Gazette of West Pakistan, 1961, Pt. I, p. 54; and, *ibid* 1962, Pt. I, p. 542.

^{15[15]}XLV of 1860.

^{16[16]}*See* the West Pakistan Agricultural Pests Rules, 1960, Gazette of West Pakistan, 1960, (Extraordinary), pp. 1247-1249.

- (a) at any time enter and inspect any land, building, place, vessel or vehicle for the purpose of exercising the powers or performing the duties conferred or imposed on him by or under this Ordinance;
- (b) seize any infested ^{17[17]}[/infected] crop and destroy or cause to be destroyed such crop in such manner as ^{18[18]}[he deems fit];
- (c) seize any infested crop or by a requisition in writing direct the occupier or the person incharge of such crop not to sell or dispose of or pick or collect or move the seized crop from such place as may be specified in the requisition without the written permission of such authority as may be prescribed in this behalf.

7. Notice to occupier to carry out preventive measures.— (1) Whenever an Inspector is satisfied that preventive measures have not been duly carried out by the occupier of any land he shall call upon such occupier by notice in writing to carry out such measures within fifteen days of the receipt of the notice.

(2) The occupier may within seven days from the service upon him of such notice prefer an appeal to the ^{19[19]}[Executive District Officer (Agriculture)], against the notice.

(3) The authority before whom the appeal is preferred may extend the time specified in the notice issued 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) Every order passed under sub-section (3) shall be final.

8. Powers of Inspectors to take preventive measures and to recover expenses incurred in connection therewith.— (1) If an occupier on whom a notice has been served under sub-section (1) of section 7 does not comply with such notice within the time specified therein or where an appeal has been preferred by him under sub-section (2) of that section, does not comply with the order passed on such appeal within seven days, the Inspector may carry out or cause to be carried out the preventive measures not undertaken, at the cost of the occupier and for such purpose may take with him or depute or employ such subordinates or other persons as he deems fit.

(2) Where an Inspector has taken any action under this Ordinance in respect of any property at the expenses of a person bound to take such action he may record a certificate indicating the amount of the cost and the person from whom such amount is recoverable and such amount shall be recoverable as arrears of land revenue.

9. Powers of Government to declare affected area and to recover costs of remedial and preventive measures in such area.— (1) Whenever it appears to Government that the Province or any part thereof is affected or threatened by an agricultural pest and that immediate action is necessary, Government may by notification declare the Province or such area as affected area and take such remedial and preventive measures in respect of such area as may be necessary.

(2) Government may recover the whole or a part of the costs incurred in connection with the aforesaid remedial and preventive measures from the occupiers or land owners in the affected area or from the persons who in its opinion have benefited by such measures.

(3) All such costs, if unpaid, shall be recoverable as arrears of land revenue.

^{20[20]}[10. Penalty for contravening the provisions of this Ordinance.— (1) Whoever contravenes the provisions of section 3 or section 4 shall be punished for the first offence with a fine which may extend to fifty thousand rupees but not less than twenty five thousand rupees, and for every subsequent offence with imprisonment which may extend to six months but not less than three months or with fine which may extend to one hundred thousand rupees but not less than fifty thousand rupees or with both.

^{17[17]}Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002).

^{18[18]}Substituted *ibid*.

^{19[19]}Substituted for the words “Collector, or Deputy Collector, or Assistant Collector, first grade, specially empowered in this behalf by the Collector”, by the Punjab Agricultural Pests (Amendment) Ordinance, 2001 (XXVII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{20[20]}Substituted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002).

(2) Whoever contravenes any of the provisions of this Ordinance or the rules made thereunder, for the contravention of which no other punishment is provided in this Ordinance, shall be punished with fine which may extend to fifty thousand rupees but not less than twenty five thousand rupees.]

11. Appeals.— (1) Any person aggrieved by an order of seizure or destruction may, within seven days of such order, appeal to the ^{21[21]}[District Coordination Officer].

(2) Any order passed on appeal under sub-section (1), and if no appeal is preferred, the order of the Inspector shall be final.

12. Power to amend the Schedule.— Government may, if it considers it expedient, by notification, add to or exclude any pest from the Schedule.

13. Bar of suits.— No suit, prosecution or other legal proceeding shall lie against an Inspector or any person acting under his order in respect of anything in good faith done or intended to be done under this Ordinance.

^{22[22]}[14. Jurisdiction and trial.— (1) No prosecution under this Ordinance shall be instituted except on the complaint in writing of an Inspector stating the facts constituting the offence.

(2) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

(3) The trial court may, on application made by a prosecutor in this behalf, try an offence punishable under this Ordinance in a summary way in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898).

(4) Notwithstanding anything contained in any other law for the time being in force, the offences punishable under this Ordinance shall be cognizable.

(5) The public prosecutor shall be responsible for the conduct of prosecution of offences under this Ordinance.]

15. Government to make rules.— (1) Government may make rules^{23[23]} to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers Government may make rules—

- (a) prescribing preventing measures;
- (b) prescribing the manner in which an Inspector may exercise his powers under section 6;
- (c) prescribing the form of requisitions and notices and the manner in which requisitions and notices may be served;
- (d) prescribing the authority which may release seizure imposed under the Ordinance; and
- (e) prescribing the manner in which costs shall be assessed and paid.

16. Repeal and Savings.— The following enactments are hereby repealed:-

- (a) The North-West Frontier Province Sugarcane (Protection against Pyrilla Pest) Act, 1950^{24[24]};
- (b) The Sind Boll Worm Act, 1947^{25[25]};

^{21[21]}Substituted for the words “Collector, Deputy Collector, or Assistant Collector, first grade, specially empowered by the Collector in this behalf”, by the Punjab Agricultural Pests (Amendment) Ordinance, 2001 (XXVII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{22[22]}Substituted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002).

^{23[23]}For the West Pakistan Agricultural Pests Rules, 1960 *see* Gazette of West Pakistan 1960, (Extraordinary), pp. 1247-1249.

^{24[24]}N.W.F.P. XXIII of 1950.

(c) The North-West Frontier Province Fruit-Fly (Preventive Measures) Act, 1950^{26[26]}.

SCHEDULE

[Section 2 (b)]

Sr. No.	Scientific name	Family and order	common name (in English)	Host plants
1	Agrotis spp.	Noctuidae Lepidoptera	Cut worms	Gram, potatoes, young cucurbits and wheat, etc.
2	Aleuocautus coglumi Asdley.	Aleurodidae Homoptera	Citrus black fly	Citrus plants.
3	Aeonidiella auranti Mask.	Coccidae: Homoptera	Citrus red scale	Citrus plants.
4	Aenidiella citri Moulton	Coccidae: Homoptera	Citrus yellow scale	Citrus plants.
5	Aphis tabaci L.	Aphididae: Homoptera	Tobacco aphid	Tobacco.
6	Aspidiotus perniciosus Comst.	Coccidae: Homoptera	Sanjose-scales	Apple, plum, pear, peach, etc.
7	Carpocapsa pomonella L.	Eucsmidae: Lepidoptera	Codling moth	Apple fruit.
8	Chilo zonellus Swin	Pyralidae Lepidoptera	Maize and Jowar borer	Maize, jowar, baru, sudan grass, etc.
9	Dacus ferrugineus Feb.	Trypanidae: Diptera	Fruit-fly	Peach, pear, mango, etc.
10	Dialeurodes citri Ash.	Aleyrodidae: Homoptera	Citrus white fly	Citrus plants.
11	Diaphorina citricu	Psyllidae: Homoptera	Citrus psylla	Orange, lemon, sweet and sour limes, etc.
12	Drosicha stebbingi G.	Coccidae: Homoptera	Mealy bug	Mango, guava, citrus, etc.
13	Earias fabia Stoll	Noctuidae: Lepidoptera	Spotted boll worm	Cotton flower bud and pods, etc.
14	Earias insulana Boisd	Noctuidae: Lepidoptera	Spotted boll worm	Cotton flower bud and pods, etc.
15	Emmalocera depressella Swin	Pyralidae: Lepidoptera	Sugarcane root borer	Sugarcane, jowar, bajra, etc.
16	Heliothis armigera Fb.	Noctuidae: Lepidoptera	Tobacco caterpillar	Tobacco.
17	Prodenia litura F	Plutellidae: Lepidoptera	Tobacco caterpillar	Tobacco.
18	Platyedra gossypiella Saud	Gelechiidae: Lepidoptera	Pink boll-worm	Cotton, bhindi, changi, etc.
19	Proceros stitieraspis Hib	Pyralidae: Lepidoptera	Sugarcane-stem-borer	Sugarcane, jowar, maize, etc.

^{25[25]}Sind XIV of 1947.

^{26[26]}N.W.F.P. XXIV of 1950.

Sr. No.	Scientific name	Family and order	common name (in English)	Host plants
20	<i>Pyrilla perpusila</i> Walk	Fulforidae: Hemipter	Sugarcane-leaf-hopper	Sugarcane, wheat, barley, swank.
21	<i>Schistocerca gregaria</i> Forsk	Acrididae: Orthoptera	Desert locust	On all vegetation except oak and neem.
22	<i>Sphenoptera dadkanj</i> Ob.	Buprestidae: Coleoptera	Flat headed borer	Peach.
23	<i>Schoenobius incertellus</i> Walk	Pyrallidae: Lepidoptera	Rice borer	Rice, jowar, maize, etc.
24	<i>Scirpophaga nivella</i> Fb.	Pyrallidae: Lepidoptera	Sugarcane top-borer	Sugarcane, sarkanda, mandal, etc.
25	<i>Sylepta derogata</i> Fb.	Pyrallidae: Lepidopetra	Cotton, leaf-roller	Cotton, changi, kuchri, etc.
²⁷ [²⁷][26]	<i>Sphenoptera Gossypi</i> Kerr	Buprestidae: Colroptera	Flat headed borer	Cotton].
²⁸ [²⁸][27]	<i>Carthamus Oxyieantha</i> Bick	Compositae	Thistle	Wheat.]
²⁹ [²⁹][28]	<i>Asphodelus tempvifolius</i> Cav	Liliancae	Piazi	wheat.]
³⁰ [³⁰][29]	<i>Cuseuta reflexa</i>	Convolulacae	Amerbel Gazbel (Dodder in English)	All wood plants].

²⁷[²⁷] Inserted by notification under section 12, *see* Gazette of West Pakistan, 1960, (Extraordinary), p.1250.

²⁸[²⁸] *Ibid*.

²⁹[²⁹] *Ibid*, *see* Gazette of West Pakistan, 1961, Pt. I, p. 158.

³⁰[³⁰] *Ibid* Gazette of West Pakistan, 1961, Pt. I, p. 158.