

**THE EAST PUNJAB AGRICULTURAL PESTS,
DISEASES AND NOXIOUS WEEDS ACT, 1949.**

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**THE EAST PUNJAB AGRICULTURAL PESTS,
DISEASES AND NOXIOUS WEEDS ACT, 1949.**

EAST PUNJAB ACT NO. IV OF 1949

[Received the assent of His Excellency the Governor on the 23rd March, 1949, and was first published in the East Punjab Government Gazette (Extraordinary) of March 25, 1949.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1949 ...	IV	The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Amended in part by Punjab Act II of 1951 ² Extended to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act XVII of 1958 ³ Amended by Punjab Act, 25 of 1964. Amended by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968

An Act to provide for the prevention of the introduction, spread or reappearance of ⁴[pests], plant diseases and noxious weeds injurious to crops, plants or trees in ⁵[the State of Punjab]

It is hereby enacted as follows :—

PART I—PRELIMINARY

1. (1) This Act may be called the East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949. Short title and extent.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1948, page 590 ; for the Select Committee Report, see *East Punjab Government Gazette (Extraordinary)*, 1949, pages 5—10 ; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, Volume III, 1949, pages 613—16.

²For Statement of Objects and Reasons, see *Punjab Gazette (Extraordinary)* 1951, pages 111-112 ; for proceedings in the Assembly, see *Punjab Legislative Debates*, Volume III, 1951, pages (6)79—(6) 82. This Act was repealed by Ordinance No. V of 1951, but saved anything done or any action taken in the exercise of any power conferred by or under the said Ordinance as having been done or taken in exercise of the powers conferred by or under this Act, or if this Act was in force on the day on which such thing was done or action taken (by virtue of section 6 of the Act).

³For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1964, Pages, 935—37.

⁴Substituted for the words "insect pests" by Punjab Act, II of 1951, section 2.

⁵Substituted for the words "the Province of East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

(2) It extends to the whole of the ¹[Union Territory of Chandigarh].

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

²[(1) "Pest" means any insect, vertebrate or invertebrate animal declared to be pest by notification under 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 purpose 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.

¹Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) Adaption of Laws on State and Concurrent Subjects) Order, 1968.

²Substituted for the old clause by Punjab

PART II—¹[PESTS] PLANT DISEASES AND NOXIOUS
WEEDS

3. Whenever it appears to the ²[Central Government] that any ³[insect, vertebrate or invertebrate animal], disease or weed is injurious to plants in any local area and that it is necessary to take measures to eradicate such ³[insect, vertebrate or invertebrate animal], disease or weed, or to prevent its introduction, spread or reappearance, the ²[Central Government], may, by notification in the Official Gazette—

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

- ⁴[(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;]
- (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 ¹[pest], plant disease or noxious weed or any plants as the ²[Central Government] may deem necessary, in order to eradicate such pest, disease or weed or to prevent its introduction, spread or reappearance; 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. ⁵(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.

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

¹Substituted for the words "insect pest" by Punjab Act, II of 1951, section 2.

²Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

³Substituted for the word "pest" by Punjab Act, II of 1951, section 3 (a).

⁴Substituted for the old clause by Punjab Act, II of 1951, section 4 (b).

⁵Section 4 renumbered as sub-section (1) thereof by Punjab Act, II of 1951, section 5.

(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 :

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 ²[***], 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 1898.}

Power of Inspector
to enter upon any
land or premises.

5. 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 purpose of ascertaining—

- (i) whether there is any ³[pest], plant disease or noxious weed on such land or premises; and

¹Added by Punjab Act, II of 1951, section 5.

²Substituted for the words "insect pest" by Punjab Act, II of 1951, section 2.

³The words "by a Magistrate" omitted by Punjab Act No. 25 of 1964.

- (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. (1) If, on the inspection of any land or premises under section 5, the Inspector finds that there is any ¹[pest], 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 and general or special orders of the ²[Central 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.

Notice to occupier to carry out preventive or remedial measures.

(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 to such other officer as the ²[Central 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 conclusive and shall not be liable to be called in question in any court.

7. (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 or remedial measures mentioned in such notice or order.

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

¹Substituted for the word "pest" by Punjab Act, II of 1951, section 2.

²Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

(2) The costs of any preventive or remedial measures carried out under sub-section (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 Collector or to such other officer as the ¹[Central Government] may appoint in this behalf on the ground that—

(i) the costs include charges for items other than the cost of labour, material or use of implements, or

(ii) the charges for labour or material or use of implements are unreasonably high.

(4) On receipt of the appeal under sub-section (3), the Collector or other officer appointed by the ¹[Central Government] shall, after giving the occupier an opportunity of being heard, pass such order 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.

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

8. (1) If any ²[pest], 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 ¹[Central 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 ¹[Central Government] through the Director of Agriculture with his remarks thereon.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Substituted for the words "insect pest" by Punjab Act, II of 1951, section 2.

9. (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 ¹[***], be punishable with fine which may extend to Rs. 50 or in default to simple imprisonment for a period not exceeding ten days. Offences and Penalties.

(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 ¹[***], 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. The ²[Central Government] may, by notification in the Official Gazette, appoint persons as Inspectors for such local areas as may be specified in the notification. Appointment of Inspectors.

11. (1) No suit, prosecution or legal proceedings shall lie against the ²[Central Government] or any officer of the ²[Central Government] in respect of anything in good faith done or intended to be done under this Act or for any damage to property caused by any action taken in good faith in carrying out the provisions of this Act. Bar of suits or other legal proceedings.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Collector or other officer authorised by the ²[Central Government] in this behalf nor after three months from the date of the commission of the alleged offence.

12. The powers conferred on the ²[Central Government] under this Act, may, with the exception of the Delegation of powers.

¹The words "by a Magistrate" omitted by Punjab Act No. 25 of 1964.

²Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

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powers under section 13, be delegated by the ¹[Central Government] to any officer.

13. (1) The ¹[Central Government] may, from time to time, make ²rules for the purpose of carrying into effect the provisions of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, 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 ³[pests], 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 services 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.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²For rules, see East Punjab Government Notification No. 6640-Agr.-49/5888, dated 2nd November, 1949 and notification No. 4335-FP-52/2956, dated 19th June, 1952.

³Substituted for the words "insect pests" by Punjab Act, II of 1951, section 2.