

BOMBAY AGRICULTURAL PESTS AND DISEASES (MAHARASHTRA) RULES, 1963

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BOMBAY AGRICULTURAL PESTS AND DISEASES (MAHARASHTRA) RULES, 1963

In exercise of the power conferred by section 17 of the Bombay Agricultural Pests and Diseases Act, 1947(Bom. XLIII of 1947), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of section 17 of the said Act :-

1. Short title :-

These rules may be called the Bombay Agricultural Pests and Diseases (Maharashtra) Rules, 1963.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Bombay Agricultural Pests and Diseases Act, 1947.
- (b) "Form" means a Form appended to these rules ;
- (c) "Section" means a section of the Act.

3. Service of notice :-

Notice under section 5 or 8 shall be served on the occupier of the land or premises in the notified area in the manner laid down in sub-clauses (a) and (b) of clause (i) of sub-section (2) of section

12B for the service of orders made under that section.

4. Procedure for conducting enquiry under section 11 :-

(1) On receipt of any claim for compensation under section 10, the Assessor shall register the same in a Register of Claims to be maintained by him.

(2) The Assessor shall then fix a date, not later than thirty days from the date of receipt of the claims, for the inquiry of the claim and notify such date and place of enquiry to the claimant who shall be asked to appear before the Assessor on the day so fixed with all the material evidence in support of his claim.

(3) The date of enquiry in respect of each claim shall also be notified to the Inspector and village officers of the locality, who shall likewise be asked to appear before the Assessor on such date and place and give such evidence on the points enumerated in rule 7 as may be required by the Assessor.

(4) Wherever practicable, the Assessor shall, during the course of enquiry, visit the land or lands in respect of which the claim has been preferred.

(5) After due consideration of evidence recorded by him in accordance with this rule, the Assessor shall pass his award.

5. Remuneration to persons for services rendered under section :-

12A:-When any person is called upon to render service under clause (b) of sub-section (1) of section 12A, he shall be entitled to payment of wages, as may be determined by the Collector. In determining the date of wages, the Collector shall take into consideration the prevailing wage level in the locality for the nature of the work involved.

6. Appellate authority and procedure for appeals under section :-

12 C :-

(1) Every order passed by the Collector under section 12B including any order determining compensation for requisitioning vehicles shall be appealable to the Commissioner.

(2) Such appeal shall set forth concisely the grounds of objections and shall be accompanied by a copy of the order against which the

appeal it made.

7. Determination of value of crop plants or trees :-

For the purposes of determining the value of any crop, plants or trees destroyed or caused to be destroyed under the provisions of the Act, the Assessor shall take into consideration the following :-

- (a) probable average yield in the locality ;
- (b) nature of the crop, that is to say, food, condiment, fruits, trees, fiber and the like;
- (c) prevailing prices of the produce or timber in the locality, due regard being had to the controlled prices, if any ;
- (d) stage of the crop at the time the destruction was ordered ;
- (e) approximate price of the crop, plant, tree or other produce, if it had been in existence.

8. Forms :-

- (1) The notice under section 5 to enter upon any land or premises shall be in Form I.
- (2) Where the costs are recoverable from any occupier under subsection(2) of section 7 or under sub-section (3) of section 7A, the Inspector shall serve on such occupier a notice of demand in Form 11]
- (4) The notice under section 8 giving estimate of the value of crop, plants or trees destroyed shall be in Form IV.
- (5) The proclamation under clause (a) of sub-section 12A calling upon persons to render assistance in carrying out preventive or remedial measures and in the destruction of locusts shall be in Form V.
- (b) The proclamation under clause (b) of sub-section (1) of section 12A calling upon persons to present themselves at a specified time and place before a specified authority shall be in Form VI.
- (7) The order under sub-section (1) of section 12B for requisitioning vehicles shall be in Form VII.
- (8) The notice under sub-section (6) of section 12B for taking delivery of a vehicle released from requisition shall be in Form VIII.
- (9)¹

(10) Every Inspector shall maintain a register of notices of demand of costs, issued under section 7, in Form X .

1. Deleted, by G.N. of 1978.

9. Repeal and saving :-

On the commencement of these rules, the Bombay Agricultural Pests and Diseases Rules, 1956 and the Central Provinces and Berar Agricultural Pests and Diseases Rules, 1947 shall stand repealed, except as respects things done or omitted to be done before such repeal.