

Madras Agricultural Pests And Diseases Act, 1919

03 of 1919

[29 April 1919]

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PREAMBLE

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 Presidency of Madras;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Part IV, dated 21st May 1918, pp. 381-382. For Proceedings in Council, see *ibid*, dated 8th October 1918, pp. 756-762. For Report of Select Committee, see *ibid*, dated 19th November 1918, pp. 877-878. For Proceedings in Council, see *ibid*, dated 15th April 1919, PP. 444-466, and *ibid*, dated 22nd April 1919, PP. 602-617.

This Act was extended to the merged State of Pudukkottai by section 3 of and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

PART 1 PRELIMINARY

1. Short title :-

This Act may be called " The Madras Agricultural Pests and Diseases Act, 1919."

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 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 of

this Act to be a plant disease;

" Noxious weed " means any weed which has been declared by notification under section 3 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 ¹[State Government] 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 ²[] company having such right of occupation or in such actual occupation;

"Notified area " means the area covered by a notification published under section 3;

" Director of Agriculture " means an officer appointed by the ¹[State Government] 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.

1. The words " Provincial Government" were substituted for the words " Governor in Council" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950.

2. The words "railway or other" were omitted by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955).

PART 2 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 :-

2[(1)] the **1**[State Government] **3**[consider] 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 or re-appearance, **4**[they] may by notification in the **5**[Official Gazette]--

(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 may be 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.

6[(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 manner as may be prescribed.]

1. The words " Provincial Government" were substituted for the words " Governor in Council" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950.

2. Section 3 was renumbered as sub-section (I) of section 3 by section 2 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

3. This word was substituted for the word " considers " by the Adaptation Order of 1937.
4. This word was substituted for the word " he " by ibid.
5. These words were substituted for the words " Fort St. George Gazette" by ibid.
6. Sub-section (2) was added by section 2 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras 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 ¹[the State Government] shall be deemed to be the occupier in the case of all lands which are the property ²[of the Government] within the meaning of section 2(1) of the Madras Land Encroachment Act, 1905 (Madras Act III of 1905).

1. The words " the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. The words " of the Crown " were substituted for the words " of Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

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 :-

¹[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 or 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.]

1. Section 5-A was inserted by section 3 of Madras Act VII of 1925.

6. Inspecting officer may serve a notice on occupier to take remedial or preventive action :-

(1) ¹[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 ²[State Government] 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).

1. These words, figures and letter were substituted for the words " If such inspecting officer finds that the prescribed remedial or preventive measures have not been properly taken " by section 4 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925.)

2. The words "Provincial Government" were substituted for the words " Governor in Council" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950.

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 ¹[under section 5-A or 7] 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.

1. The words, letter and figures "under section 5-A or 7" were substituted for the words and figure " under section 7 " by section 5 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

9. Destruction of trees or plants in execution of remedial or preventive measures and compensation therefor :-

(1) If in carrying out any prescribed remedial or preventive

measures under ¹[section 5-A or 7] 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, he shall serve a notice in writing on the occupier stating particulars of the trees and plants destroyed and his estimate of their value.

(2) When any trees or plants are destroyed as aforesaid the occupier shall be entitled to compensation as follows:--

for a tree destroyed under ²[sub-section (1) (a)]--not exceeding one-half the value thereof;

for plants destroyed under ²[sub-section (1) (b)]--not exceeding two-thirds of the value thereof;

for plants destroyed under ²[sub-section (1) (c)] their full value:

³[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 post.]

(3) For the purposes of this section value shall mean the value of the tree or plant at the time of its destruction.

1. The words, letter and figures "section 5-A or 7 " were substituted for the word and figure " section 7 " by section 6 (i) of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

2. These words, brackets, figures and letters were substituted for the words, figures, brackets and letters " sub-section I(a) ", " sub-section I(b)" and " sub-section I(c) " by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1955 (Madras Act XXXVI of 1955)

3. This proviso was substituted by section 6 (ii) of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

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 ¹[State Government] within one month from the service of the notice mentioned in sub-section (1) of section 9.

1. The words "Provincial Government" were substituted for the words " Governor in Council" by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial" by the Adaptation Order of 1950.

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 the 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 :-

Any one convicted by a magistrate of an offence under ¹[section 5-A or 7] 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.

1. The words, figures and letter " section 5-A or 7 " were substituted for the word and figure " section 7 " by section 7 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

15. Contravening notification under section 3 (b) to be an offence; and punishment therefor :-

If any person contravenes a notification under section 3 (b) 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.

PART 3 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 ¹[State Government] may from time to time appoint inspecting officers for the purpose of carrying out the duties prescribed in section 5, ²[5-A] and 6.

1. The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. The figure and letter " 5-A " were inserted by section 8 of the Madras Agricultural Pests and Diseases (Amendment) Act, 1925 (Madras Act VII of 1925).

20. Delegation of powers :-

The ¹[State Government] may by notification in the ²[Official Gazette] delegate all or any of ³[their] powers under this Act except those conferred by sections 3 and 21 to the Director of Agriculture or any other officer or to any local authority or the president or chairman of any local authority.

1.The words "Provincial Government" were substituted for the

words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937.

3. This word was substituted for the word " his " by ibid.

21. Power to make rules :-

The ¹[State Government] may by notification in the ²[Official Gazette] 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 and plants,

(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 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.

1. The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words " Fort St. George Gazette " by the Adaptation Order of 1937.