

Himachal Pradesh Agricultural, Pests, Diseases And Noxious Weeds Act, 1969

(Act No. 18 Of 1969)

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(Received the assent of the President of India on the 21st May, 1969, and was published in R.H.P., dated the 5th July, 1969 at pages 240-241).

1. For Statement of Objects and Reasons see R.H.P. Extra., dated the 28th November, 1968, p. 1153. For the Authoritative Hindi Text see R.H.P. Extra., dated 12-12-1986. P. 2239.

An Act to provide for the prevention of the introduction, spread or reappearance of pests, plant diseases and noxious weeds injurious to crops, plants or trees in the 1[State of Himachal Pradesh]

Amended, repealed or otherwise affected by,-

A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973 at pages 91-112.

Himachal Pradesh Agricultural, Pests, Diseases And Noxious Weeds Act, 1969

(Act No. 18 Of 1969)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

PART I

PRELIMINARY

1. Short title and extent.-

(1) This Act may be called the Himachal Pradesh Agricultural Pests, Diseases and Noxious Weeds Act, 1969.

(2) It extends to the whole of the [State of Himachal Pradesh]2

2. Definitions.-

In this Act, unless there is anything repugnant in the subject or context ,-

(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 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 seeds, 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;
- (9) "State" means the 1[State of Himachal Pradesh];
- (10) "State Government" means the Government of Himachal Pradesh.

PART II

PESTS, PLANT DISEASES AND NOXIOUS WEEDS

3. Power to declare insect, vertebrate or invertebrate animal, plant disease and noxious weed and direct measures to eradicate or prevent them.-

Whenever it appears to the State Government that any 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 insect, Vertebrate or invertebrate animal disease or weed, or to prevent its introduction, spread or reappearance, the State Government may, by notification in the Official Gazette,-

- (i) declare such insect, vertebrate or invertebrate animal to be 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 pest, plant disease or noxious weed or any plants as the State 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. Duties of occupier on the issue of a notification under section 3.-

(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.

(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 by a Magistrate, 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 (5 of 1898).

5. Power of Inspector to enter upon any land or premises.-

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 pest, plant disease or noxious weed on such land or premises; and

(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. Notice to occupier to carry out preventive or remedial measures.-

(1) If, on the inspection of any land or premises under section 5, the Inspector finds that there is any 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 any general or special orders of the State 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.

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

(1) If an 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.

(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 State 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 State 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.

8. Duty of certain village officers to report appearance of pest, plant disease or noxious weed.-

(1) If any 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 State 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 State Government through the Director of Agriculture with his remarks thereon.

9. Offences and penalties.-

(I) 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 by a Magistrate, be punishable with fine which may extend to rupees fifty or in default to simple imprisonment for a period not exceeding ten days.

(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 by a Magistrate, be punishable with fine which may extend to rupees fifty 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 sub-sections shall be punishable with fine which may extend to rupees two hundred and fifty or in default to simple imprisonment not exceeding one month.

PART III

GENERAL

10. Appointment of Inspectors.-

The State Government may, by notification in the Official Gazette, appoint persons as Inspectors for such local areas as may be specified in the notification.

11. Bar of suits or other legal proceedings.-

(1) No suit, prosecution or legal proceedings shall lie against the State Government or any officer of the State 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.

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

12. Delegation of powers.-

The powers conferred on the State Government under this Act, may, with the exception of the powers under section 13, be delegated by the State Government to any officer.

13. Rules.-

(1) The State Government may, from time to time, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, 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 pests, plant diseases, noxious weeds and the treatment to be followed;

(d) the qualifications required of the Inspectors;

(e) prescribing the officer 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.

(4) The rules under this Act, shall, as soon as may be after they are made, be laid before the Legislative Assembly.

14. Repeal and savings.-

The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949(4 of 1949) as in force in Himachal Pradesh is hereby repealed:

Provided that anything done or any action taken under the said Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act.

