



## The East Punjab Agricultural Pests, Diseases and Noxious Weeds) Act, 1949

Act 4 of 1949

**Keyword(s):**

**Pest, Noxious Weed, Occupier, Plant, Plant Disease**

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**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) on March, 25, 1949]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1949 ..	4	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 2 of 1951 <sup>3</sup> Extended to Pepsu Territory by Punjab Act 17 of 1958 <sup>4</sup> Amended by Punjab Act 25 of 1964 <sup>5</sup>

**An Act to provide for the prevention of the introduction, spread or reappearance of <sup>5</sup>[pests], plant diseases and noxious weeds injurious to crops plants or trees <sup>6</sup>[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.  
(2) It extends to the whole of the <sup>7</sup>[State] of <sup>8</sup>[Punjab].

<sup>1</sup>For 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 *East Punjab Legislative Assembly Debates, Volume III, 1949*, pages 613—16.

<sup>2</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary) 1951, pages 111-112, for proceedings in the Assembly, see *Punjab Legislative Assembly Debates, Volume III, 1951*, pages (6) 79—(6)82. This Act repealed Ordinance No. V of 1951, but saved anything done or any action taken in the exercise of any power conferred by or under the said Ordinance as having been done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).

<sup>3</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 546K.

<sup>4</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, pages 935—37.

<sup>5</sup>Substituted for the words "insect pests" by Punjab Act 2 of 1951, section 2

<sup>6</sup>Substituted for the words "the Province of East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

<sup>7</sup>Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

<sup>8</sup>Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950.

Definitions.

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

- <sup>1</sup>[(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.

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<sup>1</sup>Substituted for the old clause by Punjab Act 2, of 1951, section 3.

PART II—<sup>1</sup>[PESTS] PLANT DISEASES AND NOXIOUS WEED

3. Whenever it appears to the <sup>2</sup>[State] Government that any <sup>3</sup>[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 <sup>3</sup>[insect, vertebrate or invertebrate animal] disease or weed or to prevent its introduction, spread or reappearance, the <sup>2</sup>[State] 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.

- <sup>4</sup>(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 or any <sup>1</sup>[pest], plant disease or noxious weed or any plants as the <sup>2</sup>[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. <sup>5</sup>(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.

<sup>1</sup>Substituted for the words "insect pest" by Punjab Act 2 of 1951, section 2.

<sup>2</sup>Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>3</sup>Substituted for the word "pest" by Punjab Act 2 of 1951, section 3 (a).

<sup>4</sup>Substituted for the old clause by Punjab Act 2 of 1951, section 4(b).

<sup>5</sup>Section (4) renumbered as sub-section (1) there of by Punjab Act 2 of 1951, section 5.

<sup>1</sup>(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 <sup>2</sup>[\*\*\*] 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.]

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Power of Inspector  
to enter upon  
any land or pre-  
mises.

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 <sup>3</sup>[pest], plant disease or noxious weed on such land or premises ; and

<sup>1</sup>Added by Punjab Act 2 of 1951, section 5.

<sup>2</sup>The words "by a Magistrate" omitted by Punjab Act 25 of 1964.

<sup>3</sup>Substituted for the words "insect pest" by Punjab Act 2 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 <sup>1[\*\*\*]</sup>, 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 <sup>1[\*\*\*]</sup>, 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 <sup>2</sup>[State] Government may, by notification in the Official Gazette, appoint persons as <sup>Appointment of</sup> Inspectors, for such local areas as may be specified in the notification.

11. (1) No suit, prosecution or legal proceedings shall lie against the <sup>1</sup>[State] Government or any officer of the <sup>2</sup>[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. 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 <sup>2</sup>[State] Government in this behalf nor after three months from the date of the commission of the alleged offence.

12. The powers conferred on the <sup>2</sup>[State] Government under this Act, may, with the exception of the <sup>Delegation of</sup> powers.

<sup>1</sup>The words "by a Magistrate" omitted by Punjab Act 25 of 1964.

<sup>2</sup>Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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powers under section 13, be delegated by the <sup>1</sup>[State] Government to any officer.

Rules.

13. (1) The <sup>1</sup>[State] Government may, from time to time, make <sup>2</sup>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 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 <sup>3</sup>[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.

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<sup>1</sup>Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup>For rules, see East Punjab Government Notification No. 6(40-Agr. 49/5888, dated 2nd November, 1949 and notification No. 4335-FP-52/2956, dated 19th June, 1952.

<sup>3</sup>Substituted for the words "insect pests" by Punjab Act, 2 of 1951, section 2.