

THE BALOCHISTAN AGRICULTURAL PESTS
ORDINANCE, 1959

(W.P. Ord. XXVIII of 1959)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.
2. Definitions.
3. Powers of Government.
4. Occupier to carry out preventive measures.
5. Appointment of Inspectors.
6. Powers of Inspector.
7. Notice to occupier to carry out preventive measures.

8. Powers of Inspectors to take preventive measures and to recover expenses incurred in connection therewith.

9. Powers of Government to declare affected area and to recover costs of remedial and preventive measures in such area.

10. Penalty for contravening the provisions of section 3.

11. Appeals.

12. Power to amend the Schedule.

13. Bar of suits.

14. Jurisdiction.

15. Government to make rules.

16. Repeal and Savings.

SCHEDULE

THE 7[BALOCHISTAN?] AGRICULTURAL PESTS
ORDINANCE, 1959

This Ord. was promulgated by the Governor of W.P. on 15th May, 1959; published in the W.P. Gazette (Extraordinary), dated 1959, pages 403-407; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan

Subs. by Baln. A.O. of 1975, for "West Pakistan".

(W.P. Ord. XXVIII of 1959)

[11 May, 1959]

An Ordinance to amend and consolidate the law relating to the eradication of agricultural pests in the Province of [Balochistan].

Preamble. WHEREAS it is expedient to amend and consolidate the law relating to the eradication of agricultural pests in the Province of ?[Balochistan];

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

Short title, extent 1. (1) This Ordinance may be called the *[Balochistan] and Agricultural Pests Ordinance, 1959.
commencemen
t. '(2) It extends to the whole of the Province of [Balochistan], except the Tribal Areas.]

(3) It shall come into force? in such area or areas and from such date or dates as Government may, by notification specify.

Definitions. 2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

- (a) "affected area" means any area affected by an agricultural pest;
- (b) "agricultural pest" means a pest mentioned in the Schedule to this Ordinance;
- (c) "crops" include all agricultural or horticultural crops and all trees, bushes or plants;
- (d) "Government" means the Government of 3[Baluchistan];
- (e) "infested crop" means a crop affected by any

w

Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u", a Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

Subs. by W.P. Ord. VII of 1964.

This Ordinance was brought in force in the whole of the Province of W.P. with effect from 19" February, 1960, see Gazette of Pakistan, 1960 (Extraordinary), p. 1249.

Subs. by Baln. A.O. of 1975, for "West Pakistan".

Ny rR

w

www.ezqanoon.com

Powers of
Government.

Occupier to carry
out preventive
measures.

Appointment of
Inspectors.

Powers of
Inspector.

agricultural pest;

(f) | "Inspector" means an officer appointed under this
Ordinance to perform the functions of an
Inspector;

(g) "occupier" means the person in actual
possession of land and includes the manager or
managing agent or any other person authorised to
represent the occupier;

(h) "preventive measures" means measures
prescribed by Government to eradicate and to
prevent the spread of any agricultural pest; and

(i) "prescribed" means prescribed by rules made
under this Ordinance.

3. Government may, by notification', prohibit—

(a) the employment of such methods of cultivation
as help the spread of agricultural pests either
generally or with respect to any particular crop;

(b) the transport or sale of any infested crop.

4. Every occupier of land in which any crop is cultivated
shall be bound to carry out the preventive measures prescribed
in respect of such crop or crops.

5. Government may, by notification' appoint such persons
as it thinks fit to be Inspectors for the purposes of this
Ordinance, within each such local area as may be specified, and
the persons so appointed shall be deemed to be public servants
within the meaning of section 21 of the Pakistan Penal Code'.

6. An Inspector may, subject to any rules* made in this

behalf by Government—

(a) at any time enter and inspect any land, building, place, vessel or vehicle for the purpose of exercising the powers or performing the duties conferred or imposed on him by or under this Ordinance;

(b) seize any infested crop and destroy or cause to

See West Pakistan Gazette, 1961, Pt. 1, p. 54; and, ibid, 1962, Pt.1, p. 542.

See West Pakistan Gazette, 1961, Pt. 1, p. 54; and, ibid, 1962, Pt.1, p. 542.

i.e. Act XLV of 1860.

See the West Pakistan Agricultural Pests Rules, 1960, West Pakistan Gazette (Extraordinary), 1960, pp. 1247-1249.

Notice to occupier
to carry out
preventive
measures.

Powers of
Inspectors to
take preventive
measures and
to recover
expenses
incurred in
connection
therewith.

be destroyed such crop in such manner as may
be prescribed;

(c) seize any infested crop or by a requisition in
writing direct the occupier or the person
incharge of such crop not to sell or dispose of or
pick or collect or move the seized crop from
such place as may be specified in the requisition
without the written permission of such authority
as may be prescribed in this behalf.

7. (1) Whenever an Inspector is satisfied that
preventive measures have not been duly carried out by the
occupier of any land he shall call upon such occupier by notice
in writing to carry out such measures within fifteen days of the
receipt of the notice.

(2) The occupier may within seven days from the
service upon him of such notice prefer an appeal to the
Collector, or Deputy Collector, or Assistant Collector, first
grade, specially empowered in this behalf by the Collector,
against the notice.

(3) The authority before whom the appeal is
preferred may extend the time specified in the notice issued
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) Every order passed under sub-section (3) shall
be final.

8. (1) If an occupier on whom a notice has been served
under sub-section (1) of section 7 does not comply with such
notice within the time specified therein or where an appeal has
been preferred by him under sub-section (2) of that section,

does not comply with the order passed on such appeal within seven days, the Inspector may carry out or cause to be carried out the preventive measures not undertaken, at the cost of the occupier and for such purpose may take with him or depute or employ such subordinates or other persons as he deems fit.

(2) Where an Inspector has taken any action under this Ordinance in respect of any property at the expenses of a person bound to take such action he may record a certificate indicating the amount of the cost and the person from whom such amount is recoverable and such amount shall be

Powers of
Government to
declare
affected area
and to recover
costs of
remedial and
preventive
measures in
such area.

Penalty for
contravening
the provisions
of section 3.

Appeals.

Power to amend the
Schedule.

Bar of suits.

Jurisdiction.

recoverable as arrears of land revenue.

9. (1) Whenever it appears to Government that the Province or any part thereof is affected or threatened by an agricultural pest and that immediate action is necessary, Government may by notification declare the Province or such area as affected area and take such remedial and preventive measures in respect of such area as may be necessary.

(2) Government may recover the whole or a part of the costs incurred in connection with the aforesaid remedial and preventive measures from the occupiers or land owners in the affected area or from the persons who in its opinion have benefited by such measures.

(3) All such costs, if unpaid, shall be recoverable as arrears of land revenue.

10. | Whoever contravenes the provisions of '[section 3 or section 4] shall be punished for a first offence with a fine which may extend to five hundred rupees, and for every subsequent offence with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

11. (1) Any person aggrieved by an order of seizure or destruction may, within seven days of such order, appeal to the Collector, Deputy Collector or Assistant Collector, first grade,

specially empowered by the Collector in this behalf.

(2) Any order passed on appeal under sub- section

(1), and if no appeal is preferred, the order of the Inspector shall be final.

12. Government may, if it considers it expedient, by notification, add to or exclude any pest from the Schedule.

13. No suit, prosecution or other legal proceeding shall lie against an Inspector or any person acting under his order in respect of anything in good faith done or intended to be done under this Ordinance.

14. No prosecution under this Ordinance shall be instituted except on the complaint in writing of *[an officer authorised? by Government in his behalf] stating the facts constituting the

1 Subs., for the word and figure "section 3", by W.P. Ord. IV of 1961.

2 Subs., for the words "the Collector", by W.P. Ord. IV of 1961.

See West Pakistan Gazette, 1961, Pt. 1, p. 245 and ibid., 1962, p. 452.

Government to
make rules.

Repeal and
Savings.

offence.

15. (1) Government may make rules¹ to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers Government may make rules

(a) prescribing preventing measures;

(b) prescribing the manner in which an Inspector may exercise his powers under section 6;

(c) prescribing the form of requisitions and notices and the manner in' which requisitions and notices may be served;

(d) prescribing the authority which may release seizure imposed under the Ordinance; and

(e) prescribing the manner in which costs shall be assessed and paid.

16. The following enactments are hereby repealed:-

(a) The North-West Frontier Province Sugarcane (Protection against Pyrilla Pest) Act, 1950²;

(b) The Sind Boll Worm Act, 1947³;

(c) The North-West Frontier Province Fruit- Fly (Preventive Measures) Act, 1950⁴.

(see SCHEDULE, on next page)

1 For the W.P. Agricultural Pests Rules, 1960 see West Pakistan Gazette (Extraordinary), 1960, pp. 1247 — 1249.

2 ie. N.W.FP Act XXIII of 1950.

3 ie. Sind Act XIV of 1947.

4 ie. N.W.EP Act XXIV of 1950.

English)

Serial

No.

1.

Scientific name

Agrotis spp.

Aleuocauthus coglumi
Asdley.

Aenidiella auranti
Mask

Aenidiella citri Moul
Aphis tabaci L.
Aspidiotus perniciosus
Comst.

Carpocapsa pomonella
L.

Chilozonellus Swin

Dacus ferrug-incus
Feb.

Dialeurodes citri Ash.

*Diaphorina citricu*w

Drosicha stebbingi G.

Earias fabia Stoll

SCHEDULE

{SECTION 2(b)}

Family and order

Noctuidae:
Lepidoptera

Aleurodidae:
Homoptera

Coccidae;

Homoptera

Coccidae:
Homoptera

Aphididae:
Homoptera

Coccidae:
Homoptera

Eucsmidae:
Lepidoptera
Pyralidae:
Lepideptera
Trypaneidae
Diptera

Aleyrodidae:
Hemiptera

Psyllidae:
Hemiptera

Coccidae:
Hemiptera

Noctuidae:
Lepidoptera

Common
name (in

Cut worms

Citrus black
fly

Citrus red
scale

Citrus yellow
scale

Tobacco
aphis

Sanjose-
scales

Codling moth
Maize and

Jowar borer
Fruit-fly

Citrus white

fly

Citrus psylla

Mealy bug,

Spotted boll
worm

Host plants

Gram, potatoes,
young cucurbits
and wheat, etc.

Citrus plants.

Citrus plants.

Citrus plants.

Tobacco.

Apple, plum, pear,
peach, etc.

Apple fruit.

Maze, jowar, baru,
sudan grass, etc.

Peach, pear,
mango, etc.

Citrus plants.

Orange, lemon,
sweet and sour
limes, etc.

Mango, guava,
citrus, etc.

Cotton flower bud
and pods, etc.

20

21

22

23

24

25

[26

27

[28

Earias insulana Boisd

Emmalocera
depressella Swin

Heliothis armigera Fb.

Prodenia litura F

Platyedra gossypiella
Saund

Proceros stiticraspis
Hib

Pyrilla perpusilla
Walk

Schistocerca gregaria
Forsk

Sphenoptera dadkhanj
Ob.

Schoenobius
incertellus Walk

Scirphophaga nivella
Fb.

Sylepta derogata Fb.

Sphenoptera Gossypi
Kerr

Carthamus Oxyeantha
Bick

Asphodelus
tempvifolius Cav.

Noctuidae:
Lepidoptera

Pyralidae:
Lepidoptera

Noctuidae:
Lepidoptera

Plutelidae:
Lepidoptera

Gelechiidae:
Lepidoptera

Pyralidae:
Lepidoptera

Fulgoridae:
Hemiptera

Acrididae:
Orthoptera

Buprestidae:

Coleoptera

Pyrallidae:
Lepidoptera

Pyrallidae:
Lepidoptera

Pyrallidae:
Lepidoptera

Buprestidae:

Colroptera

Compositae

Liliaceae

Spotted boll
worm

Sugarcane
root borer

Tobacco
caterpillar

Tobacco
caterpillar

Pink boll-
worm

Sugarcane-
stem-
borer
Sugarcane-
leaf-

hopper
Desert locust

Flat headed
borer

Rice borer

Sugarcane
top-borer

Cotton leaf-
roller

Flat headed
borer

Thistle

Piazi

1 Ins. by notification under section 12, see West Pakistan Gazette (Extraordinary), 1960, p. 1250.
? ibid, see West Pakistan Gazette (Extraordinary), 1961, Pt. 1, p. 54.

www.ezqanoon.com

Cotton flower bud
and pods, etc.

Sugarcane, jowar,
bajra, etc.

Tobacco.

Tobacco.

Cotton, bhindi,

changi, etc.

Sugarcane, jowar,
maize, etc.

Sugarcane, wheat,
barley, swank.

On all vegetation
except oak and
neem.

Peach.

Rice, jowar, maize,
etc.

Sugarcane,
sarkanda, mandal,
etc.

Cotton, changi,
kuchri, etc.
Cotton.]

Wheat.]

Wheat.]

3[29 *Cuscuta reflexa* Convolvulaceae

3 ibid, see West Pakistan Gazette (Extraordinary), 1961, Pt. 1, p. 158.

Amerbel
Gazbel
(Dodder in
English)

All wood plants.]