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THE WEST PAKISTAN AGRICULTURAL PESTS ORDINANCE, 1959

WEST PAKISTAN ORDINANCE No. 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 West Pakistan.

Preamble. WHEREAS it is expedient to amend and consolidate the law relating to the eradication of agricultural pests in the Province of West Pakistan;

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:—

1. Short title, extent and commencement. (1) This Ordinance may be called the West Pakistan Agricultural Pests Ordinance, 1959.

1[(2) It extends to the whole of the Province of West Pakistan, 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.

2. Definitions. 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 West Pakistan;

(e) "infested crop" means a crop affected by any agricultural pest;

/ "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;

'Subs. by the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (Ordinance No. VII of 1964), s.

(A) "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. Powers of Government. 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. Occupier to carry out preventive measures. 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. Appointment of Inspectors. 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 (XLV of 1860).

6. Powers of Inspectors. 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;

(d) seize any infested crop and destroy or cause to 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. Notice to occupier to carry out preventive measures. (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. Powers of Inspectors to take preventive measures and to recover expenses incurred in connection therewith. (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 recoverable as arrears of land revenue.

9. Powers of Government to declare affected area and to recover costs of remedial and preventive measures in such areas. (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. Penalty for contravening the provisions of '[section 3 or section 4]. 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. Appeals. (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. Power to amend the Schedule. Government may, if it considers it expedient, by notification, add to or exclude any pest from the Schedule.

13. Bar of suits. 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. Jurisdiction. No prosecution under this Ordinance shall be instituted except on the complaint in writing of '[an officer authorised by Government in this behalf] stating the facts constituting the offence.

'Subs. by W.P. Ordinance No. IV of 1961, ss. 2 & 3.

15. Government to make rules. (1) Government may make rules 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. Repeal and Savings. The following enactments are hereby repealed:—

(a) The North-West Frontier Province Sugarcane (Protection against Pyrilla Pest) Act, 1950 (N.W.F.P. XXIII of 1950);

(d) The Sind Boll Worm Act, 1947 (Sind XIV of 1947);

(c) The North-West Frontier Province Fruit-Fly (Preventive Measures) Act, 1950 (N.W.F.P. XXIV of 1950).

SCHEDULE

[SECTION 2 (b)]

Serial Scientific name . Family and order. _Common name Host plants

No. (in English)

1 Agrotis spp. . Noctuidae: Cut worms Gram, potatoes, young Lepidoptera. . cucurbits and wheat, etc.

2 Aleurocanthus Aleurodidae: Citrus black fly Citrus plants. coglumi Asdley Homoptera

3 Aenidiella Coccidae: Citrus red scale _ Citrus plants. auranti Mask. Homoptera

4 Aenidiella citri Coccidae: Citrus yellow — Citrus plants. Moult. . Homoptera scale

5 Aphis tabaci L. . Aphididae: Tobacco aphis —_ Tobacco. Homoptera

6 Aspidiotus Coccidae: Sanjose-scale Apple, plum, pear, peach, etc. perniciosus Homoptera Comst.

7 Carpocapsa Eucsmidae: Codling moth — Apple fruit. pomonella L. Lepidoptera

8 Chilozonellus Pyrallidae: Maize and Jowar Maize, jowar, baru, sudan

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126

Swin
Dacus ferrugineus Feb..
Dialeurodes citri
Ash..
*Diaphorina citricu*w..
*Drosicha stebbingi*G. ..
Earias fabia Stoll

Earias insulana
Boisd..
Emmalocera depressella
Swin..
Heliothis armigera Fb. ..

Prodenia litura
Fb..
Platyedra gossypiella
Saund..
Proceros stitieraspis Hib ..
Pyrilla perpusilla
Walk..
Schistocerca gregaria Forsk..

Sphenoptera
dadkanj Ob.
Schoenobius
incertellus Walk.
Scirpophaga
nivella Fb
Sylepta derogata
Fb..

Sphenoptera
Gossypi Kerr.

Lepidoptera
Trypaneidae:
Diptera..
Aleyrodidae:
Hemiptera
Psyllidae:
Hemiptera
Coccidae:
Hemiptera
Noctuidae:
Lepidoptera
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:
Coloptera

borer..
Fruit-fly..

Citrus white fly..

Citrus psylla

Mealy bug

Spotted boll

worm

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

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.

Cotton flower bud and pods,
etc.

Sugarcane, jowar, bajra, etc.

Tabacco.

Tabacco.

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.

'Added vide Notification No. 356-S.O.A.V.II (2)8-PP under section 12.

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27 *Carthamus Compositae Thistle Wheat.]*
Oxyieantha Bick

2 [28 *Asphodelus Liliancae Piazi Wheat.]*
tempvifolius Cav

3[29 *Cuseuta reflexa Convolulaceae Amerbel/Gazbel | All wood plants].*
(*Dodder* in
English)

'Added by Notification No. 356-S.O.A.V.VI (2)8-PP under section 12.
7Ins. by Notification No. SOAV-VI(2)8/PP.
Added by Notification No. SOAV-VI(2)-8-PP/61.