

THE WEST PAKISTAN AGRICULTURAL PESTS ORDINANCE, 1959.

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SCHEDULE

THE WEST PAKISTAN AGRICULTURAL PESTS ORDINANCE, 1959.

(W. P. Ordinance No.XXVIII of 1959)

[11th May, 1959]

AN

ORDINANCE

to amend and consolidate the law relating to the eradication of agricultural pests in the province of West Pakistan.

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. (1) This Ordinance may be called the West Pakistan Agricultural Pests Ordinance, 1959.

(2) It extends to the whole of the '[Province of Khyber Pakhtunkhwa] except the *[Tribal Areas].

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

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings here by 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 4 [Province of Khyber Pakhtunkhwa].

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

"In sub-section (2) of Section 1, for the words Province of West Pakistan the words N.W.F.P. subs: by Khyber Pakhtunkhwa Adapt. Order 1975 and then subs by the word “Khyber Pakhtunkhwa”, vide Khyber Pakhtunkhwa Act No.IV of 2011.

? In Subsection (2), for the word “Federal Capital and the Special Areas” the words “Tribal Areas” subs. by W.P. Ord. No. VII or 1964.

3 This Ordinance was brought in force in the whole of the Province of W.P. with effect from 1“ February, 1960, see Gazette of West Pakistan, 1960.P.1249.

4. In section (2), in clause (d) for the words “West Pakistan”, the words “North-West Frontier Province”, Subs by Khyber Pakhtunkhwa A.L.O., 1975 and then subsby the word “Khyber Pakhtunkhwa”, vide Khyber Pakhtunkhwa Act No.IV of 2011.

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Definitions.

(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 authorized 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 be destroyed such crop in such manner as may be prescribed; and

(c) seize any infested crop or by a requisition in writing direct the occupier or the person in charge 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.

¹ See Gazette of West Pakistan, 1961,Pt.I, p.54, and ibid 1962 pt.LP.542.

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

Occupier to
carry out
preventive
measures.

Appointment of
Inspectors.

Powers of
Inspector.

Notice
occupier to
carry out
preventive
measures.

(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 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 person 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. (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 areas as affected areas 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,

' Subs for the Word and figure section "3" by W. P. Ord IV of 1961.

Powers of

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

Power 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.

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. Noprosecution under this Ordinance shall be instituted except on the complaint in writing of [an officer authorized'[.....]by Government in this behalf] stating the facts constituting the offence.

15. (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 preventive 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 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, 1950;

(b) '[* * *]'.
[.....]

(c) The North-West Frontier Province Fruit-Fly (Preventive Measures) Act, 1950.

| For the W.P. Agricultural Pests Rules, 1960, see Gazette of West Pakistan 1960, Extraordinary, pp, 1247-1249, for amendments to the Rules see ibid,1960, Extraordinary, p.1487-A, ibid, pt.I,P.54 and ibid 1962, Extraordinary P.153.

>. Subs ibid. S. 3.for the words “the Collector.”

3. For the officers authorized to criminal proceedings under the Ordinance, See Gazette of West Pakistan, 1961,Pt.I,P.245 and ibid, 1961,P.452.

4 For the W.P. Agricultural Pests Rules, 1960, see Gazette of West Pakistan 1960, Extraordinary, pp, 1247-1249, for amendments to the Rules see ibid, 1960, Extraordinary, p.1487-A, ibid 1961, Pt.LP.54. and ibid 1962, Extraordinary P.153.

5. In Section 16, clause (b) omitted by Khyber Pakhtunkhwa Adaptation of laws Order, 1975.

Power to amend
the Schedule.

Bar of suits.

Jurisdiction.

Government to
make rules.

Repeal and
Savings.

[SECTION 2 (b)]

A srotisspp

A leurocanthusvogiumiA sdley.JAleurcdidac:
Homoptera

Aonidiellaauranti Mask. (Coccidae: Homoptera |Citrus red scale

AenidiellacitriMault Coccidae: Homoptera |Citrus yellow —_|Citrus plants.

phididae: is Tobacco.

iHomoptera

AspidiotusPerniciosusComst. |Coccidae: Homoptera |Sanjose-scale

(Carpocapsapomonella L. |Eucsmidae: Lepidopt |Codling moth
lera

ChilozonallusSwin. Pyralids: Lepidoptera |Maize and
owar borer.

Sudan grass,
etc.

IDacusferrug-ineus Feb. (Trypeneidae: Diptera it- Peach, pear,

. |Drosichastebbingi G

. {Eariasfabia Stoll.

. {EariasinsulanaBoisd

. {HeliiothisarmigeraFb.

. |Prodinialitura F. idae: Tabacco.

. |Rocerosstiticraspis

. |Pyrillparpusilla Walk

SchistocercagregariaForsk Acrididae:orthoptera [Desert locust

Sphenopteradadkhanj Ob. Buprestidae: [Flat headed

. |Platyedragossypiella lidae: i Cotton,

bhindi,

' Ins. by notification under section 12, see Gazette of West Pakistan, 1960, Extraordinary, P. 1250.

? ins.by ibid, see "Gazette of West Pakistan", 1961, Pt, I, P. 158.

* ins.by ibid, see "Gazette of West Pakistan", 1961, Pt, I, P. 158.