

THE KERALA PLANT DISEASES AND PESTS ACT, 1972
(Act 25 of 1972)

CONTENTS

Preamble.

Sections:

1. Short title, extent and commencement.
 2. Definitions.
 3. Power to declare plant diseases, pests, parasites and noxious weeds.
 4. Power to issue directions.
 5. Duties of occupier on the issue of notice under section 4.
 6. Power of Inspecting Officer to enter upon any land, water or premises.
 7. Power to carry out measures.
 8. Power to carry out measures in emergent situations.
 9. Appeal.
 10. Offences and penalties.
 11. Cognizance of offences.
 12. Obligation of Village Officers to report plant diseases, pests, etc.
 13. Appointment of Inspecting Officers.
 14. Bar of suits or other legal proceedings.
 15. Delegation of powers.
 16. Power to make rules.
 17. Repeal.
-

ACT 25 OF 1972

THE KERALA PLANT DISEASES AND PESTS ACT, 1972¹

An Act to prevent the introduction, spread or reappearance of plant diseases, pests, parasites and noxious weeds.

Preamble.—WHEREAS it is expedient to make provision for preventing the introduction, spread or re-appearance of plant diseases, pests, parasites and noxious weeds which are or may be destructive to plants, or are likely to contaminate water supply or are obstructive to waterways in the State of Kerala and for matters connected therewith;

BE it enacted in the Twenty-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Kerala Plant Diseases and Pests Act, 1972.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “affected area” means any area declared as such under section 3;

²[(b)****]

(c) “Inspecting Officer” means an Inspecting Officer appointed under section 13;

³[(cc) “local authority” means a district panchayat constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994).];

(d) “noxious weed” means any weed declared as such under section 3;

(e) “occupier” means the person having for the time being the right of occupation of any land, water or premises, or his authorised agent or any person in actual occupation of the land, water or premises, and includes a local authority and a company having such right of occupation or in such actual occupation;

(f) “parasite” means any plant or animal carrying on its existence wholly or in part on any agricultural crop, plant, tree, bush or herb and declared to be a parasite under section 3;

(g) “pest” means any insect, invertebrate animal or vertebrate animal (including any other animal organism) and declared to be a pest under section 3;

¹ Received the assent of the Governor on the 10th day of December, 1972 and published in the Kerala Gazette Extraordinary No. 741 dated 11th December, 1972.

² Omitted by Act 16 of 2000 (w.e.f. 12-05-2000).

³ Inserted by Act 16 of 2000 (w.e.f. 12-05-2000).

(h) “plant” includes all horticultural or agricultural crops, trees, bushes or herbs and also includes the seed, fruit, leaves, trunk, roots, bark or cutting or any part thereof;

(i) “plant disease” means any fungoid, bacterial virus, vegetable organism, parasitical or other disease, declared to be a plant disease under section 3;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “State” means the State of Kerala.

3. *Power to declare plant diseases, pests, parasites and noxious weeds.*—Where it appears to the Government that any disease, pest, parasite or weed in any area is injurious to plants, or is likely to contaminate water supply or is obstructive to waterways, and that it is necessary to take measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction, spread or re-appearance, the Government may, by notification in the Gazette, declare any area to be an affected area for such period as may be specified in the notification, and with reference to such area also—

(a) declare that such disease, pest, parasite or weed is a plant disease, pest, parasite or noxious weed;

(b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;

(c) prohibit the plantation or growing of any plant which is likely to be injurious to other plants; and

(d) direct that such other preventive or remedial measures as ⁴[the local authority] may consider necessary shall be carried out to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed.

4. *Power to issue directions.*—(1) On or after the issue of a notification under section 3, ⁵[Secretary of the local authority] may, by notice,—

(a) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are infested or likely to be infested) as the District Collector may specify in the notice, to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed; and

(b) specify the area within which and the period during which the measures referred to in clause (a) are to be carried out.

(2) It shall not be necessary to serve the notice under clause (a) of sub-section (1), on every occupier in the affected area and a proclamation in this behalf made by beat of drum or other customary mode in the area, village or locality shall be deemed sufficient notice to all the occupiers residing in that area, village or locality.

⁴ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

⁵ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

5. *Duties of occupier on the issue of notice under section 4.*—On the issue of a notice under section 4, it shall be the duty of every occupier within the affected area to carry out the preventive or remedial measures specified in such notice.

6. *Power of Inspecting Officer to enter upon any land, water or premises.*—Any Inspecting Officer may, after giving reasonable notice to the occupier, enter upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(a) whether there is any plant disease, pest, parasite or noxious weed on such land, water or premises;

(b) whether any prohibition or restriction imposed under clause (b) or clause (c) of section 3 has been complied with;

(c) whether other preventive or remedial measures specified in the notice under sub-section (1) of section 4 have been carried out.

7. *Power to carry out measures.*—(1) If, on inspection of any land, water or premises, an Inspecting Officer finds that any prohibition or restriction imposed under clause (b) or clause (c) of section 3 has not been complied with or that the preventive or remedial measures specified in the notice under sub-section (1) of section 4 have not been carried out as directed, he may, subject to any general or special order of ⁶[Secretary of the local authority] and without prejudice to any action that may be taken against the defaulter under section 10, carry out the preventive or remedial measures (including the removal or destruction of plants which are infested or are likely to be infested) imposed under clause (b) or clause (c) of section 3 or specified in the notice under sub-section (1) of section 4, as the case may be.

(2) The cost of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier.

(3) The Inspecting Officer shall, by order in writing, assess the amount payable by an occupier under sub-section (2) and direct the occupier to pay such amount within such period as may be specified in the order.

(4) If any occupier fails to pay the amount assessed under sub-section (3) within the period referred to therein, such amount shall be recoverable from him as an arrear of land revenue.

8. *Power to carry out measures in emergent situations.*—(1) Notwithstanding anything contained in sections 3 to 7, if the Government are satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, pest, parasite or noxious weed prevalent in that area and that it is necessary to take immediate preventive or remedial measures, they may, by notification in the Gazette,—

(a) declare that it shall be competent for ⁷[Secretary of the local authority] or any Inspecting Officer to carry out such preventive or remedial measures in the affected area or

⁶ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

⁷ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

any part thereof or to take such other steps (including the removal or destruction of plants which are infested or likely to be infested) as he may deem fit;

(b) direct that every occupier in respect of whose land such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rate and within such time as ⁸[Secretary of the local authority] may, by order from time to time, determine having regard to the following, namely:—

(i) the charges to be incurred for labour, material, or use of equipment or implement;

(ii) proportionate charges for any special establishment entertained for the purpose; and

(iii) any other charges to be incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Government, an Inspecting Officer may, upon the issue of a notification under sub-section (1), enter upon any land, water or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1) as he may deem fit.

(3) The Inspecting Officer shall, by order in writing, assess the amount payable by an occupier in respect of the preventive or remedial measures or other steps taken under sub-section (2).

(4) If the occupier fails to pay the amount assessed under sub-section (3) within the time fixed under clause (b) of sub-section (1), the amount shall be recoverable from him as an arrear of land revenue.

9. *Appeal.* — (1) Any occupier aggrieved by an order under sub-section (3) of section 7 may, within thirty days from the date of service of the order, prefer an appeal to the ⁹[Secretary of the local authority] or such other authority as the Government may specify in that behalf on the ground that the charges for labour, material or use of implements or equipments are unreasonably high.

(2) Any occupier aggrieved by an order made under sub-section (3) of section 8 may, within thirty days from the date of service of the order, prefer an appeal to ¹⁰[Secretary of the local authority] or such other authority as the Government may specify in that behalf on the ground—

(i) that the assessment of the amount payable has not been made in accordance with the rates fixed by the District Collector; or

(ii) that the amount assessed includes charges other than the item mentioned in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1) of section 8; or

⁸ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

⁹ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

¹⁰ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

(iii) that the charges for labour, material or use of implements or equipments are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), ¹¹[Secretary of the local authority] or other authority as the case may be, shall, after making such enquiry as he or it may deem fit and giving the occupier an opportunity of being heard, pass such order thereon as he or it may deem fit.

(4) Every order passed under sub-section (3) shall be final and shall not be called in question in any court of law.

10. *Offences and penalties.* — (1) Any person who—

(a) acts in contravention of any prohibition or restriction contained in a notification issued under section 3; or

(b) acts in contravention of any direction contained in a notice issued under sub-section (1) of section 4; or

(c) acts in contravention of the declaration or direction contained in any notification issued under sub-section (1) of section 8; or

(d) obstructs the entry of any person referred to in section 6 or sub-section (2) of section 8; or

(e) obstructs the carrying out of preventive or remedial measures under sub-section (1) of section 7 or sub-section (2) of section 8, shall be deemed to have committed an offence under this Act.

(2) Any person convicted by a Magistrate of an offence specified in sub-section (1) shall be liable to a fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days.

(3) If any person convicted of an offence specified under sub-section (1) commits a like offence afterwards, he shall on conviction be punishable with fine not exceeding two hundred and fifty rupees or in default with simple imprisonment for a term not exceeding one month.

(4) If a person has been convicted under this section for a contravention of the prohibition or restriction contained in the notification issued under section 3, the plant or soil or manure in respect of which such contravention has been committed may also be forfeited to the Government.

11. *Cognizance of offences.*— No Magistrate shall take cognizance of an offence under this Act except upon a complaint made by an Inspecting Officer.

12. *Obligation of Village Officers to report plant diseases, pests, etc.* — ¹²[The Agricultural Officers in charge of a village panchayat area or a municipal area] and such

¹¹ Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

¹² Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

other officers as may be prescribed, of every village adjoining the affected area shall forthwith report the existence within the village of any plant disease, pest, parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to ¹³[Secretary of the local authority] who shall, after making such enquiry as he may deem fit, ¹⁴[make a report to the local authority concerned and the Government.]

¹⁵[13. *Appointment of Inspecting Officers.*—The Government or the local authority concerned may appoint Agricultural Officers in charge of village panchayat area or municipal area as Inspecting Officers thereof.]

14. *Bar of suits or other legal proceedings.* — No suit, prosecution or other legal proceedings shall lie against the Government or any officer in respect of anything done or intended to be done in good faith under this Act, or for any damage caused by any action taken in good faith in carrying out the provisions of this Act.

15. *Delegation of powers.* — The Government may, by notification in the Gazette, delegate to any officer or authority all or any of the powers conferred on them under this Act, except the power under section 16, to be exercised by him or it subject to such restrictions and conditions as may be specified in the notification.

16. *Power to make rules.* — (1) The Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which any notice or order issued or made under this Act is to be served or the conditions under which every such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 9 shall be filed;

(c) the class of officers who are bound to make a report as required under section 12; and

(d) all other matters expressly required or allowed by this Act to be prescribed.

(3) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

(4) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as

13 Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

14 Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

15 Substituted by Act 16 of 2000 (w.e.f. 12-05-2000).

the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. *Repeal.* — The Kerala Agricultural Pests and Diseases Act, 1958 (17 of 1958), is hereby repealed.
