

THE PUDUCHERRY PLANT DISEASES AND PESTS ACT, 1970
(No. 16 of 1970)

ARRANGEMENT OF SECTIONS

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THE PUDUCHERRY PLANT DISEASES AND PESTS ACT, 1970
(Act No. 16 of 1970)

20th June, 1970.

AN ACT

to provide for the prevention of the introduction into or spread or reappearance in the Union territory of Puducherry, of plant diseases, plant pests, plant parasites and noxious weeds, and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Twentieth Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Plant Diseases and Pests Act, 1970.
- (2) It extends to the whole of the Union territory of Puducherry.
- (3) It shall come into force on such, ¹date as the Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, --
 - (a) "affected area" means any area declared as such under section 3;
 - (b) "competent authority" means the officer appointed by the Government to exercise the powers and perform the functions of the competent authority under this Act;
 - (c) "Government" means the Administrator of the Union territory of Puducherry appointed by the president under article 239 of the Constitution;
 - (d) "Inspecting Officer" means an Inspecting Officer appointed under section 4;

1. The Act came into force on the 1st day of October, 1971, vide Notification - I, S.O. No. 58 in Extraordinary Gazette. No.103, dated 30th September 1971.

- (e) "noxious weed" means any weed declared as such under section 3;
- (f) "Occupier" means 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;
- (g) "Official Gazette" means La Gazette de L'Etat de Puducherry;
- (h) "Plant" includes all horticultural or agricultural crops, trees, bushes or herbs and also includes the seeds, fruits, leaves, trunks, roots, barks or cutting or any other part, of a plant;
- (i) "Plant disease" means any disease caused to a plant by fungoid, bacteria, virus, parasite or any other organism declared as such under section 3;
- (j) "Plant parasite" means any plant or animal carrying on its existence, wholly or in part, on agricultural crop, plant, tree, bush or herb and declared as such under section 3;
- (k) "Plant pest" means any insect or animal, whether vertebrate or tebrate, declared as such under section 3 and includes any animal organism;
- (l) "prescribed" means prescribed by rules made under this Act.

Power to declare affected area, plant diseases, plant pests, plant parasites and noxious weeds

3. 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 or is obstructive to water-ways and that it is necessary to take measures to eradicate such disease, pest, parasite or weed or to prevent its introduction into, or spread or reappearance in, any area in the Union territory of Puducherry (hereinafter referred to as the "Territory"), the Government may, by notification in the Official Gazette, declare that area to be an affected area for such period as may be specified therein and may, with reference to such area, also

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

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

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

(d) direct that such other preventive or remedial measures, as the competent authority may consider necessary, to eradicate, destroy or prevent the introduction into, or spread or reappearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed, shall be carried out.

Appointment of Inspecting Officer

4. The Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspecting Officers for the purposes of this Act and specify the areas in respect of which each Inspecting Officer shall exercise jurisdiction.

Power to issue directions

5. (1) On or after the issue of a notification under section 3, the competent 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, or are likely to be, infested) as may be specified in the notice, to eradicate, destroy or prevent the introduction into, or spread or reappearance in, the territory of, any plant disease, plant pest, plant parasite or noxious weed;

(b) call upon any male person, not below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (a):

Provided that ---

(i) no person shall be called upon to render whole-time service for a period exceeding seven days at a time, and where he has rendered such service, there shall be an interval of not less than ninety days, computed from the day when the previous whole-time service ended before he is again called upon to render whole-time service; and

(ii) no person who is, by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance, or who lives at a distance of more than eight kilometers from the place where his presence is required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(c) 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 notices on every occupier under clause (a) of sub-section (1) or every other person whose assistance is required under clause (b) of the said sub-section, and a proclamation in this behalf made, by beat of drum or other customary mode of publication, in the concerned area, village or locality shall be deemed sufficient notice to all persons residing in that area, village or locality.

Duties of occupier on the issue of notice under section 5

6. On the issue of a notice under sub-section (1) of section 5, it shall be the duty of ---

- (a) every occupier within the affected area to carry out such preventive or remedial measures as may be specified in the notice; and
- (b) every male person residing within the affected area to render assistance in the manner specified in the notice.

Power of Inspecting Officer to enter in or upon any land, water or premises

7. An Inspecting Officer may, after giving reasonable notice to the occupier, enter in or upon any land, water or premises situated in the affected area for the purpose of ascertaining, --

- (i) Whether there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises; and
- (ii) Whether any preventive or remedial measures specified in the notice issued under sub-section (1) of section 5 have been carried out.

Power to carry out measures

8. (1) If, on inspection of any land, water or premises, an Inspecting Officer finds, that there is any plant disease, plant pest, plant parasite or noxious weed in or on such land, water or premises and that the preventive or remedial measures specified in the notice issued under sub-section(1) of section 5 have not been carried out, he may, subject to any general or special orders of the competent authority and without prejudice to any action that may be taken against the defaulter under section 11, carry out such preventive or remedial measures (including the removal or destruction of plants which are, or are likely to be infested).

(2) The Inspecting Officer may, by order, direct an occupier to pay such sum as may be specified in the order, towards the costs of any preventive or remedial measures carried out under sub-section (1) and the occupier shall pay the said sum on demand, and if he fails or omits to pay the said sum within such time as may be specified by the Inspecting Officer, the said sum shall be recoverable from him as if it were an arrear of land revenue.

(3) The order referred to in sub-section (2) shall be served on the occupier in such manner as may be prescribed.

Power to carry out measures in emergent situations

9. (1) Notwithstanding anything contained in section 3 and sections 5 to 8, if the Government is satisfied that plants in any affected area are in danger of being damaged or destroyed by any plant disease, plant pest, plant parasite or noxious weed prevalent or existing in that area and that it is necessary to take immediate preventive or remedial measures, it may, by notification in the Official Gazette, ----

(a) declare that it shall be competent for any Inspecting Officer to carryout such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are, or are likely to be infested) as he may deem fit;

(b) direct that every occupier in respect of whose land, water or premises 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 the Inspecting Officer may, by order from time to time determine, having regard to the following, namely:--

(i) the reasonable charges, incurred for labour, material or use of implements; and

(ii) any other reasonable charges incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Government, any Inspecting Officer may upon the issue of a notification under sub-section (1) enter in or 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 assess the amount payable by an occupier in respect of the preventive or remedial measures carried out or other steps taken under sub-section (2) and he may, by an order in writing, direct the occupier to pay the sum so assessed.

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1) or within such further time as may be granted by the Inspecting Officer, the amount shall be recoverable from him as if it were an arrear of land revenue.

(5) Any order referred to in such sub-section (1) or sub-section (3) shall be served on the occupier in such manner as may be prescribed.

Appeal

10. (1) Any occupier aggrieved by an order made under sub-section (2) of section 8 may within thirty days from the date of service on him of the order, prefer an appeal to the competent authority, on the ground that the charges for labour, material or use of implements, as included in the cost are unreasonably high.

(2) Any occupier aggrieved by an order made by the Inspecting Officer under sub-section (1) or sub-section (3) of section 9 may, within thirty days from the date of service on him of the order, prefer an appeal to the competent authority on the ground-

(a) that the assessment or determination of the amount payable has not been made in accordance with the rates fixed by the Inspecting Officer; or

(b) that the amount assessed includes charges other than the charges mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 9; or

(c) that the charges for labour, material or use of implements, as included in the cost, are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the competent authority shall, after making such inquiry as it may deem fit and after giving the occupier a reasonable opportunity of being heard, pass such order thereon as it may deem fit.

(4) Every order passed under sub-section (3) shall be final.

Penalties

11. (1) If any person, ---

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

(b) acts in contravention of the direction contained in a notice issued under sub-section (1) of section 5, or fails to render assistance, having been called upon to do so by notice issued under the said sub-section; or

(c) obstructs the entry of the Inspecting Officer under section 7 or sub-section (2) of section 9; or

(d) obstructs the carrying out of the preventive or remedial measures under sub-section (1) of section 8 or sub-section (2) of section 9,

he shall be punishable for the first offence with fine which may extend to fifty rupees, and for the second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

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

Cognizance of offence

12. No magistrate shall take cognizance of an offence under this act except upon a complaint made by an Inspecting Officer.

Obligation of certain officers to report plant diseases, plant pests, etc

13. All village officers and such other officers as may be specified in the rules made under this Act, of the village or villages adjoining an affected area shall forthwith report the existence within the village or villages of any plant disease, plant pest, plant parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the competent authority, which shall, after making such enquiry as it may deem fit, make a further report to the Government.

Bar of suits and other legal proceedings

14. No suit, prosecution or other legal proceedings shall lie against the Government, the competent authority or any other officer of the Government of Puducherry 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 provision of this Act.

Delegation of powers

15. The Government may, by notification in the Official Gazette, delegate to any officer all or any of the powers conferred on it by this Act, except the power to make rules under section 16, and any power so delegated shall be exercised by that officer subject to such restrictions and conditions as may be specified in the notification.

Power to make rules

16. (1) The Government may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purpose 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,---

- (a) the manner in which any notice or order issued or made under this Act is to be served or the conditions under which 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 10 shall be filed;

(c) the officers other than village officers who shall make a report under section 13;

(d) such other matters as are required to be or may be, prescribed.

(3) Any rule made under this Act may provide that a contravention of any such rules 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 of Puducherry 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 agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as 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.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.16 OF 1970

At present there is no law for effectively preventing the spread or reappearance of plant disease, plant pests, plant parasite and noxious weed in the Union territory of Puducherry. To achieve this object and also to have an uniform legislation throughout India, the Government of India have prepared a model Bill and sent to the State Governments and Union territories to make suitable legislation for controlling plant pests and diseases. Accordingly, the present Bill has been framed on the lines of the model Bill and the said Bill seeks to achieve the above objects.

NOTES ON CLAUSES

- Clause 1 – This is a title clause and defines the jurisdiction of the Act. The Government is empowered to fix the date of enforcement of the Act.
- Clause 2 – This clause defines the various terms occurring in the Bill.
- Clause 3 – This clause empowers the Government by notification in the Official Gazette to declare any area to be an affected area for such period as may be specified if the Government considers that any disease, pest, parasite or weed in any area is injurious to plants or is likely to contaminate water supply etc.
- Clause 4 – This clause empowers the Government by notification in the Official Gazette to appoint Inspecting Officers for such local areas as may be specified in the notification.
- Clause 5 – This clause empowers the competent authority to issue notice on or after the issue of notification under clause 3 directing 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 competent authority may specify. Provision has been made to call upon any male person who is physically fit not being below the age of eighteen years and residing within the affected area to render assistance in carrying out the remedial measures, such as eradication, destroy, or prevent the introduction, spread, or reappearance of any plant disease, plant pest, plant parasite or noxious weed.
- Clause 6 – This clause deals with the duties of occupier on the issue of notice under clause 5.
- Clause 7 – This clause empowers the Inspecting Officer after giving reasonable notice to the occupier to enter upon any land or premises situated in the affected area for the purpose of ascertaining whether there is any plant disease, plant pest, plant parasite or noxious weed and whether any preventive or remedial measures specified under sub-clause (1) of clause 5 have been carried out.

- Clause 8 – This clause empowers the Inspecting Officer to carry out prevention or remedial measures and to recover the cost of the same from the occupier who has not complied with the instructions.
- Clause 9 – This clause deals with the powers of the Government to carry out preventive and remedial measures in emergent situations. It empowers the Government to recover from the occupier the expenditure incurred for such preventive or remedial measures. If the occupier fails to pay the amount so assessed, the amount shall be recoverable from him as an arrear of land revenue.
- Clause 10 – This clause provides for appeal, to the competent authority, against the orders of the Inspecting Officers within thirty days from the date of service of the order. The order passed by the competent authority in appeal is final.
- Clause 11 – This clause empowers the Government to take penal action against a person who contravenes the provisions of the Act referred to in sub-clause (1) and he is liable to fine not exceeding fifty rupees for the first offence and which may extend to two hundred and fifty rupees for the second and subsequent offences.
- Clause 12 – This clause lays down that no magistrate shall take cognisance of an offence under this Act except upon a complaint made by an Inspecting Officer.
- Clause 13 – This clause makes it obligatory on the village officers and such other officers as may be prescribed to report the existence of the plant diseases, plant pests etc., to the competent authority who shall after making such enquiry, make a further report to the Government.
- Clause 14 – This clause bars suits prosecutions or other legal proceedings against the Government or any of its officers in respect of anything done or intended to be done in good faith under this Act.
- Clause 15 – This clause empowers the Government by notification in the Official Gazette to delegate to any officer or authority all or any of the powers (except the rule-making powers) conferred on him under this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.
- Clause 16 – This clause empowers the Government to make rules for carrying out the purposes of this Act. Sub-clause (3) empowers the Government to provide by rules that a contravention of any rule shall be punishable with fine which may extend to fifty-rupees. The rules framed under this Act shall be laid before the Legislative Assembly.
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