

THE PUNJAB AGRICULTURAL PESTS ORDINANCE, 1959
(XXVIII OF 1959)

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SCHEDULE

TEXT

¹THE ²[PUNJAB] AGRICULTURAL PESTS ORDINANCE, 1959

(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 ³[the Punjab].

Preamble.— WHEREAS it is expedient to amend and consolidate the law relating to the eradication of agricultural pests in the province of ⁴[the Punjab];

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 ⁵[Punjab] Agricultural Pests Ordinance, 1959.

⁶[(2) It extends to the whole of the Province of ⁷[the Punjab], except the Tribal Areas.]

(3) It shall come into force⁸ 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—

¹This Ordinance was promulgated by the Governor of West Pakistan on 15th May, 1959; published in the West Pakistan Gazette (Extraordinary), dated 11th May, 1959, pages 403-407; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

² Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary) dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.25 (w.e.f. 14.8.1973).

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

⁶Substituted by the West Pakistan Laws (Extension to Karachi) Ordinance, 1964 (VII of 1964); and published in the Gazette of West Pakistan (Extraordinary), dated 25.5.1964, pages 1679-1688, see s.2 and Schedule, at serial No.24.

⁷ Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary) dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.25 (w.e.f. 14.8.1973).

⁸This Ordinance was brought in force in the whole of the Province of West Pakistan with effect from 19th February, 1960, see Gazette of West Pakistan, 1960 (Extraordinary), p. 1249.

- (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 ⁹[Provincial Government of the Punjab];
- (e) “infested ¹⁰[/infected] crop” means a crop affected by any 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 ¹¹[or land holder on lease or tenant or pattadar, etc.];
- (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. Powers of Government.— Government may, by notification, prohibit¹²—

- (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 ¹³[/infected] 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 notification¹⁴, 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 Code¹⁵.

⁹ Substituted for the words “Government of West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary) dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.25 (w.e.f. 14.8.1973).

¹⁰ Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002); and published in the Punjab Gazette (Extraordinary), dated 16.11.2002, pages 3189-319, s.2.

¹¹ Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002); and published in the Punjab Gazette (Extraordinary), dated 16.11.2002, pages 3189-319, s.2.

¹² See Gazette of West Pakistan, 1961, Pt. I, p. 54; and, *ibid* 1962, Pt. I, p. 542.

¹³ Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002); and published in the Punjab Gazette (Extraordinary), dated 16.11.2002, pages 3189-319, s.3.

¹⁴ See Gazette of West Pakistan, 1961, Pt. I, p. 54; and, *ibid* 1962, Pt. I, p. 542.

¹⁵ XLV of 1860.

6. Powers of Inspector.— An Inspector may, subject to any rules¹⁶ 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 ¹⁷[/infected] crop and destroy or cause to be destroyed such crop in such manner as ¹⁸[he deems fit];
- (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 ¹⁹[Executive District Officer (Agriculture)], 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

¹⁶See the West Pakistan Agricultural Pests Rules, 1960, Gazette of West Pakistan, 1960, (Extraordinary), pp. 1247-1249.

¹⁷Inserted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002); and published in the Punjab Gazette (Extraordinary), dated 16.11.2002, pages 3189-319, s.4.

¹⁸Substituted *ibid.*, for the words "may be prescribed".

¹⁹Substituted for the words "Collector, or Deputy Collector, or Assistant Collector, first grade, specially empowered in this behalf by the Collector", by the Punjab Agricultural Pests (Amendment) Ordinance, 2001 (XXVII of 2001); and published in the Punjab Gazette (Extraordinary), dated 15-10-2001, s.2, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

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.

²⁰[10. Penalty for contravening the provisions of this Ordinance.— (1) Whoever contravenes the provisions of section 3 or section 4 shall be punished for the first offence with a fine which may extend to fifty thousand rupees but not less than twenty five thousand rupees, and for every subsequent offence with imprisonment which may extend to six months but not less than three months or with fine which may extend to one hundred thousand rupees but not less than fifty thousand rupees or with both.

(2) Whoever contravenes any of the provisions of this Ordinance or the rules made thereunder, for the contravention of which no other punishment is provided in this Ordinance, shall be punished with fine which may extend to fifty thousand rupees but not less than twenty five thousand rupees.]

11. Appeals.— (1) Any person aggrieved by an order of seizure or destruction may, within seven days of such order, appeal to the ²¹[District Coordination Officer].

(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.

²²[14. Jurisdiction and trial.— (1) No prosecution under this Ordinance shall be instituted except on the complaint in writing of an Inspector stating the facts constituting the offence.

²⁰Substituted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002); and published in the Punjab Gazette (Extraordinary), dated 16.11.2002, pages 318-319, s.5.

²¹Substituted for the words "Collector, Deputy Collector, or Assistant Collector, first grade, specially empowered by the Collector in this behalf", by the Punjab Agricultural Pests (Amendment) Ordinance, 2001 (XXVII of 2001) ; and published in the Punjab Gazette (Extraordinary), dated 15-10-2001, s.2, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

(2) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

(3) The trial court may, on application made by a prosecutor in this behalf, try an offence punishable under this Ordinance in a summary way in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898).

(4) Notwithstanding anything contained in any other law for the time being in force, the offences punishable under this Ordinance shall be cognizable.

(5) The public prosecutor shall be responsible for the conduct of prosecution of offences under this Ordinance.]

15. Government to make rules.— (1) Government may make rules²³ 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, 1950²⁴;
- (b) The Sind Boll Worm Act, 1947²⁵;
- (c) The North-West Frontier Province Fruit-Fly (Preventive Measures) Act, 1950²⁶.

²²Substituted by the Punjab Agricultural Pests (Amendment) Ordinance, 2002 (LXXIX of 2002); and published in the Punjab Gazette (Extraordinary), dated 16.11.2002, pages 318-319, s.6.

²³For the West Pakistan Agricultural Pests Rules, 1960 see Gazette of West Pakistan 1960, (Extraordinary), pp. 1247-1249.

²⁴N.W.F.P. XXIII of 1950.

²⁵Sind XIV of 1947.

²⁶N.W.F.P. XXIV of 1950.

SCHEDULE
[Section 2 (b)]

| Sr. No. | Scientific name | Family and order | Common name (in English) | Host plants |
|----------------|-------------------------------|---------------------------|---------------------------------|---|
| 1 | Agrotis spp. | Noctuidae: Lepidoptera | Cut worms | Gram, potatoes, young cucurbits and wheat, etc. |
| 2 | Aleurocanthus voglumi Ashley. | Aleurodidac: Homoptera | Citrus black fly | Citrus plants. |
| 3 | Aonidiella auranti Mask. | Coccidae: Homoptera | Citrus red scale | Citrus plants. |
| 4 | Aenidiella citri Moul. | Coccidae: Homoptera | Citrus yellow scale | Citrus plants. |
| 5 | Aphis tabaci L. | Aphididae: Homoptera | Tobacco aphid | Tobacco. |
| 6 | Aspidiotus perniciosus Comst. | Coccidae: Homoptera | Sanjose-scale | Apple, plum, pear, peach, etc. |
| 7 | Carpocapsa pomonella L. | Eucsmidae: Lepidoptera | Codling moth | Apple fruit. |
| 8 | Chilo zonellus Swin | Pyralidae Lepidoptera | Maize and Jowar borer | Maize, jowar, baru, sudan grass, etc. |
| 9 | Dacus ferrugineus Feb. | Trypeneidae: Diptera | Fruit-fly | Peach, pear, mango, etc. |
| 10 | Dialeurodes citri Ash. | Aleyrodidae: Hemiptera | Citrus white fly | Citrus plants. |
| 11 | Diaphorina citricuw | Psyllidae: Hemiptera | Citrus psylla | Orange, lemon, sweet and sour limes, etc. |
| 12 | Drosicha stebbingi G. | Coccidae: Hemiptera | Mealy bug | Mango, guava, citrus, etc. |
| 13 | Earias fabia Stoll | Noctuidae: Lepidoptera | Spotted boll worm | Cotton flower bud and pods, etc. |
| 14 | Earias insulana Boisd | Noctuidae: Lepidoptera | Spotted boll worm | Cotton flower bud and pods, etc. |
| 15 | Emmalocera depressella Swin | Pyralidae: Lepidoptera | Sugarcane root borer | Sugarcane, jowar, bajra, etc. |

| Sr. No. | Scientific name | Family and order | Common name (in English) | Host plants |
|--------------------|-------------------------------------|----------------------------|------------------------------------|--|
| 16 | <i>Heliothis armigera</i> Fb. | Noctuidae: Lepidoptera | Tobacco caterpillar | Tabacco. |
| 17 | <i>Prodenia litura</i> F | Plutelidae: Lepidoptera | Tobacco caterpillar | Tabacco. |
| 18 | <i>Platyedra gossypiella</i> Saund | Gelechiidae: Lepidopter | Pink boll-worm | Cotton, bhindi, changi, etc. |
| 19 | <i>Proceros stiticraspis</i> Hib | Pyalidae: Lepidoptera | Sugarcane-stem-borer | Sugarcane, jowar, maize, etc. |
| 20 | <i>Pyrilla perpusilla</i> Walk | Fulgoridae: Hemiptera | Sugarcane-leaf-hopper | Sugarcane, wheat, barley, swank. |
| 21 | <i>Schistocerca gregaria</i> Forsk | Acrididae: Orthoptera | Desert locust | On all vegetation except oak and neem. |
| 22 | <i>Sphenoptera dadkanj</i> Ob. | Buprestidae: Coleoptera | Flat headed borer | Peach. |
| 23 | <i>Schoenobius incertellus</i> Walk | Pyrallidae: Lepidoptera | Rice borer | Rice, jowar, maize, etc. |
| 24 | <i>Scirpophaga nivella</i> Fb. | Pyrallidae: Lepidoptera | Sugarcane top-borer | Sugarcane, sarkanda, mandal, etc. |
| 25 | <i>Sylepta derogata</i> Fb. | Pyrallidae: Lepidopetra | Cotton leaf-roller | Cotton, changi, kuchri, etc. |
| ²⁷ [26] | <i>Sphenoptera Gossypi</i> Kerr | Buprestidae: Coloptera | Flat headed borer | Cotton]. |
| ²⁸ [27] | <i>Carthamus Oxycantha</i> Bick | Compositae | Thistle | Wheat.] |
| ²⁹ [28] | <i>Asphodelus tempvifolius</i> Cav | Liliancae | Piazi | wheat.] |
| ³⁰ [29] | <i>Cuseuta reflexa</i> | Convolvulacae | Amerbel Gazbel (Dodder in English) | All wood plants]. |

²⁷Inserted by notification under section 12, see Gazette of West Pakistan, 1960, (Extraordinary), p.1250.

²⁸*Ibid.*

²⁹*Ibid*, see Gazette of West Pakistan, 1961, Pt. I, p. 158.

³⁰*Ibid*, Gazette of West Pakistan, 1961, Pt. I, p. 158.