

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. Preamble.

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:- Preamble.

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

(2) It extends to the whole of the ¹[Province of Khyber Pakhtunkhwa] except the ²[Tribal Areas].

(3) It shall come into force³[.....]in 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 – Definitions.

(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;

¹.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.

².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 1st 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., 1975and then subsby the word “Khyber Pakhtunkhwa”, vide Khyber Pakhtunkhwa Act No.IV of 2011.

- (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, prohibit¹[.....]— Powers of Government.
- (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. Occupier to carry out preventive measures.
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. Appointment of Inspectors.
6. An Inspector may, subject to any rules²[.....] made in this behalf by Government – Powers of Inspector.
- (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. Notice occupier to carry out preventive measures.

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

². See the West Pakistan Agricultural Pests Rules 1960, Gazette of West Pakistan 1960, Extraordinary, pp.1247-1249.

(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.

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

(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.

Power of Government to declare affected area and to recover costs of remedial and preventive measures in such area.

(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 ¹[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.

Penalty for contravening the provisions of section 3.

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.

Appeals.

(2) Any order passed on appeal under sub-section (1), and if no appeal is preferred,

¹. Subs for the Word and figure section "3" by W. P. Ord IV of 1961.

the order of the Inspector shall be final.

12. Government may, if it considers it expedient, by notification ¹[* * *] add to or exclude any pest from the schedule. Power to amend 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. Bar of suits.

14. Noprosecution under this Ordinance shall be instituted except on the complaint in writing of ²[an officer authorized³[.....]by Government in this behalf] stating the facts constituting the offence. Jurisdiction.

15. (1) Government may make rules⁴[.....]to carry out the purposes of this Ordinance. Government to make rules.

(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: Repeal and Savings.

(a) The North-West Frontier Province Sugarcane (Protection against Pyrilla Pest) Act, 1950;

(b) ⁵[* * *].

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

¹. 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.

². 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.I.P.54. and *ibid* 1962, Extraordinary P.153.

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

SCHEDULE

[SECTION 2 (b)]

Serial No.	Scientific name	Family and order	Common name (in English)	Host Plants
1	Agrotisspp	Noctuidae: Lepidoptera	Cut worms	Gram, potatoes, young cucurbits and wheat etc.
2	AleurocanthusvogiumiAsdley.	Aleurcididae: Homoptera	Citrus black fly	Citrus plants.
3.	Aonidiellaauranti Mask.	Coccidae: Homoptera	Citrus red scale	Citrus plants.
4.	AenidiellacitriMault	Coccidae: Homoptera	Citrus yellow scale	Citrus plants.
5.	Aphis tabaci L.	Aphididae: Homoptera	Tobacco aphid	Tobacco.
6.	AspidiotusPerniciosusComst.	Coccidae: Homoptera	Sanjose-scale	Apple, plum, pear, peach, etc.
7.	Carpocapsapomonella L.	Eucsmidae: Lepidoptera	Codling moth	Apple fruit.
8.	ChilozonallusSwin.	Pyralids: Lepidoptera	Maize and Jowar borer.	Maize jowar, boru, Sudan grass, etc.
9.	Dacusferrug-ineus Feb.	Trypaneidae: Diptera	Fruit-fly	Peach, pear, mango, etc.
10.	Dialeurodescitri Ash.	Aleyrodidae: Homoptera	Citrus white fly	Citrus plants.
11.	Diaphorinacitricuw.	Psyllidae: Hemiptera	Citrus Psylla	Orange, lemon sweet and sour limes, etc.
12.	Drosichastebbingi G	Coccidae: Hemiptera	Mealy bug	Mango, guava, citrus, etc.
13.	Eariasfabia Stoll.	Noctuidae: Lepidoptera	Spotted boll worm	Cotton flower bud and pods, etc.
14.	EariasinsulanaBoisd	Noctuidae: Lepidoptera	Spotted boll worm	Cotton flower bud and pods, etc.
15.	EmmaloceradepressellaSwin.	Pyralidae: Lepidoptera	Sugarcane root borer	Sugarcane, jowar, bajra,

				etc.
16.	<i>Heliothis armigera</i> Fb.	Noctuidae: Lepidoptera	Tobacco caterpillar	Tabacco
17.	<i>Prodenia litura</i> F.	Plutellidae: Lepidoptera	Tobacco caterpillar	Tabacco.
18.	<i>Platyedra gossypiella</i>	Gelechiidae: Lepidoptera	Pink ball worm	Cotton, bhindi, changi, etc.
19.	<i>Roceros titicraspis</i>	Pyralidae: Lepidoptera	Sugarcane-stem-borer	Sugarcane, jowar, maize, etc.
20.	<i>Pyrrilla parpusilla</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 dadkhanj</i> Ob.	Buprestidae: Coleoptera	Flat headed borer	Peach.
23.	<i>Schoenobius incertellus</i> walk	Pyralidae: Lepidoptera	Rice borer	Rice, jowar, maize, etc.
24.	<i>Scirpophaga nivella</i> Fb.	Pyralidae: Lepidoptera	Sugarcane top-borer	Sugarcane, sarkande, mandal, etc.
25.	<i>Sylepta perogata</i> Fb.	Pyralidae: Lepidoptera	Cotton leaf-roller	Cotton, changi, kuchri, etc.
¹ [26.	<i>Sphenoptera gossyp</i> Kerr	Buprestidae: Coleoptera	Flat headed borer	Cotton.
27	<i>Carthamus oxycantha</i> Bick	Compositae	Thistle	Wheat.]
² [28	<i>Asphodelus tempvifolius</i> Cav.	Liliaceae	Piazi	Wheat.]
³ [29	<i>Cuscuta reflexa</i>	Convolvulaceae	Amerbel/Gazbel (Dodder in English)	All wood plants].

¹. Ins. by notification under section 12, see Gazette of West Pakistan, 1960, Extraordinary, P. 1250.

².ins.by ibid, see "Gazette of West Pakistan", 1961, Pt, I, P. 158.

³.ins.by ibid, see "Gazette of West Pakistan", 1961, Pt, I, P. 158.