



सत्यमेव जयते

**The Rajasthan Agricultural Pest
and
Diseases Act, 1951**

(Plant Protection)

Department of Agriculture, Jaipur

प्रमाणित
3/2/2015
(अनिल कुमार विजय)
सहा. नि. क. (पौ.सं.)

THE RAJASTHAN AGRICULTURAL PESTS AND DISEASES ACT, 1951

(Act No. XXVII of 1951)

[Made by His Highness the Rajpranukh on the 3rd day of October, 1951]

An Act to provide for the prevention of the introduction, spread or reappearance of insect pests and plant diseases.

WHEREAS it is expedient to provide for the prevention of the introduction, spread or reappearance of insect pests and plant diseases injurious to crops, plants or trees in the State of Rajasthan;

It is hereby enacted as follows:—

PART I.

Preliminary.

1. *Short title, commencement and extent.*—(1) This Act may be called the Rajasthan Agricultural Pests and Diseases Act, 1951.

(2) It shall come into force on such date and in such parts of ¹[the State of Rajasthan as the ¹[State Government] may from time to time, by notification in the ¹[Official Gazette] direct.

2. *Interpretation.*—{1} In this Act, unless there is anything repugnant in the subject or context,—

(i) ²[XXX]

(ii) "insect pest" means any insect or other invertebrate animal which has been declared to be an insect pest by notification under section 3;

(iii) "inspector" means an Inspector appointed under section 10;

(iv) "notified area" means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force;

(v) "occupier" means the person having for the time being the right of occupation of any land or premises or his authorised agent or any person in actual occupation of the land or premises and includes a local authority having such right of occupation or in such actual occupation;

Came into force with effect from 1-6-52 vide Notification No. F 2 (5) Ag. 51, dated 16-5-1952, published in the Rajasthan Gazette, No. 50, Part I, page 175, dated 24-5-1952.

Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 15-8-1957.

² Omitted by Item No. 15 of the Schedule-ibid. This Act now extends to the whole of the State of Rajasthan including Abu, Ajmer and Sunel areas with effect from 1-9-1957, i.e. the date of enforcement of Rajasthan Act No. 27 of 1957.

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यमाहित
3/2/2011
(अमिल कुमार विजय)
सहा. नि. कृ. (पौ.सं.)

- (vi) "Plant" includes all agricultural or horticultural crops, trees, bushes or herbs or the seed fruit or any other part thereof which is used for food of man or beast or for any purpose in connection or manufacture.
- (vii) "Plant disease" means any fungal, bacterial virus parasitical or other disease declared to be a plant disease by notification under section 3, and
- (viii) "Prescribed" means prescribed by rules made under this Act
- (2) ²[X X X]

PART II

PESTS AND PLANT DISEASES

3. power to declare insect pests and plant diseases and direct measures to eradicate or prevent them- Whenever it appears to the ¹[State Government] that any pest or disease is injurious to plants in any local area and that it is necessary to take measures to eradicate Such pest or disease or to prevent its introduction, spread or reappearance; the ¹[State Government], may, by notification in the ¹[Official Gazette]-

- (i) declare that such pest or disease is an insect pest or plant disease.
- (ii) specify the local area within which and the period during which such declaration shall remain in force.
- (iii) prohibit or restrict the movement or removal of any plant earth, soil, manure or other thing from one place to another.
- (iv) direct the carrying out of such preventive or remedial measures including the destruction of any insect pest or plant disease of any plants as the ¹[State Government] may deem necessary, in order to, eradicate such pest or disease or to prevent its introduction spread or re-appearance, and -
- (v) prescribe the period within which it shall not be lawful to plant within a specified crop, the whole or any portion of the notified.

4. Duties of occupier on the issue of a notification under section 3-(1) on the issue of a notification under section-3, every occupier within the notified area shall be bound to carry out the preventive or remedial measures mentioned in such notification.

(2) Notwithstanding anything contained in this Act, in the event of a notified area being invaded or in danger of an invasion by locust, the Collector of the District or other officer authorized by him in this behalf may call upon any male person not below the age of fourteen years resident in the district to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locust²

¹Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary dated 13.08.1957.

²Omitted by item no. 15 of the Schedule- ibid substituted by section 4 of the Rajasthan Act no. 27 of 1957 published in the Rajasthan Gazette Part IVA, Extraordinary dated 13.8.1957

यशवन्त
 3/2/2017
 (अनिल कुमार विजय)
 सहा. नि. कृ. (पौ.सं.)

3

Provided as follows:--

- (1) no person who is by virtue of old age, illness or physical disability, Incapable of rendering assistance or who lives at a distance of more than five miles from the place where his presence is required, shall be called upon to render any such assistance;
- (2) it shall not be necessary to notify every person individually for his services, and a proclamation by beat of drum or other customary mode shall be deemed sufficient notice to all affected persons residing in that village or locality;
- (3) any person who fails to render the assistance required of him under sub-section (2) shall on, conviction by a Magistrate, be punishable with fine which may extend to fifty-rupees or in default to simple imprisonment for a period not exceeding ten days, and the offence shall be tried summarily as provided in section 260 of the Code of Criminal Procedure, 1898.

5. Power of inspector to enter upon any land or premises.--Any Inspector V may, after giving the prescribed notice, enter upon any land or premises, situated in the notified area within his local jurisdiction, for the purpose of ascertaining--

- (i) whether there is any insect pest, or plant disease on such land or premises; and
- (ii) whether the preventive or remedial measures or both, as the case may require, mentioned in the notification issued under section 3, have been carried out.

6. Notice to occupier to carry out preventive or remedial measures.--(1) If, on the inspection of any land or premises under section 5, the Inspector finds that there is any insect pest, or plant disease on such land or premises and that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may, subject to any general or special orders of the [State Government] call upon the occupier of such land or premises, by notice in writing to carry out such preventive or remedial measures within the time specified in such notice.

(2) Within seven days from the date of service of such notice on him under sub-section (1), the occupier may prefer an appeal to the Collector, or to such other Officer as the [State Government] may appoint.

(3) On receipt of the appeal under sub-section (2) the Collector or other Officer, as the case may be, may extend the time specified in the notice 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) An order passed under sub-section (3) of this section, shall be final and conclusive and shall not be liable to be called in question in any court.

7. Failure to comply with notice under section 6 and power of Inspector to

प्रमाणित
3/2/2015
(अनिल कुमार विजय)
सहा. नि. कृ. (पो.सं.)

4

carry out measures.—(1) If any occupier upon whom a notice has been served under sub-section (1) of section 6 does not comply with such notice within the time specified therein, or, if an appeal has been preferred under sub-section (2) of section 6, does not comply, with the order passed on such appeal, within the time specified in such order, the Inspector may carry out at the expense of the occupier, the preventive or remedial measures mentioned in such notice or order.

(2) The costs of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall be recoverable from him as arrears of land revenue.

(3) Any such occupier may, within thirty days from the date of the first demand of such costs from him, prefer an appeal to the Collector or to such other Officer, as the Government may appoint in this behalf on ground that —

- (a) the costs include charges for items other than the costs of labour material or use of implements; or
- (b) the charges for labour or material or use of implements are unreasonably high.

(4) On receipt of the appeal under sub-section (3), the Collector or Officer appointed by the ¹[State Government] shall after giving the occupier an opportunity of being heard, pass such orders thereon, as he thinks fit.

(5) An order passed under sub-section (4) shall be final and conclusive and shall not be liable to be called in question in any court.

8. *Duty of certain village officers' to report appearance of insect pests or plant diseases.* — (1) If any insect pest, or plant disease appears in any village adjoining a notified area, the Patwari or Lambardar of such village shall forthwith report the fact to such officer as the ¹ [State Government] may appoint in this behalf.

(2) The Officer aforesaid shall, on receipt of such report and after making such further inquiry, as he may deem necessary forward it to the ¹[State Government] through the Director of Agriculture with his remarks thereon.

9. *Offences and penalties.* — (1) Whoever removes any plant, earth, soil, manure or other thing in contravention of the directions, contained in a notification issued under section 3, shall on conviction by a Magistrate be punishable with fine which may extend to Rs. 50/- or in default to simple imprisonment for a period not exceeding ten days.

(2) Any occupier who fails to comply with a notice given under sub-section (1) of section 6 or with any order passed on appeal under sub-section (3) of section 6, shall on conviction by a Magistrate, be punishable with fine which may extend to Rs. 50/- or in default to simple imprisonment for a period not exceeding ten days.

¹ Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 13-8-1957.

उभाबित
3/2/2011
अमित कुमार विज
सहा. नि. कृ. (पी.सं.)

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(3) Whoever having once been convicted of an offence under sub-section (1) or (2) of this section is again convicted of an offence under either of these sub-sections shall be punishable with fine which may extend to Rs. 250/- or in default to simple imprisonment not exceeding one month.

10. *Appointments of Inspectors.*—The ¹[State Government] may, by notification in the ¹[Official Gazette], appoint persons as Inspectors for such local areas, as may be specified in the notification.

11. *Bar of suits or other legal proceedings.*—(1) No suit, prosecution or legal proceedings shall lie against the ¹[State Government] or any officer of the ¹[State Government] in respect of any thing in good faith done or intended to be done under this Act prior any damage to property caused by any action taken in good faith in carrying out the provisions of this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Collector or other Officer authorised by the ¹[State Government] in this behalf nor after three months from the date of the commission of the alleged offence.

12. *Delegation of power.* —The powers conferred of the ¹[State Government] under this Act may, with the exception of the powers under section 13, be delegated by the [State Government] to any officer.

13. *Rules.*—(1) The ¹[State Government] may from time to time make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may be made for all or any of the following purposes:-

- (a) the form or manner of giving notice under section 5;
- (b) the manner of making an inquiry under section 5;
- (c) the method of publication of description of insect pests and plant diseases and the treatment to be followed;
- (d) the qualifications required of the Inspectors;
- (e) prescribing the officers to whom an appeal may be made and procedure to be followed in such appeal;
- (f) prescribing the notices and methods of service thereof, and registers needed for the effective working of the Act; and
- (g) generally to carry out the purposes of this Act.

(3) The rules made under this section shall be subject to the condition of being made after previous publication.

¹ Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazette, Part IV-A, Extraordinary dated 13-8-1957.

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3/2/200
(अनिल कुमार विजय)
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