

THE AGRICULTURAL PESTS ORDINANCE, 1962

(EAST PAKISTAN ORDINANCE NO. VI OF 1962).

[24th February, 1962]

An Ordinance to provide for the prevention of the spread of agricultural pests in Bangladesh. 1

WHEREAS it is expedient to provide for the prevention of the agricultural pests in Bangladesh;

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 East Pakistan is pleased to make and promulgate the following Ordinance, namely:-

Short title, extent and commencement 1. (1) This Ordinance may be called the 2[ \* \* \*] Agricultural Pests Ordinance, 1962.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force in such areas and on such dates as the Government may, by notification in the official Gazette, specify.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "affected area" means any area affected by agricultural pests;

(b) "agricultural pest" means a pest, insect or weed mentioned in the Schedules I, II, III and IV to this Ordinance;

(c) "Deputy Commissioner" means the Deputy Commissioner of a district and such other officers as may be appointed by the Government to perform all or any of the functions of a Deputy Commissioner under this Ordinance;

(d) "crops" include all agricultural or horticultural crops and all trees, bushes or plants;

(e) "infested crop" means a crop affected by any agricultural pests;

(f) "Inspector" means an officer appointed under this Ordinance to perform the functions of an Inspector;

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(h) "occupier" means the person in actual possession of land and includes the manager or managing agent or bargadar or any other person authorised by the occupier;

(i) "preventive measures" means the measures prescribed by the Government to eradicate and to prevent the spread of any agricultural pests; and

(j) “prescribed” means prescribed by rules made under this Ordinance.

Powers to prohibit, spread of agricultural pests, etc

3. The Government may, by notification in the official Gazette, prohibit-

(a) the employment of such methods of cultivation as held the spread of agricultural pests either generally or with respect to any particular crop; or

(b) the transport or sale of any infested crop.

Occupier to carry out preventive measures

4. Every occupier of land in which any crop is cultivated shall be bound to carry out the preventive measures as may be prescribed in respect of such crop.

Appointment of Inspectors

5. The Government may, by notification, appoint such person as it thinks fit to be Inspector for the purposes of this Ordinance within such 4[ area] as may be specified in such notification.

Powers of Inspector

6. An Inspector appointed under section 5 may, subject to any rules made in this behalf by the 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 crop and destroy or cause to be destroyed such crop in such manner as may be prescribed;

(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 or such authority as may be prescribed in this behalf.

Notice to occupier to carry out preventive measures

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 such notice.

(2) The occupier may within seven days from the service upon him of the notice under sub-section (1) prefer an appeal to the Collector against such 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.

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

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 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 certificate indicating the amount of the cost and the person from whom such amount is recoverable and such amount shall be recoverable as a public demand under the 5[ \* \* \*] Public Demands Recovery Act, 1913.

Powers to declare affected area and to recover costs

9. (1) Whenever it appears to the Government that the whole of Bangladesh or any part thereof is affected or threatened by an agricultural pest and that immediate action is necessary, the Government may, by notification in the official Gazette, declare the whole of Bangladesh or such area as affected area and take such remedial and preventive measures in respect of such area as may be necessary.

(2) The 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 public demand under the 6[ \* \* \*] Public Demands Recovery Act, 1913.

Penalty

10. Whoever contravenes the provisions of section 3 shall be punished for a first offence with fine which may extend to five hundred taka, and for every subsequent offence with imprisonment which may extend to three months or with fine which may extend to one thousand taka or with both.

Appeal

11. (1) Any person aggrieved by an order of seizure or destruction may, within seven days of such order, appeal to the Deputy Commissioner.

(2) Any order passed on appeal under sub-section (1) and if no appeal is preferred, the order of the Inspector shall be final.

#### Power to amend the Schedule

12. The Government may, if it considers it expedient, by notification in the official Gazette, add to or exclude any agricultural pest from the Schedule to this Ordinance.

#### Public servant

13. An Inspector or any person empowered to perform any function under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the 7[ \* \* \*] Penal Code, 1860.

#### Indemnity

14. 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.

#### Jurisdiction

15. No prosecution under this Ordinance shall be instituted except on the complaint in writing of the Deputy Commissioner stating the facts constituting the offence.

#### Power to make rules

16. (1) The Government may make rules for carrying out the purposes of this Ordinance.

(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) preventive measures for the eradication and prevention of the spread of any agricultural pests;
- (b) the manner in which an Inspector may exercise his powers;
- (c) the form of requisition and notices and the manner in which such requisition and notice may be served;
- (d) the authority which may release seizure imposed under the Ordinance;
- (e) the manner in which costs shall be assessed and paid; and
- (f) any other matter required to be specified by this Ordinance.

1 Throughout this Ordinance, the words "Bangladesh", "Government" and "taka" were substituted for the words "East Pakistan", "Provincial Government" and "rupees" respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

2 The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

3 Clause (g) was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

4 The word “area” was substituted for the words “local area” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

5 The word “Bengal” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

6 The word “Bengal” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

7 The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)