

**THE BALUCHISTAN AGRICULTURAL PESTS
ORDINANCE, 1959**

(W.P. Ordinance XXVII of 1959)

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SCHEDULE

THE ²[BALUCHISTAN] AGRICULTURAL PESTS ORDINANCE, 1959

(W.P. Ord. 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 ²[Baluchistan].

WHEREAS it is expedient to amend and consolidate the law relating to the eradication of agricultural pests in the Province of ²[Baluchistan];

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. (1) This Ordinance may be called the ²[Baluchistan] Agricultural Pests Ordinance, 1959.

Short title,
extent and
commencement.

³[(2) It extends to the whole of the Province of ²[Baluchistan], except the Tribal Areas.]

(3) It shall come into force⁴ 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 hereby respectively assigned to them, that is to say:-

Definitions.

1. This Ord. was promulgated by the Governor of W.P. on 15th May, 1959; published in the W.P. 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. Subs. by Bd'n. A.O. of 1975, for "West Pakistan".

3. Subs. by W.P. Ord. VII of 1964.

4. This Ordinance was brought in force in the whole of the Province of W.P. 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 Government of [Baluchistan];
- (e) "infested 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;
- (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.

Powers of
Government.

3. Government may, by notification, prohibit² -

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

1. Subs. by Bdn. A.O. of 1975, for "West Pakistan".

2. See Gazette of West Pakistan, 1961, Pt. I, p. 51; and, *ibid.*, 1962.

- (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,¹ 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.

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;
- (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 to
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.

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 arrears of land revenue.

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

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 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.

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 Appeals. 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.

(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. Government may, if it considers it expedient, by notification, 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. No prosecution under this Ordinance shall be instituted except on the complaint in writing of ²[an officer authorised³ by Government in his 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.

1. Subs., for the word and figure "section 3", by W.P. Ord. IV of 1961.
2. Subs., for the words "the Collector", by W.P. Ord. IV of 1961.
3. See Gazette of West Pakistan, 1961, Pt. I, p. 245 and *ibid.*, 1962, p. 452.
4. For the W.P. Agricultural Pests Rules, 1960 see Gazette of West Pakistan, 1960, (Extraordinary), pp. 1247-1249.

(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.

Repeal and
Savings.

16.
repealed:-

The following enactments are hereby

- (a) The North-West Frontier Province Sugar-cane (Protection against Pyrilla Pest) Act, 1950; NWFP
XXV of 1950
- (b) The Sind Boll Worm Act, 1947; Sind
of 1947
- (c) The North-West Frontier Province Fruit-Fly (Preventive Measures) Act, 1950. NWFP
XXV of 1950

(For Schedule, see next page)

SECTION 2(b)

Serial 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	Alcovecauthus coglumi Asdley.	Aleurodidae: Homoptera	Citrus black fly	Citrus plants.
3	Aenidiella auranti Mask.	Coccidae: Homoptera	Citrus red scale	Citrus plants.
4	Aenidiella citri Moulit	Coccidae: Homoptera	Citrus yellow scale	Citrus plants.
5	Aphis tabaci L.	Aphididae: Homoptera	Tobacco aphids	Tobacco.
6	Aspidiotus perniciosus Comst.	Coccidae: Homoptera	Sanjose-scales	Apple, plum, pear, peach, etc.
7	Carpocapsa pomonella L.	Eucsmidae: Lepidoptera	Codling moth	Apple fruit.
8	Chiloazonellus Swin	Pyralidae: Lepidoptera	Maize and Jowar borer	Maze, jowar, baru, sudan grass, etc.
9	Dacus ferrug-incus Feb.	Trypanellidae: Diptera	Fruit-fly	Peach, pear, mango, etc.
10	Dialeurodes citri Ash.	Aleyrodidae: Hemiptera	Citrus white fly	Citrus plants.

Serial No.	Scientific name	Family and order	Common name (in English)	Host plants
11	<i>Diaphorina citricum</i>	Psyllidae: Hemiptera	Citrus psylla	Orange, lemon, sweet and sour limes, etc.
12	<i>Drosicha stebbingi</i> G.	Coccidae: Hemiptera	Mealy bug	Mango, guava, citrus, etc.
13	<i>Earias fabia</i> Stoll	Noctuidae: Lepidoptera	Spotted boll worm	Cotton flower bud and pods, etc.
14	<i>Earias insulana</i> Boisdu	Noctuidae: Lepidoptera	Spotted boll worm	Cotton flower bud and pods, etc.
15	<i>Emmalocera depressella</i> Swin	Pyrallidae: Lepidoptera	Sugarcane root borer	Sugarcane, jowar, bajra, etc.
16	<i>Heliothis armigera</i> Fb.	Noctuidae: Lepidoptera	Tobacco caterpillar	Tobacco.
17	<i>Prodenia litura</i> F.	Plutellidae: Lepidoptera	Tobacco caterpillar	Tobacco.
18	<i>Platyedra gossypiella</i> Saund	Gelechiidae: Lepidoptera	Pink boll-worm	Cotton, bhindi, changi, etc.
19	<i>Proceros stiticaspis</i> Hib	Pyrallidae: Lepidoptera	Sugarcane-stem-borer	Sugarcane, jowar, maize, etc.
20	<i>Pyrausta perqualla</i> Walk	Pulgonidae: Hemiptera	Sugarcane-leaf-hopper	Sugarcane, wheat, barley, etc.

Serial No.	Scientific name	Family and order	Common name (in English)	Host plants
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	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: Lepidoptera	Cotton leaf-roller	Cotton, changi, kuchri, etc.
1 26	<i>Sphenoptera Gossypi</i> Kerr	Buprestidae: Coleoptera	Flat headed borer	Cotton.]
1 27	<i>Carthamus Oxycantha</i> Bick	Compositae	Thistle	Wheat.]
2 28	<i>Asphodelus tenuifolius</i> Cav.	Liliaceae	Plazi	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. Ibid. see Gazette of West Pakistan, 1961, Pt. 1, p. 54.

3. Ibid. see Gazette of West Pakistan, 1961, Pt. 1, p. 158.