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सरकारी राजपत्र OFFICIAL GAZETTE

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U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

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U.T. Administration of Dadra and Nagar Haveli
and Daman and Diu
Department of Law and Justice
Vidyut Bhawan, Nani Daman

NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/73

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 a copy of “**The Dadra and Nagar Haveli and Daman and Diu Plant Diseases and Pests Act, 1976 (Act No. 12 of 1976)**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/—
(Rohit P.Yadav)
Secretary Law
Dadra and Nagar Haveli and
Daman and Diu

**The ¹[Dadra and Nagar Haveli and] Daman and Diu Plant Diseases and Pests Act,
1976**

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu and assented to by the Administrator of Goa, Daman and Diu on 3-6-1976 is here by published for general information.

**The ²[Dadra and Nagar Haveli and] Daman and Diu Plant
Diseases and Pests Act, 1976**

(Act No. 12 of 1976) [3rd June, 1976]

AN

ACT

to prevent the introduction, spread or re-appearance of plant diseases, pests, parasites and noxious weeds.

Whereas it is expedient to make provision for preventing the introduction, spread or re-appearance of plant diseases, pests, parasites and noxious weeds which are or may be destructive to plants, or are likely to contaminate water supply or are obstructive to waterways in the Union territory of ³[Dadra and Nagar Haveli and] Daman and Diu, and for matters connected therewith;

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the ⁴[Dadra and Nagar Haveli and] Daman and Diu Plant Disease and Pests Act, 1976.

(2) It extends to the whole of the Union territory of ⁵[Dadra and Nagar Haveli and] Daman and Diu.

(3) It shall come into force at once.

¹ Substituted for the word and expression “Goa,” by the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Laws) Second Order, dated 18th January, 2022. herein after referred to as (Adaptations of State Laws) Second Order, 2022.

² Substituted for the word and expression “Goa,” by the (Adaptation of State Laws) Second Order, 2022.

³ Substituted for the word and expression “Goa,” by the (Adaptation of State Laws) Second Order, 2022.

⁴ Substituted for the word and expression “Goa,” by the (Adaptation of State Laws) Second Order, 2022.

⁵ Substituted for the word and expression “Goa,” by the (Adaptation of State Laws) Second Order, 2022.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) “affected area” means any area declared as such under section 3;
- ⁶[(aa) “Assessor” means an assessor appointed under section 13;]
- (b) “District Magistrate” includes any Gazetted Officer of Government, authorized by the District Magistrate to perform all or any of the functions of the District Magistrate under this Act;
- ⁷[(c) “Government” means Union territory Administration of Dadra and Nagar Haveli and Daman and Diu headed by the Administrator appointed by the President under article 239 of the Constitution;]
- (d) “Inspecting Officer” means an Inspecting Officer appointed under section 13;
- (e) “noxious weed” means any weed declared as such under section 3;
- (f) “occupier” means the person having for the time being the right of occupation of any land, water or premises, or his authorized agent or any person in actual occupation of the land, water or premises;
- (g) “parasite” means any plant or animal carrying on its existence wholly or in part on any agricultural crop, plant, tree, bush or herb and declared to be a parasite under section 3;
- (h) “pest” means any insect, invertebrate animal or vertebrate animal (including any other animal organism and declared to be a pest under section 3);
- (i) “plant” includes all horticultural or agricultural crops, trees, bushes, or herbs and also includes the seed, fruit, leaves, trunk, roots, bark or cutting or any part thereof;
- (j) “plant disease” means any fungoid, bacterial, virus, vegetable organism, parasitical or other disease, declared to be a plant disease under section 3;
- (k) “prescribed” means prescribed by rules made under this Act; and
- (l) “village officer” means Gram sevak of the respective circle or Panchayat Secretary of the respective areas.

⁶ Inserted by the (Adaptation of State Laws) Second Order, 2022.

⁷ Substituted for the words “Government of Goa, Daman and Diu” by the (Adaptation of State Laws) Second Order, 2022.

3. Power to declare plant diseases, pests, parasites and noxious weeds.— Where it appears to the Government that any disease, pest, parasite or weed in any area is injurious to plants, or is likely to contaminate water supply or is obstructive to waterways, and that it is necessary to make measures to eradicate such disease, pest, parasite or weed, or to prevent its introduction, spread or re-appearance, the Government may, by notification in the Official Gazette, declare the area to be an affected area for such period as may be specified, and with reference to such area also—

- (a) declare that such disease, pest, parasite or weed is a plant disease, pest, parasite or noxious weed;
- (b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another;
- (c) prohibit the plantation or growing of any plant which is likely to be injurious to other plants; and
- (d) direct that such other preventive or remedial measures shall be carried out as the District Magistrate may consider necessary to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed.

4. Power to issue directions. — (1) On or after the issue of a notification under section 3, the District Magistrate may by notice, —

- (i) direct every occupier within the affected area to carry out such preventive or remedial measures (including the removal or destruction of plants which are infested or likely to be infested) as the District Magistrate may specify in the notice, to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weeds;
- (ii) call upon any ⁸[] person, not being below the age of eighteen years and residing within the said area, to render such assistance as may be specified in the notice, in carrying out the measures referred to in clause (i), provided that no person—
 - (a) who is not an occupier shall be called upon to render whole time service for a period exceeding seven days at a time and there shall be an interval of not less than ninety days before any such person is called upon to render whole time service after having already rendered such service; or
 - (b) who is, by reason of old age, disability or any other reasonable cause, physically incapable of rendering assistance, or who lives at a distance of more than 5 kms., from the place where his presence is

⁸ Omitted the word “male” by the (Adaptation of State Laws) Second Order, 2022.

required for the purpose of rendering assistance, shall be called upon to render such assistance; and

(iii) specify the area within which and the period during which the measures referred to in clause (i) are to be carried out.

- (2) It shall not be necessary to notify every occupier under clause (i) of sub-section (1) or every other person whose assistance is required under clause (ii) of the said sub-section, and a proclamation in this behalf made by beat of drum or other customary mode in the area, village or locality shall be deemed sufficient notice to all affected persons residing in that area, village or locality.

5. Duties of occupier on the issue of notice under section 4.—

On the issue of a notice under section 4,—

(i) It shall be the duty of every occupier within the affected area to carry out the preventive or remedial measures specified in such notice; and

(ii) It shall be the duty of every ⁹[] person to render assistance in such manner as has been specified in the notice.

6. Power of Inspecting Officer to enter upon any land or premises.— Any Inspecting Officer may, after giving reasonable notice to the occupier enter upon any land, water or premises situated in the affected area for the purpose of ascertaining—

(i) whether there is any plant diseases pest, parasite or noxious weed on such land, water or premises;

(ii) whether any prohibition or restriction imposed under clause (b) or clause (c) of section 3 has been complied with;

(iii) whether other preventive or remedial measures specified in clause (i) of sub-section (1) of section 4 have been carried out.

7. Power to carry out measures.— (1) If on inspection of any land, water or premises, an Inspecting Officer finds that any prohibition or restriction imposed under clause (b) or clause (c) of section 3 has not been complied with or that the preventive or remedial measures specified under clause (i) of sub-section (1) of section 4 have not been carried out as directed, he may, subject to any general or special order of the District Magistrate and without prejudice to any action that may be taken against the defaulter under section 10, carry out the preventive or remedial measures (including the removal or destruction of plants which are infested or are likely to be infested)

⁹ Omitted the word “male” by the (Adaptation of State Laws) Second Order, 2022.

imposed under clause (b) or clause (c) of section 3 or specified in the notice under clause (i) of sub-section (1) of section 4, as the case may be.

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

8. Power to carry out measures in emergent situations.— (1) Notwithstanding anything contained in section 3 to 7, if the Government is satisfied, that plants in any affected area are in danger of being damaged or destroyed by any plant disease, pest parasite or noxious weed prevalent in that area and that it is necessary to take immediate preventive or remedial measures, it may, by notification in the Official Gazette,-

- a. declare that it shall be competent for the District Magistrate or any Inspecting Officer to carry out such preventive or remedial measures in the affected area or any part thereof or to take such other steps (including the removal or destruction of plants which are infested or likely to be infested) as he may deem fit;
- b. direct that every occupier in respect of whose land such preventive or remedial measures or other steps have been taken shall be liable to pay the cost thereof at such rates and within such time as the District Magistrate may by order from time to time determine having regard to the following, namely:—
 - (i) the charges to be incurred for labour, material or use of equipment;
and
 - (ii) any other charges to be incurred for the purposes aforesaid.

(2) Subject to any general or special order of the Government, any Inspecting Officer may upon the issue of a notification under sub-section (1) enter upon any land or premises within the affected area and carry out such preventive or remedial measures or take such other steps referred to in clause (a) of sub-section (1), as he may deem fit.

(3) The Inspecting Officer shall by order in writing, assess the amount payable by an occupier in respect of the preventive or remedial measures or other steps taken under sub-section (2).

(4) If the occupier fails to pay the amount so assessed within the time fixed under clause (b) of sub-section (1), the amount shall be recoverable from him as an arrear of land revenue.

8A.¹⁰[**Compensation for destruction of crop plants or trees.**— (1) If, in carrying out any preventive or remedial measures under section 7 or 8, the Inspecting Officer destroys or causes to be destroyed-

(a) any crop or tree which is infected with an insect pest or a plant disease, or

(b) any plants some or all of which are infected with insect pest or plant disease and which are grown so closely together that it is not practicable to treat each plant individually, or

(c) any crop, plants or trees, which though not infected at the time with an insect pest or a plant disease, are, in the opinion of the Inspecting officer, liable to such infection, the Inspecting Officer shall give notice to the occupier of the land or premises on which such crop plants or trees were grown stating particulars of the crop plants or trees destroyed and his estimate of their value.

(2) When any crop, plants or trees are destroyed under sub-section (1), the occupier shall be entitled to compensation determined in the manner provided in section 8D.

8B. Compensation for crop, plants or trees destroyed by occupier.— If an occupier in carrying out any preventive or, remedial measures, directed to be carried out by the notification issued under section 3 destroys any crop, plants or trees in accordance with such direction, he shall be entitled to such compensation as he would have been entitled to under section 8A, if such crop, plants or trees had been destroyed by the inspecting Officer.

8C. Procedure or claims for compensation.— Every claim for compensation shall be made in writing to the Assessor within one month from the date of-

(i) the notice given under sub-section (1) of section 8A, if the claim is made under the said section, or

(ii) the destruction of the crop, plants or trees, as the case may be, if the claim is made under section 8B.

8D. Award of Assessor; appeal.— (1) On receipt of any claim under section 8C, the Assessor shall, subject to the provisions of sub-section (2) and after making an enquiry in the prescribed manner and taking such evidence as he thinks fit, fix the amount of compensation due to the occupier under the provisions of this Act and make an award for such amount.

¹⁰ Inserted by the (Adaptation of State Laws) Second Order, 2022.

- (2) The amount of compensation shall-
- (a) for every destroyed crop or tree of the kind referred to in clause (a) of sub-section (1) of section 8A, not exceed one-half of its value;
 - (b) for every destroyed plant of the kind referred to in clause (b) of sub-section (1) of section 8A, not exceeded the two thirds of its value; and
 - (c) for every destroyed crop, plant or tree of the kind referred to in clause (c) of sub-section (1) of section 8A, be its full value:

Provided that no compensation shall be payable for-

- (i) any noxious weed destroyed;
- (ii) any rotten cotton plant or stalks destroyed in order to eradicate or prevent the introduction or re-appearance of any insect, pest or plant disease;
- (iii) the destruction of any crop, plants or trees infected with any insect pest or plant disease which in the opinion of the inspector contracted inspection due to the negligence of the occupier in carrying out the preventive or remedial measures mentioned in the notification issued under section 3.

Explanation. - For the purposes of this sub-section, value means the value of any crop or of a plant or tree at the time of its destruction.

- (3) If any amount is due from the occupier on account of costs incurred in carrying out the preventive or remedial measures under section 7 or 8, the whole or part of the amount of compensation awarded to him, as may be necessary, shall be set off against the amount of costs due from him.
- (4) A copy of every award made by an Assessor shall be sent to the occupier to whom such compensation has been awarded and to the inspector of the notified area concerned.
- (5) The occupier or the inspector as the case may be, may, within 30 days from the date of receipt of a copy of the award under sub-section(4), prefer an appeal to the Collector against the award.
- (6) On receipt of the appeal under sub-section (5), the Collector shall after giving the occupier and the inspector an opportunity of being heard, pass such order thereon as he thinks fit.
- (7) Every order passed under sub-section (6) shall be final.]

9. Appeal.— (1) Any occupier aggrieved by an order made under sub-section (2) of section 7 may within thirty days from the date of service of the order prefer an appeal to the District Magistrate or such

other authority as the Government may specify in that behalf on the ground that the charges for labour, material or use of implements are unreasonably high.

(2) Any occupier aggrieved by an order made under sub-section (3) of section 8 may within thirty days from the date of service of the order prefer an appeal to the District Magistrate or such other authority as the Government may specify in that behalf on the ground,—

(i) that the assessment of the amount payable has not been made in accordance with the rates fixed by the District Magistrate;

(ii) that the amount assessed includes charges other than the items mentioned in sub-clauses (i) and (ii) of clause (b) of sub-section (1) of section 8; or

(iii) that the charges for labour, material or use of equipment are unreasonably high.

(3) On receipt of an appeal under sub-section (1) or sub-section (2), the District Magistrate or other authority, as the case may be, shall, after making such enquiry as he may deem fit and giving the occupier an opportunity of being heard, pass such order thereon as he may deem fit.

(4) Every order passed under sub-section (3) shall be final and shall not be called in question in any court of law.

10. Contravention of directions issued.— (1) If a person—

(i) Acts in contravention of the prohibition of restriction contained in any notification issued under section 3; or

(ii) Acts in contravention of the direction contained in a notice issued under sub-section (1) of section 4 or fails to render assistance having been called upon to do so by notice issued under the said sub-section; or

(iii) Acts in contravention of the declaration or direction contained in any notification issued under sub-section(1) of section 8; or

(iv) obstructs the entry of any person referred to in section 6 or sub-section (2) of section 8; or

(v) obstructs the carrying out of the preventive or remedial measures, under sub-section (1) of section 7 or sub-section (2) of section 8, shall be deemed to have committed an offence under this Act.

(2) Any person convicted by a Magistrate of an offence specified in sub-section (1) shall be liable to fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days.

(3) If any person convicted of an offence specified under sub-section (1) commits alike offence afterwards, he shall on conviction be punishable with fine not exceeding two hundred and fifty rupees or in default simple imprisonment for a term not exceeding one month.

(4) If a person has been convicted under this section for a contravention of the prohibition or restriction contained in the notification issued under section 3, the plant or soil or manure in respect of which such contravention has been committed may also be forfeited to the Government.

11. Cognizance of offences.— No Magistrate shall take cognizance of an offence under this Act except upon a complaint made by an Inspecting Officer.

12. Obligation of village officers to report plant diseases, pests, etc.— All village officers and such other officers as may be prescribed of the village adjoining an affected area shall forthwith report the existence within the village of any plant disease, pest, parasite or noxious weed of the nature specified in the notification issued under section 3 in respect of the said area, to the District Magistrate who shall, after making such enquiry as he may deem fit, make a further report of the Government.

13. Appointment of Inspecting Officers.— The Government may, by notification in the Official Gazette, appoint Inspecting Officers¹¹[and Assessors] for such local areas as may be specified in the notification.

14. Bar to suits or other legal proceedings.— No suit, prosecution or other legal proceedings shall lie against the Government or any officer in respect of anything done or intended to be done in good faith under this Act, or for any damage caused by any action taken in good faith in carrying out the provisions of this Act.

15. Delegation of powers.— The Government may, by notification in the Official Gazette, delegate to any Officer or authority all or any of the powers conferred on it under this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

16. Requisitioning of vehicles.— (1)Where any affected area in which locusts have been declared as pest under section 3, is infested or is in danger of being infested by locusts, the District Magistrate may, with a view to facilitating preventive or remedial measures or other steps against locusts, by orders in writing requisition any

¹¹Inserted by the (Adaptation of State Laws) Second Order, 2022.

- vehicle and make such other orders as may appear to him to be necessary or expedient in connection with such requisition.
- (2) Every order made under sub-section (1) shall be served on such persons and enforced in such manner as may be prescribed.
- (3) Any vehicle requisitioned under this section may be used or dealt with in such manner as may appear to the officer requisitioning the vehicle to be necessary or expedient.
- (4) If the owner of the vehicle in respect of which an order of requisition has been made, does not place the vehicle at the disposal of the officer or authority mentioned therein, such officer or authority may, without prejudice to any other action that may be taken under the Act or the Rules, seize the vehicle from any person who for the time being may be in custody of it.
- (5) No person shall remove or allow to be removed any part of a vehicle (including tyre, tube or any other accessory) in respect of which an order of requisition has been made or in any way damage it or permit it to be damaged so as to reduce the value or utility of such vehicle.
- (6) When any vehicle is requisitioned under this section there shall be paid to the owner such compensation as may be agreed upon between him and the officer requisitioning the vehicle and in the absence of any such agreement, such compensation as the District Magistrate may fix, having due regard for the type and condition of the vehicle at the time of requisition and the loss caused to the owner.
- (7) The manner in which the compensation shall be assessed and the manner in which the order or compensation shall be served, the time within which and the persons to whom it shall be paid and the other matters relating thereto shall be such as may be prescribed.
- (8) Any person aggrieved by an order fixing compensation under sub-section (6), may appeal against the same to such authority and within such time as may be prescribed.
- (9) Any vehicle requisitioned under this section may at any time be released from such requisition by the District Magistrate passing an appropriate order to that effect.
- (10) When an order of derequisitioning is made, notice of the same shall be given to the person to whom the vehicle is to be returned and if he cannot be found and has no local agent or other person empowered to accept delivery of the vehicle on his behalf, such notice shall be given by publishing the order in the Official Gazette. After service of the notice personally or by publication as aforesaid, the vehicle specified therein shall cease to be subject to requisition on and from the date of such

publication and be deemed to have been delivered to the person entitled to possession thereof and the Government shall not be liable for any compensation or other claims in respect of any such vehicle for any period after the said date.

17. Power to make rules.— (1) The Government may, after previous publication make rules for carrying out the purposes of this Act.

(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) the manner in which any notice or order issued or made under this Act is to be served or the conditions under which every such notice or order shall be deemed to have been served;

(b) the form in which an appeal under sub-section (1) or sub-section (2) of section 9 shall be filed;

(c) the class of officers who are bound to make a report as required under section 12; and

(d) all other matters expressly required or all owed by this Act to be prescribed.

(3) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before Legislative Assembly while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything done under that rule.

By order and in the name of the
Administrator of U.T. of Dadra &
Nagar Haveli and Daman & Diu.

Secretariat,
Daman.

Dated: 22nd March, 2022

Sd/-
(Rohit P. Yadav)
Law Secretary
Department of Law & Justice
