

**Fifteenth Kerala Legislative Assembly**

**Bill No. 254**

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**THE KERALA PLANT DISEASES AND PESTS  
(AMENDMENT) BILL, 2025**

**(Given Notice By DR. N. Jayaraj M.L.A.)**

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2025

KERALA NIYAMASABHA PRINTING PRESS.

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*BILL*

further to amend the Kerala Plant Diseases and Pests Act, 1972.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Plant Diseases and Pests Act, 1972 (Act 25 of 1972) for the purposes hereinafter appearing;

BE it enacted in the Seventy - sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Kerala Plant Diseases and Pests (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Amendment of long title.— In the Kerala Plant Diseases and Pests Act, 1972 (Act 25 of 1972) (hereinafter referred to as the principal Act),- in the long title for the word "weeds", the word "plants" shall be substituted.

3. Amendment of preamble. —In the preamble of the principal Act,—

(i) for the word "weeds", the word "plants" shall be substituted;

(ii) after the word "which are", the words "detriment to public health" shall be inserted;

(iii) after the words "destructive to", the words and symbol "human beings, animals and" shall be inserted.

4. Amendment of section 2.— In section 2 of the principal Act,—

(i) in clause (d), for the word "weed", the word "plant" shall be substituted wherever it occurs;

(ii) in clause (e), after the words "the person", the words "or any public authority" shall be inserted;

(iii) in clause (f), after the word "animal", the words "or micro-organism" shall be added;

(iv) in clause (g), before the word "insect", the word and symbol "micro-organism," shall be inserted;

(v) in clause (h), after the word "bark", the symbols and words ", latex, tuber" shall be inserted.

5. Amendment of section 3.— In section 3 of the principal Act,—

(i) in the marginal heading, for the word "weeds", the word "plants" shall be substituted;

(ii) in the opening words after the marginal heading,—

(a) for the word "weed", the word "plant" shall be substituted wherever it occurs;

(b) after the words and symbol "injurious to plants," the words and symbol "human beings or animals" shall be inserted;

(iii) in clause (c), after the words "injurious to", the words and symbol "human beings, animals or" shall be inserted;

(iv) in clause (d), for the words "noxious weed", the words "noxious plant" shall be substituted.

6. Amendment of section 4.— In section 4 of the principal Act,—

(i) in clause (a) of sub-section (1), for the word "weed", the word "plant" shall be substituted;

(ii) sub-section (2), shall be substituted as follows, namely:—

"(2) Notice under clause (a) of sub-section (1) may be made through print or electronic media or any other customary mode in the area."

7. Amendment of section 6.—In clause (a) of section 6 of the principal Act, for the word "weed", the word "plant" shall be substituted.

8. Amendment of section 7.— In subsection (1) of section 7 of the principal Act, after the words "which are", the words "noxious or" shall be inserted.

9. Amendment of section 8.— In subsection (1) of section 8 of the principal Act,—

(i) after the words "that plants", the following symbol and words shall be inserted, namely:—

" , human beings or animals";

(ii) after the word "destroyed", the words "or harmed" shall be inserted;

(iii) for the word "weed", the word "plant" shall be substituted;

(iv) in clause (a), after the words "which are", the words "noxious or" shall be inserted.

10. Amendment of section 12.—In section 12 of the principal Act, for the word "weed", the word "plant" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Kerala Plant Diseases and Pests Act, 1972 mainly aims in preventing the introduction, spread or re-appearance of plant diseases, pests and parasites. It also includes provisions to curb noxious weeds. Such weeds are declared so by the Government and are notified from time to time.

Now-a-days, several ornamental plants are grown in homes as garden plants both indoor as well as outdoor. Majority of such garden plants are found to contain toxic substances including cyanide. As such, several cases of death or serious illness have been reported after knowingly or unknowingly consuming noxious plants or parts thereof. Many live-stock were reported to have risked their lives upon eating such plants or getting in contact with such plants. It is the need of the

hour to bring such garden plants or ornamental plants under the aegis of the Act so that through notification Government can specify the noxious plant varieties. The uncontrolled growing of such plants in nurseries and homes has to be curtailed since they have poisonous substances in them and are largely exotic. In this context, the term "weed" used in the Act needs amendment since the garden plants are not considered as weeds and weeds also come under the commonly used term "plants".

The Bill seeks to achieve the above objective.

### FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 3 of the principal Act proposed to be amended by clause 5 of the Bill seeks to empower the Government to declare the noxious plants varieties through notification and to make rules to prohibit the plantation or growing of such plants.

2. The matters in respect of which rules to be made, or notifications may be issued, are matters of procedure and are of routine and administrative in nature. Further, the rules made and notifications issued are subject to the scrutiny of the Legislative Assembly. The delegation of Legislative power is, therefore, of a normal character.

DR. N. JAYARAJ

EXTRACT FROM THE RELEVANT PORTIONS OF THE  
KERALA PLANT DISEASES AND PESTS ACT, 1972  
(Act 25 of 1972)

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

*Preamble.*— 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 State of Kerala and for matters connected therewith;

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

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(d) "noxious weed" means any weed declared as such under section 3;

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

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(f) "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 pest under section 3;

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(g) "plant" includes all horticultural crops, trees, bushes or herbs and also includes the seed, fruit, leaves, trunk, roots, bark or cutting or any part thereof;

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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 are is injurious to plants, or is likely to contaminate water supply or is obstructive to waterways, and that it is necessary to take 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 Gazette, declare any area to be an affected area for such period as may be specified in the notification, 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;

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(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 as the local authority may consider necessary shall be carried out to eradicate, destroy or prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed.

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4. *Power to issue direction.*— (1) On or after the issue of a notification under section 3, secretary of the local authority may, by notice,—

(a) 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 Collector may specify in the notice, to eradicate, destroy or to prevent the introduction, spread or re-appearance of any plant disease, pest, parasite or noxious weed; and

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(2) It shall not be necessary to serve the notice under clause (a) of sub-section (1), on every occupier in the affected area 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 the occupiers residing in that area, village or locality

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6. *Power of Inspecting Officer to enter upon any land, water 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-

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

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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) or section 3 has not been complied with or that the preventive or remedial measures specified in the notice under sub-section (1) of section 4 have not been carried out as directed, he may, subject to any general or special order of the secretary of the local authority 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 imposed under clause (b) or clause (c) or section 3 or specified in the notice under sub-section (1) of section 4, as the case may be.

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8. *Power to carry out measures in emergent situations.*—(1) Notwithstanding anything contained in section 3 to 7, if the Government are 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 measure, they may, by notification in the Gazette,—

(a) declare that it shall be competent for the secretary of the local authority 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;

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12. *Obligation of Village Officers to report plant diseases, pests, etc.*— The Agricultural Officers in charge of village, panchayath area or a municipal area and such other officers as may be prescribed, of every village, adjoining the 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 secretary of the local authority, who shall, after making such enquiry as he may deem fit, make a report to the local authority concerned and the Government .

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