

# Destructive Insects and Pests Act, 1914

UNION OF INDIA

India

## Destructive Insects and Pests Act, 1914

### Act 2 of 1914

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1. [Amended by The Destructive Insects and Pests (Amendment and Validation) Act, 1992 (Act 12 of 1992) on 31 March 1992]

Destructive Insects and Pests Act, 1914 Act No. 2 of 1914

### 1502.

Object and Reason.- The Bill is the outcome of representations made by the Bombay Chamber of Commerce in 1906, and it has been prepared after consultation with experts and with a considerable number of bodies and persons interested in gardening and agriculture. It gives power to Government to control the importation into British India of articles likely to cause infection to crops, and is based partly on the corresponding English Acts of 1877 and 1907, and partly on the provisions of the [Indian] Livestock Importation Act, 1898. 2. Action under the Bill would be taken in respect of certain crops only and would assume various forms according to the crop or the class of infection concerned. In some cases, for instance, importation would be prohibited except at certain ports, and then after fumigation. In others, importation would have to be accompanied by certificates of freedom from disease; while in other, importation would be allowed under a licence from the Agricultural Department - Gazette of India, 1913, Pt. V, p. 166. Act 12 of 1992.- The Destructive Insects and Pests Act, 1914 was enacted to prevent the import and transport of any insect, fungus or other pests which may be destructive to crops. Section 3 of the said Act empowered the Central Government to prohibit or regulate the import of any article or class of articles likely to cause infection to any crop. In exercise of that power, the Central Government, by Notification dated 25th October, 1989, made an order for matters relating to inspection, fumigation, disinfection and supervision of some articles such as plants, fruits and seeds which were imported into India. Fees were also provided to be levied and collected for the aforesaid purposes. Under the New Seed Policy, the import of seeds and plant materials was brought under Open General Licence resulting in heavy import thereof. The Government had, therefore, to strengthen the infrastructural facilities and services of Plant Quarantine organisations in order to prevent the entry of exotic diseases through

such imported consignments.<sup>2</sup> The Calcutta High Court in a writ petition held that the aforesaid Act did not empower the Government to levy any fees for inspection, fumigation, etc. The Bombay High Court also in a case struck down the imposition of fees and directed the refund of money.<sup>3</sup> It was considered necessary to enable the Government to levy and collect fees for the services rendered and for meeting expenditure on maintaining Plant Quarantine organisations. It was also necessary to validate the levy and collection of fees made earlier. In the circumstances, suitable provisions in the aforesaid Act empowering the Central Government to levy fees for inspection, fumigation, etc., on imported consignments and for validation of the fees already levied or collected were, therefore, required to be made.<sup>4</sup> The Ordinance, namely, the Destructive Insects and Pests (Amendment and Validation) Ordinance, 1992 was, therefore, promulgated by the President on 25th January, 1992.<sup>5</sup> The Bill seeks to replace the said Ordinance and to achieve the aforesaid objects. - Gazette of India, 28-2-92, Pt. II, Section 2, Ext., p. 17 (No. 5). Amendment made in 1938.- Power under sub-section (1) of this section, prior to its amendment in 1938, was not available to the Central Government for the prohibition or regulation of movement from one part of British India to another of living plants likely to cause infection to any crop. Central control as contemplated in Item 30 of Part II of List III of the Seventh Schedule of the Government of India Act, 1935, was considered desirable. The introduction of the amendments made in 1938 now provide for such control. The amendments also enable the Central Government to exercise control over the importations, and movement from one Province to another Province of live insects which are or may be destructive to crops in other ways than by causing infection to them (See Section 4A). See S.O.R. 1938. [3rd February, 1914] An Act to prevent the introduction into [India] [Substituted by Act 3 of 1951, s.3 and Sch., for "Part A States and Part C States"] [and the transport from one [State] [Inserted by the Act 6 of 1938, s.2.)] to another] [\* \* \* \*] [The words "in British India" were rep. by the A.C.A.O. 1948.] of any insect, fungus or other pest, which is or may be destructive to crops. WHEREAS it is expedient to make provision for preventing the introduction into [India] [Substituted by Act 3 of 1951, s.3 and Sch., for "the territories comprised within Part A States and Part C States (hereinafter in this Act referred to as the said territories)"] [and the transport from one province to another] [The words "and the transport from one province to another in" were ins. by the Act 6 of 1938, s.2. ] [\* \* \* \*] [The words "in British India" were rep. by the A.O. 1948. ] of any insect, fungus or other pest, which is or may be destructive to crops; It is hereby enacted as follows:-

## 1. Short title and extent.-

[(1)] [S.1. has been renumbered as sub-section (1) by Act 3 of 1951, section 3] This Act may be called the Destructive Insects and Pests Act, 1914. (2) [It extends to the whole of India [\* \* \* \*] [Inserted by Act 3 of 1951, section 3].]

## 2. Definitions.-

In this Act, unless there is anything repugnant in the subject or context, -(a) "crops" includes all agricultural or horticultural crops [and all trees, bushes or plants] [Substituted by s.3 of Act 6 of 1938, for "and trees or bushes"]; (b) "import" means the bringing or taking by sea [land or air] [Substituted by Act 20 of 1930, s.2, for "or land"] [across any customs frontier as defined by the Central Government] [Inserted by the A.O. 1937 ]; [\* \* \*] [The words "and" was rep. by Act 3 of

1939.](c)"infection" means infection by any insect, fungus or other pest injurious to a crop; [\* \* \*]  
[The words "and" was rep. by Act 3 of 1939.](d)[ \* \* \* \* \*] [Omitted by Act 62 of 1956, Section 2]

### **3. Power of Central Government to regulate or prohibit the import of articles likely to infect.-**

(1)The [Central Government] [Substituted for the word "Governor-General in Council" by A.O., 1937] may, by notification in the [Official Gazette] [Substituted for the word "Gazette of India" by A.O., 1937], prohibit or regulate subject to such restrictions and conditions as [it] [Substituted for the word "he" by A.O., 1937] may impose, the import into [India] [Substituted by Act 3 of 1951, s.3 and Sch., for "the said territories"] or any part thereof, or any specified place therein, in any article or class or articles likely to cause infection to any article or class of articles likely to cause infection to pay any crop [or of insects generally or any class of insects] [Inserted by Act 6 of 1938, s.4.](2)A notification under this section may specify any article or class of articles [or any insect or class of insects] [Inserted by Act 6 of 1938, s.4.] either generally or in any particular manner, whether with reference to the country of origin, or the route by which imported or otherwise.(3)[ The Central Government may, by notification under this section, also levy and collect such fees at such rates and in such manner as may be specified therein for making an application for a permit to import, or for making inspection, fumigation, disinfection, disinfestation or supervision of, any article or class of articles or any insect or class of insects under this section.] [Inserted by Act 12 of 1992, section 2]

### **4. Operation of notification under section 3.-**

A notification under section 3 shall operate as if it had been issued under section 19 of the Sea Customs Act, 1878, and the officers of customs at every port shall have the same powers in respect of any article with regard to the importation of which such a notification has been issued as they have for the time being in respect of any article the important of which is regulated, restricted or prohibited by the law relating to Sea Customs, and the law for the time being in force relating to Sea Customs or any such article shall apply accordingly.

#### **4A. [ Power of Central Government to regulate or prohibit transport from [State] [Inserted by Act 06 of 1938, section 5] to State of insects or articles likely to infect.-**

The Central Government may, by notification in the Official Gazette, prohibit or regulate, subject to such conditions as the Central Government may impose, the export from a State or the transport from one [State] [Substituted for "Province" by A.L.O., 1950 ] to another State [\* \* \*] [The words "in British India" were omitted by the A.C.A.O. 1948] of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects.]

#### **4B. [ Refusal to carry article of which transport is prohibited.- [Inserted by Act 06 of 1938, section 5]**

When a notification has been issued under section 4A, then, notwithstanding any other law for the time being in force, the person responsible for the booking of goods or parcels at any railway stations or inland steam vessel station, -(a) where the notification prohibits export or transport, shall refuse to receive for carriage at, or to forward or knowingly allow to be carried on, the railway or inland steam vessel from that station anything of which import or transport is prohibited, consigned to any place [in a [State] other than the [State] [Substituted for "Province" by A.L.O., 1950 ]] in which such station is situate; and (b) where the notification imposes conditions upon export or transport shall so refuse, unless the consignor produces or the thing consigned is accompanied by, a document or documents of the prescribed nature showing that those conditions are satisfied.]

#### **4C. Application of section 4B to articles exported to the State of Jammu and Kashmir.-**

[Repealed by the Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956), section 2 and Sch. (1-11-1956.)]

#### **4D. [ Power of Central Government to make rules.- [Inserted by the Act 06 of 1938, section 5]**

[(1)] The Central Government may, by notification in the Official Gazette make rules prescribing the nature of the documents which shall accompany any article or insect the export or transport whereof is subject to conditions imposed under section 4A, or which shall be held by the consignor or consignee thereof, the authorities which may issue such documents and the manner in which the documents shall be employed: [\* \* \* \* \*] [Proviso omitted by Act 04 of 1986, section 2](2)[ Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and of before the expiry of the session immediately following the session or successive sessions aforeside, both Houses agree in making any modification in the rule or both Houses agree 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 such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.] [Inserted by Act 04 of 1986, section 2]

#### **5. Power of State Government to make rules.-**

(1)The [State Government] [Substituted for "Provincial Government" by A.L.O., 1950] may [\* \* \*] [The words "subject to the control of the G.G. in C." were rep. by the A.O.1937.] make rules for the detention, inspection, disinfection or destruction [of any insect or class of insects or] [Inserted by Act 6 of 1938, s.6.] of any article or class of articles in respect of which a notification has been issued under section 3 [or under section 4A] [Inserted by Act 6 of 1938, s.6.] or of any article which may

have been in contact or proximity thereto, and for regulating the powers and duties of the officers whom it may appoint in this behalf.(2)In making any rule under this section the State Government may direct that a breach thereof shall be punishable with fine, which may extend to one thousand rupees.

#### **5A. [ Penalties.- [Inserted by Act 06 of 1938, section 7]**

Any person who knowingly exports any article or insect from a [State]] or transports any article or insect from one [State] [Substituted for "Province" by A.L.O., 1950 ]] to another [\* \* \*] [The words "in British India" were omitted by the A.O. 1948.] in contravention of a notification issued under section 4A, or attempts so to export or transport any article or insect [\* \* \*] [The word "or export or attempts to export from India to the State of Jammu Kashmir any article or insect in respect of which a notification under section 4C has been issued" omitted by Act 62 of 1956, section 2], and any person responsible for the booking of goods or parcels at a railway or inland steam vessel station who knowingly contravenes the provisions of section 4B shall be punishable with fine which may extend to two hundred and fifty rupees and, upon any subsequent conviction, with fine which may extend to two thousand rupees.]

#### **6. Protection to person acting under Act.-**

No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.