

THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914

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SECTIONS

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THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914

ACT NO. 2 OF 1914¹

[3rd February, 1914.]

An Act to prevent the introduction into ²[India] ³[and the transport from one province to another] ^{4***} 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 ⁵[India] ³[and the transport from one province to another] ^{4***} 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.—⁶[(1)] This Act may be called the Destructive Insects and Pests Act, 1914.

⁷[(2)] It extends to the whole of India ^{8***}.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “crops” includes all agricultural or horticultural crops ⁹[and all trees, bushes or plants];

(b) “import” means the bringing or taking by sea, ¹⁰[land or air] ¹¹[across any customs frontier as defined by the Central Government]; ^{12***}

(c) “infection” means infection by any insect, fungus or other pest injurious to a crop; ^{13***}

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3. Power of Central Government to regulate or prohibit the import of articles likely to infect.—(1) The Central Government may, by notification in the Official Gazette, prohibit or regulate, subject to such restrictions and conditions as it may impose, the import into ¹⁵[India], or any part thereof, or any specified place therein, of any article or class of articles likely to cause infection to any crop ¹⁶[or of insects generally or any class of insects].

¹. The Act has been extended in its application to Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 3 and the First Schedule and to Pondicherry on 1-10-1963: *vide* Reg. 7 of 1963, s. 3 and the First Schedule.

². Subs. by Act 3 of 1951, s. 3 and the Schedule for “Part A States and Part C States”.

³. Ins. by Act 6 of 1938, s. 2.

⁴. The words “in British India” were omitted by the A.O. 1948.

⁵. Subs. by Act 3 of 1951, s. 3 and the Schedule for “the territories comprised within Part A States and Part C States (hereinafter in this Act referred to as the said territories)”.

⁶. Section 1 re-numbered as sub-section (1) thereof by s. 3 and the Schedule, *ibid*.

⁷. Ins. by s. 3 and the Schedule, *ibid*.

⁸. The words “except the State of Jammu and Kashmir” omitted by Act 62 of 1956, s. 2 and the Schedule (w.e.f. 1-11-1956).

⁹. Subs. by Act 6 of 1938, s. 3, for “and trees or bushes”.

¹⁰. Subs. by Act 20 of 1930, s. 2, for “or land”.

¹¹. Ins. by the A.O. 1937. For definition of customs frontier, *see* section 3A of the Sea Customs Act, 1878 (8 of 1878) and Gazette of India, Pt. II, Sec. 3, dated 6th August, 1955, p. 1521.

¹². The word “and” omitted by Act 3 of 1939, s. 2.

¹³. The word “and” omitted by the A.O. 1948, which was earlier added by Act 3 of 1939, s. 2.

¹⁴. Clause (d) omitted by Act 62 of 1956, s. 2 and the Schedule (w.e.f. 1-11-1956). Earlier it was subs. by Act 3 of 1951, s. 3 and the Schedule.

¹⁵. Subs. by Act 3 of 1951, s. 3 and the Schedule for “the said territories”.

¹⁶. Ins. by Act 6 of 1938, s. 4.

(2) A notification under this section may specify any article or class of articles ¹⁶[or any insect or class of insects], either generally or in any particular manner, whether with reference to the country of origin or the route by which imported or otherwise.

¹[(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 of any insect or class of insects under this section].

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 (8 of 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 importation 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.

²**4A. Power of Central Government to regulate or prohibit transport from State 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 to another State ^{3****} 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.—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 station 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 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.*] Omitted by the *Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956), s. 2 and the Schedule (w.e.f. 1-11-1956).*

4D. Power of Central Government to make rules.—⁴[(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:

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⁶[(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

¹ . Ins. by Act 12 of 1992, s. 2 (w.e.f. 27-10-1989).

² . Ins. by Act 6 of 1938, s. 5.

³ . The words “in British India” rep. by the A.O. 1948.

⁴ . Section 4D re-numbered as sub-section (1) thereof by Act 4 of 1986, s. 2 and the Schedule (w.e.f. 15-5-1986).

⁵ . The proviso omitted by s. 2 and the Schedule, *ibid.* (w.e.f. 15-5-1986).

⁶ . Ins. by s. 2 and the Schedule, *ibid.* (w.e.f. 15-5-1986).

be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 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.]

5. Power of State Government to make rules.—(1) The State Government may ¹[, by notification in the Official Gazette,] ^{2***} make rules for the detention, inspection, disinfection or destruction ³[of any insect or class of insects or] of any article or class of articles in respect of which a notification has been issued under section 3 ³[or under section 4A] 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.

¹[(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

⁴**[5A. Penalties.**—Any person who knowingly exports any article or insect from a State or transports any article or insect from one State to another ^{5***} in contravention of a notification issued under section 4A, or attempts so to export or transport any article or insect ^{6***} 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 persons 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.

¹ . Ins. by Act 4 of 1986, s. 2 and the Schedule (w.e.f. 15-5-1986).

² . The words “subject to the control of the G.G. in C.” were omitted by the A.O. 1937.

³ . Ins. by Act 6 of 1938, s. 6.

⁴ . Ins. by s. 7, *ibid*.

⁵ . The words “in British India” were omitted by the A.O. 1948.

⁶ . The words “or exports or attempts to export from India to the State of Jammu and Kashmir any article or insect in respect of which a notification under section 4C has been issued,” omitted by Act 62 of 1956 s. 2 and the Schedule (w.e.f. 1-11-1956).