

THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Power of Central Government to regulate or prohibit the import of articles likely to infect.
4. Operation of notification under section 3.
 - 4A. Power of Central Government to regulate or prohibit transport from State to State of insects or articles likely to infect.
 - 4B. Refusal to carry article of which transport is prohibited.
 - 4C. [*Omitted.*].
 - 4D. Power of Central Government to make rules.
5. Power of State Government to make rules.
 - 5A. Penalties.
6. Protection to persons acting under Act.

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***}

^{14*} * * * * *

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].

(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. 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.

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).