

INDIEN

THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914

(Gesetz über die Vernichtung von Insekten und Schädlingen, 1914)

Quelle: <http://www.indiacode.nic.in/>

(Redaktionelle Bearbeitung, Julius Kühn-Institut, Bundesforschungsinstitut für Kulturpflanzen, Institut für nationale und internationale Angelegenheiten der Pflanzengesundheit, 22.10.2018)

Übersetzung und Wiedergabe erfolgen ohne Gewähr.

Inoffiziell konsolidierte Fassung. Geändert durch:

- M1 The Destructive Insects and Pests (Amendment) Act, 1930(20 of 1930).
- M2 The Government of India (Adaption of Indian Laws) Order,1937.
- M3 The Destructive Insects and Pests (Amendment) Act, 1938 (6 of 1938).
- M4 The Destructive Insects and Pests (Amendment) Act,1939 (3 of 1939).
- M5 The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
- M6 The adaptation of Laws, Order, 1950.
- M7 The part B States (Laws) Order,1951, (3 of 1951).
- M8 The Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956).
- M9 Delegated Legislation Provisions (Amendment!) Act (4 of 1986), Section 2, Schedule w.e.f. 15-5-86.
- M10 Destructive Insects and Pests (Amendment and Validation) Act (12 of 1992). Section 2(w.r.e.f. 27-10-1989)

THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914

Act, No. 2 of 1914

3rd February, 1914

PREAMBLE

An act to prevent the introduction into **M7** India **◀M3** and the transport from one **M6** State **◀** to another **◀ M5**--- **◀** 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 **M7** India **◀ M3** and the transport from one province to another **◀M5**---**◀**of any insect, fungus or other pest, which is or may be destructive to crops;

It is hereby enacted as follows:

Section 1. Short title and extent

M7 (1) **◀** This Act may be called the Destructive Insects and Pests Act, 1914.

M7 (2) It extends to the whole of India **◀ M8** ---**◀**,

Section 2. Definitions

In this Act, unless there is anything repugnant in the subject or context, -

- (a) "crops" includes all agricultural or horticultural crops M3► and all trees, bushes or plants ◀;
- (b) "import" means the bringing or taking by sea, M1► land or air ◀ M2► across any customs frontier as defined by the Central Government ◀ M4► --- ◀;
- (c) "infection" means infection by any insect, fungus or other pest injurious to a crop; M5► --- ◀
- M8► (d) --- ◀.

Section 3. Power of Central Government to regulate or prohibit the import of articles likely to infect

(1) The M2► Central Government ◀ may, by notification in the M2► Official Gazette ◀, prohibit or regulate, subject to such restrictions and conditions as M2► it ◀ may impose, the import into M7► India ◀ or any part thereof, or any specified place therein, of any article or class of articles likely to cause infection to any crop M3► or of insects generally or any class of insects. ◀

(2) A notification under this Section may specify any article or class of articles M3► 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.

M10► (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. ◀

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, 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.

Section 4A. Power of Central Government to regulate or prohibit transport from M5► State ◀ of insects or articles likely to infect

M3► 4A. Power of Central Government to regulate or prohibit transport from M5► 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 M6► State ◀ or the transportation from one M6► State ◀ to another M6► State ◀ M5► --- ◀ of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects. ◀

Section 4B. Refusal to carry article of which transport is prohibited

M3► 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 **M5** in a **M6** State other than the **M6** State in which such station is situated; 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.

Section 4C. Application of 4B to articles exported to (the State of Jammu and Kashmir

M8 ---

Section 4D. Power of Central Government to make rules

M3 4D. Power of Central Government to make rules.-

M9 (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 :

M9 ---

M9 (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 if before the expiry of the session immediately following the session or 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.

Section 5. Power of State Government to make rules

(1) The **M6** State Government may **M6** by notification in the official Gazette, **M2** --- make rules for the detention, inspection, disinfection or destruction **M3** of any insect or class of insects or of any article or class of articles¹ in respect of which a notification has been issued under Section 3 **M3** 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 **M6** State Government may direct that a breach thereof shall be punishable with fine, which may extend to one thousand rupees.

¹ For Infected Articles (Detention, Inspection, Disinfection and Destruction) Rules in the States of Kerala, Mysore, Andhra Pradesh and Maharashtra and the Union Territory of Himachal Pradesh now a State, see Ker. Gaz.. 8-11-1960, Part. I, Section 4, p. 1 (G. 3261); Mys. Gaz., 29-8-1963, Part IV. Section 1(c)(ii). p. 2303; A.P. Gaz. 23-1-1964. Part II. R.S., p. 23; Maha. Gaz.. 28-5-1964. Part IV-B, p. 525 and H. P. Gaz.. 19-11-1960, Part II, p. 1014, respectively.
For U. P. Infected Plants and Plant Materials Rules, 1948 and U. P. Plants and Plant Materials (Inspection and Examination) Rules. 1948. see U. P. Gaz., 1948. Part I-A. pp. 537 and 538.

M9▶ (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. ◀

Section 5A. Penalties

M3▶ 5A. Penalties.-

Any person who knowingly exports any article or insect from a **M6▶** State ◀ or transports any article or insect from one **M6▶** State ◀ to another **M5▶**--- ◀ in contravention of a notification issued under Section 4A, or attempts so to export or transport any article or insect **M8▶**--- ◀ 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. ◀

Section 6. Protection to persons acting under Act

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