

## THE DESTRUCTIVE INSECTS AND PESTS ACT, 1914

[ACT NO. II OF 1914]

[3rd February, 1914]

An Act to prevent <sup>2</sup>[the introduction into the Provinces and the transport from one province to another] of any insect, fungus or other pest, which is or may be destructive to crops.

WHEREAS it is expedient to make provision for preventing <sup>2</sup>[the introduction into the Provinces and the transport from one province to another] of any insect, fungus or other pest, which is or may be destructive to crops; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Destructive Insects and Pests Act, 1914.

Definitions.

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

(a) "crops" includes all agricultural or horticultural crops <sup>3</sup>[and all trees, bushes or plants];

(b) "import" means the bringing or taking by sea <sup>4</sup>[land or air] <sup>5</sup>[across any customs frontier as defined by the Central Government]; <sup>6</sup>\*

(c) "infection" means infection by any insect, fungus or other pest injurious to a crop. <sup>7</sup>\*

\* \* \* \* \*

Power of Central Government to regulate

3.—(1) The <sup>8</sup>[Central Government] may, by <sup>9</sup>notification in the <sup>10</sup>[official Gazette], prohibit or regulate, subject to such restrictions and conditions as <sup>12</sup>[it] may impose, the import into <sup>13</sup>[the Provinces

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1913, Pt. V, p. 166; for Report of Select Committee, see *ibid.*, 1914, Pt. V, p. 7; and for Proceedings in Council, see *ibid.*, 1913, Pt. VI, p. 518, *ibid.*, 1914, Pt. VI, pp. 64 and 188.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.-W. F. P., and also extended to the Excluded Area of Upper Tanawal (N.-W. F. P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.-W. F. P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

<sup>2</sup> The original words "the introduction into British India" were amended first by the Destructive Insects and Pests (Amendment) Act, 1938 (6 of 1938), s. 2 and then by G. G. O. 4 of 1949, Sch., to read as above.

<sup>3</sup> Subs. by Act 6 of 1938, s. 3, for "and trees or bushes".

<sup>4</sup> Subs. by Act 20 of 1930, s. 2, for "or land".

<sup>5</sup> Ins. by the A. O., 1937. For "definition of Customs frontier", see Gazette of India Extraordinary, dated 1st April, 1937, p. 433.

<sup>6</sup> The word "and" omitted by the Destructive Insects and Pests (Amendment) Act, 1939 (3 of 1939), s. 2.

<sup>7</sup> The word "and" omitted by G. G. O. 4 of 1949, Sch.

<sup>8</sup> Clause (d) omitted, *ibid.*

<sup>9</sup> Subs. by the A. O., 1937, for "G. G. in C.".

<sup>10</sup> See notification of the G. of I. in the Education, Health and Lands Department, No. F. 320/35-A, dated the 20th July, 1936.

<sup>11</sup> Subs. by the A. O., 1937, for "Gazette of India".

<sup>12</sup> Subs. *ibid.*, for "he".

<sup>13</sup> Subs. by G. G. O. 4 of 1949, Arts. 3(2) and 4, for "British India".

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Section 11

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and the Capital of the Federation], or any part thereof, or any specified place therein, of any article or class of articles likely to cause infection to any crop 1[or of insects generally or any class of insects].

or prohibit  
the import  
of articles  
likely to  
infect.

(2) A notification under this section may specify any article or class of articles 2[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.

4. 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.

Operation  
of notifica-  
tion under  
section 3.

3[4A. 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 province or the transport from one province to another province 4\* \* \* of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects.

Power of  
Central  
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4B. 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,—

Refusal to  
carry article  
of which  
transport is  
prohibited.

(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 5[the Provinces and the Capital of the Federation] outside the province 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. Where, by or under any law in force in the territories of any 6[Acceding State], the import into that State of any article likely

Application  
of section 4B

<sup>1</sup> Added by the Destructive Insects and Pests (Amendment) Act, 1938 (6 of 1938), s. 4.

<sup>2</sup> Ins., *ibid.*

<sup>3</sup> Sections 4A to 4D ins. *ibid.*, s. 5.

<sup>4</sup> The words "in British India" omitted by G. G. O. 4 of 1949, Sch.

<sup>5</sup> Subs. by G. G. O. 4 of 1949, Arts. 3(2) and 4, for "British India".

<sup>6</sup> Subs. by the Federal Laws (Revision and Declaration) Act, 1951, (26 of 1951), s. 4 and III Sch., for "Indian State".

to articles  
exported to  
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to cause infection to any crop or of any insect has been prohibited, the Central Government may, by notification in the official Gazette, declare that the provisions of section 4B shall apply in respect of any such article or insect consigned from any place in <sup>1</sup>[the Provinces and the Capital of the Federation] to any place in that State:

Provided that such <sup>2</sup>[Acceding State] prohibits the export to <sup>3</sup>[the Provinces and the Capital of the Federation] of any article or insect or class of insects the import of which into <sup>4</sup>[the Provinces and the Capital of the Federation] has been prohibited by the Central Government.

Power to  
Central  
Government  
to make  
rules.

4D. 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:

Provided that the said notification shall be placed, as soon as may be, on the table of <sup>5</sup>\* \* \* the Central Legislature.]

Power of  
Provincial  
Government  
to make  
rules.

5.—(1) The <sup>6</sup>[Provincial Government] may <sup>7</sup>\* \* \* make rules for the detention, inspection, disinfection or destruction <sup>8</sup>[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 <sup>9</sup>[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 <sup>10</sup>[Provincial Government] may direct that a breach thereof shall be punishable with fine, which may extend to one thousand rupees.

Penalties.

<sup>11</sup>5A. Any person who knowingly exports any article or insect from a province or transports any article or insect from one province to another <sup>12</sup>\* \* \* in contravention of a notification issued under section 4A, or attempts so to export or transport any article or insect, or exports or attempts to export from <sup>13</sup>[the Provinces and the Capital of the Federation] to an <sup>14</sup>[Acceding State] any article or insect in respect of which a notification under section 4C has been issued, 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

<sup>1</sup> Subs. by G. G. O. 4 of 1949, Arts. 3(2) and 4, for "British India."

<sup>2</sup> Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s 4 and III Sch., for "Indian State".

<sup>3</sup> The words "both chambers of" omitted by G. G. O. 4 of 1949, Sch.

<sup>4</sup> Subs. by the A. O., 1937, for "L. G."

<sup>5</sup> The words "subject to the control of the G. G. in C." rep., *ibid.*

<sup>6</sup> Ins. by the Destructive Insects and Pests (Amendment) Act, 1938 (6 of 1938), s. 6.

<sup>7</sup> Section 5A ins. *ibid.*, s. 7.

<sup>8</sup> The words "in British India" omitted by G. G. O. 4 of 1949, Sch.

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which may extend to two hundred and fifty rupees and, upon any subsequent conviction with fine which may extend to two thousand rupees.]

6. 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.

Protection  
to persons  
acting under  
Act.

## THE COPYRIGHT ACT, 1914

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