

ACT No. VI OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 12th
March, 1938.)

An Act further to amend the Destructive Insects and
Pests Act, 1914, for certain purposes.

II of 1914. WHEREAS it is expedient further to amend the
Destructive Insects and Pests Act, 1914, for
the purposes hereinafter appearing; It is hereby
enacted as follows:—

1. This Act may be called the Destructive Insects and Pests (Amendment) Act, 1938. Short title.

II of 1914. 2. In the long title and preamble of the Destructive Insects and Pests Act, 1914 (hereinafter referred to as the said Act), after the word "into" the words "and the transport from one province to another in" shall be inserted. Amendment of long title and preamble, Act II of 1914.

3. In clause (a) of section 2 of the said Act, for the words "and trees or bushes" the words "and all trees, bushes or plants" shall be substituted. Amendment of section 2, Act II of 1914.

4. In section 3 of the said Act,— Amendment of section 3, Act II of 1914.
(a) to sub-section (1) the words "or of insects generally or any class of insects" shall be added; and
(b) in sub-section (2), after the word "articles" the words "or any insect or class of insects" shall be inserted.

5. After section 4 of the said Act the following sections shall be inserted, namely:— Insertion of new sections 4A, 4B, 4C and 4D in Act II of 1914.

"4A. The Central Government may, by notification in the Official Gazette, prohibit or regulate, subject to such Power of Central Government to regulate or prohibit

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Destructive Insects and Pests (Amendment). [ACT VI

transport from province to province of insects or articles likely to infect.

such conditions as the Central Government may impose, the export from a province or the transport from one province to another province in British India of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects.

Refusal to carry article of which transport is prohibited.

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,—

- (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 British India 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.

Application of section 4B to articles exported to Indian States.

4C. Where, by or under any law in force in the territories of any Indian State, the import into that State of any article likely 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 British India to any place in that State:

Provided that such Indian State prohibits the export to British India of any article or insect or class of insects the import of which into British India has been prohibited by the Central Government.

Power of 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

of 1938.] *Destructive Insects and Pests (Amendment).*

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 both chambers of the Central Legislature."

6. In sub-section (1) of section 5 of the said Act, after the word "destruction" the words "of any insect or class of insects or" shall be inserted and after the word and figure "section 3" the words, figure and letter "or under section 4A" shall be inserted.

Amendment
of section
Act II of 1914.

7. After section 5 of said Act the following section shall be inserted, namely:—

Insertion of
new section
5A in Act II
of 1914.

"5A. Any person who knowingly exports any article or insect from a province or transports any article or insect from one province to another in British India 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 British India to an Indian 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 which may extend to two hundred and fifty rupees and, upon any subsequent conviction, with fine which may extend to two thousand rupees."

Penalties.