

सत्यमेव जयते

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The Destructive Insects and Pests (Amendment and Validation) Act, 1992

(ACT NO. 12 OF 1992)

[*As on the* 15*th December*, 2025]

AMENDING ACT

The Repealing and Amending Act, 2001 (30 of 2001).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT AND VALIDATION) ACT, 1992

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Amendment of section 3 of Act 2 of 1914.
3. Validation.
4. Repeal and saving.

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THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT AND VALIDATION) ACT, 1992

ACT NO. 12 OF 1992

[31*st March,* 1992.]

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

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Destructive Insects and Pests (Amendment and Validation) Act, 1992.

(*2*) It shall be deemed to have come into force on the 27th day of October, 1989.

2. [**Amendment of section 3 of Act 2 of 1914.**]—*Rep. by the Repealing and Amending Act,* 2001 (30 *of* 2001), *s*. 2 *and Sch*. (*w.e.f*. 3-9-2001).

3. Validation.—(*1*) Notwithstanding any judgment, decree or order of any court, tribunal or other authority,—

(*i*) the notification No.S.O.867(E), dated the 27th October, 1989 issued under sub-section (*1*) of section 3 of the principal Act, and

(*ii*) any fees levied or collected or purported to have been levied or collected 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 the principal Act or the said notification,

shall, for all purposes, be deemed to be and to have always been validly issued or, as the case may be, levied or collected in accordance with the provisions of section 3 of the principal Act as amended by this Act, and accordingly—

(*a*) no suit or other proceeding shall be maintained or continued in any court for the refund of any fees so collected;

(*b*) no court or other authority shall enforce any decree or order directing the refund of any fees so collected;

(*c*) any fees levied or purported to have been levied but not collected, may be recovered under the principal Act as amended by this Act; and

(*d*) anything done or any action taken or purported to have been done or taken under or for the purposes of the principal Act shall be deemed to have been validly done or taken in accordance with law as if the provisions of section 3 of the principal Act, as amended by this Act, had been in force at all material times.

(*2*) For the removal of doubts, it is hereby declared that nothing in sub-section (*1*) shall be construed as preventing any person—

(*a*) from questioning in accordance with the provisions of the principal Act, as amended by this Act, or the notification issued under section 3 of the principal Act, the levy or collection of such fees; or

(*b*) from claiming refund of any fees paid by him in excess of the amount due from him under the principal Act, as amended by this Act, or the said notification.

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4. Repeal and saving.—(*1*) The Destructive Insects and Pests (Amendment and Validation) Ordinance, 1992 (Ord. 4 of 1992) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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STATEMENT OF OBJECTS AND REASONS

The Destructive Insects and Pests Act, 1914 was enacted to prevent the import and transport of any insect, fungus or other pests which may be destructive to crops. Section 3 of the said Act empowered the Central Government to prohibit or regulate the import of any article or class of articles likely to cause infection to any crop. In exercise of that power, the Central Government, by Notification dated 27th October, 1989, made an order for matters relating to inspection, fumigation, dis-infection and supervision of some articles such as plants, fruits and seeds which were imported into India. Fees were also provided to be levied and collected for the aforesaid purposes. Under the New Seed Policy, the import of seeds and plant materials was brought under Open General Licence resulting in heavy import thereof. The Government had, therefore, to strengthen the infrastructural facilities and services of Plan Quarantine organisations in order to prevent the entry of exotic diseases through such imported consignments.

2. The Calcutta High Court in a writ petition held that the aforesaid Act did not empower the Government to levy any fees for inspection. fumigation, etc. The Bombay High Court also in a case struck down the imposition of fees and directed the refund of money.

3. It was considered necessary to enable the Government to levy and collect fees for the services rendered and for meeting expenditure on maintaining Plant Quarantine organisations. It was also necessary to validate the levy and collection of fees made earlier. In the circumstances, suitable provisions in the aforesaid Act empowering the Central Government to levy fees for inspection, fumigation, etc., on imported consignments and for validation of the fees already levied or collected were, therefore, required to be made.

4. The Ordinance, namely, the Destructive Insects and Pests (Amendment and Validation) Ordinance, 1992 was, therefore, promulgated by the President on 25th January, 1992.

5. The Bill seek to replace the said ordinance and to achieve the aforesaid objects.

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NEW DELHI; BAL RAM JAKHAR.

The 20*th February*, 1992.