

**Destructive Insects And Pests (Amendment And Validation)
Act, 1992**

12 of 1992

[31 March 1992]

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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 :-

In section 3 of the Destructive Insects and Pests Act, 1914 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) The Central Government may, by notification under this section, also levy and collect such fees at such and in such manner as may be specified therein for making an application for a permit to import, or for making inspection fumigation, disaffection, disinfestation or supervision of, any article or class of articles or any

insect or class of insects under this section."

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 the 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, disaffection, 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.

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.