

PETITIONER:
SARDA PLYWOOD LTD. AND ANR.

Vs.

RESPONDENT:
UNION OF INDIA AND ORS.

DATE OF JUDGMENT 09/04/1990

BENCH:
VENKATACHALLIAH, M.N. (J)
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VENKATACHALLIAH, M.N. (J)
REDDY, K. JAYACHANDRA (J)

CITATION:
1990 SCR Supl. (3) 6 1991 SCC Supl. (1) 225
JT 1991 (5) 197 1991 SCALE (1) 468

ACT:
Destructive Insects and Pests Act, 1914-- Object and scope of.

Destructive Insects and Pests Act, 1914-- Section 3--Restriction on imported articles--Purpose of--Imported timber for use in plywood manufacture--Whether amenable to Quarantine regulations under the Notification dated 27.10.1989.

Notification dated 27.10.1989---Clause (1) of para 2---"Plant"--Whether includes timber logs.
Words and Phrases--'Plant'---'Timber log'--'Quarantine'---Meaning of.

HEADNOTE:

The petitioners filed a writ petition in the High Court, challenging the Notification dated 27.10.1989 issued under the Destructive Insects and Pests Act, 1914.

Examining the question whether certain logs of timber imported by the petitioners from foreign countries for use in the manufacture of plywood were amenable to Quarantine regulations under the aforesaid statutory notification, the High Court dismissed the writ petition.

The petitioners filed the Special Leave Petition, against the High Court's judgment contending that the imported timber logs were not likely to come into contact with any crop or plant but were directly removed to the factory where plywood was manufactured, and there was no possibility of the insects or the fungus or the pests in them infecting any plant.

Dismissing the petition, this Court,

HELD: 1. The object of the Destructive Insects and Pests Act, 1914 is to protect plant-life in India from such alien insects, fungus and pests which might be introduced into the country through imported articles contaminated with them or carried by them. This object is

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sought to be achieved by preventing the entry into the soil of India, of such potential carriers. The question whether after such import the insects, fungus, or pests actually infect plant-life or not is not the decisive factor. The very existence of a possibility of such infection is sufficient justification. The main purpose is to prevent their

very entry into India. The need for treatment and the like envisaged in the notification rightly pre-supposes the potentiality of the timber logs for carrying those insects and pests. [11G-H, 12A]

2.1 It is in the public interest that State prohibits or regulates entry into its territories harmful substances, impure food, animals or persons having contagious diseases or articles which are a potential danger to the health, safety well-being and good morals of the community or the health of the flora and the fauna. [8F-G]

2.2. The extent of the prohibition or regulation must be commensurate with a reasonable relation to the object and should not be unduly restrictive of the citizen's rights. [11A]

Encyclopedia Americana (Volume 23); Interstate Barriers in India and American Constitutional Experience: Lawrence F. Ebb: Stanford Law Review, Vol. II 1958-59, Referred.

3. The expression "plant" is defined in clause (i) of para 2 of the Notification, to mean any plant or part thereof whether living or dead, trees, shrubs, nursery stock and includes all vegetatively propagated materials. The timber logs of the kind concerned in the present case fall within this definition. [11E-F]

JUDGMENT: