

# **ANDHRA PRADESH SILKWORM SEED AND COCOON (CONTROL) ACT 1956**

## **SECTION – 1**

### **SHORT TITLE:**

**SUB SECTION 1:** This Act may be called the Andhra Pradesh Silkworm Seed and Cocoon (Control) Act 1956.

**SUB SECTION 2:** It extends to the whole of the State of Andhra Pradesh

**SUB SECTION 3:** It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette appoint.

**SECTION 2:** Definitions:- In this act, unless there is anything clause repugnant in the subject or context-

- aaa) Director means the Director of Sericulture, Andhra Pradesh
- aa) Cocoon Market means a market established under Section 5(a) for the sale or purchase of cocoons of all kinds intended for reeling
- a) Cocoon means cocoons produced by mulberry or Tasar silkworms either green or stifled, dried, or in any other state or condition but does not include pierced cocoons.

**Explanation:** in this clause pierced cocoons means a cocoon from which moth has cut out.

- b) Government means the State Government
- c) Licence means a licence granted under the Act
- d) Licencing authority means the head of the Sericulture as section in the Dept. of Ind and Com., Andhra and includes any other officer appointed by the government by notification in the Andhra Pradesh Gazette to exercise all or any of the powers or to perform all or any of the duties of a licencing authority under this Act.
- dd) Licenced buyer means a person who is licenced to purchase cocoons in a Cocoon Market
- e) "Prescribed" means prescribed by rules made under this Act.
- f) "Rearer" means a person engaged in rearing of silkworms for the production of silkworm cocoons, whether for reproduction or reeling.
- ff) "Rearer" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons.
- g) "Silkworm" includes mulberry silkworm, Tasar Silkworm, Muga Silkworm and Eri Silkworm.
- h) " Silkworm Seed" means silkworm cocoons, moths, eggs or young silkworms of whatever description intended to be used for the purposes of re-production or rearing.

## **SECTION 3: REGULATION OF MANUFACTURE ETC. OF SILKWORM SEED:**

No person shall manufacture, store transport, sell or otherwise distribute silkworm seed except and in accordance with the terms and conditions of a licence issued under this Act.

## **SECTION 4: REGULATION OF REARING.**

No person shall rear silkworm from silkworm seed other than silkworm seed obtained from a person who holds a licence under this Act.

**4-A: REGULATION OF DISPOSAL OF SILKWORM COCOONS:**

No person shall dispose off or agree to dispose off or pursuant of an agreement entered into make delivery of silkworm cocoons except to persons holding a licence under this Act.

**4-B: REGULATION OF SALE OR PURCHASE OF SILKWORM COCOONS**

- 1) In any areas in which a Cocoon Market is established under this Act.
  - a) No rearer shall sell or agree to sell
  - b) No person shall purchase or agree to purchase silkworm cocoons except in such Market and except in such manner as may be prescribed.
- 2) Where a Cocoon Market is established for any area no person shall, except in such Cocoon Market use or permit the use or assist in the use of, any building room, tent, enclosure, vehicle vessel or place in such area for the sale or purchase of silkworm cocoons, or in any manner aid or abet the sale or purchase of silkworm cocoons.

**4-C: REGULATION OF TRANSPORT OF SILKWORM COCOONS**

1). No person shall transport out of the State, silkworm cocoons except under a permit issued by the Director or any other Officer of the Sericulture Department authorized by him in this behalf, and on such terms and conditions and on payment of such fees as may be prescribed

2). Any permit issued under Sub-section (1) may be cancelled by the Officer aforesaid for the breach of any of the terms and conditions subject to which it was issued or for any other reasons to be recorded in writing.

**SECTION. 5: APPLICATION FOR LICENCE.**

Every application for the grant of a licence under this Act shall be made to the licencing authority in such form as may be prescribed.

**5-A) ESTABLISHMENT OF COCOON MARKETS:**

- 1) The Government may, from time to time by notification specify the places at which Cocoon Markets, Cocoon Market yards and Cocoon stores shall be located
- b) Appoint a market Officer, and constitute a Committee consisting of two representatives of rearers and one each of licenced buyers incharge of charka establishments and filature establishments, with the Market Officer as Chairman for regulating, generally and procedure for the conduct of business in the Cocoon Market and for the performance of such functions as may be determined by the Government.

Provided that the Director, or any Officer of the Sericulture Department authorized by him in this behalf shall perform the functions of the Market Officer, until a Market Officer is appointed and of the Committee until a Committee is constituted, under this clause.
- c) Specify the Sericultural areas in the State to be served by such Cocoon Market, where silkworm cocoon produced within such areas shall be sold.
- d) Assign Markets in which any licenced buyer may carry on his business.

- e) All transactions involving the sale or purchase of cocoons in a Cocoon Market shall be by open auction, the payment of the price shall be in cash and the cocoons shall be sold by weight, as required by or under the Andhra Pradesh Weights and Measures ( Enforcement) Act 1958.

#### **SECTION 6: POWER OF INSPECTION**

1. The licencing authority or any officer authorized by the licencing authority in writing on his behalf may with a view to securing compliance with this Act or with any rules or order made there under
  - a) Require any person licenced under this Act to furnish such information as may be specified
  - b) Inspect or cause to be inspected any return, document or account book in the possession of a person, in licenced under this Act.
  - c) At all reasonable times enter and inspect any land, building, vessel, vehicle or place or a person licenced under this Act.
  - d) At all reasonable times enter and search any land, building, vessel, vehicle or place wherein or in any part of which silkworm seed or cocoon is stored or is being transported and seized or authorize any person to seize any silkworm seed or cocoon including any vessel, receptacle, apparatus, package or covering in which such seed or cocoon is contained if the licencing authority or the knowledge or from information given by any person and taken down by him in writing that contravention of this Act or any rule or order made there under has been or is being committed.

#### **SECTION 6: SUBSECTION – 2:**

Every owner, occupier or other person incharge of any such land, building, vessel, vehicle or place shall be bound to give all reasonable facilities to the licencing authority or the Officer aforesaid in carrying out his inspection under Sub-section.

#### **SECTION 7**

##### **SUB SECTION-1:**

**PENALTIES:** Any person who contravenes or fails to comply with all any of the provisions contained in this Act or any rule or ordered made there under shall be punishable with fine which may extend to two hundred and fifty rupees any court trying any such contravention may or failure may direct that any silkworm seed or cocoon or any vessel, receptacle, apparatus, package or covering containing the same in respect of which the court is satisfied that such contravention or failure has occurred shall be forfeited to Government.

**SUB-SECTION-2:** Any person who contrivance the provisions of clause (b) of sub section 1 of section 4 (b) or sub section 2 thereof, shall be punishable with imprisonment which may extend to 3 months or with fine which shall not be less than five hundred rupees but which shall not exceed one thousand rupees or both.

##### **SECTION 7 (A) : COMPOUNDING OF OFFENCES:**

- (1) The Director of such officer as may be prescribed may
  - (a) Accept, way of composition, from any person who committed or in respect of whom it can be reasonably inferred that he has committed, any offence under the

provisions of this Act or the rules made there under, such sum of money not exceeding the amount of fine payable for such offences, as may be determined by the Director or such officer.

- (b) In all cases in which any property has been seized as liable to confiscation under this Act release the same on payment of the value thereof as estimated by the Director or such officer.
- (2) On payment by such person the sum of money or the value or both as the case may be, the person, if in custody, shall be set at liberty, and all the property seized may be released and no proceedings shall be instituted against such person in any criminal court. If proceedings in any criminal court have been instituted against such person in respect of the offence the acceptance of composition shall be deemed to amount to an acquittal and in no case, any further proceedings shall be taken against such person or property, with reference to the same act or in respect of the same offence.

#### **SECTION 8: PREVIOUS SANCTION FOR PROSECUTION:**

No prosecution shall be instituted under section 7 without the previous sanction of the Director.

#### **SECTION-9: OFFENCES BY CORPORATIONS ETC.**

Where a person committing any offence punishable under this Act or any rule or order made there under is a company or an association or body of persons, whether incorporated or not, every director, manager, Secretary, agent or other officer or person concerned with the management thereof, shall, unless, he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

##### **1) OFFENCES BY COMPANIES**

Where an offence under this Act has been committed by a Company, every person who, at the time of offence was committed was incharge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:-

Provided that nothing in this sub-section render any such person liable to any punishment if he proved that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2) Notwithstanding anything in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the Company such Director, Manager, Secretary or other officer of the Company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**EXPLANATION:** For the purpose of this Section:-

- a) "Company" means any body corporate and includes a firm or other association of individuals and
- b) "Director" in relation to a firm, means a partner in the Firm."

**SECTION- 10: INQUIRY AND TRIAL OF OFFENCES:**

No offence punishable under this Act or any rule or order made thereunder shall be inquired into or tried by any court inferior to that of a Magistrate of the Government.

**SECTION-10-(A): SUSPENSION OR CANCELLATION OF LICENCE**

1 The Director, if satisfied that any person, holding a Licence under this Act has contravened the provisions of this Act. or the rules made there under or any other terms and conditions of the Licence, may, without prejudice to any punishment under Section 7 after giving the person concerned an opportunity of being heard, suspend or cancel the Licence granted to such persons.

2. Any person aggrieved by the order of suspension or cancellation of licences may appeal to to the Government within such time and in such manner as may be prescribed, and the decision of the Government on such appeal shall be final.

**SECTION 11: PROTECTION OF GOVERNMENT OFFICERS AND SERVANTS:**

1. No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or proposing to be done under this Act without the previous sanction of the Government.

2. No Officer or servant of the Government shall be liable in respect of any such act in any civil or Criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

**SECTION – 12: EXEMPTION:**

Nothing contained in this Act shall apply to any place where silkworm are reared by any department of Government.

- 1) The Government may, by Notification in the Andhra Pradesh Gazette, make rules to carry out the purposes of this Act.
- 2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for
  - a) The form and manner in which applications for licences may be made and the fees for the grant of such licences.
  - b) The terms and conditions which may be included in any licence.
  - bb) The grant of duplicate licences and the renewal of licences and the fees for the same.
  - c) Appeals from any order under this Act, the authority to whom such appeals shall lie, the time within which such appeals shall be made and the procedures for dealing with such appeals.
  - cc) The manner of constituting the Cocoon Market Committees and the powers functions and duties of such Committees and the Market Officer and the sitting fee and other allowance payable to the members of the committees.
  - d) The disposal of the silkworm seed or cocoon or the vessel receptacle apparatus, package or covering containing the same which may be noticed under Section 6.
  - e) The Market fee payable by the rearers and the licenced buyers in respect of cocoons sold and purchased in the Cocoon Market, such fee not exceeding two

percent of the price amount of the cocoons, and the purposes for which the fees may be utilized.

- 3) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and it is not in session in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice by the validity of anything previously done under that rule.