

THE ANDHRA PRADESH SILKWORM SEED AND COCOON
(CONTROL) ACT, 1956.

ACT No. XV of 1956

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THE ANDHRA PRADESH SILKWORM SEED AND COCOON
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ACT No. XV of 1956.

[1st September, 1956]

AN ACT TO PROVIDE FOR THE REGULATION OF THE REARING OF
SILKWORM SEED ¹[AND THE SALE/OR PURCHASE OF
COCOONS IN THE STATE OF ANDHRA PRADESH].

WHEREAS it is expedient to provide for the regulation of the rearing of silkworm seed ¹[and the sale/or purchase of cocoons in the State of Andhra Pradesh];

BE it enacted in the Seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement – ²[(1) This Act may be called the Andhra Pradesh Silkworm Seed and Cocoon (Control) Act, 1956.

(2) It extends to the whole of the State of Andhra Pradesh.]

(3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Definitions – In this Act, unless there is anything repugnant in the subject or context –

³[(a) “Cocoon” means cocoon produced by mulberry or tassrr silkworms, either green or stifled, dried or in any other state or condition, but does not include pierced cocoon:

Explanation :- In this clause, “pierced cocoon” means a cocoon from which moth has cut out;

(aa) “cocoon market” means a market established under section 5A, for the sale or purchase of cocoons of a kinds intended for reeling;

(aaa) “Director” means the Director of Sericulture, Andhra Pradesh;]

(b) “Government” means the State Government;

(c) “licence” means a licence granted under this Act;

¹. Substituted by the Act No. 16 of 1982, S.3.

². sub-sections (1) and (2) substituted by the Act No. 16 of 1982, S.4.

³. Substituted by the Act No. 16 of 1982, S.5.

(d) "licensing authority" means the head of the sericultural section of the Department of Industries and Commerce, Andhra Pradesh 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 licensing authority under this Act;

¹ [(dd) "licensed buyer" means a person who is licensed to purchase cocoons in a cocoon market;]

(e) "prescribed" means prescribed by rules made under this Act;

² [(f) "rearer" means a person engaged in rearing silkworms for the production of silkworm cocoons, whether for reproduction or reeling;

(ff) "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworm cocoons, whether for reproduction or reeling;]

(g) "silkworm" includes mulberry silkworms, tosar silkworms, eggs or young silkworms of whatever description intended to be used for the purposes of reproduction or rearing.

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

4. Regulation of rearing – No person shall rear silkworms from silkworm seed other than silkworm seed obtained from a person who holds a licence under this Act.

³[4A. Regulation of disposal of silkworm cocoons - No rearer shall dispose of, or agree to dispose of, or in pursuance of an agreement entered into make delivery of, silkworm cocoons except to persons holding a licence under this Act.

4B. Regulation of sale or purchase of silkworm cocoons - (1) In any area in which a cocoon market is established under this Act,-

(a) no rearer shall sell or agree to sell;

¹. Inserted by the Act No.16 of 1982, S.5.

². Substituted by the Act No. 16 of 1982, S.5.

³. 4A, 4B and 4C sections inserted by the Act No.16 of 1982, S.6.

(b) no person shall purchase or agree to purchase, Silkworm cocoons except in such cocoon 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.

4C. 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 authorised 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 breach of any of the terms and conditions subject to which it was issued or for any other reason to be recorded in writing.]

5. Application for licence – Every application for the grant of a licence¹[under this Act] shall be made to the licensing authority in such form as may be prescribed.

²[5A. Establishment of cocoon market – (1) The Government may, from time to time, by notification,-

(a) specify the places at which cocoon markets, cocoon market-yards and cocoon store shall be located;

(b) appoint a Market Officer, and constitute a committee consisting of two representatives of rearers, and one each of licensed buyers in-charge of charka establishments and filature establishments, with the Market Officer as chairman, for regulating, generally the 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 authorised 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;

¹. Substituted by the Act No.16 of 1982, S.7.

². Inserted by the Act No.16 of 1982, S.8.

(c) specify the sericultural areas in the State to be served by each cocoon market, where silkworm cocoon produced within such areas shall be sold;

(d) assign markets in which any licensed buyer may carry on his business.

(2) 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 (Act I of 1959).]

6. Power of inspection – (1) The licensing authority or any officer authorized by the licensing authority in writing in this behalf may, with a view to securing compliance with this Act or with any rule or order made thereunder-

(a) require any person licensed 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 licensed under this Act;

(c) at all reasonable times enter and inspect any land, buildings, vessel, vehicle or place of a person licensed 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 ¹[silkworm seed or cocoon] is stored or is being transported and seize or authorize any person to seize any ¹[silkworm seed or cocoon] including any vessel, receptacle, apparatus, package or covering, in which ¹[such seed or cocoon] is contained if the licensing authority or the officer aforesaid has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that a contravention of this Act or of any rule or order made there-under has been or is being committed.

(2) Every owner, occupier or other person in charge of any such land, building vessel, vehicle or place shall be bound to give all reasonable facilities to the licensing authority or the officer aforesaid in carrying out his functions under sub-section (1).

7. Penalties – (1) Any person who contravenes or fails to comply with all or any of the provisions contained in this Act or any rule or order

¹. Substituted by the Act No. 16 of 1982, S.9.

made thereunder shall be punishable with fine ¹[which shall be not less than five hundred rupees] and any Court trying any such contravention or failure may direct that any ¹[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 as occurred shall be forfeited to the Government.

²[(2) Any person, who contravenes 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 three months or with fine which shall not be less than five hundred rupees but which shall not exceed one thousand rupees or with both.]

³[7A. Compounding of offences - (1) The Director or such officer as may be prescribed may-

(a) accept, by 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 thereunder, such sum of money not exceeding the amount of fine payable for such offence, 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.]

8. Previous sanction for prosecution – No prosecution shall be instituted under section 7 without the previous sanction of the Director.

¹. Substituted by the Act No. 16 of 1982, S.10.

². Added by the Act No. 16 of 1982, S.10.

³. Inserted by the Act No.16 of 1982, S.11.

¹[9. Offences by companies - (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge 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 shall render any such person liable to any punishment if he proves 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 of 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 anybody corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.]

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 First Class.

²[10A. 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 thereunder, 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 person.

(2) Any person aggrieved by the order of suspension or cancellation of licence may appeal to the Government within such time

¹.Substituted by the Act No.16 of 1982, S.12.

².Inserted by the Act No.16 of 1982, S.13.

and in such manner as may be prescribed, and the decision of the Government on such appeal shall be final.]

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 purporting 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.

12. Exemption – Nothing contained in this Act shall apply to any place where silkworms are reared by any department of Government.

13. Power to make rules – (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 ¹[and the fees for the grant of such licences];

(b) the terms and conditions which may be included in any licence;

²[(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 procedure for dealing with such appeals;

³ [(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 allowances payable to that members of the committee;]

¹. Added by the Act No.16 of 1982, S.14.

². Inserted by the Act No.16 of 1982, S.14.

³. Inserted by the Act No.16 of 1982, S.14.

(d) the disposal of the ¹[silkworm seed or cocoon] or the vessel, receptacle, apparatus, package or covering containing the same which may be seized under section 8.

² [(e) the market fee payable by the rearers and the licensed buyers in respect of cocoons sold and purchased in the cocoon market, such fee not exceeding two per cent of the price amount of the cocoons, and the purposes for which the fees may be utilised.]

³[(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 if 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 to the validity of anything previously done under that rule.]

¹. Substituted by the Act No.16 of 1982, S.14.

². Added by the Act No.16 of 1982, S.14.

³. Substituted by the Act No.16 of 1982, S.14.