

# **The West Bengal Silkworm Seed, Cocoon And Silk Yarn (Regulation of Production, Supply, Distribution And Sale) Act, 1988**

WEST BENGAL

India

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### **Act 25 of 1988**

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The West Bengal Silkworm Seed, Cocoon And Silk Yarn (Regulation of Production, Supply, Distribution And Sale) Act, 1988 West Bengal Act 25 of 1988 [17th March, 1989.] An Act to provide for the regulation of production, supply, distribution and sale of silkworm seed, cocoon and silk yarn in West Bengal. Whereas it is expedient to provide for the regulation of production, supply, distribution and sale of silkworm seed, cocoon and silk yarn in West Bengal and for matters connected therewith; And whereas previous sanction of the President under the proviso to clause (b) of Article 304 of the Constitution of India has been obtained; It is hereby enacted as follows :-

### **1. Short title, extent and commencement.**

(1) This Act may be called the West Bengal Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1988. (2) It extends to the whole of West Bengal. (3) It shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act.

### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a) "cocoon" means cocoon produced by mulberry silkworms, either green or stifled, dried or in any other state or condition, but does not include pierced cocoons. Explanation. - "Pierced cocoon" shall mean a cocoon from which moth has cut out; (b) "cocoon market" means a market established under section 12 for the sale or purchase of cocoons of all kinds intended for reeling, and includes a cocoon market yard and a cocoon

store;(c)"cross-breed cocoon" means cocoon produced by cross-breeding of two different races of silkworms;(d)"dupion silk yarn" means silk yarn reeled out of double cocoons;(e)"Licensing Authority" means the Director of Sericulture, West Bengal, and includes such other officers as the State Government may, by notification, appoint for such areas and for such purposes as may be specified in the notification;(f)"Licensed Trader" means a person who is licensed to purchase silk yarn in a Silk Exchange;(g)"notification" means a notification published in the Official Gazette;(h)"prescribed" means prescribed by rules made under this Act;(i)"rearer" means a person engaged in rearing of silkworms for the production of silkworm cocoons, whether for reproduction or reeling.Explanation. - "Rearing" shall include all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;(j)"rearer" means a person engaged in rearing of silk-establishment and carrying on the business of reeling cocoons.Explanation. - (i) "Reeling establishment" shall mean an establishment where silk is reeled from cocoons with the help of any machine or contrivance of any kind worked by power or without power;(ii)"power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency, and includes electrical energy;(k)"silk exchange" means a silk exchange, established under section 13, and includes a silk store;(l)"silkworm" means mulberry or tasar silkworm;(m)"silkworm seed" means silkworm cocoons of all kinds (except crossbreed cocoons) used for preparing seed, and includes moths, eggs and any silkworm of whatever description intended to be used or reared for purposes of reproduction;(n)"silk yarn" means silk reeled out of cocoons, and includes twisted silk yarn, dupion silk yarn, spun silk yarn and noil silk yarn;(o)"spun silk yarn" means silk yarn spun from pierced or spoilt cocoons, fluff from cocoons, pieces of silk noils or other silk waste;(p)"twisted silk yarn" means two or more silk yarns twisted together, and includes wraps;(q)"twister" means a person in charge of an establishment where twisted silk yarn is produced.

### **3. Regulation of production etc. of silkworm seed.**

- No person shall produce, prepare, store, transport, sell or otherwise distribute or dispose of silkworm seed, except under and in accordance with the terms and conditions of a licence granted under this Act.

### **4. Regulation of rearing.**

(1)No person shall, for the production of silkworm cocoons, engage in the rearing of silkworms from silkworm seed other than silkworm seed obtained from a person who holds a licence granted under this Act.(2)The State Government may, by notification, direct that in any specified area no silkworm other than silkworm of the specified race shall be reared and that such a silkworm shall be reared from silkworm seed obtained from the specified source. On the issue of such notification, no person shall rear in such specified area any other race of silkworm or obtain silk-worm seed from any other source.

## **5. Regulation of possession of silkworm seed.**

- No person shall be in possession of silkworm seed unless -(a)he is a rearer; or(b)he holds a licence granted under this Act; or(c)he is authorised, in writing, by the prescribed officer to possess silkworm seed.

## **6. Regulation of possession of silk yarn.**

- No person shall be in possession of silk yarn in excess of the prescribed quantity unless he is -(a)a reeler; or(b)a licensed trader; or(c)a twister; or(d)a weaver; or(e)authorised, in writing, by the prescribed officer.

## **7. Regulation of disposal of silkworm cocoon.**

- No rearer shall dispose of or agree to dispose of silkworm cocoons or, in pursuance of an agreement entered into by him, make delivery of silkworm cocoons to any person other than a person holding a licence under this Act.

## **8. Regulation of sale or purchase of silkworm cocoons for reeling.**

(1)In any area where a cocoon market is established under this Act, -(a)no rearer shall sell or agree to sell, and(b)no person shall purchase or agree to purchase, any silkworm cocoons except in such cocoon market and except in accordance with such conditions and in such manner as may be prescribed.(2)After a cocoon market is established for any area, no person shall, except in such cocoon market, use, or permit the use of, 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.

## **9. Regulation of reeling.**

- No person shall carry on the business of reeling silkworm cocoons unless he holds a licence granted under this Act.

## **10. Regulation of sale and purchase of silk yarn etc.**

- After the establishment of silk exchange, -(a)no reeler or no reeler who is also a twister shall sell or agree to sell silk yarn reeled or, as the case may be, reeled and twisted by him,(b)no person, whether a licensed trader or not, shall purchase or agree to purchase silk yarn from a reeler or from a reeler who is also a twister, except in a silk exchange and except in accordance with, such conditions and in such manner as may be prescribed;(c)no person shall, except in such silk exchange, use, or permit the use of, or assist in the use of, any building, room, tent, enclosure, vehicle, vessel or place for the sale, or for the purchase from a reeler, of silk yarn or, in any manner, aid or abet the sale or purchase of silk yarn.

## **11. Application for licence.**

- Every person who desires to obtain a licence under this Act shall make an application to the Licensing Authority in such form as may be prescribed.

## **12. Regulation and distribution of silkworm seed.**

(1)The State Government may, from time to time, by notification, -(a)specify the place at which a cocoon market for the sale or purchase of cocoons of all kinds intended for reeling, shall be established;(b)appoint for cocoon market a Market Officer;(c)constitute a Cocoon Market Committee consisting of such number of representatives of rearers, reelers and other persons as the State Government may think fit, for regulating generally the procedure for the conduct of business in the cocoon markets and for the performance of such functions as may be prescribed;(d)specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;(e)specify zones and markets in which any reeler 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 metric weight.(3)The members of the Cocoon Market Committee constituted under clause (c) of sub-section (1) shall hold office for a period of three years unless the committee is reconstituted by the State Government earlier.

## **13. Establishment of silk exchange.**

(1)The State Government may by notification, -(a)specify the place at which a silk exchange for the sale or purchase of silk yarn, shall be established;(b)appoint for each silk exchange a Silk Market Officer;(c)constitute a Silk Exchange Committee consisting of such number of representatives of reelers and traders as the State Government may think fit, with the Silk Market Officer as Chairman, for regulating generally the procedure for the conduct of business in the silk exchanges and for the performance of such functions as may be prescribed.(2)All transactions involving the sale or purchase of silk yarn in a silk exchange shall be by open auction, the payment of price shall be in cash and the silk yarn shall be sold by metric weight.(3)The members of the Silk Exchange Committee constituted under clause (c) of sub-section (1) shall hold office for a period of three years unless the committee is reconstituted by the State Government earlier.

## **14. Power to require information and powers of entry, inspection, seizure, etc.**

(1)The Director of Sericulture, West Bengal, or any officer authorised in this behalf by the State Government, may, with a view to securing compliance with this Act, by notification, -(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)enter and inspect any premises, land, vehicle or place of any person licensed under this Act with a view to satisfying himself that such person is complying with the provisions of this Act or

of any rule or order made thereunder or with a view to detecting the presence or otherwise of any silkworm disease;(d)at all reasonable times, enter and search any premises, land, vessel, vehicle or place wherein or, in any part of which silkworm is reared or silkworm, silkworm seed, cocoon or silk yarn is stored or is being transported and seize or authorise any person to seize any silkworm, silkworm seed, cocoon or silk yarn including any vessel, receptacle, apparatus, package or cover in which such silkworm, silkworm seed, cocoon or silk yarn is contained in respect of which he has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that silkworm disease has occurred or that a contravention of this Act or of any rule or order made thereunder has been or is being committed;(e)take or cause to be taken such steps as may be considered by him expedient or necessary to prevent the spread of silkworm disease or to eradicate it, including the disinfection of any place or destruction of any silkworm seed or silkworm, or of any vessel, receptacle or apparatus used in its production, preparation, storage or transport and such other action as may be prescribed.(2)Every owner, occupier or other person in charge of any premises, land, vessel, vehicle or place referred to in clauses (c) and (d) of sub-section (1) shall give all reasonable facilities to the officer or the person authorised under sub-section (1) in carrying out his functions under the said sub-section.

## **15. Penalties.**

(1)Any person who contravenes the provisions of section 3 or section 4 shall be punishable with fine which may extend to one thousand rupees.(2)Any rearer who contravenes the provisions of section 7 or clause (a) of sub-section (1) of section 8 shall be punishable with fine which may extend to five hundred rupees.(3)Any person who contravenes the provisions of clause (b) of sub-section (1) of section 8 or sub-section (2) of that section shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.(4)Any person who contravenes the provisions of section 10 shall, on - conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to two thousand rupees:Provided that in the absence of special reasons to the contrary, such imprisonment shall not be for a term of less than six months and such fine shall not be for an amount of less than one thousand rupees.(5)Any person who contravenes the provisions of section 9 shall be punishable with fine which may extend to five hundred rupees.(6)Save as otherwise provided in sub-sections (1) to (5), any person who contravenes any of the provisions of this Act or of any rule or order made or notification issued thereunder shall be punishable with fine which may extend to five hundred rupees.

## **16. Abetment.**

- Whoever abets any offence punishable under this Act shall be punished with the punishment provided in his Act for such offence.

## **17. Certain offences to be cognizable.**

- The offences under sub-sections (3) and (4) of section 15 shall be cognizable.

## **18. Suspension or cancellation of licence, forfeiture of property and penalty, etc.**

(1)The Director of Sericulture, West Bengal, may, -(a)without prejudice to any punishment under section 15, after giving the person concerned a reasonable opportunity of being heard and after being satisfied that such person has contravened the provisions of section 3 or section 8 or section 9 or section 10, suspend or cancel the licence granted to such person;(b)after giving the person concerned a reasonable opportunity or being heard, direct that any -(i)silkworm seed, cocoon or silk yarn or any receptacle, apparatus, package of cover containing the same or any other article in respect of which such person has contravened any of the provisions of this Act or the rules made thereunder, shall be forfeited to the State Government; and(ii)such person shall pay a penalty upto five thousand rupees but not exceeding the value of the property in relation to which provisions of this Act or the rules made thereunder have been contravened.(2)No person on whom any penalty is imposed under sub-clause ((ii) of clause (b) of sub-section (1) shall be liable for prosecution in respect of the same facts for an offence under this Act.(3)Any person aggrieved by the order of suspension or cancellation of licence or forfeiture of property or imposition of penalty under sub-section (1) may appeal to the Sub-Divisional Judicial Magistrate having jurisdiction within such time and in such manner as may be prescribed, and the decision of the Sub-Divisional Judicial Magistrate on such appeal shall be final.

## **19. Composition of offences.**

(1)Any offence punishable under this Act may be compounded by the Director of Sericulture, West Bengal, or such other officer as may be prescribed, on payment of such amount, not exceeding the amount of fine payable for such offence, as may be determined by the Director or such other officer.(2)On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be discharged and if proceedings in any Criminal Court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

## **20. Competence of Court to try, and to take cognizance of, an offence.**

(1)No Court other than the Court of a Judicial Magistrate of the first class shall take cognizance of any offence under this Act.(2)No court shall take cognizance of an offence other than a cognizable offence under this Act except on complaint in writing, of an officer authorised by the State Government in this behalf.

## **21. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of that Government or other person authorised by that Government for anything which is in good faith done or intended to be done under this Act.

## **22. Officers to be deemed public servants.**

- Every officer acting in pursuance of the provisions of this Act or the rules or orders thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

## **23. Development and Price Stabilisation Fund.**

(1) There shall be a Fund to be called the West Bengal Silk Worm Cocoon and Silk Yarn Development and Price Stabilisation Fund (hereinafter referred to as the Fund). (2) All moneys received by way of market fees, licence fees or other fees or charges and all grants or contributions made by the State Government shall form part of the Fund. (3) The amount at the credit of the Fund shall not be expended except for the purpose of stabilizing the prices of cocoons and silk yarn and for the development of rearing the silkworm seed, reeling and twisting of silk yarn and matters connected therewith and such other matters as may be prescribed.

## **24. Power to make rules.**

(1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying 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 duties and powers of officers authorised to enforce the provisions of this Act and the functions of the Cocoon Market Committee and the Silk Exchange Committee; (b) the qualifications of persons who produce or prepare silkworm seed for rearing of silkworms and of persons to whom a licence under this Act may be granted; (c) the grant of licence and the conditions and the fees for the grant of licence; (d) the sanitary and other conveniences that shall be provided for at the production and distribution centres of silkworm seed; (e) the grant of duplicate licences, the renewal of licence and the fees for the same; (f) the appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals shall be made and the procedure for dealing with such appeals; (g) the forms of licences to be granted, returns to be submitted and accounts to be maintained under this Act; (h) the market fee payable by the rearers and the reelers in respect of cocoons sold and purchased in the cocoon market, such fee not exceeding two per cent, of the price of the cocoons; (i) the market fee payable by the reelers, the reelers who are also twistors and the licensed traders in respect of silk yarn sold or purchased by them in a silk exchange, such fee not exceeding two per cent, of the price of silk yarn; (j) amenities and facilities to be provided in a silk exchange, including settlement of disputes between the sellers and the purchasers of silk yarn; (k) the fee and other allowances payable to the members of the committees constituted under sections 12 and 13; (l) the matters relating to the Fund under section 23; (m) the particulars to be furnished of silkworm disease in silkworm or silkworm seed and the steps to be taken for the prevention or eradication of such disease; (n) the procedure to be followed generally in any proceeding under this Act; (o) any other matter which may be or is required to be prescribed under this Act. (3) Every rule made under this Act shall be laid as soon as may be after it is made before the State Legislature.