

The Jammu and Kashmir Silk (Development and Protection) Act, 1988

JAMMU & KASHMIR

India

The Jammu and Kashmir Silk (Development and Protection) Act, 1988

Act 28 of 1988

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The Jammu and Kashmir Silk (Development and Protection) Act, 1988 Act No. 28 of 1988 [Received the assent of the Governor on 22nd December, 1988 and is hereby published for general information.] An Act to ensure proper and smooth growth of the Silk Industry and preservation of cultural heritage in the art of Silk in the State and matters connected therewith. Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Silk (Development and Protection) Act, 1988. (2) It shall extend to the whole of the State of Jammu and Kashmir. (3) [It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.] [Not enforced as on ending December, 1989.]

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Competent authority" means the person as may be appointed by the Government to perform the functions and to exercise the powers under any of the provisions of this Act and the rules framed thereunder; (b) "Department" means the Sericulture Development Department; (c) "Prescribed" means prescribed by rules made under this Act; (d) all other words and expressions particularly "Hybrid" "Silkworm Seeds", "Silkworm eggs", "Silk cocoons" and "raw silk" used but not defined in this Act shall have the meaning assigned to them and as construed in the State of Jammu and Kashmir.

3. Regulation of use of Hybrid Silkworm Seed.

- No person shall engage himself directly or indirectly in production of Hybrid Silkworm Seed or any of its parental breeds except under and in accordance with a permission granted under this Act by the competent authority in such manner as may be prescribed.

4. Regulation of sale, transfer and movement of silk cocoons.

- No person shall purchase, sell or transfer cocoons except in such specified markets as may be notified by the Department in this behalf.

5. Penalties.

- Any person who contravenes the provisions of this Act, shall be punishable with imprisonment of either description which may extend to three years or with a fine of rupees two thousand or with both besides which hybrid silkworm seeds, silk cocoons, or raw silk, as the case may be, in relation to which the offence has been committed, being liable to confiscation.

6. Summary trial of offences.

- Notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989, all offences under this Act shall be triable summarily.

7. Complaint by an officer of the Department.

- No court shall take cognizance of an offence under this Act, unless complaint is made by an officer of the Department not lower in rank than that of an Inspector.

8. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any officer or person empowered to exercise or to perform duties under this Act for anything done in good faith or intended to be done under this Act or rules made thereunder.

9. Power to make rules.

- The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

10. Repeal and savings.

(1)The Jammu and Kashmir Silk Protection Act, Samvat 1964, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action or proceeding taken, orders

passed, notification issued, power exercised under the said Act shall in so far the same are not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued, passed and exercised under the corresponding provisions of this Act.