

Karnataka Silkworm Seed Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959

KARNATAKA

India

Karnataka Silkworm Seed Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959

Act 5 of 1960

- Published on 5 November 1958
- Commenced on 5 November 1958
- [This is the version of this document from 5 November 1958.]
- [Note: The original publication document is not available and this content could not be verified.]

Karnataka Silkworm Seed Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959(Karnataka Act No. 5 of 1960)Last Updated 11th December, 2019Statement of Objects and Reasons - (Act 5 of 1960). - The following Acts are in force in the several areas of the new Mysore State:1. The Mysore Silkworm Diseases Control Act, 1943 (Mysore Act VIII of 1943).2. The Mysore Silkworm Seed (Control of Distribution) Act, 1952 (Mysore Act XXXIII of 1952).3. The Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948).4. The Madras Silkworm Seed (Production, Supply and Distribution) Act, 1956 (Madras Act XXIII of 1956).The first mentioned Act was not given effect to in view of the subsequent passing of the Silkworm Seed (Control of Distribution) Act, 1952.The third mentioned Madras Act of the Madras Government which is on the lines of the Mysore Silkworm Diseases Control Act, 1943 was not given effect to by the Government of Madras.Consequent on the reorganisation of the State, it has become necessary to evolve a common law applicable to the whole of the reorganised State of Mysore. It is, therefore, proposed to repeal the above said Acts, and to enact a uniform law, applicable to the entire State. Hence this Bill called the Mysore Silkworm Seed (Production, Supply and Distribution) Bill, 1958.The Bill provides, among other things, for the licensing of production of silkworm seeds, regulation of rearing, possession, disposal, sale or purchase of silkworms and silkworm cocoons, licensing of reeling establishments and control of cocoon markets.(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 5th November 1958 as No. 157.)Statement of Objects and Reasons - (Amending Act 29 of 1969). - In order to regulate more effectively the production, supply and distribution of silkworm cocoons it is considered necessary to make provision for-(i) the licensing of rearers;(ii) prohibiting the sale or purchase of silkworm cocoons except in the cocoon markets established under the Act;(iii) enhance penalties for certain offences; and(iv) other incidental matters.Hence this Bill.(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 1st September 1969 as No. 429 at page. 6.)Statement of Objects and Reasons - (Amending Act 33 of

1979). - Since there are complaints from the sellers of the silk yarn in the State about the malpractices by the traders it is considered necessary to protect the interest of the reelers by providing for the establishment of silk exchanges in the State and for the regulation of the sale and purchase of silk yarn in the silk exchanges by amending the Karnataka Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959. (Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 1st June 1979 as No. 538 at page. 8.) Statement of Objects and Reasons - (Amending Act 12 of 1980). - It was represented by some of the twisters that the provisions of Section 8A of the Karnataka Silkworm Seed Cocoon (Regulation, Production, Supply and Distribution) Act will cause hardship to them as they are required to bring the twisted silk yarn again to the Silk Exchange for sale. However, in the case of a trader in Silk yarn he need not bring the silk yarn to the Silk Exchange after it is twisted for sale. According to 8A it is only the twisters who purchase the silk yarn from the silk exchange for the purpose of twisting who have to bring the same again for sale to the silk Exchange after it is twisted. Therefore, it is proposed to amend section 8A to exclude the twister from bringing the silk yarn twisted again to the Silk Exchange for sale. (Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 3rd March 1980 as No. 163 at page. 4.) Statement of Objects and Reasons - (Amending Act of 6 of 1981). - The Karnataka Silkworms, Seed, Cocoon and Silk yarn (Regulation of production, Supply, Distribution and Sale) Act 1959, as amended from time to time, regulation, inter-alia, the sale and purchase of silk yarn produced in the State and provides for the levy of a market fee on the sale and purchase of silk yarn in the silk exchange. In accordance with section 18(2) (ha) market fee is payable by reelers, the reelers who are also twisters and 'traders'. It has been contended in some cases before the court that the word 'trader' used in section 18(2) (ha) of the Act gives an impression that only traders who buy silk yarn for the purpose of selling are liable for the payment of the market fee and the twisters and the weavers who are also licensed for purchase of silk yarn in the silk exchange are exempt from the payment of fees. It is considered necessary to clarify the matter by substituting the word 'trader' used in section 18(2) (ha) by the word "licensed trader". Section 18(2)(ha) provides for the levy of market fee in the silk exchange. It is considered necessary to make a specific provision prescribing the authority empowered to levy and collect the fees. Section 18(2)(ha) empowers the Government to make rules regarding the levy of the market fee and to prescribe the rate of fee subject to the maximum indicated. Rule 17 I of the rules prescribed the levy of fees. The High Court of Karnataka while disposing the writ petitions filed challenging the constitution validity of the Karnataka silkworm seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 upheld the validity of the Act but the Court struck down rule 17 I as ultravires section 18(2) (ha). Consequently, a new rule was framed and was brought into effect from 8th December, 1980. It is considered necessary to validate the collection of market fee during the period the struck down rules was in force by giving retrospective effect to the new rule 17 I. Hence the Bill. (Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 28th March 1981 as No. 214 at page. 4 & 5.) Statement of Objects and Reasons - (Amending Act 20 of 1984). - Under section 12 of the Karnataka Silk Worm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959, the Director of Sericulture is vested with powers to impose penalty on persons who have contravened the provisions of sections 3, 7, 8 and 8A of the said Act. The Act does not provide for the mode of recovery of such penalty from such persons. It is proposed to provide for the recovery of penalty and other amount due as arrears of Land Revenue. It is also considered necessary to take power to make rules with retrospective effect. Hence the Bill. (Published in Karnataka Gazette

(Extraordinary) Part IV-2A dated 6th February 1984 as No. 105 at page 3.)Statement of Objects and Reasons - (Amending Act 30 of 1994). - It is considered necessary to amend the Karnataka Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959,-(i) to provide for regulation of possession of silkyarn even in respect of a dyer:(ii) to authorise private institutions or organisations to take up research in, and development of silkworm races etc.,(iii) to enhance the fine(iv) to enhance the penaltyCertain consequential amendments are also made.Hence the Bill.(Obtained from LA Bill No. 5 of 1994.)Statement of Objects and Reasons - (Amending Act 12 of 1997). - It was considered necessary to amend the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production Supply Distribution and Sale) Act, 1959,-(i) to include the definition of licenced dealer to bring licenced dealers within the scope of the Act;(ii) to require licenced dealers to furnish a declaration of the quantity of Silkyarn possessed by them in excess of the prescribed quantity.(iii) to make it compulsory to licenced dealer to sell or agree to sell the Silkyarn purchased or brought from outside the State only in the Silk exchange;(iv) to enhance the penalty imposable under section 12, 12B and 13.As the matter was urgent and the Karnataka Legislative Assembly was not in session the Karnataka Silkworm Seed. Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) (Amendment) Ordinance, 1996 (Karnataka Ordinance No. 1 of 1997) was promulgated. This Bill seeks to replace the said Ordinance.Hence this Bill.(Obtained from file DPAL 1 Shasana 97.)Statement of Objects and Reasons - Amending Act 22 of 2000. - By this Act certain spent and obsolete laws were repealed and certain minor consequential amendments was made to Act 5 of 1960 and few other laws.Received the assent of the President on the Twelfth-day of February, 1960.An Act to consolidate the laws providing for the regulation of the production, supply 2[distribution and sale]2 of silkworm seed [cocoon and silk yarn] [Substituted by Act 33 of 1989 w.e.f 6.11.1979.] in the [State of Karnataka] [Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.]Whereas it is expedient to consolidate the laws providing for the regulation of the production, supply, [distribution and sale] [Substituted by Act 33 of 1989 w.e.f 6.11.1979.] of silkworm seed [cocoon and silk yarn] [Substituted by Act 33 of 1989 w.e.f 6.11.1979.] in the [State of Karnataka] [Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.];BE it enacted by the Karnataka State Legislature in the Tenth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the [Karnataka] [Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.] Silkworm Seed [cocoon and silk yarn] [Substituted by Act 33 of 1989 w.e.f 6.11.1979.] (Regulation of Production, Supply, [Distribution and Sale] [Substituted by Act 33 of 1989 w.e.f 6.11.1979.]) Act, 1959.(2)It extends to the whole of the [State of Karnataka] [Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.].(3)[Sections 10 and 19] [Substituted by Act 22 of 2000 w.e.f. 25.2.1960.] shall come into force at once in the whole of the [State of Karnataka] [Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.] and the rest of this Act shall come into force at once in the areas of the State in which the Mysore Silkworm Seed (Control of Distribution) Act, 1952, is in force. All or any of the provisions of this Act (except [Sections 10 and 19] [Substituted by Act 22 of 2000 w.e.f. 25.2.1960.]) shall come into force in such other area or areas of the State on such [date or dates] [Different provisions of the Act came into force on different dates in different areas of the State text of the notifications are at end of the pages.] as the Government may by notification specify.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "cocoon" means cocoon produced by [mulberry, tassar, muga and eri silkworms] [Substituted by Act 12 of 1997 w.e.f. 6.1.1997.], either green or stifled, dried or in any other state or condition, but shall not include pierced cocoon; Explanation. - In this clause pierced cocoon means a cocoon from which moth has cut out; (b) "cocoon market" means a market established under section 10, for the sale or purchase of cocoons of all kinds intended for reeling; (c) "cross-breed cocoons" means cocoons produced by rearing silkworm seeds produced by cross-breeding of two different races of silkworms; (ca) ["dupion silk yarn" means silk yarn reeled out of double cocoons] [Inserted by Act 33 of 1989 w.e.f. 6.11.1979.] [or inferior cocoons] [Inserted by Act 30 of 1994 w.e.f. 3.10.1994.] (cb) ["dyer" means a person in charge of an establishment where silk yarn is dyed;] [Inserted by Act 30 of 1994 w.e.f. 3.10.1994.] (d) "Government" means the State Government; (e) ["Licensing Authority" means an officer appointed by notification by the Director of Sericulture in Karnataka for such areas and for such purposes, as may be specified in the notification;] [Substituted by Act 30 of 1994 w.e.f. 3.10.1994.] (ee) ["Licenced dealer" means a person who carries on the business of buying and selling silkyarn, either brought from outside the State or purchased in silk exchange or from a licenced trader or any other licenced dealer.] [Inserted by Act 12 of 1997 w.e.f. 6.1.1997.] (f) ["licensed trader" means a person who is licensed to purchase silk yarn in a silk exchange;] [Substituted by Act 33 of 1979 w.e.f. 6.11.1979.] (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 silkworms for the production of silkworm cocoons, whether for reproduction or reeling; Explanation. - In this clause "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons; (ia) ["reeler" means a person in charge of a reeling establishment and carrying on the business of reeling cocoons; [Clause (1a) to (1b) Inserted by Act 33 of 1979 w.e.f. 6.11.1979.] Explanation. - In this clause, -(a) "reeling establishment" means 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; (b) "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency and includes electrical energy; (ib) "silk exchange" means a silk exchange established under section 10A for the sale or purchase of silk yarn and includes silk stores; (j) ["silkworm" means mulberry tassar, muga and eri silkworm;] [Substituted by Act 12 of 1997 w.e.f. 6.1.1997.] (k) "silkworm seed" means silkworm cocoons of all kinds (except cross breed cocoons) used for preparing seed and includes moths, eggs and any silkworms of whatever description intended to be used or reared for purposes of reproduction. (l) ["silk yarn", means silk reeled out of cocoons and includes twisted silk yarn, dupion silk yarn, spun silk yarn and noil silk yarn; [Clause (l) to (o) Inserted by Act 33 of 1979 w.e.f. 6.11.1979.] Explanation. - For the purpose of this clause, "Noil silk Yarn means silk yarn spun from silk noils which is short staple residue from the dressing operation of the silk spinner; (m) "spun silk yarn" means silk yarn spun from pierced or spoilt cocoons, fluff from cocoons, pieces of silk noils or other silk waste; (n) "twisted silk yarn" means two or more silk yarn twisted together and includes warps; and (o) "twister" means a person in charge of an establishment where twisted silk yarn is produced.] (p) ["weaver" means a person in charge of weaving establishment where fabrics are manufactured by using silk yarn;] [Inserted by Act 30 of 1994 w.e.f. 3.10.1994.]

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 engage in the rearing of silkworms for the production of silkworm cocoons except under and in accordance with the terms and conditions of a licence granted under this Act.] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.](2)The Government may by notification direct that in any specified area no silkworm other than silkworm of specified race shall be reared and that such silkworm shall be reared from silkworm seed obtained from specified sources. On the issue of such notification, no person shall rear in such specified area any other race of silkworm or obtain silkworm 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.

5A. [Regulation of Possession of Silk Yarn. [Section 1 and Clause (a) to (e) Inserted by Act 33 of 1979 w.e.f . 6.11.1979.]

- [(1)] No person shall be in possession of silk yarn in excess of the prescribed quantity unless he is, -(a)a reeler; (b)a licensed trader; (bb)[a licenced dealer] [Inserted by Act 12 of 1997 w.e.f. 6.1.1997.](c)a twister; (c1)[a dyer"] [Inserted by Act Act 30 of 1994 w.e.f. 3.10.1994.]; (d)a weaver; or (e)person authorised in writing by the prescribed officer.][Different quantities may be prescribed in respect of different category of persons] [Inserted by Act 12 of 1997 w.e.f. 6.1.1997.](2)[Every licenced dealer who is in possession of silkyarn in excess of the prescribed quantity shall submit a declaration in such form, to such officer, in such manner and at such intervals, as may be prescribed.] [Inserted by Act 12 of 1997 w.e.f. 6.1.1997.]

6. 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 [x x x] [Omitted by Act 29 of 1969 w.e.f. 22.12.1969.] except to persons holding a licence under this Act.

7. [Regulation of sale or purchase of silkworm cocoons for reeling. [Section 1 and 2 Inserted by Act 12 of 1997 w.e.f. 6.1.1997.]

(1)In any area in which 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,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 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.]

8. Regulation of reeling.

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

8A. [Regulation of Sale and Purchase of Silk Yarn, etc. [Section 1 and 2 Inserted by Act 33 of 1979 w.e.f. 6.11.1979.]

- After a silk exchange is established under section 10A,-(1)(a)no reeler [or a 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] [Substituted by Act 12 of 1980 w.e.f. 6.11.1979.];(b)[no person, whether a licenced trader or not, shall purchase or agree to purchase silk yarn from a reeler or from a reeler who is also a twister, [Clause (b) and (bb) Substituted by Act 12 of 1980 w.e.f. 6.11.1979.](bb)[no licenced dealer, shall sell or agree to sell silkyarn of any origin brought or caused to be brought by him from outside the State".]-except in a silk exchange, and except in accordance with such conditions and in such manner as may be prescribed.](2)no person shall, except in such silk exchange, use or permit the use or assist, in the use of, any building, room, tent, enclosure, vehicle, vessel or place for the sale of silk yarn by or purchase of silk yarn from, a reeler [x x x] [Omitted by Act 12 of 1980 w.e.f. 6.11.1979.] or in any manner aid or abet the sale or purchase of silk yarn.](3)[Nothing contained in sub-section (1) shall apply to,-(i)second and subsequent sale of silkyarn of any origin brought from outside the State;(ii)a licensed dealer who has hundred percent export oriented unit and imports silkyarn from outside India for the purpose of manufacture of silk fabrics and to export it outside India.(4)No person shall carry on the business of buying and selling silkyarn brought from outside the State or purchased in a silk exchange or from a licensed trader or any other licenced dealer unless he holds a licence under this Act;Provided that a person carrying on such business immediately before the commencement of this sub-section may continue to do so, for a period of three months from such commencement and, if he has made an application for such licence within the said period of three months, till the disposal of such application.] [Sub-Section 3 and 4 inserted by Act 12 of 1997 w.e.f. 6.1.1997.]

9. 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.

10. Regulation and distribution of silkworm seed.

(1)The Government may, from time to time, by notification,(a)specify the places at which cocoon markets, cocoon market yards and cocoon stores shall be located;(b)appoint a Market Officer [to levy and collect the market fee payable under this Act in respect of cocoons sold or purchased in the cocoon market] [Inserted by Act 6 of 1981 w.e.f. 25.2.1960.], and constitute a committee consisting of two representatives of rearers, and [three representatives of reelers] [Substituted by Act 33 of 1979 w.e.f 6.11.1979.], 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;(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 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 weight, as required by or under the [Karnataka] [Adopted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.] Weights and Measures (Enforcement) Act, 1958.

10A. [Establishment of Silk Exchange. [Subsection 1 and 2 inserted by Act 33 of 1979 w.e.f. 6.11.1979.]

(1)The Government may, by notification,-(a)specify the place or places at which the silk exchanges shall be located;(b)appoint for each silk exchange, a Silk Market Officer [to levy and collect the market fee payable in respect of silk yarn sold or purchased in the silk exchange] and constitute a committee consisting of four representatives of reelers, two representatives of twistors and two representatives of traders with the Silk Market Officer as Chairman for regulating generally the procedure for the conduct of business in the silk exchange and for the performance of such functions as may be prescribed.(2)All transactions involving 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)[Subject to the pleasure of the Government the members of the committees constituted under clause (b) of sub-section (1), shall hold office for a period of one year.] [Inserted by Act 12 of 1980 w.e.f. 6.11.1979.]

10B. [Research and development. [Inserted by Act 30 of 1994 w.e.f. 3.10.1994.]

- The Director of Sericulture in Karnataka may, subject to such conditions as may be prescribed, authorise any private institutions or organisations to take up research in, and development of silkworm races, production of cocoons and reeling of yarn.]

11. Power to require information and powers of entry, inspection, seizure, etc.

(1)The [Director of Sericulture in Karnataka] [Adopted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.] or any officer authorised in this behalf by the Government, by notification, may, with a view to securing compliance with this Act, -(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)[x x x] [Omitted by Act 29 of 1969 w.e.f. 22.12.1969.] enter and inspect any premises, land, vessel, 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] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.]] is stored or is being transported and seize or authorise any person to seize any [silkworm, silkworm seed [cocoon or silk yarn] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.]], including any vessel, [vehicle] [Inserted by Act 30 of 1994 w.e.f. 3.10.1994.] receptacle, apparatus, package or covering in which such [silkworm, silkworm seed [cocoon or silk yarn] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.]] 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 disinfection 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 authorised under sub-section (1) in carrying out his functions under the said sub-section.

12. Penalties.

(1)Any person who contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to [[one thousand] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.] rupees].(2)Any rearer who contravenes the provisions of [section 6 or clause (a) of sub-section (1) of section 7] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.], shall be punishable with fine which may extend to [one thousand rupees] [Substituted by Act 30 of 1994 w.e.f. 3.10.1994.].(2A)[Any person who contravenes the provisions of clause (b) of sub-section (1) of section 7 or sub-section (2) of that section shall be punishable with imprisonment which may extend to three months or with fine which may extend to [five thousand rupees] [Inserted by Act 29 of 1969 w.e.f. 22.12.1969.] or with both.](2B)[Any person who contravenes the [provisions of section 5A or section 8A,] [Inserted by Act 33 of 1979 w.e.f. 6.11.1979.] shall on conviction be punished with imprisonment for a term which may extend to three years and with fine which may extend to [twenty five thousand rupees] [Substituted by Act 30 of 1994 w.e.f. 3.10.1994.]:Provided that in the absence of special reasons to

the contrary such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees.](3)[Any person who contravenes the provisions of section 8 shall be punishable with fine which may extend to one thousand and five hundred rupees.] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.](4)Save as otherwise provided in [sub-sections (1), (2), (2A), [(2B)] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.] and (3)], any person who contravenes any of the provisions of this Act or of any rule, order or notification thereunder, shall be punishable with fine which may extend to [[five thousand] [Substituted by Act 30 of 1994 w.e.f. 3.10.1994.] rupees].(5)[x x x] [Omitted by Act 33 of 1979 w.e.f. 6.11.1979.]

12A. [Abetment. [Section 12A and 12B inserted by Act 29 of 1969 w.e.f. 22.12.1969.]

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

12B. Certain offences to be cognizable. - The offences under [sub-sections (2A) and (2B)] of section 12 shall be cognizable.]

13. [Suspension or cancellation of licence, forfeiture of Property and Penalty, etc. [Sub section (1) to (3) Substituted by Act 33 of 1979 w.e.f. 6.11.1979.]

(1)The Director of Sericulture in Karnataka may,-(a)without prejudice to any punishment under section 12, after giving the person concerned a reasonable opportunity of being heard, if satisfied that such person has contravened the provisions of sections 3, 7, 8 or 8A, suspend or cancel the licence granted to such person,(b)after giving the person concerned a reasonable opportunity of being heard direct that any,-(i)silk worm seed, cocoons or silk yarn or any receptacle, apparatus, package or covering containing the same or any other article in respect of which such person has contravened any of the provisions of this Act or rules made thereunder, shall be forfeited to the Government; and(ii)such person shall pay a penalty upto [[fifty thousand] rupees] but not exceeding the value of the property in relation to which the provisions of this Act or rules have been contravened.(2)No person on whom the 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 Sessions Judge of the District within such time, and in such manner as may be prescribed, and the decision of the Sessions Judge on such appeal shall be final.]

14. Composition of offences.

(1)Any offence punishable under this Act may be compounded by the [Director of Sericulture in Karnataka] [Adopted by the Karnataka adaptations of laws order 1973 w.e.f. 1.11.1973.] 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 set at liberty, 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.

15. Court competent to try offences under this Act and cognizance of offences.

(1)No court other than the court of 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] [Substituted by Act 29 of 1969 w.e.f. 22.12.1969.] under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

16. Protection of persons acting under the Act.

- No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

16A. [Mode of recovery of dues. [Inserted by Act 20 of 1984 w.e.f. 2.12.1983.]
- Any amount due to the Government under this Act, whether as fees, penalty or otherwise may, without prejudice to any other mode of collection, be recovered as an arrear of land revenue.]

17. Officers to be deemed public servants..

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

17A. [Establishment of Development and Price Stabilisation Fund. [Sub section (1) to (3) inserted by Act 33 of 1979 w.e.f. 6.11.1979.]

(1)There shall be constituted in the State of Karnataka a fund called the Karnataka Silk Worm Cocoon and Silk Yarn Development and Price Stabilisation Fund.(2)All moneys received by way of market fees, license fees, or other fees or charges and all grants or contributions made by the Government shall form part of the Fund established under sub-section (1).(3)The amount at the credit of the said fund shall not be expended except for the purpose of stabilizing the prices of cocoons and silk yarn and for the development of rearing of silkworm seed, reeling and twisting of silk yarn and matters connected therewith and such other matters as may be prescribed.]

18. Power of Government to make rules.

(1)The Government may subject to the condition of previous publication, by notification, 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 duties and powers of officers authorised to enforce the provisions of this Act and the manner of constitution of market committees and the powers and duties of such committees;(b)the qualifications of persons who produce or prepare silkworm seed for rearing of silkworms and other persons to whom licences under this Act may be granted;(c)the grant of licences and the imposing of conditions in respect of the same and fees for the grant of such licences;(d)the sanitary and other conveniences that should be provided for at the production and distribution centres of silkworm seed;(e)the grant of duplicate licences and the renewal of licences and fees for the same;(f)appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals should 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; [Clause (h) to (hd) Substituted by Act 33 of 1979 w.e.f. 6.11.1979.](ha)the market fee payable by the reelers, [the reelers who are also twistors and [licensed traders]] in respect of silk yarn sold or purchased by them in the silk exchange, such fee not exceeding two per cent of the price of silk yarn;(hb)amenities and facilities to be provided in the silk exchange including settlement of disputes between the sellers and purchasers of the silk yarn;(hc)the sitting fee and other allowances payable to the members of the committees constituted under sections 10 and 10A;(hd)matters relating to the Fund constituted under section 17A;](i)the particulars to be furnished by any person of the occurrence of silkworm disease in silkworm or silkworm seed, and the steps to be taken for the prevention or eradication of such disease ;(j)generally regulating the procedure to be followed in proceedings under this Act;(k)any other matter which may be prescribed under this Act.(2A)[A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both the Houses of the State Legislature. Subject to any modification made under sub-section (3) it shall have effect as if enacted in this Act.] [Inserted by Act 20 of 1984 w.e.f. 2.12.1983.](3)All rules made under this Act shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in any rule or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, the said rule shall thereafter have effect only in such modified form or be of no effect, 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.

19. Repeal and Savings.

- The Mysore Silkworm Diseases Control Act, 1943 (Mysore Act VIII of 1943) and the Mysore Silkworm Seed (Control of Distribution) Act, 1952 (Mysore Act XXXIII of 1952) as in force in the Mysore Area except Bellary District, the Madras Silkworm Diseases (Prevention and Eradication)

Act, 1948 (Madras Act II of 1948) as in force in the Bellary District and the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948) and the Madras Silkworm Seed (Production, Supply and Distribution) Act, 1956 (Madras Act XXIII of 1956) as in force in the [Mangalore and Kollegal Area] [Adopted by the Karnataka adaptation of laws order 1973 w.e.f. 1.11.1973.], are hereby repealed: Provided that such repeal shall not affect, - (a) the previous operation of the said enactments or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed: Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule framed) under the repealed enactments, so far as they are consistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act. Notifications Bangalore, dated 28th April 1960. [No. CI 41 SAD 60]. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Silkworm Seed and Cocoon Regulation of Production, Supply and Distribution) Act, of 1959 (Mysore Act 5 of 1960), the Government of Mysore hereby directs that the provisions of Sections 2 and 18 of the said Act shall come into force in the Hyderabad Area, Madras Area, Bombay Area, Coorg and Bellary Districts on 2nd May 1960. Bangalore, dated 25th January 1961 (Magha 5, Saka Era 1882). [No. CI 2 SAD 61]. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959 (Mysore Act 5 of 1960), the Government of Mysore hereby specifies the 30th day of January 1961, as the date on which Sections 3, 4, 5, 9, 11, 12, 13, 14, 15, 16 and 17 of the said Act shall come into force in the Bombay, Hyderabad and Madras Areas and the Coorg District of the State of Mysore. Bangalore, dated 28th January 1961 (Magha 8, Saka Era 1882). [No. CI 2 SAD 61]. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959 (Mysore Act 5 of 1960), the Government of Mysore hereby specifies the 30th day of January 1961 as the date on which Sections 2, 3, 4, 5, 9, 11, 12, 13, 14, 15, 16 17 and 18 of the said Act shall come into force in all areas of the Mysore Area of the State of Mysore, other than the areas in which the said sections have already come into force. Bangalore, dated 13th/15th December 1962 (Margasira 22nd/24th Saka Era 1884). [No. CI 122 SAD 62]. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies the 28th day of December 1962 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Chamarajanagar, Nanjangud and Gundlupet Taluks. Bangalore, dated 23rd/25th January 1963. [No. CI 5 SAD 63(l)]. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies Thursday, the 31st January 1963 as the date on which the provisions of Sections 6, 7 and 8 of the said Act shall come into force in Kollegal and Yelandur Taluks. Bangalore, dated 5th June 1963 [No. CI 50 SAD

63(l)]. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies Monday the 17th June 1963 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Channapatna, Kanakapura and Ramanagaram Taluks in Bangalore District and Maddur Taluk in Mandya District. Bangalore, dated 10th June 1963 [No. CI 47 SAD 63] - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies Monday the 17th June 1963 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Mysore and T. Narasipur Taluks of Mysore District, Somawarpet Taluk of Coorg District and Malavalli Taluk of Mandya District. Bangalore, dated 5th August 1963. [No. CI 59 SAD 63(l)] - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies the 6th September 1963 as the date on which the provisions of Sections 6, 7 and 8 of the said Act shall come into force in Kolar District and Devanahalli, Hoskote, Anekal and Bangalore South Taluks Bangalore District. Bangalore, dated 8th/15th April 1968 [No. CI 6 BAD 63(l)] S.O. 775. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies 20th May 1968 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Bangalore North Taluk of Bangalore District. Bangalore, dated 10th-15th April 1968 [No. CI 27, BAD 67(l)] S.O. 785. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies 20th May 1968 as the date on which the provisions of Sections 6, 7 and 8 of the said Act, shall come into force in the following areas, namely: (1) Heggadadevanakote, Hunsur, Krishnarajanagar and Periyapatna Taluks in Mysore District. (2) Mercara and Virajpet taluks in Coorg District. Bangalore, dated 8th-15th April 1968 [No. CI 20 BAD 67 (l)] S.O. 789. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies 20th May 1968 as the date on which the provisions of Sections 6, 7, and 8 of the said Act, shall come into force in Mandya Taluk of Mandya District. Bangalore, dated 12th-16th December, 1969. S. O. 2596. - In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and distribution) (Amendment) Act, 1969 (Mysore Act No. 29 of 1969), the Government of Mysore, hereby appoints 22nd day of December, 1969 as the date on which the said Act shall come into force. Bangalore, dated 20th March 1972 [No. CI 31 BAD 71] - In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies the 23rd March 1972 as the date on which the provisions of section 6, 7 and 8 of the said Act shall come into force in the areas specified in the schedule below:-

District

Taluks/Village

- | | | |
|----|--------------------|--|
| 1. | Bangalore District | <p>(a) All the villages of Nelamangala Taluk except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said section have already been in force.</p> <p>(b) All the villages of Magadi Taluk except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said sections have already been in force.</p> <p>(c) All the villages of Doddaballapur Taluk Except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said sections have already been in force.</p> |
| 2. | Tumkur District | <p>(a) All the villages of Kunigal Taluk except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the Provisions of the said sections have already been in force.</p> <p>(b) All the villages of Gubbi Taluk except the villages mentioned in the Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said Section have already been in force.</p> |