

CHAPTER 193

SILK AND ALLIED PRODUCTS DEVELOPMENT

Law
No. 30 of 1975.

A LAW TO PROVIDE FOR THE DEVELOPMENT AND REGULATION OF SERICULTURE IN SRI LANKA; TO ESTABLISH A PUBLIC AUTHORITY KNOWN AS THE SILK AND ALLIED PRODUCTS DEVELOPMENT AUTHORITY AND TO REGULATE ITS POWERS AND FUNCTIONS : AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[28th July. 1975.]

Short title.

1. This Law may be cited as the Silk and Allied Products Development Law.

(v) the Director of Minor Export Crops Department or his representative; and

PART I

ESTABLISHMENT OF THE SILK AND ALLIED PRODUCTS DEVELOPMENT AUTHORITY

(vi) two representatives of the Minister in charge of the subject of Plantation Industry.

Establishment of the Silk and Allied Products Development Authority.

2. (1) There shall be established an Authority which shall be called the Silk and Allied Products Development Authority (in this Law referred to as the " Authority. ").

(2) The Minister shall designate one of the members of the Authority as the Chairman of the Authority.

(2) The Authority shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and may sue and be sued in such name.

4. The quorum for any meeting of the Authority shall be four.

Quorum for meeting of the Authority.

5. In the exercise, discharge and performance of its powers and functions the Authority shall be subject to direction and control by the Minister.

Authority subject to directions and control by Minister.

Constitution of the Authority.

3. (1) The Authority shall consist of the following members appointed by the Minister;—

6. Every member shall hold office for a period of five years, unless he is removed from, or otherwise vacates, office earlier:

Term of office of members

(i) a representative of the Ministry charged with the subject of Plan Implementation;

Provided that a member appointed in place of a member who is removed from, or otherwise vacates, office shall hold office, unless he is earlier removed from or otherwise vacates office, for the unexpired period of the term of office of the member whom he succeeds.

(ii) a representative of the Ministry charged with the subject of Industries and Scientific Affairs ;

(iii) a representative of the Ministry charged with the subject of Overseas and Inland Trade ;

7. (1) A member may resign office by letter addressed to the Minister,

Resignation or removal of members.

(iv) a representative of the Ministry charged with the subject of Finance;

(2) The Minister may, if he thinks it expedient to do so, remove a member from office without assigning any reason.

(3) Where a member is temporarily unable to discharge the duties of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act as member in his place.

(4). Any member of the Authority shall be eligible for reappointment.

Meetings of the Authority.

8. Subject to the other provisions of this Law, the Authority may regulate its procedure in regard to the meetings of the Authority and the transaction of business at such meetings.

Presidency at meetings of the Authority.

9. (1) The Chairman of the Authority shall preside at every meeting of the Authority at which he is present. In the absence of the Chairman at any meeting of the Authority, a member chosen by a majority of the members present shall preside at such meeting.

(2) The Chairman of any meeting of the Authority shall, in addition to his own vote, have a casting vote.,,

Acts or proceedings of the Authority deemed not to be invalid by reason of any vacancy or defect in the appointment of a member.

10. Any act or proceeding of the Authority shall not be deemed to be invalid by reason, only of the existence of any vacancy among its members or any defect in the appointment of any of its members.

Remuneration of members of the Authority.

11. The members of the Authority may be remunerated in such manner and at such rates as the Minister may, in consultation with the Minister in charge of the subject of Finance, determine.

Seal of the Authority.

12. (1) The Authority shall have a common seal which shall be in the custody of such person as the Authority may decide from time to time.

(2) The seal of the Authority may be altered in such manner as may» be determined by the Authority.

(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority, both of whom shall sign the instrument or document in token of their presence.

(4) The Authority shall maintain a register of the instruments or documents to which the seal of the Authority is affixed.

13. A member who is directly or indirectly interested in a contract proposed to be made by the Authority shall disclose the nature of his interest at a meeting of the Authority. The disclosure shall be recorded in the minutes of the Authority, and that member shall not take part in any deliberation or decision of the Authority with respect to such contract.

Members to disclose interest in contract proposed to be made by the Authority.

14. All members and employees of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members and employees of the Authority deemed to be public servants.

15. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

The Authority deemed to be a scheduled institution within the meaning of the Bribery Act.

16. (1) Subject to the provisions of this Law, the supervision, control and administration of the affairs and business of the Authority shall be vested in the Authority.

Authority vested with supervision, control and administration of its affairs and business.

(2) The Authority may delegate to any member of the Authority or to any employee of the Authority any of its powers or functions.

(3) Every person referred to in subsection (2) shall exercise or perform the power or function delegated to him subject to direction and control by the Authority.

PART II

FUNCTIONS AND POWERS OF THE AUTHORITY

17. The functions of the Authority shall be-

Functions of the Authority.

- (a) to promote, regulate and to undertake either by itself or jointly with any person or body of persons (whether corporate or not) the development of sericulture in Sri Lanka

including the cultivation of mulberry and other silkworm food plants and the production of silkworm seed and silk cocoons ;

- (b) to promote, regulate and to undertake either by itself or jointly with any person or body of persons (whether corporate or not) the development of silk and allied products;
- (c) to promote, regulate and to undertake either by itself or jointly with any person or body of persons (whether corporate or not) the reeling of silk cocoons for the production of raw silk, the throwing of raw silk and the manufacture of spun silk yarn;
- (d) to promote, regulate and to undertake either by itself or jointly with any person or body of persons (whether corporate or not) the weaving, dyeing and otherwise finishing of silk textiles and silk textile products;
- (e) to promote, regulate and to undertake either by itself or jointly with any person or body of persons (whether corporate or not) the marketing of silkworm seed, silk cocoons, raw silk, silk products, silk textiles, silk textile products and allied products;
- (f) to administer the Silkworm Seed Law;
- (g) 1.0 promote and to undertake research and experimental studies relating to the cultivation of mulberry and other silkworm food plants, the breeding and the rearing of silkworms, the reeling of silk cocoons, the production of raw silk, the throwing of raw silk, the manufacture of spun silk yarn and the production of silk textiles, silk textile products and allied products;
- (h) to provide and maintain an advisory and extension service;
- (i) to establish and enforce grading and packing standards;

(j) to engage in market research, sales promotion programmes, publicity and information activities;

(k) to take all such steps as may be necessary to provide or to procure or to facilitate the provision or the procuring of such facilities or, services as may be necessary or incidental to the functions described in the preceding paragraphs-

18. (1) The Authority shall have the Powers of the Authority power either by itself or jointly with any person or body of persons (whether corporate or not) to do all such acts and take all such steps as may be necessary for, or conducive or incidental to, the performance of its functions.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Authority shall have the power—

- (a) to acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;
- (b) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Authority .all such contracts or agreements as may be necessary for, or conducive or incidental to» the performance of the functions and the exercise of the powers of the Authority ;
- (c) to construct, manufacture, purchase, maintain and repair anything necessary for, or conducive or incidental to, the performance of the functions of the Authority ;
- (d) to purchase, transport, store and supply any commodity, equipment or machinery necessary for, or conducive or incidental to, the performance of the functions of the Authority;
- (e) to train, or assist financially the training of, persons to do work necessary for, or conducive or incidental to, the performance of the functions of the Authority;

- (f) to provide services of any kind that may be necessary for, or conducive or incidental to, the performance of the functions of the Authority;
- (g) to levy fees or other charges for services performed, or facilities or equipment provided, by the Authority;
- (h) to provide assistance, including financial assistance through loans, guaranteeing of loans, subsidies and grants, to any person or body of persons (whether corporate or not) engaged in the cultivation of mulberry and other silkworm food plants, the rearing of silkworms, the production of cocoons, the reeling, throwing and spinning of silk, the weaving, dyeing and otherwise finishing of silk textiles, and the production of silk textile products and allied products;
- (i) to purchase, sell and otherwise engage in the marketing of silkworm seed, silk cocoons, raw silk, thrown silk, spun silk, silk waste, silk textiles, silk textile products and allied products;
- (j) to appoint, employ, remunerate and control such officers, servants and agents as may be necessary for, or conducive or incidental to, the performance of the functions and the exercise of the powers of the Authority;
- (k) to provide financial assistance, welfare and recreational facilities, houses, hostels and other like accommodation, for the persons employed by or serving the Authority,
- (l) subject to the provisions of this Law, to make rules in respect of the administration of the affairs of the Authority; and
- (m) (i) to require any person to maintain true and accurate records, in a form and containing the particulars specified by the Authority, relating to any matter as may be necessary for, or conducive or incidental to, the performance of the functions or the exercise of the powers of the Authority;
- (ii) to require any person to furnish, within a specified period or time, all such returns, information and explanations as are within the knowledge of that person relating to any matter as may be necessary for, or conducive or incidental to, the performance of the functions or the exercise of the powers of the Authority;
- (iii) to require any person to produce or cause to be produced before a specified date such documentary or other evidence as the Authority may require for the purpose of verifying any facts, entered in any records maintained under sub-paragraph (i), or stated in any return, information or explanation furnished under sub-paragraph (ii); and
- (iv) to enter and inspect, at any reasonable time, any land, building, office, store, factory, shed or premises for the purpose of examining and verifying any records or for the purpose of verifying any particulars furnished in any return made or information or explanation given to the Authority under sub-paragraphs (i) and (ii).
- (3) Any person who fails, without reasonable cause, to comply with the provisions of sub-paragraph (i) or sub-paragraph (ii) or sub-paragraph (iii) of paragraph (m) of subsection (2), or who knowingly maintains false records or furnishes false returns, information, explanations, or documentary or other evidence, or who obstructs the Authority in

the exercise of the powers conferred on it by sub-paragraph (iv) of paragraph (m) of subsection (2), shall be guilty of an offence under this Law.

regulation made under this Law and approved by Parliament shall be guilty of an offence under this Law.

PART III

FINANCE AND ACCOUNTS OF THE AUTHORITY

Capital of the Authority.

19. (1) The initial capital of the Authority shall be five million rupees.

(2) The capital of the Authority may be increased from time to time by such amount as may be determined by the Minister after consultation with the Minister in charge of the subject of Finance and authorized by resolution of Parliament to be paid to the Authority for the purpose of increasing such capital.

Financial year of the Authority.

20. The financial year of the Authority shall commence on the first day of January of each year and terminate on the thirty-first day of December of that year.

Application of provisions of Public Corporations (Financial Control) Act.

21. The provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to the financial control and accounts of the Authority.

PART IV

GENERAL

Regulations.

22. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law. Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication, or on such later date as may be specified therein.

(2) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for its approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(3) Any person who contravenes or attempts to contravene the provisions of any

23. (1) The Minister may by Order published in the Gazette, approve of the proposed acquisition of any land, or any interest in any land, other than State land, for any purpose of the Authority, and where such an order is so published, the land or ther interest in any land specified therein shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act, and be transferred to the Authority.

Acquisition of immovable property under the Land Acquisition Act-

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the. Authority shall be paid by the Authority.

24. (1) At the request of the Authority, any officer in the public service may, with the consent of that officer and of the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Authority, for such period as may be determined by the Authority with like consent or be permanently appointed to such staff.

Appointment of public officers to the staff of the Authority.

(2) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 44 (other than the provisions of paragraph (a) of that subsection) of the Industrial Development Act shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of section 44 of the Industrial Development Act shall, *mutafalis mutandis*, apply to and in relation to him.

(4) Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Protection for action taken under this Law or on the direction of the Authority.

25. (1) No suit or prosecution shall lie—

(a) against the Authority for any act which in good faith is done or purported to be done by the Authority under this Law ; or

(b) against any member, officer, servant or agent of the Authority for any act which in good faith is done or purported to be done by him under this Law or on the direction of the Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the funds of the Authority, and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the funds of the Authority.

(3) Any expense incurred by any such person as is referred to in paragraph (&) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Law or on the direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the funds of the Authority, unless such expense has been advanced to such person by the Authority or such expense is recovered by him in such suit or prosecution.

No writ to issue against person or properly of a member of the Authority.

26. No writ against person or property shall be issued against' a member of the Authority in any action brought against the Authority.

Offences.

27. Every person who commits an offence under this Law shall, on conviction after trial before a Magistrate, be liable to imprisonment of either description for a period not exceeding six months, or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

Minister's power to mitigate hardship.

28. If in the operation of this Law, any case shall arise in which, in the opinion of the Minister, substantial hardship is likely to be caused to any person by reason of an unintentional failure on the part of such person to observe any formality prescribed

by this Law or by any regulations made thereunder, the Minister may give such directions as may be necessary to mitigate or prevent such hardship.

29. The provisions of this Law shall have effect notwithstanding anything contained in any other written law and accordingly, in the event of any conflict or inconsistency between the provisions of this Law and such other written law, the provisions of this Law shall prevail.

This Law to prevail over all other written law.

30. In this Law, unless the context otherwise requires—

Interpretation.

" allied product" means any product derived from mulberry or any other silkworm food plant and the silkworm but does not include raw silk;

"cocoon " has the same meaning as in the Silkworm Seed Law;

" Minister " means the Minister in charge of the subject . of Plantation Industry;

" raw silk " means reeled silk ;

" sericulture " means—

(a) the cultivation of mulberry or any other silkworm food plant for the purpose of rearing silkworms;

(b) the breeding and rearing of silkworm for the production of silkworm eggs or silk cocoons;and

(c) the reeling of silk cocoons for the production of raw silk ;

" silk textiles " means any fabric produced in whole or in part out of raw silk ;

"silkworm" has the same meaning as in the Silkworm Seed Law;

"silkworm seed" has the same meaning as in the Silkworm Seed Law.