

CHAPTER 192

SILKWORM SEED*

Law A LAW TO PROVIDE FOR THE REGULATION OF THE PRODUCTION, SUPPLY AND
 No. 36 of 1974. DISTRIBUTION OF SILKWORM SEED AND THE CONTROL OF SILKWORM DISEASES
 AND TO MAKE PROVISION FOR ALL MATTERS CONNECTED THEREWITH OR
 INCIDENTAL THERETO.

[Not in operation on 31st December, 1980.]

Short title and date of operation. 1. This Law may be cited as the Silkworm Seed Law, and shall come into operation on such date as may be appointed by the Minister by Order published in the Gazette*.

Licensing authority. 2. The Minister may, from time to time, by order published in the Gazette, designate any person by name or by office to be the Licensing Authority for the purposes of this Law.

Prohibition on production, storage, transport, distribution and sale of silkworm seed. 3. No person shall produce, store, transport, sell or otherwise distribute or dispose of silkworm seed except under the authority or otherwise than in accordance with the terms or conditions of a licence issued in that behalf by the Licensing Authority under this Law.

Prohibition of rearing of silkworm. 4. No person shall rear silkworm from silkworm seed other than from silkworm seed obtained from a person holding a valid licence issued by the Licensing Authority.

Application for licence. 5. Every person desiring to produce, store, transport, sell or otherwise distribute or dispose of silkworm seed shall make an application for a licence in the prescribed form to the Licensing Authority.

Licences not transferable. 6. (1) No licence issued under this Law to any person shall be transferable to any other person, and accordingly any such transfer made in contravention of the preceding provision of this subsection shall be null and void.

(2) No licence issued under this Law to any person shall be used for the benefit of any other person.

7. (1) Where any person contravenes any provision of this Law or any regulation made thereunder, the Licensing Authority may by order suspend for any period specified in such order, or cancel such licence.

Power to suspend or cancel licences.

(2) No order under subsection (1) shall be made against the licensee except after notice to him to show cause within such period as may be specified in the notice, why such order should not be made, and except on his failing to show cause within such period, or on his not showing sufficient cause.

8. (1) The Licensing Authority or any person authorized in writing by such Licensing Authority may—

Power of entry and inspection.

(a) for the purpose of ascertaining whether the provisions of this Law or any regulation made thereunder are complied with, by order in writing require any rearer or licensee to furnish such information as may be called for;

(b) inspect or cause to be inspected any documents or records maintained by such rearer or licensee;

(c) enter and inspect at any time between sunrise and sunset any land, place or premises where rearing is done with a view to detecting the presence or otherwise of any silkworm diseases;

* Not in operation on 31st December, 1980.

(d) require such rearer or licensee to take such steps as may be considered by him expedient or necessary to prevent the spread of silkworm diseases including disinfection of any place or destruction of any silkworm seed or silkworm and such other action as may be prescribed.

(2) Every owner, occupier, rearer or licensee or any person in charge of any land, place or premises referred to in paragraphs (c) and (d) of the preceding subsection, shall give admittance to the Licensing Authority or such authorized officer and permit him to carry out his functions under the provisions of subsection (1).

Regulations.

9. (1) The Minister may from time to time make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters;—

- (a) the importation or the prohibition of the import of silkworm seed ,
- (b) the inspection of silkworm seed at any stage of its entry into the island;
- (c) cleansing or disinfection at the expense of the consignee of silkworm seed which are found or suspected to be infected with any disease;
- (d) for placing in quarantine the imported silkworm seed ;
- (e) the declaration of any area in the island to be an infected area and for taking such steps as may be necessary for the proper quarantine of such area;
- (f) for the destruction of or proper disposal of silkworm, silkworm eggs, cocoons, moths and any equipment which may be affected or contaminated with disease,

(g) the appointment of authorized officers to carry out the provisions of this Law or any regulation made thereunder;

(h) subject to the provisions of this Law, the circumstances in which licences may be granted or refused ;

(i) the category of persons to whom, the period for which and the terms and conditions subject to which a licence may be granted ;

(j) the mode and manner in which applications for licences may be made or disposed of;

(k) the furnishing of all such statements, declarations relating to the business carried on by a licensee as may be necessary for ensuring that the provisions of this Law or any regulations made thereunder are complied with; and

(l) the standards to be observed by a licensee and the prohibition of acts or omissions in contravention of such standards.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for 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. Notification of the date on which a regulation is deemed to be rescinded shall be published in the Gazette.

10. (1) Any person aggrieved by the decision of the Licensing Authority relating to the refusal, cancellation or suspension of a licence, may, within fourteen days after the communication of such decision to such person, appeal in writing from such decision to the Minister.

Appeals.

(2) The Minister may, in dealing with any appeal preferred to him under subsection (1), affirm, vary or annul the order against which the appeal has been preferred.

(3) The decision of the Minister on any appeal preferred to him under the preceding provisions of this section shall be final and conclusive and shall not be called in question in any court.

Offences and penalties.

11. Any person who—

- (a) acts in contravention of or fails to comply with any provision of this Law or -any regulation made thereunder,
- (b) acts in contravention of or fails to comply with any condition of a licence,
- (c) fails to comply with any direction given by any authorized officer in the exercise of his powers under this Law, or
- (d) resists or obstructs any authorized officer in the exercise of his powers or the performance of his duties under this Law,

shall be guilty of an offence and shall, on conviction after trial before a Magistrate, be liable to rigorous imprisonment for a term of not less than one month and not exceeding one year or to a fine of not less than one hundred rupees and not exceeding one thousand rupees, or to both such fine and imprisonment.

Liability of certain persons in respect of offences committed by bodies corporate or incorporate.

12. Where an offence under this Law is committed by a body of persons, then—

- (a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body corporate; or
- (b) if that body of persons is a firm, every person who at the time of the commission of the offence was a partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

13. For the purpose of this Law—

Interpretation.

"authorized officer" means any person authorized in writing by the Licensing Authority for the purpose of this Law;

"cocoon" means cocoon produced by silkworm;

"diseases" shall include all diseases caused by fungal, bacterial, viral, protozoan and other organism which may injure or be parasitic upon any silkworm;

"licence " means a licence to carry on the business of producing, storing, transport, selling, distributing or disposing of silkworm seed ;

" Licensing Authority " means a person authorized by the Minister in the prescribed manner;

" prescribed " means prescribed under this Law or by regulations made thereunder;

" rearer" means a person engaged in rearing silkworm for the production of cocoons;

" silkworm " includes Mulberry silkworm, Tussor silkworm, Eri silkworm and Muga silkworm; and

" silkworm seed" means and includes cocoon used for preparing silkworm eggs, moths, eggs and any larval instar of silkworm of whatever description to be used for the purpose of reproduction.