

ANDHRA PRADESH SILK WORM SEED AND COCOON (CONTROL) RULES, 1983

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ANDHRA PRADESH SILK WORM SEED AND COCOON (CONTROL) RULES, 1983

In exercise of the powers conferred by sub section (1) of Section 13 of the Andhra Pradesh Silkworm seed and Cocoon (Control) Act, 1956 (Act, No.15 of 1956) and in supersession of the Andhra Pradesh Silk Worm Seed (control) and Cocoon Rules, 1980 issued in G.O.Ms.No. 6 Ind. and Com, (S P and S) Department, dated 3rd January, 1980 and published in Rules Supplement to Part II, Extraordinary of Andhra Pradesh Gazette, dated the 10th January, 1980 the Governor of Andhra Pradesh hereby makes the following rules

1. Short title :-

(1) These rules may be called the Andhra Pradesh Silk Worm Seed

and Cocoon (Control) Rules, 1983.

(2). They shall come into force at once.

(3) These rules are applicable to the entire State of Andhra Pradesh.

2. Definitions :-

In these rules, unless the context otherwise requires:-

(a) Act means the Andhra Pradesh Silk Worm Seed and Cocoon (Control) Act, 1956.

(b) Authorised Agent means a representative of the licenced buyer as authorised and approved in Form No. 14.

(c) Cocoon means the cocoons produced by mulberry or tassar or Eri silkworms either green or stifled dried or in any other stage or conditions whether used for reproduction or reeling other than pierced cocoons.

(d) Charka means the old contrivance used for reeling silk directly.

(e) Cottage basin means a reeling basin with six ends used for reeling silk on small reels and re reeled into skiens or directly on standard reels.

(f) Department means the Department of Sericulture.

(g) Director means the Director of Sericulture.

(h) Disease Free Laying means the silk worm eggs which are free from all diseases.

(i) Filature means basins with 10 ends used for reeling cocoons on small reels and re reeled run by power.

(j) Government means the Government of Andhra Pradesh.

(k) Grainage means a place or premises where Disease Free layings (Silkworm eggs) are prepared.

(l) Improved Reeling Machine means reeling basins with multi ends imported from outside the country.

(m) Licence means a licence granted under the Act.

(n) Licencing Authority means the Director of Sericulture Andhra Pradesh and any other officer appointed by the Government by

notification in the Andhra Pradesh Gazette under clause (d) of Section 2 of the Act.

(o) Market means a place specified by Government under Section 5 A of the Act, for sale of cocoon of all kinds whether intended for re production of reeling.

(p) Market fee means the fee payable by the rearer and the licenced buyers in respect of cocoons sold and purchased in the cocoon market under clause (e) of sub section 2 of Section 13 of the Act.

(q) Officer means any officer of the Sericulture Department authorised by the Director to perform the functions of the officer under these rules.

(r) Rearer means a person engaged in rearing of silkworms mulberry, tassar or eri for production of silkworm cocoons, whether for reproduction or reeling.

(s) Reeling cocoons means silkworm cocoons utilised for production of silk.

(t) Reeling means reeling of silkworm cocoons either on charka cottage basin, Filature imported machine or tassar reeling and twisting.

(u) Section means a section of the Act.

(v) Seed Cocoons means the cocoon of pure races utilised for production of Disease Free Silkworm Seed.

(w) Seed Rearer means a rearer engaged in rearing of silkworm for production of silkworm cocoons for reproduction purpose.

(x) Silkworm Seeds means the silkworm cocoon moths, eggs or silkworms of whatever description intended to be used for the purpose of reproduction or rearing or reeling.

(y) Twisting means twisting of raw silk into Organgene or tram.

3. Regulation of Production of Silkworm Seed and Cocoon :-

(1) No person, other than a licensee shall rear silkworm seed, other than the seed obtained from a Government Grainage or those certified by the licensing authority, or by any Officer authorised by him, to be of good quality; and shall not engage in such rearing, at places other than those the towns or villages specified from time to

time by the Director of Sericulture under these rules.

(2) A person, who has obtained silkworm seed from a Grainage or any Grainages approved by the Director, shall preserve the bill and the egg sheets issued by the Grainage in respect of the silkworm seed supplied by such Grainage and shall, when so required by the officer, produce them before him.

4. Applications for grant of licenses :-

(1) An application for a licence under Section 5 of the Act for silkworm rearing or seed rearing shall be made to the licensing authority in Form No.1

(2) An application for a license for the establishment of Charka, Cottage Basin and Mini filature, Improved Machine and twisting units and also for buying of the cocoons shall be made to the licensing authority in Form No.2.

5. Grant of Licence :-

(1) the licensing authority may, after having satisfied that the applicant for a licence to be a rearer is eligible for the grant of licence issue him a licence in Form No.3 or refuse the grant of licence subject to such conditions specified therein.

(2) The licencing authority may, if it is satisfied that the applicant for a license to be a seed rearer, is eligible for the grant of licence and taking into consideration the number of seed rearer serving the area in which applicant proposes to engage in seed rearing and the needs of the area grant him a licence in Form No.4 or refuse the grant of licence subject to such conditions specified therein.

(3) The licencing authority may, if it is satisfied that the person, who wishes to carry on the business of reeling silkworm cocoons, twisting raw silk, is incharge of charka, cottage basin or filature or twisting unit establishment and has sufficient experience of reeling silkworm cocoons and twisting grant him a licence in Form No.5 or refuse the grant of licence subject to such conditions specified therein.

(4) All licences granted under this rule shall be entered in the Register in Form No.6.

6. Fees for the Grant of licence :-

A licence may be granted under Rule 5, on payment of the fee

specified in the Table below :-

7. Renewal of Licence :-

(1) A licence may, on application in Form No.7, after the Licensing authority having satisfied that the applicant continues to satisfy the conditions for grant of a licence, be renewed by the licensing authority. If the licensing authority after such enquiry, as he deems fit, and after giving an opportunity to the applicant to be heard, is satisfied that the licensee has contravened any condition of the licence granted or renewed in respect of the preceding year, refuse to renew the licence. The renewal fee is specified in the Table below:-

TABLE

Sl. No.	Category of renewal		Fee
(1)	(2)		(3)
1.	Rearer including Seed Rearer	..	One Rupee
2.	Cocoon buying and reeling :-		
	(a) Charka each unit	..	Two Rupees
	(b) Cottage Basin (each unit)	..	Two Rupees
	(c) Filature each unit	..	Ten Rupees
	(d) Improved Reeling Unit each	..	Thirty Rupees
3.	Purchase of silkworm cocoons for reeling mulberry or tassar	..	Two Rupees
4.	Twisting unit of every 120 spindles	..	Five Rupees

(2) Every application for the renewal of a licence shall be made not less than two months before the date on which the licence expires and if the application is so made the applicant shall be deemed to be duly licensed until such date as the licensing authority renews the licence.

(3) Notwithstanding anything contained in sub rule (1) of this rule,

if the application for renewal of a licence is not received within time specified in sub rule (2) of this rule the licence shall be renewed only on payment of twenty five per cent in excess of the fee payable for the licence.

8. Procedure on Death of Licensee :-

If a licensee dies, the authorised agent carrying on the business of such licensee shall not be liable to any penalty under the Act for exercising the powers granted to the licensee by the licence until such time as may reasonably be required to allow him to make an application for a licence in his own name.

9. Loss of Licence :-

Where a licence granted under these rules is lost or is accidentally destroyed or is mutilated, a duplicate licence may be granted on payment of a fee of 50 of the fee prescribed under Rules 6 and 7 for the first time and full fee subsequently.

10. Payment of Fees :-

Every application for grant or renewal of licence under these rules shall be accompanied by:-

(1) A treasury receipt in original showing that prescribed fee under Rules 6 and 7 has been paid into the local treasury under the following head of account: "121 Village and Small Industries- MH 35 Sericulture Industry - SH (01) Sericulture"-

(2) If an application for the grant or renewal of a licence is rejected, the fee paid shall be refunded to the applicant.

11. Conditions for the grant of Licence :-

(1) A person shall be eligible for the grant of licence for rearing silkworms, if he possesses experience in silkworm rearing and has his own leased garden and rearing accommodation.

(2) No person will be eligible for the grant of licence to be a seed rearer unless he possesses the following qualifications namely:-

(a) The person concerned should be in possession of a well maintained mulberry garden, a disinfestable rearing apartment and a rearing appliance such as stands, trays, chopping knives, chopping boards and chandrikas useful for rearing;

(b) He should be an experienced silkworm seed rearer knowing the techniques of silkworm rearing; and

(c) in the case of Sericulture Co-operative Society approved by the Director of Sericulture, the person or persons employed by the society should be experienced silkworm seed rearers knowing the techniques of silkworm rearing.

(3) A person will be eligible for the grant of a licence to be a reeler if he possesses the following qualifications namely:-

(a) The person concerned should be in charge of a reeling establishment, and

(b) He should know the reeling technology.

12. Conditions and manner governing transaction relating to Sale or purchase of Silkworm Cocoons in a Cocoon Market :-

(1) No rearer shall sell or agree to sell silkworm cocoons except in a cocoon market established under the Act except in accordance with the following conditions and in the manner laid down hereunder.

(a) No rearer shall sell or agree to sell silkworm cocoons of any kind other than silkworm cocoons of the kind permitted to be sold in the cocoon market.

(b) Only a rearer or any agent authorised by him in writing shall transact business in the cocoon market.

(c) A rearer shall not carry on any business transaction relating to sale of silkworm cocoons except in accordance with the conditions under which he is permitted to do so.

(d) A rearer shall maintain true and correct accounts relating to sale of silkworm cocoons in the cocoon market either by himself or by his agent.

(e) A rearer or his agent shall, if so required by an Officer produce his accounts for inspection.

(2) No person shall purchase or agree to purchase silkworm cocoons in a cocoon market established under the Act except in accordance with the following conditions and in the manner laid down hereunder : -

(a) No person shall purchase or agree to purchase silkworm cocoons of any kind other than silkworm cocoons of the kind permitted to be sold in the cocoon market.

(b) No person other than a person permitted by the licensing authority or his authorised agent shall transact business relating to silkworm cocoons in a cocoon market,

(c) A person shall not carry on any business transaction relating to purchase of silkworm cocoons in a cocoon market except in accordance with the condition under which he is permitted to do so by the Licensing Authority. The Licensing Authority is empowered to impose additional conditions for this purpose to ensure fair transactions in a cocoon Market.

(d) No person who transacts any business relating to silkworm cocoons in a cocoon market shall transport cocoons purchased by him to any area outside the cocoon markets and the State unless it is covered by a permit in Form No.8.

(e) Every person who transacts business in silkworm cocoons in cocoon market shall maintain true and correct accounts relating to purchase of silkworm cocoons in Form No.9.

(f) Every person who transacts any business relating to purchase of silkworm cocoons shall, if so required by an officer produce his accounts and receipts for inspection.

(3)(a) Every rearer and licenced buyer shall, in respect of cocoon sold or purchased in the cocoon market, pay a fee at the rate of one per cent each on the total value of the cocoons sold or purchased as the case may be.

(b) Every silkworm rearer shall preserve bills receipts or the certificates issued to him, for a period of one month. He shall produce the same on demand by the Inspecting Officer of Department of the Sericulture.

(c) Every reeler shall enter in his stock book the number and the date of the receipt issued for the market fee paid by him on the cocoons purchased.

12A. Sericulture Development Fund :-

(1) There shall be formed for the whole of the State a Fund to be called the Sericulture Development Fund. All fees collected in markets shall constitute this Fund. It shall, however, be competent for the Government to add such other fund as it may deem fit to the Fund.

(2) The Sericulture Development Fund shall vest in the Sericulture Development Fund Authority hereinafter called Authority and shall be deposited in the Government Treasury in a P.D. Account.

(3) The Authority shall consist of the following Members :-

(1) Commissioner of Sericulture Chairman

(2) Joint Secretary to Government dealing with subject of Sericulture in Agriculture and Co-operation Department Member

(3) Joint Secretary Deputy Secretary, dealing with Sericulture in Finance Department Member]

(4) Collector, Ananthapur Chittoor (in rotation) Member

(5) General Manager, Andhra Pradesh Federation of Sericulturists and Silk Co-operative Societies Limited Hyderabad, (SERIFED) Member

(6) Two Representatives each from Rearers and Reelers respectively Member

(7) Joint Director of Sericulture (Head Quarters) Member/Convenor

(4)

(a) The term of office of a Non official member of the Authority shall be for a period of one year from the date of constitution of the Authority unless he ceases to be a member due to death, resignation or removal.

(b) Where the Government is of the opinion that a member of the Authority is persistently not performing the duty entrusted to him, it may after giving that member an opportunity, remove him from the membership of the Authority.

(c) If any vacancy arises in the Authority due to death, resignation or removal, it shall be filled by Government in a manner deemed fit and such person shall hold office only for the residue of the term of office of his predecessor.

(d) If, in the opinion of the Government, duties entrusted to the Authority are not performed satisfactorily, the Government may dissolve such Authority after giving an opportunity to it and shall reconstitute it.

(5) The Fund shall be jointly operated by the Chairman and the Member Convenor.

(6) The Fund shall be administered and applied by the Authority for all or any of the following purposes: -

(a) Provision of adequate amenities to rearers reelers in Grainages markets:

(b) development of rural roads to facilitate marketing of cocoon raw silk;

(c) Provision of testing grading facilities for silkworm seed cocoon yarn;

(d) Operation of price stabilisation scheme for rearers reelers;

(e) Organisation of marketing schemes for rearers reelers;

(f) Giving awards to the best rearers reelers;

(g) printing of extension literature publicity material for the benefit of rearers reelers;

(h) Promotion of bivoltine sericulture in the State;

(i) Promotion of R and D activity in the private sector for production of quality seed yarn;

(j) Meeting expenses in connection with conduct of workshops seminars functions, visits of dignitaries for the development of sericulture in the State;

(k) Any other purpose as may be specified by the Government Authority by general or specific orders for the healthy growth of the Sericulture Industry.

(7) The powers of the Authority shall be :- (a) to formulate and approve specific development schemes for the sericulture sector;

(b) to monitor the implementation of the schemes;

(c) to get the accounts of the Fund duly audited as directed by the Government from time to time;

(d) to prepare and furnish an annual performance report to Government;

(e) to incur expenditure for various purposes stated in sub rule (5);

and

(f) to discharge other duties as entrusted by the Government from time to time;

(8) The Chairman of the Authority shall cause to be maintained all accounts and other books for proper utilisation of the Fund and shall prepare an annual statement of accounts.

(9) The Authority shall approve an estimate of receipts and expenditure of the Fund every year for which purpose the Chairman shall call for a Special meeting of Authority during the month of February. The Authority shall consider the estimates so furnished and shall approve the same, either with or without alterations as it deems fit. For the purpose of this sub rule, year shall commence from the 1st day of April and end on the 31st day of March of the ensuing year.

(10) The Authority shall hold meetings as often as possible and in any case there shall be one meeting for every quarter.

(11) No meeting of the Authority shall be proceeded with, unless there is quorum of 4.

(12) It shall be competent for the Chairman of the Authority to expend an amount not exceeding Rs.50,000 (Rupees fifty thousand only) a year in any unforeseen and pressing circumstances without the approval of the Authority. Such expenditure shall however, be placed before the Authority in its next meeting.

13. Market Committees :-

(1) The Committee constituted under clause (b) of sub section (1) of Section 5 A of the Act shall consist of two representatives of rearers, and one each of licensed buyers incharge of charka establishments and filature establishments with the market officer as the chairman.

(2) The term of office of every member of the Market Committee shall be one year from the date of the constitution of that Committee, unless he ceases to be a member due to death or resignation or removal.

(3) Where the Government is of the opinion that a member of the Market Committee is persistently not performing the duties entrusted to him, they may, after giving that member an

opportunity remove him from membership of the Committee.

(4) If any vacancy arises, in the Committee due to death resignation or removal it shall be filled by the Government in the manner specified in sub rule (1) of this rule and such a person shall hold office only in remaining period of Office of the Committee constituted.

(5) If in the opinion of the Government, the duties entrusted to the market committee are not satisfactory, the Government may dissolve such market committee and reconstitute it in accordance with sub rule (1).

14. Powers and Duties of Market Committee :-

(1) The Market Committee shall take immediate action to prevent vzifly infection detected in the cocoon lots by taking such steps as required.

(2) It shall be the duty of the market committee to ensure fair trading and prompt payment in all transactions conducted in the market.

(3) The Committee shall get the cocoons weighed and conduct the open auction as contemplated is sub section (2) of Section 5 A of the Act.

(4) The market Officer shall conduct all correspondence and sign all documents on behalf of the Committee.

(5) The employee of the Committee shall be subject to the orders of the Committee under the control of the Market Officer.

(6) The Market Officer shall be responsible for keeping of accounts for the punctual and regural rendering of all reports and returns and for the custody of all moneys not deposited in the treasury and shall be the Chief Executive Officer of the Committee.

(7) All cocoons, brought to the market for sale by a rearer, shall be arranged in lots and separate lot number be given for each lot.

(8) The market committee shall keep the market open except on holidays, for transaction of business at such hours as the committee may from time to time, fix provided that it shall not open the market before 8 A.M. or keep the market open after 6 P.M. on any working day.

(9)

(a) In respect of every sale by open auction, the person, offering cocoons for sale, may specify the minimum rate at which he is willing to sell the cocoons and when such minimum rate is specified, the market committee shall not accept at the auction, any bid below such minimum rate.

(b) When an auction is not completed, on account of the highest bid being below the minimum rate specified by the person offering the cocoons for sale a second auction may be held by the market committee. No bid below such minimum rate be accepted in such second auction.

(c) When an auction is not completed either under Clause (a) or Clause (b), if the person offering the cocoons for sale agrees for the sale of such cocoons without fixing any minimum rate, the market committee may hold a third auction and accept the highest bid.

(10) Where adequate storage accommodation is available in the market, the market committee may permit the storage of un disposed cocoons in the market on any day before the market is closed. Before taking any lot of cocoons for such storage, it shall be weighed and a receipt in Form No.10 in respect of such lot indicating therein the lot number and the weight of the lot shall be issued to the rearer concerned. Such cocoons shall subject to such reduction in weight on account of drainage in accordance with such scale as the Director of Sericulture may specify be delivered to the rearer on the next working day.

(11) A Register in Form No.11 shall be maintained by the market committee and every transaction shall be recorded in the said register.

(12) The Market Officer shall issue a certificate in Form No.12 to the person who has sold the cocoons in the said market.

(13) The Market Officer shall issue a Cash Receipt in Form No.13 for the market fee collected from every buyer of cocoons.

14A. Composition of Offences :-

The Joint Director Deputy Director and Assistant Director of Sericulture are the Officers under Section 7 A of the Act, to deal with the composition of offences.

15. Appeals :-

(1) Any person aggrieved by an order of the licensing authority may within fifteen days from the date of communication of the order appeal to:

(i) the Director of Sericulture, in the case of an order passed by an authority subordinate to him.

(ii) the State Government in the case of an order passed by the Director of Sericulture.

(2) An Appeal under sub rule (1) shall be in the Form of a memorandum setting forth precisely the grounds of objection to the order, and shall be accompanied by a copy of the order appealed against.

(3) The appellate authority shall, after giving an opportunity to the appellant of being heard, and after such enquiry as it may consider necessary, pass such order on the appeal as it deems fit.

Explanation :- For purposes of sub rule (1) of this rule an order shall be deemed to have been communicated, on the date on which, in the ordinary course, the registered post would reach the applicant after the date of posting.

16. Procedure regarding Seizure :-

(1) When any silkworm seed or silkworm cocoons including any vessel, receptacle, apparatus, package or covering in which such silkworm seed or silkworm cocoons is contained is seized any Officer not below the rank of Inspector of Sericulture acting under Clause (d) of the sub section (1) of the Section 6 of the Act shall follow the following procedure. (1) A report shall be prepared by the Officer in the presence of two or more respectable witnesses of locality.

(2) The material seized shall be properly secured and identified and sent at once to the nearest Government Institution of the Department for safe custody and a report of the action taken shall be made to the immediate superior of such Officer.

(3) If such Officer is empowered under Section 8 of the Act he may lodge a complaint in the competent court or submit a detailed report to the officer competent to do so.

(4) In the case of things which are, in the opinion of the officer, subject to speedy and natural decay, the Officer who seizes such things shall intimate his opinion to the Officer to whom such things

are sent and the said Officer may destroy such things in the presence of two witnesses. A report in this regard shall be sent by him to his superior Officer.

(5) In the case of Silkworm cocoons which in the opinion of the Officer are subject to speedy and natural decay and if he has no time to obtain orders of the court for disposal, the Officer who seizes such things shall auction process destroy the same and send the report to his superior officer.

17. Maintenance of Registers :-

Every licensee for Rearer or Seed Rearers shall maintain an account of receipts of disease free layings and cocoons harvested in the register in Form No.15 and shall submit a copy of the same to the licencing authority for every fifteen days.

18. Powers of Director :-

The Director of Sericulture may delegate any powers conferred on him to any Officer under this rule.

19. Exemption :-

The Government may, by general or special order exempt any person or class of persons from all or any of the provisions of these rules.