

**KARNATAKA SILKWORM SEED, COCOON AND SILK YARN
(REGULATION OF PRODUCTION, SUPPLY, DISTRIBUTION
AND SALE) ACT, 1959**

5 of 1960

[25th February, 1960]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Regulation of production, etc., of silkworm seed
4. Regulation of rearing
5. Regulation of possession of silkworm seed
- 5A. Regulation of possession of silk yarn
6. Regulation of disposal of silkworm cocoons
7. Regulation of sale or purchase of silkworm cocoons for reeling
8. Regulation of reeling
- 8A. Regulation of sale and purchase of silk yarn, etc
9. Application for licence
10. Regulation and distribution of silkworm seed
- 10A. Establishment of Silk Exchange
- 10B. Research and development
11. Power to require information and powers of entry, inspection, seizure, etc
12. Penalties
- 12A. Abetment
- 12B. Certain offences to be cognizable
13. Suspension or cancellation of licence, forfeiture of property and penalty, etc.
14. Composition of offences
15. Court competent to try offences under this Act and cognizance of offences
16. Protection of persons acting under the Act
- 16A. Mode of recovery of dues
17. Officers to be deemed public servants
- 17A. Establishment of Development and Price Stabilisation Fund
18. Power of Government to make rules
19. Repeal and savings

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STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 29 OF 1969 Karnataka Gazette, Extraordinary, dated 1-9-1969 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.

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 33 OF 1979 Karnataka Gazette, Extraordinary, dated 1-6-1979 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. 1. Substituted for the words "and Cocoon" by Act No. 33 of 1979, w.e.f. 6-11-1979 2. Substituted for the words "and distribution" by Act No. 33 of 1979, w.e.f. 6-11-1979

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 12 OF 1980 Karnataka Gazette, Extraordinary, dated 3-3-1980 It was represented by some of the twisters that the provisions of Section 8-A of the Karnataka Silkworm Seed and 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 Section 8-A 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 8-A to exclude the twister from bringing the silk yarn twisted again to the silk exchange for sale.

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 6 OF 1981 Karnataka Gazette, Extraordinary, dated 28-3-1981 The Karnataka Silkworm, 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 twistors 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 twistors 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 17-1 of the Rules prescribed the levy of fees. The High Court of Karnataka while disposing the writ petitions filed challenging the constitutional 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 17-1 as ultra vires 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 17-1. Hence the Bill.

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 20 OF 1984 Karnataka Gazette, Extraordinary, dated 6-2-1984 Under Section 12 of the Karnataka Silkworm 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 8-A 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.

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 30 OF 1994 Karnataka Gazette, Extraordinary, dated 17-2-1994 It is considered necessary to amend the Karnataka Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply,

Distribution and Sale) Act, 1979.- (i) to provide for regulation of possession of silk yarn 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 penalty. Certain consequential amendments are also made. Hence the Bill. STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 12 OF 1997 It was considered necessary to amend the Karnataka Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959.- (i) to include the definition of licensed dealer to bring licensed dealers within the scope of the Act; (ii) to require licensed dealers to furnish a declaration of the quantity of silk yarn possessed by them in excess of the prescribed quantity; (iii) to make it compulsory to licensed dealer to sell or agree to sell the silk yarn purchased or brought from outside the State only in the silk exchange; (iv) to enhance the penalty imposable under Sections 12, 12-B and 13. As the matter was urgent and the Karnataka Legislative Assembly was not in session the Karnataka Silkworm Seed, Cocoon and Silk Yarn (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.

1. Short title, extent and commencement :-

(1) This Act may be called the Karnataka Silkworm Seed, ¹[Cocoon and Silk Yarn] (Regulation of Production, Supply, ²[Distribution and Sale]) Act, 1959.

(2) It extends to the whole of the State of Karnataka.

(3) ³[Section 10 and Section 19] shall come into force at once in the whole of the State of Karnataka and the rest of this Act shall come into force at once in the areas of the State in which the Karnataka Silkworm Seed (Control of Distribution) Act, 1952, is in force. All or any of the provisions of this Act (except ⁴ [Section 10 and Section 19]) shall come into force in such other area or areas of the State on such date or dates as the Government may by notification specify.

1. Substituted for the words "and Cocoon" by Act No. 33 of 1979, w.e.f. 6-11-1979

2. Substituted for the words "and distribution" by Act No. 33 of 1979, w.e.f. 6-11-1979

3. Substituted for the word and figures "Section 19" by Act No. 22 of 2001, w.e.f. 29-11-2000
4. Substituted for the word and figures "Section 19" by Act No. 22 of 2001, w.e.f. 29-11-2000

2. Definitions :-

In this Act, unless the context otherwise requires.

(a) "Cocoon" means cocoon produced by ¹[mulberry, tassel, muga and eri silkworms], 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;

²[(c-a) "Dupion silk yarn" means silk yarn reeled out of double cocoons ³[or inferior cocoons];]

⁴[(c-b) "Dyer" means a person in charge of an establishment where silk yarn is dyed;]

(d) "Government" means the State Government;

⁵[(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;]

⁶[(ee) "Licensed dealer" means a person who carries on the business of buying and selling silk yarn, either brought from outside the State or purchased in silk exchange or from a licensed trader or any other licensed dealer;]

⁷[(f) "Licensed trader" means a person who is licensed to purchase silk yarn in a silk exchange;]

(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;

8[(i-a) "Reeler" means a person in charge of a reeling establishment and carrying on the business of reeling cocoons;

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;

(i-b) "Silk Exchange" means a silk exchange established under Section 10A for the sale or purchase of silk yarn and includes silk stores;]

9[(j) "Silkworm" means mulberry, tassel, muga and eri silkworm;]

(k) "Silkworm seed" means silkworm cocoons of all kinds (except cross-breed cocoons) used for preparing seed and includes

10[(l) "Silk Yarn", means silk reeled out of cocoons and includes twisted silk yarn, dupion silk yarn, spun silk yarn and noil silk yarn;

11[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;]

12 [(p) "Weaver" means a person in charge of weaving establishment where fabrics are manufactured by using silk yarn.]

1. Substituted for the words "mulberry silkworms" by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997
2. Clause (c-a) inserted by Act No. 33 of 1979, w.e.f. 6-11-1979
3. Inserted by Act No. 30 of 1994, w.e.f. 3-10-1994
4. Clause (c-b) inserted by Act No. 30 of 1994, w.e.f. 3-10-1994
5. Clause (e) substituted by Act No. 30 of 1994, w.e.f. 3-10-1994
6. Clause (ee) inserted by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997
7. Clause (f) substituted for clause (f) and Explanation by Act No. 33 of 1979, w.e.f. 6-11-1979
8. Clauses (i-a) and (i-b) inserted by Act No. 33 of 1979, w.e.f. 6-11-1979
9. Clause (j) substituted by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997
10. Clauses (1) to (o) inserted by Act No. 33 of 1979, w.e.f. 6-11-1979
11. Explanation to clause (1) inserted by Act No. 30 of 1994, w.e.f. 3-10-1994
12. Clause (p) inserted by Act No. 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 [(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.]

(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 sources.

1. Sub-section (1) substituted by Act No. 29 of 1969, w.e.f. 22-12-1969

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 :-

1^{**2**}[(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;

3[(bb) a licensed dealer;]

(c) a twister;

4[(c-1) a dyer;]

(d) a weaver; or

(e) person authorised in writing by the prescribed officer.]

5[Different quantities may be prescribed in respect of different category of persons.]

6 [(2) Every licenced dealer who is in possession of silk yarn 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.]

1. Section 5-A inserted by Act No. 33 of 1979, w.e.f. 6-11-1979

2. Section 5-A renumbered as sub-section (1) thereof by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997

3. Clause (bb) inserted by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997

4. Clause (c-1) inserted by Act No. 30 of 1994, w.e.f. 3-10-1994

5. Inserted by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997

6. Sub-section (2) inserted by Act No. 12 of 1997 and shall be deemed to have come into force 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 ^{**1**} [x x x x] except to persons holding a licence under this Act.

1. The words "for relating or for reproduction" omitted by Act No. 29 of 1969, w.e.f. 22-12-1969

7. Regulation of sale or purchase of silkworm cocoons for reeling :-

1 [(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 of 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.]

1. Section 7 substituted by Act No. 29 of 1969, w.e.f. 22-12-1969

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 :-

After a silk exchange is established under Section 10A .

1[(1)

(a) no reeler **2**[or a reeler who is also a twister] shall, sell or agree to sell silk yarn reeled, or as the case may be, **3**[reeled and twisted by him];

4[(b) no person whether a licensed trader or not, shall purchase or agree to purchase silk yarn from a reeler who is also a twister, except in a silk exchange, and except in accordance with such conditions and in such manner as may be prescribed;]

5[(bb) no licensed dealer, shall sell or agree to sell silk yarn of any origin brought or caused to be brought by him from outside the State.]

(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 ⁶[x x x x x] or in any manner aid or abet the sale or purchase of silk yarn.]

7 [(3) Nothing contained in sub-section (1) shall apply to.

(i) second and subsequent sale of silk yarn of any origin brought from outside the State;

(ii) a licensed dealer who has hundred per cent export oriented unit and imports silk yarn 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 silk yarn brought from outside the State or purchased in a silk exchange or from a licenced 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.]

1. Section 8-A inserted by Act No. 33 of 1979, w.e.f. 6-11-1979

2. Substituted for the words "or twister" by Act No. 12 of 1980 and shall be deemed to have come into force w.e.f. 6-11-1979

3. Substituted for the words "twisted by him" by Act No. 12 of 1980 and shall be deemed to have come into force w.e.f. 6-11-1979

4. Clause (b) substituted by Act No. 12 of 1980 and shall be deemed to have come into force w.e.f. 6-11-1979

5. Clause (bb) inserted by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997

6. The words "or a twister" omitted by Act No. 12 of 1980 and shall be deemed to have come into force w.e.f. 6-11-1979

7. Sub-sections (3) and (4) inserted by Act No. 12 of 1997 and shall be deemed to have come into force 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, ¹[to levy and collect the market fee payable under this Act in respect of cocoons sold or purchased in the coon market], and constitute a committee consisting of two representatives of rearers, and ²[three representatives of reelers], 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 ³ [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 Weights and Measures (Enforcement) Act, 1958.

1. Shall be and shall be deemed always to have been inserted by Act No. 6 of 1981

2. Substituted for the words "one each of licensed buyers in charge of charaka establishments and filature establishments" by Act No. 33 of 1979, w.e.f. 6-11-1979

3. Substituted for the words "any licensed buyer" by Act No. 33 of 1979, w.e.f. 6-11-1979

10A. Establishment of Silk Exchange :-

¹[(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 ²[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 rice shall be in cash and the silk yarn shall be sold by metric weight.]

3 [(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.]

1. Section 10-A inserted by Act No. 33 of 1979, w.e.f. 6-11-1979

2. Shall be and shall be deemed always to have been inserted by Act No. 6 of 1981

3. Sub-section (3) inserted by Act No. 12 of 1980 and shall be deemed to have come into force w.e.f. 6-11-1979

10B. Research and development :-

1 [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.]

1. Section 10-B inserted by Act No. 30 of 1994, w.e.f. 3-10-1994

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

(1) The Director of Sericulture in Karnataka 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) **1**[x x x x x] 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 ²[silkworm, silkworm seed or ³[cocoons or silk yarn]] is stored or is being transported and seize or authorise any person to seize any ⁴[silkworm, silkworm seed or ⁵[cocoons or silk yarn]], including any vessel, ⁶[vehicle] receptacle, apparatus, package or covering in which such any ⁷[silkworm, silkworm ⁸ [cocoons or silk yarn]] 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.

1. The words, figures and letters "between the hours of 6 a.m. and 6 p.m." omitted by Act No. 29 of 1969, w.e.f. 22-12-1969

2. Substituted for the words "silkworm or silkworm seed" by Act No. 29 of 1969, w.e.f. 22-12-1969

3. Substituted for the words "silkworm cocoon" by ct No. 33 of 1979, w.e.f. 6-11-1979

4. Substituted for the words "silkworm or silkworm seed" by Act No. 29 of 1969, w.e.f. 22-12-1969

5. Substituted for the words "silkworm cocoon" by Act No. 33 of 1979, w.e.f. 6-11-1979

6. Inserted by Act No. 30 of 1994, w.e.f. 3-10-1994

7. Substituted for the words "silkworm or silkworm seed" by Act No. 29 of 1969, w.e.f. 22-12-1969

8. Substituted for the words "silkworm cocoon" by Act No. 33 of 1979, w.e.f. 6-11-1969, w.e.f. 22-12-1969

12. Penalties :-

(1) Any person who contravenes the provisions of Section 3 or Section 4 shall be punishable with fine which may extend to ¹[²[one thousand] rupees.]

(2) Any rearer who contravenes the provisions of ³[Section 6 or clause (a) of sub-section (1) of Section 7], shall be punishable with fine which may extend to ⁴[one thousand rupees].

⁵[(2A) Any person who contravenes the provisions 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 ⁶[five thousand rupees] or with both.]

⁷[(2B) Any person who contravenes the ⁸[provisions of Section 5A or Section 8A] shall on conviction be punished with imprisonment for a term which may extend to three years and with fine which may extend to ⁹[twenty-five thousand rupees]:

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.]

¹⁰[(3) Any person who contravenes the provisions of Section 8 shall be punishable with fine which may extend to ¹¹[one thousand and five hundred.]

(4) Save as otherwise provided in ¹²[sub-sections (1), (2), (2-A), ¹³[(2-B)] 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 ¹⁴[¹⁵[five thousand] rupees].

¹⁶ [(5) x x x x x.]

1. Substituted for the words "one hundred rupees" by Act No. 22 of 1969, w.e.f. 22-12-1969

2. Substituted for the words "two hundred" by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997

3. Substituted for the words "Section 6 or 7 or any other provision of this Act or any rule, order or notification made thereunder" by Act No. 29 of 1969, w.e.f. 22-12-1969

4. Substituted for the words "fifty rupees" by Act No. 30 of 1994, w.e.f. 3-10-1994

5. Sub-section (2-A) inserted by Act No. 29 of 1969, w.e.f. 22-12-1969

6. Substituted for the words "five hundred rupees" by Act No. 30 of 1994, w.e.f. 3-10-1994

7. Sub-section (2-B) inserted by Act No. 33 of 1979, w.e.f. 6-11-1979

8. Substituted for the words, figure and letter "provisions of Section 8-A" by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997
9. Substituted for the words "two thousand rupees" by Act No. 30 of 1994, w.e.f. 3-10-1994
10. Sub-section (3) substituted by Act No. 29 of 1969, w.e.f. 22-12-1969
11. Substituted for the words "two hundred and fifty" by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997
12. Substituted for the words, brackets and figures "sub-sections (1), (2) and (3)" by Act No. 29 of 1969, w.e.f. 22-12-1969
13. Inserted by Act No. 33 of 1979, w.e.f. 6-11-1979
14. Substituted for the words "two hundred and fifty rupees" by Act No. 30 of 1994, w.e.f. 3-10-1994
15. Substituted for the words "two thousand five hundred" by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997
16. Sub-section (5) omitted by Act No. 33 of 1979, w.e.f. 6-11-1979

12A. Abetment :-

¹ [Whoever abets any offence punishable under this Act shall be punished with the punishment provided in this Act for such offence.

1. Sections 12-A and 12-B inserted by Act No.29 of 1969, w.e.f. 22-12-1969

12B. Certain offences to be cognizable :-

The offences under ¹ [sub-sections (2-A) and (2-B)] of Section 12 shall be cognizable.]

1. Substituted for the words, brackets, figure and letter "sub-section (2-A)" by Act No. 33 of 1979, w.e.f. 6-11-1979

13. Suspension or cancellation of licence, forfeiture of property and penalty, etc. :-

¹[(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 Section 3 , Section 7 , Section 8 or Section 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) silkworm 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 ²[³ [fifty thousand] rupees] but not exceeding the value of the property in relation to

(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 license, 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.]

1. Section 13 substituted by Act No. 33 of 1979, w.e.f. 6-11-1979

2. Substituted for the words "five thousand rupees" by Act No. 30 of 1994, w.e.f. 3-10-1994

3. Substituted for the words "twenty-five thousand" by Act No. 12 of 1997 and shall be deemed to have come into force w.e.f. 6-1-1997

14. Composition of offences :-

(1) Any offence punishable under this Act may be compounded by the Director of Sericulture in Karnataka 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 ¹ [an offence other than a cognizable offence] under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

1. Substituted for the words "any offence" by Act No. 29 of 1969, w.e.f. 22-12-1969

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 :-

¹ [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.]

1. Section 17-A inserted by Act No. 33 of 1979, w.e.f. 6-11-1979

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, 1860 .

17A. Establishment of Development and Price Stabilisation Fund :-

¹ [(1) There shall be constituted in the State of Karnataka a fund called the Karnataka Silkworm Cocoon and Silk yarn Development and Price Stabilisation Fund.

(2) All moneys received by way of market fees, licence 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.]

1. Section 17-A inserted by Act No. 33 of 1979, w.e.f. 6-11-1979

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

(g) the forms of licences to be granted, returns to be submitted and accounts to be maintained under this Act;

¹[(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;

(h-a) the market fee payable by the reelers, ²[the reelers who are also twistors and ³[licenced 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;

(h-b) amenities and facilities to be provided in the silk exchange including settlement of disputes between the sellers and purchasers of the silk yarn;

(h-c) the sitting fee and other allowances payable to the members of the committees constituted under Section 10 and Section 10A ;

(h-d) 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.

4 [(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.]

(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.

1. Clauses (h) and (h-a) to (h-d) substituted for clause (h) by Act No. 33 of 1979, w.e.f. 6-11-1979

2. Substituted for the words "traders and twisters" by Act No. 12 of 1980 and shall be deemed to have come into force w.e.f. 6-11-1979

3. Substituted for the word "traders" by Act No. 6 of 1981 and shall be and shall be deemed always to have been substituted

4. Sub-section (2-A) inserted by Act No. 20 of 1984 and shall be deemed to have come into force w.e.f. 2-12-1983

19. Repeal and savings :-

The Karnataka Silkworm Diseases Control Act, 1943 (Karnataka Act VIII of 1943) and the Karnataka Silkworm Seed (Control of Distribution) Act, 1952 (Karnataka 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 Madras Area, 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 and shall continue until superseded by anything done or any action taken under this Act.