

TAMIL NADU SILKWORM DISEASES (PREVENTION AND ERADICATION) ACT, 1948

1948 : T.N. Act 11 of 1948. [THE TAMIL NADU SILKWORM DISEASES (PREVENTION AND ERADICATION) ACTS 1948.] (Received the assent of the Governor-General on the 4th March 1948 ; first published in the Fort St. George Gazette on the 16th March 1948.) An Act for the prevention and eradication Of silkworm diseases in the State of Tamil Nadu. WHEREAS it is expedient to provide for the prevention and eradication of silkworm diseases in the State of Tamil Nadu ; It is hereby enacted as follows :— 1. (1) This Act may be called the Tamil Nadu Silkworm Diseases (Prevention and Eradication) Act, 1948. (2) It extends to the whole of the State of Tamil Nadu. (3) This section shall come into force at once ; and the remaining provisions of this Act shall come into force— (a) at once, in the taluk of the Salem district, and (b) in the remaining taluks of the Salem district, on such date as the Government may, by notification, appoint. (4) The Government may, by notification, repeal all or any of the remaining provisions aforesaid from any part of the State of Tamil Nadu, with effect from such date as may be specified in the notification, but the repeal shall not be deemed to affect the operation of the Government to extend the provisions so repealed to such part under sub-section (3), clause (b).

2. In this Act, unless there is anything repugnant in the subject or context,—(a) " area " means any area in which the provisions of this Act are in force for the time being ; (b) "Director" means the Director of Industries and Commerce, Tamil Nadu, or officer as the Government may nominate as Director for all or any of the purposes of this Act ; (c) "Government" means the Government of Tamil Nadu as defined in section 3, clause (43-a), of the Central General Clauses Act, 1897; (d) "notification" means a notification published in the Fort St. George Gazette ; (e) "prescribed" means prescribed by rules made under this Act; (f) "seed" means seed cocoons, moths, eggs and silkworms in the first two stages of development ; This expression was substituted for the expression " State Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. This expression was substituted for the expression " Director of Industries and Commerce, Madras " by paragraph 4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970. which was deemed to have come into force on the 14th January 1969 This word was substituted for the word " Provincial " by the Adaptation Order of 1950. 1948 T.N. Act 11 Silkworm Diseases (Prevention and Eradication) 1041 (g) "area" means an area notified by the Director as an area where silkworms are being reared for raising seed cocoons ; (h) " seed cocoon " means cocoon raised from silkworm rearings and intended for reproductive purposes ; (i) "seed producer" means any person engaged in all or any of the processes connected with the manufacture or disposal of seeds; (j) "seed rearer" any person engaged in the occupation of rearing silkworms of any species with a view to the sale of cocoons, moths, eggs or worms for the purposes of seed, including operations extending from the incubation of eggs to the harvesting of cocoons, (k) "Sericultural Expert" means the officer who is the Head of the Sericultural Section of the Department of Industries and Commerce, Tamil Nadu; (l) "silkworm disease" means the disease of pebrine, flacherie, gasserie, or muscardine or any other prescribed disease, (m) "silkworm rearer" means any person engaged in the occupation of rearing silkworms of any species, with a view to the sale of cocoons, moths, eggs or worms. 3. (1) Every silkworm rearer, seed rearer and seed producer shall be bound to give information forthwith to the nearest officer who has been duly authorized by the Sericultural Expert in that behalf of the diseases. occurrence of

any silkworm disease in the seed, silk- worm, moth or cocoon, in any premises belonging to him or under his control, which may come to his knowledge. i This expression was substituted for expNssi0D "Depart. ment of Industries and Cornmerce, Madras , ' by paragapb 4 of, and the Schedule to, the Tamil Nadu Adaptation or Laws Order, 1970, which was to have come into for* on the 14tb_ Juluaw ; ' 1969. 1048 Silkworm Diseases (1948 : T.N. Act Inspection of premises. Power to measures for the eradica- tion of silkworm diseases. (Prevention and Eradication) (2) Every such person shall be deemed to have had knowledge of the occurrence of any such disease in any premises belonging to him or under his control, in the absence of reasonable excuse the burden of proving which shall lie upon him. 4. (1) The Sericultural Expert or any omcer authorized by him in this behalf may at all reasonable times, enter and inspect any land, building, vessel, vehicle or place wherein or in any part l[whereof— (i) all or any of the processes connected with the rearing of silkworms the manufacture of seed is carried on, or (ii) seed, silkworms, moth or cocoon is stored, or is being transported, if he has reason to believe, from personal knowledge or from information given by any —son and taken down by him in writing, that any silkworm disease has occurred in such land, building, vehicle or place. (2) Every owner, occupier or other person in- charge of any such land, building, vessel, vehicle, or place shall be bound to give all reasonable faci- lities to the omcer aforesaid in carrying out his func- tions under sub-section (1). 5. (1) On receipt of information under section 3 or on the detection of any silkworm disease after inspection under section 4, the Sericultural Expert or any officer authorized by him in this behalf, or the omcer making such inspection, may •take or cause to be taken such measures as he may consider neces- sary or expedient to prevent the spread of the disease or to eradicate it, being measures referred to in sub. section (2), This word was substituted for the word "thereof" by section 4 of, and the 'mrd Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957) ; so far as the added territories are concerned the above amendment was made by section 4 of, and the Second {chedule to, the Tamil Nadu (Added Tzritories) Extension ot Laws Act, 194 gamil Nadu• of 1964), 1049 1948: T.N. Act 11] Silkworm Diseases (Prevention and Eradication) (2) Such measures may consist of— (a) the disinfection o destruction of any seed, silkworm, moth or coc n or of any vessel, receptacle or apparatus used in the rearing of silk- worms or the manufacture of seeds , (b) the prohibition for a specified period of the rearing by seed rearers of any species of silkworm in which a silkworlū disease has broken out in a virulent form , (c) any action which may be prescri- bed. (3) At least twenty-four hours' notice shall be given to the owner or other person i n- charge of any object or article which it is intended to destroy under this section. 6. (1) If such destruction is ordct•cd by the Seri- Appeals, cultural Expert or an Assistant Sericultural Expert, the order shall be linal. (2) If such (lest ruction is oracrc(.l by an officer inferior in rank to an Assiseant, Sericu- li urn.' Expert, the owner 01' other person i the object or article concerned .inay, wit hin hours the service of the notice referred to iFI section 5, sub- section (3), appeal to the Assistant Sericultural Expert nominated by the Sevicul[ural Expert to hear appeals under this section ; and the order or st•ch Assistant Sericultural Expert shall be linal. 7. (1) Any person who contravenes or fails to Pcnaalties. cojnply with any this Act or any rule or order made thereunder shall be punishab)c wit h fine which may extend tc) one hund red rupccs ; and any Court trying any such cont ion or direct that any seed, silkwdrnl. nn ot h or cocoon, or rcccptacle or any vessel, appara; us containing the same, in respect of which theCout•t is that such contravention or t'ailurc ha's occurred, shall be for-' feited to the Government, IÖSO Sikworm Disea\$és (1948 : T.N. Act Pmtætation of Govern- mat o&rs and servants. Power to make (Prevention Eradication) (2) No shall be instituted under sub-swtion (i) without the previous sanction of the Sericultural Expert

8. No suit, prosecution or other proceeding shall lie against any omcer or servant, of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Govern- ment.

9. (1) The Government may 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 pro- vide for all or any of the following matters, namely (i) the diseases, if any, which should be as silkworm diseases, in addition to those specified in section 2, clause (1) ; (ii) the particulars of the information to be furnished under section 3 and the form in which it should be furnished ; (iii) the measures which may be taken under section 5 for eradicating silkworm diseases (iv) the form in which appeals may be rr•• ferred under section 6.