

25-3-1954, vide notification No. S.R.O. 1025, D/25.354, Gazette of India, Ex., 1954, Pt. II, Sec. 3, P-413.

Repealed by Act 36 of 1957.

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THE CENTRAL SILK BOARD (AMENDMENT) ACT, 1953

No. 31 OF 1953



[18th September, 1953]

An Act further to amend the Central Silk Board Act, 1948.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Central Silk Board (Amendment) Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title and preamble, Act LXI of 1948.—In the long title of, and the preamble to, the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), the word "raw" shall be omitted.

3. Substitution of new section for section 2 in Act LXI of 1948.—For section 2 of the principal Act, the following section shall be substituted, namely:—

"2. *Declaration as to expediency of Union control.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the silk industry."

4. Amendment of section 4, Act LXI of 1948.—In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Board shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) not more than three officials to be nominated by the Central Government:

Provided that it shall be lawful for any such official to depute in the prescribed circumstances another official to attend any meeting of the Board on his behalf;

(c) six persons to be elected by Parliament, four from the House of the People by the members of the House of the People and two from the Council of States by the members of the Council of States;

(d) four persons to be nominated by the Government of Mysore, one of whom shall represent the filature raw silk industry and two shall represent the rest of the sericulture industry;

(Price annas 2 or 3d.)

(e) two persons to be nominated by the Government of Madras;

(f) two persons to be nominated by the Government of West Bengal;

(g) one person to be nominated by each of the Governments of Assam, Bihar, Bombay, Madhya Bharat, Madhya Pradesh and Uttar Pradesh;

(h) one person to be nominated by the Government of Jammu and Kashmir;

(i) not more than three persons to be nominated by the Central Government to represent the producers of raw silk and areas other than the States specified in clauses (d) to (g) inclusive;

(j) eight persons to be nominated by the Central Government, of whom one shall represent the spun silk industry, one the silk throwing and twisting industry, one the silk weaving industry, one labour; and two of them shall be experts in sericulture."

5. Amendment of section 7, Act LXI of 1948.—In section 7 of the principal Act, the words "in consultation with the Board" shall be omitted.

6. Amendment of section 8, Act LXI of 1948.—In section 8 of the principal Act,—

(i) in sub-section (1), the word "raw" shall be omitted;

(ii) in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

"(f) carrying out any other duties which may be vested in the Board under rules made under this Act;"

(iii) in sub-section (3), in clause (c), the word "raw" shall be omitted.

7. Amendment of section 10, Act LXI of 1948.—In section 10 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) The proceeds of the duties of excise paid to the Board shall first be credited to the Consolidated Fund of India and the Central Government may, thereafter, from time to time, pay to the Board from and out of such proceeds such sums of money as it may think fit."

8. Amendment of section 13, Act LXI of 1948.—For sub-section (2) of section 13 of the principal Act, the following sub-sections shall be substituted, namely:—

"(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:—

(i) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed and the filling of casual vacancies in the Board;

(ii) the procedure to be followed at meetings of the Board and at the standing committee for the conduct of business and the number of members which shall form a quorum at any meeting;

(iii) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(iv) the holding of a minimum number of meetings every year;

(v) the power of the Board, its Chairman and standing committee with respect to the incurring of expenditure;

(vi) the conditions subject to which the Board may incur expenditure outside India;

(vii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(viii) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(ix) the deposit of the funds of the Board in bank and the investment of such funds;

(x) the re-appropriation of estimated savings from one budget head to any other budget head;

(xi) the conditions subject to which the Board may borrow funds;

(xii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiii) the delegation to the standing committee or the Chairman or the Vice-Chairman or members or officers of the Board of any of the powers and duties of the Board under this Act;

(xiv) the staff which may be employed by the Board and the pay and allowances, leave and other conditions of service of officers and other employees of the Board;

(xv) the travelling and other allowances of members of the Board and of the standing committee;

(xvi) the purposes for which funds of the Board may be expended;

(xvii) the maintenance of the registers and other records of the Board and of its standing committee;

(xviii) the collection of any information or statistics in respect of raw silk or any product of silk;

(xix) the manner in which raw silk shall be graded and marketed;

(xx) any other matter which is to be or may be prescribed.

(3) All rules made under this section shall be laid, as soon as may be, before Parliament."

9. Amendment of section 14, Act LXI of 1948.—Section 14 of the principal Act shall be numbered as sub-section (1) and after that sub-section as so numbered, the following sub-sections shall be inserted, namely:—

(2) If the person committing any offence specified in sub-section (1) is a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

10. Insertion of new section 15A in Act LXI of 1948.—After section 15 of the principal Act, the following section shall be inserted, namely:—

“15A. *Jurisdiction of courts.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under section 14.”

11. Omission of section 17, Act LXI of 1948.—Section 17 of the principal Act shall be omitted.

12. Validation of certain acts and indemnity in respect thereof.—All acts of executive authority, proceedings and sentences which have been done, taken or passed, with respect to, or on account of, raw silk during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.