

**JOINT /SELECT
COMMITTEE REPORTS OF
LEGISLATIVE ASSEMBLY -
1948**

**The Central Silk Board
Bill**

List of Reports of Select Committees presented to
the Constituent Assembly of India (Legislative)
in 1948.

S. No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Minimum Wages Bill./	28.1.48.	7.2.48.
2.	The Industrial Finance Cor- poration Bill.	28.1.48.	7.2.48.
3.	The Dock Workers (Regulation of Employment) Bill.	28.1.48.	7.2.48.
4.	The Pharmacy Bill.	28.1.48.	7.2.48.
5.	The Damodar Valley Corpora- tion Bill.	28.1.48.	7.2.48.
6.	The Indian Army and the Indian Air Force (Amendment) Bill.	28.1.48.	14.2.48.
7.	The Dentists Bill./	28.1.48.	14.2.48.
8.	The Rehabilitation Finance, Administration Bill.	9.2.48.	21.2.48.
9.	The Workmen's State Insurance, Bill.	11.2.48.	21.2.48.
10.	The Electricity (Supply) Bill./	4.3.48.	20.3.48.
11.	The Taxation on Income (Investi- gation Commission) (Amdt.) Bill,	8.3.48.	20.3.48.
12.	The Provincial Insolvency (Amendment) Bill.	16.3.48.	20.3.48.
13.	The Indian Finance Bill.	22.3.48.	27.3.48.
14.	The Delhi and Ajmer-Merwara Land Development Bill.	29.3.48.	3.4.48.
15.	The Estate Duty Bill. <u>(PRELIMINARY REPORT)</u>	9.8.48.	14.8.48.
	The Factories Bill./	9.8.48.	21.8.48.

S. No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
17.	The Hindu Code.	12.8.48.	21.8.48.
18.	The Income-tax and Business Profits Tax (Amdt.) Bill.	13.8.48.	21.8.48.
19.	The Indian Railways (Second Amendment) Bill.	24.8.48.	11.9.48.
20.	The Mines and Minerals (Regulation and Development) Bill.	25.8.48.	11.9.48.
21.	The Central Silk Board Bill.	26.8.48.	11.9.48.

REPORT OF THE SELECT COMMITTEE
ON THE CENTRAL SILK BOARD BILL, 1948.

We, the undersigned, members of the Select Committee to which the Bill to provide for the development under Central control of the raw silk industry and for that purpose to establish the Central Silk Board was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

We have made only two major changes in the Bill as introduced. In the first place, we have confined the imposition of the cess for which provision is made in the Bill, to filature raw silk and spun silk, thus exempting charka raw silk from the levy. In the second place, we have increased the membership of the Central Silk Board. Two persons will be elected to the Board by the members of the Central Legislature, four persons will be nominated by the Government of Mysore instead of three, and not more than three persons will be nominated by the Central Government to represent (1) producers of raw silk and (2) areas other than those for which representation is specifically given by the Bill. As it will be difficult for the Board with its large membership to meet as often as may be necessary for the quick despatch of business, we have given it power to constitute a Standing Committee of not more than seven members in all. The Chairman as well as the Vice-Chairman will be members of this Standing Committee *ex officio*, and five others will be elected to it by the Board.

The other changes made by us are explained below:—

Clause 1(2).—We have amended the clause so as to make the Bill extend not only to the Provinces of India but also to Acceding State which has accepted the subject-matter of the Bill as a matter with respect to which the Central Legislature may make laws for that State.

Clause 3.—Many of the definitions have been omitted by us as unnecessary. We have however added a definition of "spun silk," the intention being to impose a cess on producers of such silk also.

Clause 6(2).—The intention is that the Board should have a Vice-Chairman. See clause 13 (2) (b) which deals with the power to make rules. We consider that there should be a specific provision in regard to the Vice-Chairman in the body of the Bill.

Clause 10 (6).—We have provided for an appeal against assessments to cess to the District Judge or to such other civil judicial officer as may be prescribed. It seems to us that the District Magistrate will not be a suitable appellate forum for these cases.

2. The Bill was published in Part V of the Gazette of India dated the 10th April 1948.

3. We think that the Bill has not been so altered as to require circulation under Standing Order 41 (5), and we recommend that it be passed as now amended

SYAMA PRASAD MOOKERJEE
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AIZAZ RASOOL

NEW DELHI:

The 26th August, 1948.

*Subject to a Minute of Dissent.

Minute of Dissent.

While I approve of the Bill as it has emerged from the Select Committee, I differ in respect of the quantum of representation given to the various Provinces and States on the Board under clause 4 of the Bill.

I think that the areas like East Punjab, which possess immense potentialities for the development of the raw silk industry, should have been given representation on the Board.

The increase of representation where the industry has already developed fairly and fully is not half so necessary, as the Bill has been brought for the development of raw silk industry rather for its control. I would therefore urge for representation being given to East Punjab on the Board.

RANBIR SINGH CHAUDHARI

NEW DELHI:

The 26th August, 1948.

[AS AMENDED BY THE SELECT COMMITTEE]

(Words underlined or sidelined indicate the amendments suggested by the Select Committee and asterisks indicate omissions)

BILL

to provide for the development under Central control of the raw silk industry ~~and for that purpose to establish a Central Silk Board~~

WHEREAS it is expedient to provide for the development under Central control of the raw silk industry and for that purpose to establish a Central Silk Board;

It is hereby enacted as follows:—

1. **Short title and extent.**—(1) This Act may be called the Central Silk Board Act, 1948.

(2) It extends to all the Provinces of India, and also to any acceding State for which the Dominion Legislature has for the time being power to make laws as respects the development of the raw silk industry.

2. **Declaration as to expediency of Central Government's control.**—It is hereby declared that it is expedient in the public interest * * that the Central Government should take under its control the development of the raw silk industry.

3. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Central Silk Board constituted under this Act;

* * * * *

(b) "charkha raw silk" means raw silk reeled from silk worm cocoons with the help of * * * any instrument not worked by power;

* * * * *

(c) "filature raw silk" means raw silk reeled from silk worm cocoons with the help of any * * * instrument * * * worked by power;

* * * * *

(d) "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency, and includes electrical energy;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "spun silk" means silk yarn spun from pierced or spoilt cocoons fluff from cocoons, pieces of silk, noils, or other silk waste;

(g) "Standing Committee" means the Standing Committee of the Board constituted under sub-section (2) of section 6.

4. **Constitution of the Board.**—(1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the official Gazette, constitute for the purposes of this Act a Board to be called the Central Silk Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

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

(a) the Minister in charge of Industry and Supply in the Central Government, who shall *ex officio* be Chairman of the Board;

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

(c) two persons elected by the members of the Central Legislature, from among themselves, in such manner as may be prescribed;

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

(e) two persons to be nominated by the Government of Madras, of whom at least one shall be a non-official;

(f) two persons to be nominated by the Government of West Bengal, of whom at least one shall be a non-official;

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

(h) one person to be nominated by each of the Governments of Assam, the Central Provinces and Berar, the United Provinces, Bombay, and Bihar;

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

(j) five persons to be nominated by the Central Government, of whom one shall be a representative of the spun silk industry, one of the silk throwing and twisting industry, and one of the silk weaving industry, and two shall be sericultural experts.

(4) The members of the Board shall receive from its funds such travelling and other allowances as may be prescribed.

5. Power of the Central Government in default of nominations.—(1) If any Government other than the Central Government fails to make any nomination which it is entitled to make under sub-section (3) of section 4 within * * the time prescribed in * that behalf the Central Government may make the nomination itself. * * *

(2) Where a member of the Board dies, resigns, * * is removed, * * ceases to reside in India, or becomes incapable of acting, * * * the authority or body entitled to nominate the member under sub-section (3) of section 4 may nominate a person to fill the vacancy; and where such * * nomination is not made within * * the time * * * prescribed in * that behalf, * * the Central Government on its own initiative, * * * may make the nomination itself.

(3) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

6. Vice-Chairman and Standing Committee.—(1) The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers and perform such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(2) The Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such of its powers and performing such of its duties as may be delegated by it, not being powers or duties the delegation of which is prohibited by rules made under this Act.

(3) The Standing Committee shall consist of the Chairman, the Vice-Chairman, and five others elected by the Board from among its members.

7. Secretary of the Board.—The Central Government shall, in consultation with the Board, appoint a Secretary to the Board who shall, under the control and direction of the Board, * * exercise such powers and perform such duties * * * as may be prescribed or as may be delegated to him by the Board or the Chairman.

8. Functions of the Board.—(1) It shall be the duty of the Board to promote the development of the raw silk industry by such measures as it thinks fit.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

(a) undertaking, assisting or encouraging scientific, technological and economic research;

(b) devising means for improved methods of mulberry cultivation, rearing, * * developing and distributing healthy silkworm seeds, reeling of silkworm cocoons, improving the quality and production of raw silk, if necessary, by making it compulsory for all raw silk to be marketed only after the same has been tested and graded * * * in properly equipped raw silk conditioning houses;

(c) the supply of technical advice to filature and *charkha* reellers;

(d) improving the marketing of raw silk;

(e) the collection of statistics from such persons as may be prescribed * * * *

(3) It shall also be the duty of the Board.—

(a) to advise the Central Government on all matters relating to the development of the raw silk industry, including the import and export of raw silk;

(b) to submit to the Central Government and such other authorities as may be prescribed half-yearly reports on its activities and the working of this Act;

(c) to prepare and furnish such other reports relating to the raw silk industry as may be required by the Central Government from time to time.

9. Funds of the Board.—(1) The Central Government shall * * from time to time make * * * grants to the Board of such sums as the Central Government may consider necessary for * * * enabling the Board to exercise its powers and discharge its duties under this Act.

(2) The funds of the Board shall be kept in such bank, or invested in such manner, as may be prescribed, and shall be expended by the Board only in the performance of its functions under this Act or for meeting such expenses as are authorised by this Act or by rules made thereunder.

10. Imposition of cess on certain kinds of silk.—(1) With effect from such date as the Central Government may, by notification in the official Gazette appoint, * * there shall be levied and collected as a cess for the purposes of this Act a duty of excise on all filature raw silk, and on all spun silk, reeled * * * in the territories to which this Act for the time being extends, at such rate as the Central Government may, * * * * * by notification in the official Gazette, from time to time fix.

(2) The said duty of excise shall be payable by the reelers of filature raw silk or spun silk and shall be paid by them to the Board within one month from the date of the receipt of * the notice of demand from the Board in that behalf.

(3) The said duty of excise may be recovered as if it were an arrear of land revenue.

(4) For the purpose of enabling the Board to assess the amount of the duty of excise payable under this section by the reelers of filature raw silk * * * or spun silk,—

(a) the Board shall, by notification in the official Gazette, fix the period in respect of which assessments shall be made, and

(b) every reeler of filature raw silk or spun silk shall furnish to the Board within the prescribed time a return * specifying the total amount of filature raw silk or spun silk reeled * * * during such period * * * * *

(5) If any reeler of filature raw silk or spun silk fails to furnish * * such return within the prescribed time * * * * * or furnishes a return which the Board has reason to believe * * to be incorrect or defective, the Board may assess the amount payable by * * * such reeler in such manner as may be prescribed.

(6) Any reeler * * * feeling himself aggrieved by an assessment made under this section may, within three months of the receipt of the notice under sub-section (2), apply to the District * * * Judge or such other civil judicial officer as may be prescribed, for the cancellation or modification of the assessment; and * * such District Judge or judicial officer shall, after giving the Board an opportunity of being heard, pass such order as he thinks proper; and such order shall be final.

11. Control by the Central Government.—(1) All acts of the Board shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any action taken, or order passed, by the Board.

(2) The records of the Board shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Central Government.

12. Accounts of the Board.—(1) The Board shall keep such accounts, and in such manner and form, as may be prescribed, in respect of all moneys received and expended by it.

(2) The Board shall cause the accounts to be audited annually by auditors appointed by the Central Government, and the auditors shall have the power to disallow any item of expenditure which in their opinion has not been properly incurred for the purposes of this Act.

(3) The Central Government may, on the application of the Board, allow any item of expenditure disallowed by the auditors under sub-section (2).

13. Power of Central Government to make rules.—(1) The Central Government may, by notification in the official Gazette, 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 procedure to be followed at meetings of the Board or Standing Committee;

(b) the election of the Vice-Chairman of the Board; and the delegation to the Standing Committee, to the Vice-Chairman, or to members or officers of the Board, of any of the powers and duties of the Board under this Act;

(c) the staff to be employed by the Board;

(d) the pay, allowances, leave and other conditions of service of officers and servants of the Board;

(e) the travelling and other allowances of the members of the Board;

(f) the establishment and maintenance of offices by the Board;

(g) the term of office of members of the Board, and the circumstances in which, and the authority by which, they * * * may be removed;

(h) the quorum at meetings of the Board or Standing Committee;

(i) the maintenance by the Board or Standing Committee of records of its business and the submission of copies thereof to the Central Government;

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

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

(l) the preparation of annual estimates of the income and expenditure of the Board;

(m) the deposit of the funds of the Board in banks and the investment of such funds;

(n) the registers, and other records to be maintained by the Board or Standing Committee;

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

(p) any other matter which is to be or may be prescribed under this Act.

14. Penalties.—If any person—

(a) in any return to be furnished under this Act makes any statement which is false and which he knows to be false or does not believe to be true, or

(b) obstructs any officer of the Board in the exercise of any power conferred, or the discharge of any duty imposed, on * * * him by or under this Act, or

(c) having the control or custody of any account book or other record, fails to produce such book or record when required so to do under this Act,

he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

15. Prosecution to be with consent of Central Government.—No prosecution for any offence punishable under this Act shall be instituted except by, or with the consent of, the Central Government.

16. Bar of legal proceedings.—No suit, prosecution or other legal proceeding shall lie against the Board, or any member or officer of the Board, for anything in good faith done or intended to be done under this Act.

17. Temporary powers of the Central Government.—Until such time as the Board is constituted under section 4, the Central Government may, notwithstanding anything * * * contained in this Act, exercise any of the powers conferred, or discharge any of the duties imposed, by this Act upon the Board.

THE CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

BILL

to provide for the development under Central control of the r
industry and for that purpose to establish a Central Silk I

(As amended by the Select Committee)