

Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981

HIMACHAL PRADESH

India

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Act 6 of 1981

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Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981(Act No. 6 of 1981)Last Updated 6th June, 2020For the Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 2nd April, 1981, pp. 228 and 236.(Received the assent of the President of India on the 2nd May, 1981 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 6th May, 1981, pp. 321-338).An Act [to regulate the sale and purchase of resin or resin products and for matters connected therewith.] [Preamble substituted vide H.P. Act No. 18 of 2002.]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 28th August, 2002, pp. 1569 and 1573.Be it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-second Year of the Republic of India, as follows:-Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Himachal Pradesh Resin and Resin Products (Regulation of Trade) Act, 1981.(2)It extends to the whole of Himachal Pradesh.(3)It shall be deemed to have come into force with effect from the 13th day of February, 1981.Chapter-I Regulation of the trade of Resin

2. Definitions.

- In this Act, unless the context otherwise requires--(a)["prescribed" means prescribed by the rules made under this Act;(b)"resin" means the secretion extracted by tapping from Chir/Chil or Kail trees;(c)"resin depot" means a place specified and registered as such, by the Divisional Forest Officer for the purchase, storage and sale of resin tapped in an area specified in relation to that depot;".(d)"resin products" means derivatives obtained by processing resin, and includes resin, turpentine, hardened resin, and also includes paints and varnishes manufactured .directly ,from

resin;(e)"tapper of resin" means a person who taps resin;(f)words and expressions used but not defined in this Act and defined in the Indian Forest Act, 1927 (16 of 1927) as amended from time to time in its application to Himachal Pradesh, shall have the meanings assigned to them in that Act.]

3. [Regulation of sale and purchase of resin or manufacture of resin products. [Substituted for sections 3 to 12 vide H.P. Act No. 18 of 2002.]

- No person shall be allowed to tap or sell or purchase resin or manufacture any resin product, unless he is registered under section 4 of this Act.] [Clauses (a), (g) and (h) deleted and clauses (b), (c), (d), (e), (f) and (i) shall be re-numbered as clauses (a), (b), (c), (d), (e) and (f) respectively and for clause (c) so renumbered substituted vide H.P. Act No. 18 of 2002.]

4. [Registration of tapper or seller or purchaser of resin and manufacturer of resin products. [Substituted for sections 3 to 12 vide H.P. Act No. 18 of 2002.]

(1)Every taper or seller or purchaser of resin or manufacturer of resin products shall be required to be registered on payment of such fee, to such authority, and in such manner, as may be prescribed.(2)No person shall establish a resin depot, unless he is registered, on payment of such fee, to such authority, and in such manner, as may be prescribed.]

5. [Power of entry, search, seizure and etc. [Sections 13, 14, 15 and 16 of the principal Act renumbered as sections 5, 6, 7, 8 vide H.P. Act No. 18 of 2002.]

(1)Any police officer not below the rank of Sub-Inspector or any Forest Officer may, with q view to securing compliance with the provisions of this Act or the rules made thereunder or to satisfy himself that the said provisions have been complied with -(i)Stop and search any person, vessel, vehicle or receptacle used or intended to be used for the transport of resin or resign product;(ii)Enter and search any place;(iii)Seize resin or resin product in respect of which he suspect that any provision of this Act for the rules made thereunder has been, is being or is about to be contravened alongwith the receptacle containing or carrying such resin.(2)The provision of section 100 of the Code of Criminal Procedure, 1973, (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizure under this section.]

6. [Penalty. [Sections 13, 14, 15 and 16 of the principal Act renumbered as sections 5, 6, 7, 8 vide H.P. Act No. 18 of 2002.]

- If any person contravenes any of this Act or rules made thereunder, he shall be deemed to have committed a forest offence and the resin or resin product, if any, in respect of which such offence is committed shall in relation to the commission of such offence be deemed to be forest produce, and the provisions of Chapter IX of the Indian Forest Act, 1927 (16 of 1927) as in force in this State shall accordingly apply with necessary modifications.]

7. [Offences by companies. [Sections 13, 14, 15 and 16 of the principal Act renumbered as sections 5, 6, 7, 8 vide H.P. Act No. 18 of 2002.]

(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence 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 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. (2) Notwithstanding anything contained in sub-section (1), where, any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any managing agent, secretary and treasurer, director, manager or other officers of the company, such managing agent, secretary and treasurer, director, manager or other officer of the company shall also be deemed to be guilty of that offence and shall also be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section - (a) "company" means a 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.]

8. [Cognizance of offence. [Sections 13, 14, 15 and 16 of the principal Act renumbered as sections 5, 6, 7, 8 vide H.P. Act No. 18 of 2002.]

- No court shall take cognizance of any offence punishable under this Act except on a report, in writing of the facts constituting such offence, made by a Forest Officer not below the rank of a Forest Ranger or any such other officer as may be empowered by general or special order of the State Government in that behalf.]] [* * *] [Section 17 omitted vide H.P. Act No. 18 of 2002.]

9. [] [Section 18 of the principal Act renumbered as section 9] Saving in respect of acts done in good faith.

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder. (2) No suit or other legal proceeding shall lie against the State Government [* * *] [The words 'or an authorised officer' deleted vide H.P. Act No. 18 of 2002.] for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or the rules made thereunder or anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

10. [] [Section 19 of the principal Act re-numbered as section 10 vide H.P. Act No. 18 of 2002.] Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) [Every rule made under this section shall , as soon as may be after it is made

be laid before the State Legislative Assembly while it is in session for a total period of not less than ten days, comprised in its one session or two or more successive session, and if before the expiry of session in which it is so laid or the successive session, the Assembly makes any modification in the rule or decides that the rule shall not be made, the 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 thereunder.]

[Sub-sections (2) and (4) deleted and sub-section (3) re-numbered as sub-section (2) vide H.P. Act No. 18 of 2002.][* * *] [Section 20 omitted vide H.P. Act No. 18 of 2002.]

11. [] [Section 21 of the principal Act re-numbered as section 11.] Repeal and savings.

- The Himachal Pradesh Resin and Resin Products (Regulation of Trade) Ordinance, 1981 (1 of 1981), is hereby repealed: Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 13th February, 1981.