

The Jammu and Kashmir Extraction of Resin Act, 1988

JAMMU & KASHMIR

India

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Act 9 of 1988

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The Jammu and Kashmir Extraction of Resin Act, 1988 (Act No. 9 of 1988) Received the assent of the Governor on 31st August, 1988 and published in the Government Gazette on 1st September, 1988. An Act to provide, in the interest of the general public, for the carrying on by the State extraction of resin from certain species of trees in the State and transportation thereof, to the exclusion of others and for matters connected or ancillary thereto. Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-ninth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Extraction of Resin Act, 1988. (2) It shall extend to the whole of the State of Jammu and Kashmir. (3) It shall be deemed to have come into force on 23rd April, 1986.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "prescribed" means prescribed by rules made under this Act; (b) "resin" means the secretion extracted by tapping or otherwise from chir/chil or kail trees; (c) "resin depot" means a place specified as such by the Chief Conservator of Forests for the storage and sale of resin tapped in an area specified in relation to that depot; (d) "resin products" means derivatives obtained by processing of resin and includes resin, turpentine, hardened resin and also includes paints and varnishes manufactured directly from resin; (e) words and expressions used but not defined in this Act and defined in the Forest Act, Samvat 1987 shall have the meanings assigned to them in that Act.

3. Ban on extraction by private person.

- Notwithstanding anything to the contrary contained in any law, rule, order, instrument, agreement or contract or in any judgement, decree or order of any Court or Authority, no person, other than the Government shall as from the commencement of this Act, -(a) extract resin by tapping or otherwise from chir/chil or kail trees in the State whether such trees belong to the State or not; (b) transport resin from one place to other in the State except under and in accordance with the permit granted under this Act; (c) acquire, possess, store, dispose of or otherwise deal with any resin extracted and manufactured in the State.

4. Disposal of resin.

(1) All resin extracted under section 3 shall be stored at resin depots and thereafter shall be sold by the Government to the Jammu and Kashmir Industries Limited for processing. (2) After processing it by the Jammu and Kashmir Industries Ltd. the resin products, if any surplus, shall be sold by it to the small scale units and medium scale units in the State in such manner as may be provided for, and at such prices as may be fixed by, the Jammu and Kashmir Industries Limited in consultation with the Government.

5. Fixation of price.

(1) The Government shall, having due regard to the following facts, fix the price at which resin shall be sold by it during a year, namely -(a) the sale price of resin, if any, fixed under this Act during the preceding three years; (b) the cost of transport; (c) the cost of extraction of resin; (d) the cost of packing of resin including the cost of container in which resin is delivered; (e) the prevalent sale price at which resin is being sold in other resin producing States; (f) any other factor which the Government considers necessary. (2) The price so fixed shall be published in the Government Gazette and shall not be altered during the year to which it relates.

6. Penalty.

- Any person who contravenes the provisions of this Act or abets the contravention thereof shall be punishable with imprisonment for a term which may extend to five years but shall not be less than three years.

7. Power to make rules.

(1) The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -(a) the manner in which resin shall be extracted from the trees; (b) the manner in which resin shall be stored at resin depots; (c) the manner in which resin shall be sold under this Act; (d) form of permit to be granted for transportation of resin within the State and the authority competent to grant such permit; (e) any

matter for giving effect to the purpose of this Act.

8. Repeal.

- The Jammu and Kashmir Extraction of Resin Act, 1986 (Governor's Act No. VII of 1986) is hereby repealed.