
Extraction of Resin Act, 1988

(Act No. IX of 1988)

JAMMU AND KASHMIR EXTRACTION OF RESIN ACT, 1988

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**THE JAMMU AND KASHMIR EXTRACTION OF
RESIN ACT, 1988****(Act No. IX of 1988)**

Received the assent of the Governor on 31st August, 1988 and published in Government Gazette dated 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 ¹[whole of the Union territory 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 ;

* Now Union territory of Jammu and Kashmir.

1. Substituted for “whole of the State of Jammu and Kashmir” by S.O. 1229 (E) dated 31.03.2020.

- (e) words and expressions used but not defined in this Act and defined in the ¹[Indian Forest Act, 1927 (16 of 1927)] 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 judgment, decree or order of any Court or Authority, no person, other than the ²[Government of the Union territory of Jammu and Kashmir] shall as from the commencement of this Act,—

- (a) extract resin by tapping or otherwise from chir/chil or kail trees in the ³[Union territory of Jammu and Kashmir] whether such trees belong to the ³[Union territory of Jammu and Kashmir] or not ;
- (b) transport resin from one place to other in the ³[Union territory of Jammu and Kashmir] 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 ³[Union territory of Jammu and Kashmir].

4. *Disposal of resin.* —(1) All resin extracted under section 3 shall be stored at resin depots and thereafter shall be sold by the ²[Government of the Union territory of Jammu and Kashmir] to the Jammu and Kashmir Industries Limited for processing.

(2) After processing it by the Jammu and Kashmir Industries Limited, the resin products, if any surplus, shall be sold by it to the small scale units and medium scale units in the ³[Union territory of Jammu and Kashmir] 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 ²[Government of the Union territory of Jammu and Kashmir].

5. *Fixation of price.* —(1) The ²[Government of the Union territory of Jammu and Kashmir] 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 ;

1. Substituted for "Forest Act, Samvat 1987" by S.O. 1229 (E) dated 31.03.2020.

2. Substituted *ibid* for "Government".

3. Substituted *ibid* for "State".

- (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 ¹[Government of the Union territory of Jammu and Kashmir] considers necessary.

(2) The price so fixed shall be published in the ²[Official 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 ¹[Government of the Union territory of Jammu and Kashmir] may, by notification in the ²[Official 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 ³[Union territory of Jammu and Kashmir] 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.

1. Substituted for "Government" by S.O. 1229 (E) dated 31.03.2020.

2. Substituted *ibid* for "Government Gazette".

3. Substituted *ibid* for "State".