
**MULBERRY PROTECTION
ACT, 2006 (1949 A. D.)**

(Act No. X of Svt. 2006)

**THE JAMMU AND KASHMIR MULBERRY
PROTECTION ACT, 2006 (1949 A. D.)**

(Act No. X of Samvat 2006)

CONTENTS

Preamble.

Section.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.
2. Repeal.
3. Definitions.

CHAPTER II

PROTECTION OF MULBERRY TREES

4. Protection of mulberry trees.
5. Possession of mulberry wood prohibited.
6. Report of damage by owner or occupier etc.
7. Right of silk worm rearers to use leaves of mulberry trees growing on other land.
8. Mulberry wood lying in nullahs etc. presumed to be Government property.
9. Felling or removal of mulberry trees in case of emergency.

CHAPTER III

OFFENCES, PUNISHMENT AND PROCEDURE

10. Penalties.
11. Summary trial of offences.
12. Abetment.

Section.

13. Complaint by an officer of the Sericulture Department.
14. Power to compound offences.
15. Power of search and seizure.
16. Power of making investigation.

CHAPTER IV

MISCELLANEOUS

17. Record of mulberry trees.
 - 17-A. Power to exempt.
 18. Power to make rules.
-

**THE JAMMU AND KASHMIR MULBERRY PROTECTION
ACT, 2006 (1949 A. D.)****(Act No. X of Samvat 2006)**

*[Passed by the Jammu and Kashmir Praja Sabha on 9th October, 1947,
(received the assent of Shree Yuvraj on 30th September, 1949, and published in
the Government Gazette dated 3rd Maghar, 2006.]*

**An Act to define and declare the law relating to Mulberry Culture in ¹[the
Union territory of Jammu and Kashmir].**

WHEREAS it is expedient to define and declare the law relating to mulberry culture in ¹[the Union territory of Jammu and Kashmir] ; It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.* —(1) This Act may be called the Jammu and Kashmir Mulberry Protection Act, 2006.

(2) It extends to the whole of ²[the Union territory of Jammu and Kashmir] ; but its provisions shall, for the time being, apply to the province of Jammu and Province of Kashmir except the Karnah Tehsil and to such other areas as the Government may, by notification in the ³[Government Gazette], declare to be areas to which this Act applies.

⁴(3) It shall come into force on such date as the Government may by notification appoint in this behalf.

2. *Repeal.*— All laws, rules, ailians and orders relating to any of the matters dealt within this Act, in force in ¹[the Union territory of Jammu and Kashmir] or any part thereof before the commencement of this Act, shall, so far as they are repugnant to the provisions of this Act, be deemed as repealed :

1. Substituted by S.O. 1229(E) dated 31.03.2020 for “State”.

2. Substituted *ibid* for “the Jammu and Kashmir State”.

3. Now Official Gazette.

4. Enforced w.e.f 15th Assuj, 2007 vide C. O. No. 1088-C of 1950 (Government Gazette dated 26th Assuj, 2007.)

Provided that all orders issued, powers conferred, forms prescribed, appointments and rules made under any law, rule, ailan or order hitherto in force, shall be deemed to have been respectively issued, conferred, prescribed and made under this Act.

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

- (1) “damaging a mulberry tree” means—
 - (i) cutting of a mulberry tree ;
 - (ii) lopping or pruning of a mulberry tree or a branch thereof except for purposes of silkworm rearing ;
 - (iii) plucking of leaves of a mulberry tree for any purpose other than silkworm rearing ;
 - (iv) injuring or destroying a mulberry tree or reducing its value or utility in any other way or by any means whatsoever ;
- (2) “emergency” means any event or combination of circumstances which cause imminent danger to human life or property.

¹[(2a) “Government” means the Government of the Union territory of Jammu and Kashmir.]

Explanation.—A fallen mulberry tree causing—

- (a) overflow of water in a canal or unstability in the position of its bank ;
- (b) obstruction in traffic or in the means of irrigation ; or
- (c) interference with the working of electric, telegraph or telephone lines ;

is a case of emergency as defined above ;

- (3) “mulberry tree” includes all varieties of mulberry trees, foreign or local, irrespective of age, size or value ;

1. Clause (2a) inserted by S.O. 1229(E) dated 31.03.2020.

- (4) “private land” means all land not owned by ¹[the Union territory of Jammu and Kashmir], whether assessed to land revenue or not ;
- (5) “State land” means all land owned by ¹[the Union territory of Jammu and Kashmir] and shall, for the purposes of this Act, also include *Kahcharai land* and *Shamilat Deh*.

CHAPTER II

PROTECTION OF MULBERRY TREES

4. *Protection of mulberry trees.*— It shall not be lawful for any person to damage a mulberry tree or use its leaves or branches except in accordance with rules made by the Government in this behalf.

5. *Possession of mulberry wood prohibited.*— It shall not be lawful for any person to possess mulberry wood in any form without the permission in writing of an officer of the Mulberry Department specially empowered to grant such permission.

6. *Report of damage by owner or occupier etc.* —(1) Every owner or occupier of private land on which a mulberry tree has been damaged shall forthwith report such damage to the *chowkidar* or *lambardar* or *patwari* of the locality or to the nearest official of the Sericulture Department.

(2) Every village *chowkidar*, *lambardar* or *patwari* shall forthwith report any damage to any mulberry tree standing on State land in any village of which he is *chowkidar*, *lambardar* or *patwari* to the nearest official of the Sericulture Department.

(3) If such owner or occupier, *chowkidar*, *lambardar* or *patwari* fails to report such damage as laid down above, he shall be liable to fine which may extend to Rs. 50.

7. *Right of silkworm rearers to use leaves of mulberry trees growing on other land.* —(1) The owner of a mulberry tree standing on private land shall allow other silkworm rearers free use of its leaves in excess of his own requirements for rearing purposes and allow them access during day time to the place where such tree is standing.

(2) It shall be lawful for silkworm rearers to use the leaves of a mulberry tree growing on State land.

(3) The Government may, by general or special order, exempt premises or lands from the operation of this section subject to such conditions as may be prescribed.

8. *Mulberry wood lying in nallahs etc., presumed to be Government property.*— All mulberry wood found adrift, beached, stranded or sunk and not proved as belonging to any private owner shall be deemed to be the property of the Government.

9. *Felling or removal of mulberry trees in case of emergency.*— In a case of emergency the Government or any officer authorised by them in this behalf may permit the felling or removal of a mulberry tree in accordance with the rules prescribed in this behalf.

CHAPTER III

OFFENCES, PUNISHMENT AND PROCEDURE

10. *Penalties.* —(1) Any person who—

- (a) damages a mulberry tree whether on State or private land ;
- (b) uses wood, branches or leaves of a mulberry tree otherwise than in accordance with the provisions of this Act or the rules made thereunder ;
- (c) plucks, cuts or removes leaves or branches of a mulberry tree or otherwise cause injury to such tree ;
- (d) sells, purchases, receives or retains in his possession mulberry wood in any form otherwise than in accordance with the provisions of this Act or the rules made thereunder ;

shall be punished with fine which may extend to ¹[five hundred rupees] in addition to such compensation for the damage done to the mulberry tree or wood as the convicting Court may direct to be paid and for a second or subsequent offence with fine which may extend to ¹[one thousand rupees.]

(2) Nothing in this section shall be deemed to prohibit any act done by permission in writing of an officer of the Sericulture Department in accordance with the provisions of this Act or of any rule made thereunder.

1. Substituted by Act XVII of 1965.

(3) Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act :

Provided that no person shall be punished twice for the same offence.

11. *Summary trial of offences.*— Notwithstanding anything contained in ¹[the Criminal Procedure Code, 1973 (2 of 1974)] all offences under this Act or rules made thereunder shall be triable summarily.

12. *Abetment.*— Whoever abets the commission of an offence punishable under this Act shall be liable to the same punishment as is provided for that offence in this Act.

13. *Complaint by an officer of the Sericulture Department.*— No Court shall take cognizance of an offence under this Act unless complaint is made by an officer of the Sericulture Department not lower in rank than that of an Inspector.

14. *Power to compound offences.* —(1) The Government may, from time to time by notification in the ²[Government Gazette], empower an officer of the Sericulture Department by name or as holding an office to accept from any person against whom a reasonable suspicion exists that he has committed any offence under this Act, other than an offence specified in section 6, a sum of money by way of compensation for the offence which such person is suspected to have committed.

(2) On the payment of such sum of money to such officer, no further proceedings shall be taken against such person and with respect to the seized property, if any, such officer shall pass orders in writing as he may deem proper in the circumstances of each case.

15. *Power of search and seizure.* —(1) Any Revenue Officer of the rank of Naib-Tehsildar and above and any officer of the Sericulture Department of the rank of Inspector and above, having reasonable grounds to believe that mulberry wood is, in contravention of the provisions of this Act, in the possession of a person in any place, may enter such place with the object of carrying out a search for the contraband wood and its confiscation :

Provided that such search shall not be conducted otherwise than in accordance with the provisions of ¹[the Code of Criminal Procedure, 1973 (2 of 1974)].

1. Substituted by S.O. 1229 dated 31.03.2020 for “the Code of Criminal Procedure”.

2. Now Official Gazette.

(2) The circumstance necessitating the search and the result of the search shall be reported at once by the officer conducting such search to the nearest Magistrate.

(3) Mulberry wood found as being held in contravention of the provisions of this Act shall, pending the decision of the case by competent authority, be left on *Supardnama* duly witnessed with the *chowkidar*, *lambardar*, *zaildar* or any other respectable resident of the locality.

16. *Power of making investigation.*— The Government may, by notification in the ¹[Government Gazette], confer on any officer of the Sericulture Department not below the rank of an Inspector, all the powers of an officer-in-charge of police station under ²[Chapter XII of the Criminal Procedure Code, 1973 (2 of 1974)] to make an investigation in a cognizable case.

CHAPTER IV

MISCELLANEOUS

17. *Record of mulberry trees.*—(1) Each *patwari* shall maintain a record of mulberry trees in his *halqa* in the form and manner prescribed by the Government.

(2) Any official of the Sericulture Department not below the rank of Sub-Inspector shall be competent to call for and examine the entries made in the *patwari's* record.

³[17-A. *Power to exempt.*— The Government may, by notification in the ¹[Government Gazette], exempt any variety of mulberry tree from the operation of all or any of the provisions of this Act.]

18. *Power to make rules.*—(1) The Government may make rules consistent with this Act for the carrying out of all or any of its purposes.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules providing for all or any of the following matters, namely :—

- (i) the protection and growth of mulberry trees on State or private land ;

1. Now Official Gazette.

2. Substituted by S.O. 1229 (E) dated 31.03.2020 for “Chapter XIV of the Criminal Procedure Code”.

3. Section 17-A inserted by Act XXV of 1959.

- (ii) prescribing procedure to be followed for and fixing conditions under which plucking of mulberry leaves or cutting, looping or pruning of mulberry trees or the removal or disposal of wood of such trees may be allowed ;
- (iii) allowing permission subject to conditions, if any, to cut or remove mulberry trees or wood in a case of emergency and prescribing procedure therefor ;
- (iv) prescribing authorities under whose control mulberry trees or mulberry wood on different State lands shall vest ;
- (v) the grant of State waste land to *zamindars* or land owners for the purpose of planting mulberry trees ;
- (vi) prescribing forms and manners for maintaining record of mulberry trees by *patwaris* ;
- (vii) generally for carrying out the purposes of this Act.

(3) Such rules shall be published in the ¹[Government Gazette] and after such publication shall have the force of law.

1. Now Official Gazette.