

THE JAMMU AND KASHMIR WILLOW (PROHIBITION ON EXPORT AND MOVEMENT) ACT, 2000

(ACT NO. XV) OF 2000

[14TH November , 2000]

An act Provide for the prohibition of export and movement of willow wood outside the state of Jammu and Kashmir and for matters connected therewith or incidental there to

THE GOVERNMENT OF JAMMU AND KASHMIR.
Gazette , 15th nov .. 2002/24th kart 1922 . [nov.32-7]

Be it enacted by the Jammu and Kashmir State Legislature in the fifty. First Year of the Republic of India as follows;_

1. Short extent and commencement .-

- (1) This Act may be called the Jammu and Kashmir Willow (prohibition on Export and Movement) Act ,2000.
- (2) it extends to the whole of the State of Jammu and Kashmir.
- (3) it shall come into force on the date of its publication in the Government Gazette.

2. Definition –

In this Act . unless the context otherwise requires:-

- (a) “Prescribed” means prescribed by rules made under this Act;
- (b) “Willow” means and includes all types of willow in sawn. Un sown and unfinished cleft form but does not include finished end products of willow in the form of wooden handicrafts and sports good in a finished condition .
- (c) All other words and phrases not defined in this act but defined in any other law shall have same meaning as assigned to it in such other law.

3. Prohibition on the carriage and export of willow .

Not with standing any provision to the contrary contained in any other law for the time being in force in the State and also notwithstanding any order decree and judgment of any court and any contract, practice or usage to the contrary, willow of any species in any form shall not be carried or exported to any place outside the State, except under general or specific orders of the govt. or of any authority designated by it for the purpose and subject to such condition as the govt. may specify.

4. Seizure and confiscation .

- (1) Any forest officer as such in the Jammu and Kashmir Forest Act .Sam vat 1987,any police officer not below the rank of Assistant Sub-Inspector and any officer not the rank of Manager of the District industries Center designated for the purpose by the prescribed authority or any other person specially empowered in this behalf by the Government may seize the willow and the carrier in which it is being carried .If he finds or has reasons to believe that the willow is being carried for export or section 3 of this Act.
- (2) The willow and the carrier seized under sub-section (1)shall be liable to confiscation in the manner and in accordance with the procedure to be prescribed by the Government.

5. Penalties:-.

Any person who violates or attempts to violate the provision of section 3 of the Act , shall be punished with imprisonment for a term which may extend to three years and shall also to be liable to fine which may extend to rupees one lakh.

6:-Appeals:-

Any person aggrieved of any order of confiscation passed under sub-section (2) of section 4, may prefer an appeal to the principal chief conservator of forest or such authority as may be prescribed within a period of 30 days from the date of passing of such an order.

7:- Offence to be non-bail able and cognizable :-

All offences committed under this Act shall be non – bail able and cognizable.

8:- Power to make rule :-

The Government may ,by notification in the Government Gazette, make rules to carry out and give effect to the provisions of this Act .

9 Repeal and Saving:-

- (1) The Jammu and Kashmir willow (prohibition and export and movement) ordinance 2001 (ordinance NO.IV of 2001) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said ordinance shall be deemed to have been done or taken under this act.

(Sd.)
G.H.TANTRAY.
Additional Secretary to Government
Law Department