

# The U.P. Fruit Nurseries (Regulation) Rules, 1976

UTTAR PRADESH

India

## The U.P. Fruit Nurseries (Regulation) Rules, 1976

### Rule THE-U-P-FRUIT-NURSERIES-REGULATION-RULES-1976 of 1976

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The U.P. Fruit Nurseries (Regulation) Rules, 1976Published vide Notification No. 6275/12-4 - 175-75, dated October 13, 1976, published in the U.P. Gazette (Extraordinary), dated 13th October, 1976, pages 8-15In exercise of the powers under Section 21 of the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976 (U.P. Act 21 of 1976), the Governor is pleased to make the following rules :

#### 1. Short title and commencement.

- (i) These rules may be called the Uttar Pradesh Fruit Nurseries (Regulation) Rules, 1976.(ii)They shall come into force with effect from the date of their publication in the Official Gazette.

#### 2. Definitions.

- In these rules-(i)'calendar year' means a period of 12 months from 1st January to 31st December;(ii)'form' means a form appended to these rules;(iii)'Act' means the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976;(iv)'section' means the section of the Act;(v)words and expressions used in these rules but not herein defined shall have the meanings assigned them in the Act.

#### 3. Terms and conditions of licence [Sections 4 and 5].

- The licence granted under sub-section (2) of Section 4 of the Act or renewed under sub-section (1) of Section 5 of the Act shall be subject to the following terms and conditions :(1)The soil of the fruit nursery is suitable for propagation of particular kind of fruit plants in respect of which the licence is applied for.(2)The fruit nursery has mother plants and root-stock for vegetative propagation of fruit plants.(3)The mother plants and root-stocks are free from disease and pest.(4)Prophylactic plant protection practices shall be adopted to check infection of diseases and pest.(5)The licence shall be kept within the premises of the Fruit Nursery for all the times and shall be produced for inspection and checking when demanded by the Licensing Authority.(6)Licensee shall intimate to the Licensing

Authority regarding outbreak of any disease or pest in the fruit plants, mother plants and root-stocks of the nursery and the action taken to control the disease and the pest.(7)The licensee shall propagate and sell only those plants for which the licence has been granted.(8)The grafts prepared by the licensee and offered for sale shall be of the following specifications :(i)The age of the fruit plant shall not be more than three years from the time of grafting or seed sowing of the fruit plant as the case may be.(ii)The union of root-stock and scion is complete.(iii)The attachment of scion with the root-stock shall not be more than 30 centimetres from the ground level.(9)The licensee shall maintain various records in the forms prescribed in the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976.(10)The licensee shall observe and abide by various provisions contained in the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976 and rules thereunder and in the case of default or contravention, shall be punished under Section 14 of the Act with fine which may extend to Rs. 5,000 or imprisonment which may extend to six months or both, as the case may be.(11)The fruit plants which shall not be up to the standard shall have to be destroyed in the presence of the Licensing Authority or an officer authorised by him.

#### **4. Application for licence [Section 4 (1)].**

- (i) An application for grant of licence under sub-section (1) of Section 4 shall be in Form No. 1. It shall be made in duplicate, duly signed by the applicant, provided that the applicant shall be bound to furnish such additional information as may be required by Licensing Authority for grant of licence in accordance with the provisions of the Act and of these rules.(ii)The application shall be submitted to the District Horticulture Officer of the district. The District Horticulture Officer shall verify the contents of the application according to the instructions issued by the Director, Horticulture and Fruit Utilization, Uttar Pradesh from time to time and submit the application to the Licensing Authority within the period prescribed.(iii)Where the applicant desires to obtain licence in respect of more than one fruit nurseries, he shall submit separate application for each fruit nursery.(iv)The applications, referred to in sub-rules (i) to (iii) above, shall be accompanied with the original challan showing deposit of the licence fee, specified in Rule 5 in the Treasury under the Head of Account mentioned in sub-rule (2) of the said rule.

#### **5. Licence and renewal fee [Sections 4 and 5].**

(1)The licence fee for one calendar year or a part thereof for grant of the licence in respect of a fruit nursery and the renewal fee of the licence for subsequent year shall be as follows :

	Licence feeRs.	Renewal feeRs.
(i) Fruit nursery between area of 0.2 and 0.5 hectare	50	25
(ii) Fruit nursery with an area of more than 0.5 hectare but less than 2 hectares	200	100
(iii) Fruit Nursery with an area of 2 hectares and above	500	250

(2)The fee shall be deposited in the Treasury by means of challan under the head of account "105 - Krishi - Krishi Sambandhi Praptian - Anya Praptian Phal Paudhsala - Licence fee".

## **6. Form of licence [Section 4].**

- The licence granted under sub-section (1) of Section 4 shall be in Form No. 2.

## **7. Period of licence [Section 5].**

- The licence granted under sub-section (1) of Section 4 shall be valid for a period of one calendar year and shall expire on 31st day of December following the date of grant of the licence.

## **8. Renewal of licence [Section 5].**

- The licence granted under Section 4 shall be renewed from time to time for a calendar year, on the application of the licensee under Rule 9 and on payment of the renewal fee prescribed under Rule 5.

## **9. Application for renewal of licence [Section 5].**

- The application for renewal of licence granted under sub-section (1) of Section 4 shall be in Form No. 3 and shall be accompanied with the original treasury challan, showing the deposits of fee in accordance with Rule 5 of these rules.

## **10. Date for submission of application for renewal of licence [Section 5].**

(1)The application for renewal of licence shall reach the Licensing Authority latest by 31st October of the year preceding the year for which the licence is required to be renewed unless the date is extended by the Government.(2)Licence granted under Section 4 shall be sent with the application for the renewal of the licence.

## **11. Submission of an application for renewal with late fee [Section 5].**

(1)The application for renewal of licence, submitted after the specified date in sub-rule (1) of Rule 10 and not later than 31st December shall also be considered by the Licensing Authority on payment of prescribed renewal fee and late fee equal to half the amount of fee prescribed for renewal of that licence.(2)The fee and the late fee shall be deposited in the Treasury by means of Treasury Challan under the head of account specified in sub-rule (2) of Rule 5 of these rules.

## **12. Fee and procedure for obtaining duplicate licence [Section 8].**

(1)If a licence is lost, destroyed, torn, defaced or otherwise becomes illegible, a duplicate licence may be issued on payment of a fee of Rs. 10 deposited into the Treasury by means of a challan under the Head of Account specified in sub-rule (2) of Rule 5 of these rules.(2)The application for issue of duplicate licence shall be made in Form No. 4 and shall be accompanied with the original challan showing deposit of the fee specified in sub-rule (1) above.(3)If a duplicate licence is required to replace a licence which is lost or destroyed, an indemnity bond in Form No. 5 shall be executed by

the applicant.(4)The licence which is torn, defaced or which otherwise becomes illegible shall be surrendered by the applicant to the Licensing Authority along with the application for the issue of a duplicate licence.(5)When a licence is lost or destroyed, the licensee shall immediately notify the fact, indicating the number of the licence in local important newspapers or, if there is no local newspaper then in the important newspapers within the State and the cuttings of the newspaper in which the fact is notified shall be attached with the application for grant of a duplicate licence.

### **13. Plants for sale to be labelled [Section 11].**

- For the purposes of Section 11 (e) every fruit plant intended for sale shall be properly labelled and on the label the name of the fruit nursery, the licence number, kind and variety of fruit plant and the age of plant shall be legibly printed or written by hand. The label shall be tagged properly with the plant. In case one kind of variety of the fruit plant is packed in any package intended for sale similar label shall be tagged on the package.

### **14. Licensee to maintain plant of the nursery [Section 11].**

- (i) Licensee shall maintain a plant of the nursery indicating the location of mother plants with variety and kind. The mother plants shall be labelled properly.(ii)The beds in which the fruit plants are kept for sale be labelled indicating the variety of the fruit plants.

### **15. Licensee to maintain account book and register [Section 12].**

- (i) The record of the origin of the source of mother plants from which the scion is used shall be maintained in Form No. 6.(ii)The licensee shall maintain the following account books, registers and records in the Form prescribed :(i)Cash Receipt Book in Form No. 7.(ii)Stock Register in Form No. 8.(iii)Fruit Plant Propagation Register in Form No. 9.Form No. 1[See Rule 4 (1)]Application for licence under the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976

1. Name of applicant(s).  
S/o.  
D/o.  
Address.
2. (i) Name and location of the nursery  
with postal address,Police Station,  
Railway Station, district, etc.  
(ii) Name of the owners with parentage  
and address.  
Area of the nursery, Khasra number and  
owner of land (enclosecopy of revenue  
records) and boundaries of the nursery  
shall beindicated.
- 3.

4. Kind and variety of fruit plants intended to be propagated.
5. Age and numbers of mother plants with varieties available.
6. Source of irrigation.
7. Kind of soil of the land on which the nursery is located.
8. Name of Treasury and number, date and amount of treasury challan duly receipted (enclose).
9. Period for which licence is required.
10. I/We, declare that information or particulars herein furnished are true to my/our knowledge and belief.
11. I/We undertake to comply with the provisions on the Uttar Pradesh Fruit Nursery (Regulation) Act, 1976.

Date.....Signature of applicant.N.B. - The application form shall be signed by : (1) Owner or one of the owners where the fruit nursery is being operated by a private person(s). or (2) General Manager/Manager where the fruit nursery is being operated by a Corporation / Public Undertaking. or (3) Secretary where the fruit nursery is being operated by a Cooperative Society. Form No. 2 (See Rule 6) Licence under the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976 Licence No.

### **1. Name and address of the licensee.**

### **2. Location of the nursery.**

### **3. Kind and variety of fruit plant to be propagated under this licence.**

The licence is granted under and is subject to the provisions of the Uttar Pradesh Fruit Nurseries Act, 1976 and the terms and conditions specified in the rule framed under the Act. Place ..... Date .....

Period of validity	Licence fee paid	Renewal fee paid	Area of the nursery	Signature of the Licensing Officer
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Terms and Conditions (1) The soil of the fruit nursery is suitable for propagation of particular kind of fruit plants in respect of which the licence is applied for. (2) The fruit nursery has mother plants and root-stocks for vegetative propagation of fruit plants. (3) The mother plants and root-stocks are free from disease and pest. (4) Prophylactic plant protection practices shall be adopted to check infection of diseases and pest. (5) The licence shall be kept within the premises of the fruit nursery for all the

times and shall be produced for inspection and checking when demanded by the Licensing Authority.(6)Licensee shall intimate to the Licensing Authority regarding outbreak of any disease or pest in the fruit-plants, mother plants and root-checks of the nursery and the action taken to control the disease and the pest.(7)The licensee shall propagate and sell only those plants for which the licence has been granted.(8)The grafts prepared by the licensee and offered for sale shall be of the following specifications :(i)The age of the fruit plant shall not be more than three years from the time of grafting or seed sowing of the fruit plant, as the case may be.(ii)The union of root-stocks and scion is complete.(iii)The attachment of scion with the root-stock shall not be more than 30 cms. from the ground level.(9)The licensee shall maintain various records in the forms prescribed in the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976.(10)The licensee shall observe and abide by various provisions contained in the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976 and rules thereunder and in the case of default or contravention shall be punished under Section 14 of the Act with fine which may extend to Rs. 5,000 or imprisonment which may extend to six months or both, as the case may be.(11)The fruit plants which shall not be up to the standard shall have to be destroyed in the presence of the Licensing Authority or an Officer authorised by him.

Form No. 3(See Rule 9)Application for renewal of licence under Section 5 of the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976

1. (1) Name, father's name and address of the applicant.  
(2) Name, father's name and address of the owner(s).
2. Name and location of the fruit nursery with postal address.
3. (1) Number and date of the licence of which renewal is sought.  
(2) Date of expiry of the present licence.
4. Details of any change in the kind and variety of fruit plantsbeing propagated after issue or renewal of the present licence.
5. Amount of fee deposited, name of the treasury, number and dateof the treasury challan duly receipted (enclosed).
6. Period for which renewal of the licence is sought.
7. Any other information which the applicant(s) may like to give.
8. I/We, declare that the information/ particulars hereinfurnished are true to the best of my/our knowledge and belief.  
I/We, undertake to comply with the provisions of the UttarPradesh Fruit Nurseries (Regulation) Act, 1976, the rules madethereunder as also directions which the Licensing Authority mayissue, from time to time, under the said Act and Rules.

Date.....Signature of the applicant(s).N.B. - This application form shall be signed by-(1)Owner or one of the owners where the fruit nursery is being operated by a private person(s).or(2)General Manager/Manager where the fruit nursery is being operated by a Corporation/Public Undertaking.or(3)Secretary where the fruit nursery is being operated by a Cooperative Society.

Form No. 4[See Rule 12 (2)]Application for issue of duplicate licence under the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976.To,The Licensing OfficerSir,I/We ....., son(s)/daughter(s) of ....., residing at ..... Post Office....., Police Station ..... district state that my/our licence ..... No. ...., dated ....., granted ..... under Section ( ..... ) ( ..... )\* for the period ending .....

under the following circumstances (here mention the circumstances under which the licence was lost/destroyed/damaged/torn/defaced/rendered illegible).(2)I/We, therefore, request you to issue to me/us a duplicate licence on the same terms and conditions on which the original licence sanctioned above was granted.(3)I/We, enclose herewith a treasury challan in proof of payment of the prescribed fee of Rs. .... (rupees .....).(4)I/We, hereby solemnly declare that the particulars or information herein given are true to the best of my/our knowledge and belief.(5)I/We, also surrender herewith the original licence (when the licence is not lost or destroyed).Witness - (1) .....Witness - (2) .....(Name and address of two witnesses and their full signatures to be put in here.)Yours faithfully,Signature of the applicant(s).Date .....\* The appropriate section should be indicated and underlined.N. B. - Elsewhere in the application words not necessary should be struck off.This application shall be signed by-(i)Owner or one of the owners where the fruit nursery is being operated by a private person(s)or(ii)General Manager/Manager where the fruit nursery is being operated by a Corporation/Public Undertaking.or(iii)Secretary where the fruit nursery is being operated by a Cooperative Society.Form No. 5[See Rule 12 (3)]To,In consideration of the Licensing Officer having this day given to me/us duplicate of the licence granted to me/us bearing No. .... dated ....., under the Uttar Pradesh Fruit Nurseries (Regulation) Act, 1976, which I/we have lost, I/we for myself/ourselves, my/our heirs, executors and administrators, hereby agree to indemnify the Government of Uttar Pradesh against any loss or damage which may be caused by any one using the original licence and I/we, further undertake to return to the Licensing Officer the original licence if and when found by me/us;And I/we, hereby further agree that the State Government will be entitled to recover all losses or damages as aforesaid from me/us as arrear of land revenue.Signed at ..... on the ..... day of ..... 19 .....Signed by(Executant)In the presence of :

1.

2.

Address .....Note. - This indemnity bond should be executed on non-judicial stamp paper value.Form No. 6[See Rule 15]Register of Mother plant

Name of nursery ..... Licence No. ....

Kind and variety of mother plant	No. of mother plants	Source from where obtained	Year in which obtained	Fruit-bearing capacity	Quality of the fruit	Remarks by the Inspecting Officer
1	2	3	4	5	6	7

Form No. 7[See Rule 15]Cash Receipt

Name of nursery ..... Licence No. ....

Received with thanks from M/s. .... a sum of Rs. .... (Rupees.....) only on account of cost of ..... Fruit plants ..... at the rate of Rs.

.....Date.....Signature. Form No. 8[See Rule 15]Stock Register

Name of nursery ..... Licence No. ....

Sl. No.	Kind and variety of mother plant	Graft Seedling		Name and address to whom sold	Cash receipt no.	Balance No.
1	2	3	4	5	6	7

Form No. 9[See Rule 15]Propagation Register

Name of nursery ..... Licence No. ....

Sl. No.	Kind and variety of fruits plants	Seed sown	Seedlings raised	Grafting done	Grafts prepared (No.)
Date	Qty.	Date	Qty.		
1	2	3	4	5	6