

# **The U.P. Control of Supplies, Distribution and Movement of Fruit Plants Order, 1975**

UTTAR PRADESH

India

## **The U.P. Control of Supplies, Distribution and Movement of Fruit Plants Order, 1975**

### **Rule**

### **THE-U-P-CONTROL-OF-SUPPLIES-DISTRIBUTION-AND-MOVEMENT-OF 1975**

- Published on 4 September 1975
- Commenced on 4 September 1975
- [This is the version of this document from 4 September 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Control of Supplies, Distribution and Movement of Fruit Plants Order, 1975Published vide Notification U.P. Gazette, (Extraordinary), dated 4th September, 1975, vide Notification No. 4049/12-4-207-75Whereas the State Government is of opinion that it is necessary and expedient so to do for securing the maintenance and increase of Supplies of essential commodities to the life of the community and for securing equitable distribution and availability of essential commodities at fair prices:Now, therefore, in exercise of the powers under sub-rule (2) of Rule 114 of the Defence and Internal Security of India Rules, 1971, the Governor is pleased to make the following Order:

#### **1. Short title, extent and commencement.**

(1)This Order may be called the Uttar Pradesh Control of Supplies, Distribution and Movements of Fruit Plants Order, 1975.(2)It shall come into force at once.(3)It extends to the whole of Uttar Pradesh.

#### **2. Definitions.**

- In this Order unless the context otherwise requires,-(a)"Fruit Nursery" means any place where a scheduled fruit plant is in the regular course of business propagated and sold for transplantation but does not include a fruit nursery belonging to or managed by the Government;(b)"Fruit Plant" means any plant, which can produce edible fruits or nuts, and includes budwood, seedlings, grafts, layers, Gootee, seeds, bulbs, sucher, rhizomes and cuttings of any such plant;(c)"Owner" in relation to a fruit nursery, means the person who or the authority which has the ultimate control over the affairs

of such fruit nursery; and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the fruit nursery;(d)"Enforcement Officer" means the Director of Horticulture, Uttar Pradesh and includes any other Gazetted Officer authorised by the Director, Horticulture and Fruit Utilisation to exercise the powers and perform the functions of enforcement officer under this Order;(e)"Scheduled fruit plant" means any of the fruit plants specified in Schedule 'A'.

### **3. Regulation of supply and distribution.**

(1)Subject to the directions of the State Government, Enforcement Officer may by general or special order regulate the distribution of a scheduled fruit plant(s) by any owner of a fruit nursery or distributor in such supply area or areas in such manner as may be deemed fit.(2)Every owner or distributor of a fruit nursery shall comply with any order issued by the Enforcement Officer under sub-clause (1).(3)Without prejudice to the sub-clause (2), every owner of a fruit nursery or distributor shall supply such information as may be required by the Enforcement Officer in respect of supply and distribution of scheduled fruit plants.(4)Every distributor shall on receipt of a scheduled fruit plant supplied by any owner of a fruit nursery or distributor as the case may be, whether in pursuance of an order made under sub-clause (1) or otherwise distribute the same in the supply area concerned in accordance with any direction issued by the Enforcement Officer in this behalf.

### **4. Restriction on movement.**

(1)No owner of a fruit nursery shall, in any manner move or cause to be moved, sell, transport or cause to be transported for sale any scheduled fruit plant outside the limit of the State, without obtaining for the purpose with prior permission in writing from the Enforcement Officer.(2)The Enforcement Officer shall issue permit for movement, sale or transport for sale of a scheduled fruit plant outside the State upon being satisfied that the applicant cannot find market for sale within reasonable time in the State and the transaction proposed is bona fide.

### **5. Powers of entry, search and seizure, etc.**

(1)The Enforcement Officer or any other officer authorised by the Enforcement Officer in this behalf, may with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person incharge of any premises, vehicle or vessel in which he has reason to believe that any contravention of this Order has been, is being, or is about to be committed to produce any books, accounts or other records showing transactions relating to such contravention;(b)enter, inspect or break open and search any premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order has been, is being, or is about, to be committed;(c)examine and seize any account books, stock register and other documents which in his opinion would be useful for or relevant to any proceedings in respect of any contravention of this Order and return such account books, stock register and other documents to the person from whom they were seized after copies thereof or extracts therefrom, certified under his hand, have been taken.(d)search, seize and remove stocks of scheduled commodities in respect of which he has

reason to believe that a contravention of provisions of this Order, has been, is being or is about to be committed, and, therefore, take or authorise the taking of all measures necessary for securing the production of the stocks so seized in a court and for their safe custody pending such production.

## **6. Period of the order.**

- This Order shall remain in force till October 31, 1975, but its expiry shall not affect-(a)the previous operation of, or anything duly done or suffered under this Order, or(b)any right, privilege, obligation, or liability acquired, accrued or incurred under this Order, or(c)any penalty, forfeiture or punishment incurred in respect of any contravention of this Order, or(d)any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid:and any such investigation, legal proceeding or remedy may be instituted, constituted or enforced and any such penalty, forfeiture or punishment may be imposed as if this Order had not expired.

## **'A'**

[See Clause 2(e)]

- 1. Mango grafts of every class and variety.**
- 2. Guava grafts of every class and variety.**
- 3. Guava seedlings of every class and variety.**
- 4. Ber grafts of every class and variety.**
- 5. Aonla grafts of every class and variety.**
- 6. Kathal seedlings of every class and variety.**
- 7. Citrus grafts of every class and variety.**
- 8. Citrus seedlings of every class and variety.**