

The M.P. Vanaspati Rog Tatha Vihashs Kit Rules, 1977

MADHYA PRADESH

India

The M.P. Vanaspati Rog Tatha Vihashs Kit Rules, 1977

Rule

THE-M-P-VANASPATI-ROG-TATHA-VIHASHS-KIT-RULES-1977 of 1977

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The M.P. Vanaspati Rog Tatha Vihashs Kit Rules, 1977Published vide Notification No. B-6-254-73-2-14, dated 5-4-1977, M.P. Rajpatra, Part 4 (Ga), dated 14-10-1977 at page 317In exercise of the powers conferred by Section 17 of the Madhya Pradesh Vanaspati Rog Tatha Vinashi Kit Adhiniyam, 1972 (No. 27 of 1973), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:-

1. Short title.

- These rules may be called the Madhya Pradesh Vanaspati Rog Tatha Vinashi Kit Rules, 1977.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Madhya Pradesh Vanaspati Rog Tatha Vinashi Kit Adhiniyam, 1972 (No. 27 of 1973);(b)"Section" means a section of the Act.

3. The Authority to which and the Form in which an appeal under sub-section (1) of Section 9 shall be preferred.

- Any person aggrieved by an order made under Section 7 or sub-section (3) of Section 8 may, prefer an appeal to the Joint Director of Agriculture of the area concerned in the Form appended to these rules.

4. The procedure to be followed in the disposal of an appeal under sub-section (2) of Section 9.

(1)An appeal to the Joint Director of Agriculture of the area concerned shall be presented by an Appellant or by his duly authorised agent either in person during office hours or sent to it by registered post.(2)When such an appeal is presented by an agent it shall be accompanied by a letter or authority of the appellant authorising him as such.(3)Every appeal shall be accompanied by a certified copy of the order appealed.(4)Every appeal shall-(a)be either type written or hand written in ink legibly;(b)specify the name and address of the appellant;(c)State the authority by whom the order appealed against was passed;(d)state clearly the grounds on which the appeal is preferred;(e)state precisely the relief which the appellants seek; and(f)give the date of the order appealed against.(5)On receipt of the appeal, the appellate authority shall endorse on it the date of its receipt by it. The appellate authority shall, as soon as possible, examine it and satisfy itself that-(a)the person presenting it has the authority to do so;(b)that it is made within the prescribed time limit; and(c)that it conforms to the provisions of the Act and these Rules.(6)If the appellate authority finds that the appeal presented does not conform to any of the said provisions, it shall make a note on the appeal to that effect and may call upon the appellant or his agent to remedy the defects within a period of seven days of the receipt of the notice to do so or in case the appeal has not been presented within the prescribed time limit to show cause within the said period of seven days why it should not be dismissed as time-barred by the appellate authority.(7)If the defect is remedied or the causes shown by the appellant or his agent satisfies the appellate authority, the appellate authority may proceed to consider the appeal.(8)If the appellant or his agent fails to remedy the defects to show cause to the satisfaction of the appellate authority within the said period, the appellate authority may, if the appeal is not presented within the time limit, dismiss the appeal as time-barred. In cases where it is considered necessary to give a hearing, the appellate authority may fix a date for hearing, of which due notice shall be given to the appellant or his agent.(9)On the date so fixed, the appellate authority shall go through the relevant papers, hear the appellant or his agent, if present, and pass suitable order on the appeal.(10)The appellate authority may, at its discretion, adjourn to any other day the hearing of any appeal at any stage.(11)When the hearing of the appeal is completed, the appellate authority shall announce its judgment forthwith or may fix a date or the same, after giving due notice to the appellant or the other parties to the appeal.(12)Every decision or order of the appellate authority shall be in writing and copy of the same shall be supplied to the appellant and such other parties as in the opinion of the appellate authority are likely to be affected by the decision or the order.

5. The manner in which the order under sub-section (1) of Section 10 shall be enforced.

- The order requisitioning vehicle under sub-section (1) of Section 10 shall be served personally to the person who is in custody of it and also to the owner of the vehicle.

6. The manner in which the compensation shall be assessed and the order thereto shall be served, the time within which and the persons to whom it shall be paid and other matters relating thereto to be prescribed under sub-section (7) of Section 10.

(1)The manner of assessment of compensation under sub-section (7) of Section 10 for the vehicle/vehicles requisitioned under sub-section (1) of Section 10, shall be, based on decision of the Collector of the district for which the vehicle has been requisitioned. The assessment of the Collector will be in consultation with the Agri. Engineer of the area and the related Regional Transport Officer.(2)The order of the assessment of the compensation under sub-section (7) of Section 10 of the vehicle shall be served on the owner of the vehicle.(3)The amount of compensation after arriving at the final claim shall be paid to the owner of the vehicle within 90 days from the date of issue of claim.

7. The Authority to which, the time within which and the manner in which an appeal under sub-section (8) of Section 10 shall be filled.

(1)Appeal against an order fixing of compensation under sub-section (6) of Section 10 shall be made to the Commissioner of the Division concerned within 45 days of the order appealed against.(2)An appeal to the Commissioner of the Division concerned shall be presented by an Appellant or by his duly authorised agent to the Appellate Authority either in person during office hours or sent to it by registered post.(3)When such an appeal is presented by an agent, it shall be accompanied by letter of authority of the appellant appointing him as such.(4)Every appeal shall be accompanied by a certified copy of the order against which the appeal is preferred.(5)Every appeal shall-(a)he either type-written or hand-written in ink legibly;(b)specify the name and the address of the appellant;(c)State the authority by whom the order appealed against was made;(d)clearly state the grounds on which the appeal is made;(e)State precisely the relief which the appellant claims.

8. The class of officer who are bound to make a report as required under sub-section (1) of Section 13.

- Under sub-section (1) of Section 13, the Patel, Sarpanch and Patwari, Village Level Workers, Agriculture Extension Officers and Assistant Director of Agriculture shall report the presence of any Plant disease, Pest, Parasite or Noxious Weed of the nature specified in the notification issued under Section 3 in respect of the said area to the district head of the Agriculture Department of class I or class II cadre, as the case may be.
Form[See Rule 3]I.....son of.....residing at
(Address).....Village.....Block Tahsil District having hectare land under following crops :

Serial No. Name of Crop Area Pest-Disease/Weed

(1) (2) (3) (4)

Appeal against order made under Section 7 or sub-section (3) of Section 8 to recover the cost of Rs..... for carrying out preventive/remedial measures charged under the said order proportionately much higher than the actual operational. Accordingly to my estimate the total cost of preventive/remedial measures should have been Rs..... details whereof are given below
:-SignatureAppellant/Agent of Appellant.