

The Punjab Fruit Nurseries Rules, 1961

HARYANA

India

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Rule THE-PUNJAB-FRUIT-NURSERIES-RULES-1961 of 1961

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1. Short title.

- These rules may be called the Punjab Fruit Nurseries Rules, 1961.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Punjab Fruit Nurseries Act, 1961;(b)"Agriculture Inspector" means the Agriculture Inspector in charge of horticulture extension work.(c)"Director" means the Director of Agriculture, Punjab, and includes the Joint Director, Agriculture;(d)"Form" means a form appended to these rules; and(e)all other terms and expressions used herein but not defined have the meaning assigned to them in the Act.

3. Procedure for grant of licence.

[Section 4] - (1) An application for a licence to conduct or establish a fruit nursery shall be made to the competent authority in Form I. The applicant shall deposit an amount of thirty rupees under Head "XXIX - Agriculture - Agricultural Research - Income from Research Sections - General Section" in the Government treasury as licence fee and shall enclose the original treasury challan with the application.(2)The fee specified in sub-rule (1) shall be refunded, if the licence is refused.(3)The competent authority shall, on receipt of the application, inspect or cause to be inspected, by any person not below the rank of a Gazetted Officer of the Agriculture Department, the fruit nursery for which licence has been applied. The Inspecting Officer shall record the result of his inspection on the back of the application in Form I-A.(4)On receipt of the report of the Inspecting Officer, the competent authority may, if satisfied that the applicant fulfils the condition mentioned

in or notified under sub-section (2) of section 4, grant a licence in Form II. If it is not so satisfied it may refuse the issue of licence and shall in its order give reasons for such refusal :Provided that every order granting or refusing a licence shall be made within a period of ninety days of the date of the receipt of the application for licence.(5)The competent authority shall maintain a register in Form III in which the names of persons to whom licences are granted from time to time shall be entered.

4. Period of validity of licence.

[Section 4(3)]. - Every licence granted under these rules shall be valid for a period of three years from the date of its issue.

5. Renewal of licence.

[Section 4(3)]. - (1) Any person desiring to get his licence renewed shall make an application to the competent authority in Form IV not less than thirty days before the date of expiry of the licence. Such application shall be accompanied by a treasury challan in proof of deposit of the renewal fee and shall be made through the Agriculture Inspector having jurisdiction over the area in which the nursery is situated. The Agriculture Inspector shall, while forwarding the application to the competent authority, record his comments on the back of the application in Form IV-A.(2)On receipt of the comments of the Agriculture Inspector, the competent authority may if satisfied that the applicant has not contravened any of the conditions of the licence or any provision of the Act or these rules, renew the licence for a maximum period of three years. If it is not so satisfied, it may refuse the renewal and shall in its order give reason for such refusal :Provided that every order renewing or refusing to renew a licence shall be made within a period of thirty days of the date of receipt of application for renewal by Agriculture Inspector.(3)The renewal fee shall be ten rupees per year and shall be deposited under the Head referred to in sub-rule (1) of rule 3. The renewal fee shall be refunded, if the renewal of the licence is refused.

6. Additional grounds for suspension or cancellation of licence.

[Section 5(1)(f)] - The competent authority may, in addition to the grounds mentioned in clauses (a) to (e) of sub-section (1) of section 5, suspend or cancel any licence on any one or more of the following grounds :(a)the licensee has not been conducting his business honestly or in a fair manner; or(b)the licensee has refused to surrender or produce his licence or the registers or other records required to be maintained under the Act and these rules to the competent authority or any person authorised by it.

7. Appeal against orders of refusal to grant or renew or cancellation of licence.

[Section 9(1)] - Any person aggrieved by an order of the competent authority refusing to grant or renew a licence under sub-section (4) of section 4 or cancelling a licence under section 5 may, within

a period of thirty days of the receipt of such order, appeal to the Director specifying clearly the grounds for appeal.

8. Security.

[Section 19(2)(e)] - Without prejudice to provisions of rule 6, the competent authority may by a notice in writing require a licensee to furnish within such period as may be specified in the notice a cash security of an amount not exceeding five hundred rupees if it is satisfied that the licensee has again contravened any condition of his licence or any provision of the Act or these rules.(2)The competent authority may forfeit the security deposited under sub-rule (1) or any portion thereof if it is satisfied that the licensee has again contravened any condition of his licence or any provision of the Act or these rules. The licensee shall make good the amount forfeited within a month of the receipt of forfeiture.

9. Procedure for taking action against the licensee by competent authority.

[Section 19(2)(c)]. - (1) No order under rule or sub-rule (2) of rule 8 shall be passed unless the licensee has been given an opportunity of being heard after furnishing him with a copy of grounds on which action is proposed to be taken.(2)A copy of the final orders passed by the competent authority shall be sent to the licensee by registered post.

10. Issue of duplicate licence.

[Section 7.] - (1) If a licence granted to any person is lost, destroyed, mutilated or damaged, the competent authority shall, on application and payment of a fee two rupees by the licensee, issue a duplicate licence.(2)The fee for the issue of duplicate shall be deposited in accordance with the provisions of sub-rule (1) of rule 3.

11. Additions and alterations in licence.

[Sections 4 and 19(1)] - If at any time during the currency of the licence the licensee desires to undertake propagation of fruit plants other than those mentioned in the licence, he shall make an application to the competent authority specifying therein the fruit plants sought to be propagated. The competent authority may after satisfying himself that the applicant is competent to undertake the propagation of fruit plants specified in the application, make the necessary additions and alterations in the licence.

12. Maintenance and preservation of certain records and registers.

[Section (9)(2)(d)] - The licensee shall -(1)maintain a register in Form V indicating source or origin of every rootstock or scion used for propagation and number of plants raised;(2)maintain a complete record of the sale of fruit plants in a sale register in Form VI; and issue a sale receipt to the buyer in Form VII;(3)maintain an inspection register in Form VII, which shall be made available for

recording of remarks, to competent authority or any person not below the rank of an Agriculture Inspector, duly authorised to conduct an inspection by the competent authority; and(4)preserve all records referred to in sub-rules (1), (2) and (3) for a period of not less than five years.

13. Powers of competent authority to impound or destroy certain fruit plants.

[Sections 19(1) and 19(2)(g)]. - The competent authority or any person authorised by him may impound and thereafter destroy any fruit plant of unknown pedigree or affected by an infectious or contagious disease or pest which is being brought into or taken out of or transported within the State or is being raised in any fruit nursery.

14. Procedure for periodic inspection.

[Section 11(1)]. - The Agriculture Inspector shall carry out inspection of each fruit nursery licenced under these rules, at least once in a quarter and shall prepare a report in Form IX in triplicate of his visit. One copy of the report shall be pasted on the inspection register of the nursery, the second copy shall be submitted to the competent authority and the third copy shall be maintained as his office record.(2)The inspection of each fruit nursery licensed under these rules shall also be carried out by a Gazetted Officer authorised by the competent authority at least once a year. He shall record the result of his inspection in Form IX which shall be filled in triplicate as specified in sub-rule (1).

15. Penalty.

[Section 13(1)]. - If any person contravenes any the provisions of these rules or attempts to contravene or abets the contravention of any such provisions, he shall be punishable under section 13.

Form ISee rule 3(1)Application for

LicenceTo-----

I wish to establish/conduct a fruit nursery in village -----, tehsil -----, district -----, I may kindly be granted a licence for this purpose as required under this Act. This detailed particulars of the nursery are given below : (1)Area of the nursery (Sketch plan giving the khasra numbers is enclosed in duplicate). (2)Distance from - (a) railway station. (b)by metalled road. (3)Source of propagation - Area irrigated. (4)Area of the progeny orchard. (5)Details of the progeny trees :

Serial No. Kind Variety Number of fruit trees

(6)Fruit trees proposed to be propagated :

Serial Number Kind Variety

(7)Details of existing plants material :-

Serial No.	Kind	Variety	Number of plants	Source of stock
Budded/grafted/ scion/ Seeding				

I undertake to obtain any additional requirements of scion material through the competent authority. I have read the Act and the rules framed thereunder and shall abide by all the conditions mentioned therein. Dated (Name and address of the owner of the fruit nursery) Form I-A [See Rule 3(3)] Report of the Inspecting Officer I, _____ (Name, designation and address), hereby certify that I have inspected the _____ (name of nursery), run/owned/managed by Shri _____ (name and address of the applicant) and on my personal observation state that

-(i) the applicant has an area of _____ under nursery; (ii) _____ progeny trees of the following particulars have been found to be existing at the time of inspection :

Kind of fruit trees	Variety	Performance (Yield and quality)	Number of trees	Age of trees
(a)	(b)	(c)	(d)	(e)
(f)				

(iii) a sketch of the nursery and progeny garden is being maintained by the owner. (iv) The nursery is/is not being kept free from insect pests and diseases. (v) The progeny trees are/are not being maintained in good condition. (vi) The soil is/is not suitable for nursery production work. (vii) The nursery is/is not competent to conduct/establish the nursery on approved lines for reasons given below : (viii) The information supplied by the applicant is/is not correct. General remarks - On the basis of the observation I recommend/do not recommend it as a fit case for grant of licence. Dated : Signature of Inspecting officer with designation and seal of office. Form II See Rule 3(4) Licence for establishing/maintaining a Fruit Nursery under the Punjab Fruit Nurseries Act, 1961 Licence No. _____ Date of issue _____, son of _____ of village _____ post office _____, tehsil _____ district _____ owner of _____, is hereby authorised to raise, exhibit for sale and sell for transplantation fruit plants of the following kinds and varieties : (a) (b) (c) (d) This licence is valid from _____ to _____ The licence shall be subject to the following conditions :- (1) The licensee shall not contravene any of the provisions of the Act and the rules framed thereunder and shall in particular carry out the duties specified in section 8 (reproduced overleaf). (2) The licensee shall conduct his business honestly and in a fair manner. (3) The licensee shall produce his licence or the registers and other records required to be maintained under this Act and the rules framed thereunder. (4) The licensee shall not permit evasion or infringement of any of the provisions of the Act or the rules framed thereunder and shall report in writing to the competent authority any evasion or infringement which comes to his knowledge. (5) The licensee shall promptly comply with the instructions issued to him in accordance with the rules by the competent authority or by any person authorised by it. (6) If the licensee transfers in whole or in part his control over the fruit nursery, he shall send an intimation of such transfer to the competent authority within a period of one month of the transfer. Signature of competent authority and seal of his office. This licence is renewed : Period of renewal From To Signature of the competent authority and seal of his office. Section 8 of the Act Duties of Licensees

8. Every licensee under this Act shall -

(1) undertake to employ only such varieties of the fruit plants as may be specified in the licence in respect of scion and rootstock, for propagation and sale; (2) keep a complete record of origin or source of every rootstock and every scion showing the local name or botanical name or both, of the rootstocks and the scion used; (3) keep lay out plan showing the possession of every rootstock and

scion tree employed in raising fruit plants;(4)keep the nursery plots as well as the parent trees used for the propagation of fruit plants free from insect pests and diseases;(5)specify in a conspicuous manner on a label the name of every kind and variety of fruit plant enclosed in any package intended for sale and the name of the rootstocks together with that of scion of every such fruit plant;(6)undertake to release for sale or distribution only such fruit plants as are completely free from any kind of insect pest or disease; and(7)maintain a register in the form specified by the competent authority showing the name of the fruit plant sold to any person, the name of the rootstock and the name and address of the person purchasing it.

Form III[See Rule 3(5)]Nursery Licence Registration Form

Serial No.	Name and address of the licensee	Name of the nursery	Area of the nursery	Kind of Fruit plants to be propagated	Name and designation of Inspecting Officer		
1	2	3	4	5	6		
Date of visit of the Inspecting Officer		No. and date of issue of licence		Date of expiry of licence	Date of renewal	Period of renewal	Remarks
7		8	9	10	11	12	

Form IV[See Rule 5(1)]Application for Renewal of

Licence To _____ Through the Agriculture Inspector, _____ Circle. Sir, My fruit Nursery Licence No. _____ expires on _____. It is requested that this licence may be renewed for a period of _____ years. The licence in original along with the treasury challan of Rs. _____ are enclosed. The licence was granted/last renewed on _____ and since then _____ inspections have been carried out. I have complied with the instructions communicated to me in writing by the Inspecting authorities from time to time except in the following cases for reason indicated against each :-

Instruction conveyed to me by Inspecting authorities	Date	Reasons for non-compliance
1234		

I have not contravened any of the provisions of the Act or the rules framed thereunder. Yours faithfully, Signature of the owner

Form IV-A[See Rule 5(1)]To be filled in by the Agriculture Inspector

The fruit nursery has during the period _____ to _____ been inspected by the following authorities on the dates mentioned against each :-

Designation of Inspecting Authority	Date of inspection
123456	

2. It is certified that the owner has/has not complied with instructions conveyed to him in writing by the Inspecting authorities and that he has/has not contravened any of the provisions of the Act or the rules framed thereunder. His application for renewal is/is not recommended for reasons given below :

Orders of the competent authority Form V[See Rule 12(2)]

Name of the Nursery _____ Licence No. _____

Kind of fruit plant _____. Variety _____

Record of source of plant material :-

Date Source of rootstock Source of scion variety Number of plants raised Remarks

1 2 3 4 5

Form VI Name of Nursery _____ Licence No. _____ Sale of

Register of Nursery Plants

Serial No.	Name and address of the purchaser	Kind and variety of plant sold	Root stock sold	No. of plants sold	Rate per plant	Total price charged	Number and date of receipt issued	Remarks
1	2	3	4	5	6	7	8	9

Form VII[See Rule 12(2)]

Name of Nursery _____ Licence No. _____

Book No. _____ Receipt No. _____

Received from _____ a sum of
Rupees _____ on account
_____ Rs._____
Signature of Owner Form VIII[See Rule 12(3)] Name of Nursery_____
Licence No. _____ Inspection Register

Date Name and designation of inspecting authority Remarks

Form IX[See Rule 14(1)] Inspection Report (1) Name of Nursery. (2) Name and designation of
Inspecting Authority. (3) Date of visit. (4) Details of existing stock :- Number of plants in stock
Kind Variety Grafted Budded Seeding

(5) Condition of the plant material : (a) Is there any disease or pest attack ? (If the reply is in the affirmative, the type of malady, extent of attack and remedial measures suggested shall be detailed). (b) Is the training of plants satisfactory ? (If not, then detailed suggestions for improvement shall be recorded). (c) General condition of the plant material with regard to vigour and suggestions for improvement, if any. (6) Has a complete record of scion and stock material been maintained ? If not, then detailed suggestions be recorded. (7) Has a complete record of sales been maintained as per rules ? (8) Has the licensee contravened any of the provisions of the Act or rules framed thereunder ? (If so, details may be given). (9) When was the last inspection made ? (10) Whether instructions given previously have been complied with ? (If not, give details and action proposed against the licensee). (11) General remarks. Signature of the Inspecting Authority.