

The Orissa Fruit Nurseries (Regulation) Rules, 2001

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Rule

THE-ORISSA-FRUIT-NURSERIES-REGULATION-RULES-2001 of 2001

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The Orissa Fruit Nurseries (Regulation) Rules, 2001Published vide Notification S.R.O. No.94/2001, dated 26th February 2001, Orissa Gazette Extraordinary No. 355 dated 8.3.2001Agriculture DepartmentS.R.O. No.94/2001. - In exercise of the powers conferred by Section 23 of the Orissa Fruit Nurseries (Regulation) Act, 1997 (Orissa Act 2 of 2000), the State Government do hereby publish the following rules for carrying into effect the provisions of the Orissa Fruit Nurseries (Regulation) Act, 1997 (Orissa Act 2 of 2000).In exercise of the powers conferred by Section 23 of the Orissa Fruit Nurseries (Regulation Act, 1997 (Orissa Act 2 of 2000), the State Government do hereby take the following rules, [for carrying into effect the provisions of the Act,] namely :-

1. Short title and commencement.

(1)These rules may be called the Orissa Fruit Nurseries (Regulation) Rules, 2001.(2)They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

(1)In these rules unless there is anything repugnant to the subject or context, -(a)'Act' means the Orissa Fruit Nurseries (Regulation) Act, 1977;(b)'Appellate authority' means the Director of Horticulture, Orissa;(c)'Form' means form appended to these rules;(d)'Licence' means a licence granted under Section 6;(e)'Mother tree' means the progeny tree from which bud-wood or scion-wood is taken for budding or grafting the root stocks;(f)'Section' means a Section of the Act; and(g)'Security' means security furnished by the nurseryman for proper conduct of the business.(2)All other words and expressions used herein, but not defined in these rules, shall have the meaning respectively assigned to them in the Act.

3. Procedure of grant of licence.

(1) Every application for licence to conduct or establish a fruit nursery shall be addressed to the competent authority in 'Form-I' alongwith a Treasury Challan in original for Rs. 500 (Rupees five hundred only) deposited in favour of the Director of Horticulture, Orissa, Bhubaneswar under the head "0401 - Crop Husbandry - 119 - Receipts from Horticulture and Vegetable Crops 9905890 Misc. Receipts", made in any Government Treasury/State Bank of India. (2) The fee deposited under sub-rule (1) shall not be refundable in exigencies of non-admissibility of grant of such licence. (3) The applicant shall also deposit an amount of Rs. 500 (Rupees five hundred only) as security deposit in the form of crossed postal order drawn in favour of the competent authority. The security deposit shall be refunded in case of refusal of licence. (4) The competent authority shall, on receipt of application, inspect or cause to be inspected, by any persons or persons not below the rank of a Clause-II Officer in Horticulture, the fruit nursery for which the licence has been applied for. The Inspecting Officer shall give his verification reports/observations in 'Form-II'. (5) On receipt of the report of the Inspecting Officer, if the competent authority is satisfied that the applicant fulfills the conditions provided under clauses (a), (b), (c) and (d) of Sub-section (1) of Section 6, he may grant the licence in 'Form-III'. If the competent authority is not satisfied, he may refuse the grant of licence and record the reasons for such refusal in writing and communicate a copy of his order to the applicant by a registered letter. (6) The competent authority shall maintain a register in 'Form-IV' in which the names of the persons to whom the licences are granted from time to time shall be recorded. (7) If the competent authority is not satisfied with the report of the Inspecting Officer(s) he may conduct inspection himself before passing any order to that effect.

4. Period of validity renewal additions and alterations in licence.

(1) Every licence granted under these rules shall remain valid for a period of three years from the date of its issue. (2) Any person desiring to get his licence renewed shall make an application to the competent authority in 'Form-V'. not less than 90 days (ninety) before the date of expiry of the licence. Such application shall be accompanied by a Treasury Challan showing the deposit of the renewal fees. On the receipt of the application the competent authority will get the Fruit Nursery inspected in the same manner as prescribed under sub-rule (4) of rule 3. The Inspecting Officer shall record his verification in 'Form-VI' and place the same before the competent authority for granting renewal of licence. The competent authority shall dispose of the matter within a period of three months from the date of receipt of the application. (3) The fee for the renewal of licence shall be Rs. 300 (Rupees three hundred) only and shall be deposited under the receipt Head referred to in sub-rule (1) of rule 3. (4) If at any time during the currency of 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 that the applicant is able to undertake the propagation of fruit plants specified in the application, make necessary additions and alterations in the licence. Such addition/alteration shall be admissible only once a year.

5. Suspension or cancellation of licence.

- The competent authority may suspend or cancel any licence on any of the grounds mentioned in Sub-section (1) of Section 8 on any of the following grounds, namely :-(a)The licensee has not been conducting his business honestly or in a fair manner; or(b)he has failed to carry on the orders/instructions of the competent authority issued from time to time in improving the conditions of the nursery/plant material, as the case may be; or(c)he is producing plants disproportionate to the availability of the scion wood of the kinds/varieties concerned.

6. Issue of a duplicate licence.

- In case the original licence is lost, destroyed, mutilated or damaged the licensee shall apply in Form-VII to the competent authority for issue of a duplicate licence. On the receipt of the application accompanied by a fee of Rs.100 (Rupees one hundred) only in the manner specified in sub-rule (1) of Rule 3, the competent authority shall issue a duplicate licence.

7. Appeal.

- Any person aggrieved by an order of the competent authority refusing to grant or renew a licence or cancelling a licence on the ground of violation of any provisions made under these rules or under Section 6 or Sub-section (1) of Section 8, may, within a period of thirty days of receipt of such order, prefer an appeal to the appellate authority specifying clearly the grounds for appeal.

8. Plant material to be utilised for propagation.

(1)The plant material to be utilised for undertaking propagation shall be only from that specification for which the licence has been granted.(2)The scion variety and rootstock to be propagated in the nursery shall be those as approved by the Director of Horticulture, Orissa, Bhubaneswar.(3)The vegetatively propagated plant material shall be in direct proportion to the availability of rootstock and scion wood with the nursery.(4)The nursery man will maintain a map showing the details of the fields or beds and the kinds of varieties of plants in each bed containing seedlings as well as budded and grafted plant materials.(5)The competent authority may declare any mother tree unfit for further use, if he is satisfied that the use of such plant material shall not be in the interest of fruit industry on account of any of the following reasons, namely :-(a)poor quality of fruit;(b)poor bearing capacity;(c)infected with insects, pests and disease which cannot be cured; and(d)any other reasons which may be considered fit by the competent authority in the interest of the fruit industry.(6)The nursery man shall quarantine such trees and shall not use their budwood for further propagation in case there is a danger for spread of the insect, pest and disease to other trees and the nursery plants. The competent authority may pass order for removal of such trees and the nursery man will carry out the orders so passed within a month from the date of issue of such [order] or within such other period less than one month as specified in the said order.

9. Record and Inspection.

(1)The licensee shall, -(a)maintain a register in 'Form-VIII' indicating sources or origin of root stock and scion used for propagating the progeny and performance of each mother plant to be utilised for production of plant material and number of plants raised;(b)maintain a complete record of sale of fruit trees in the sales register in 'Form-IX' and issue the cash memo to the buyer in 'Form-X';(c)maintain an inspection register which shall be make available for recording of remarks to the competent authority, Inspection Officer or any other person duly authorised to conduct an inspection by the competent authority, or the Director;(d)maintain a register regarding plant protection, operations carried out in the nursery for control of insects, pests and diseases;(e)prepare a statement regarding number of plants raised and sold variety-wise for the period from the 1st April to the 31st March every year and submit a copy of such statement to the competent authority and the Director by the end of April every year; and(f)inform the inspecting authority and the competent authority about the compliance of instructions given to him at the time of inspection within such time as specified by the said authority in the said instructions.(2)All the records enumerated in these rules shall be preserved by the licensee for a period of 10 years after the date of the closure of the Fruit nursery.

10. Plants and trees to be kept from insects, pests and seases.

- The schedule of plant protection operation recommended by the Director of Horticulture, Orissa for each category of trees/root-stock/nursery plants and other material shall be properly followed by the licensee. In addition to this, the instructions issued by the competent authority or the Director from time to time in this regard shall be carried out properly by the nursery man.

11. Inspecting Officer and Inspection of Fruit Nursery.

(1)In order to carry out the provisions of rules 9 and 10, and the periodical inspection to be assigned by the competent authority, the Government may, from time to time, specify the name of inspecting officer under such designation indicating the time and jurisdiction of such inspections.(2)The entire Fruit nursery including progeny trees, registers and other records shall be inspected by the Inspecting Officer from time to time in order to ensure that the provisions of the Act and the rules framed thereunder are strictly adhered to. The licensee shall show the Inspecting Officer the entire plant material and records.(3)The Inspecting Officer may direct the licensee in writing for carrying out further Horticulture/Plant protection operations. The licensee shall carry out such direction within specified and report compliance.(4)The Inspecting Officer may inspect any plant material while in transit for detecting infestation of posts and diseases or any defect in packaging and labelling. The Inspecting Officer by an order in writing may declare any plant material as unfit for sale and intimate the same to the Competent Authority immediately.(5)Any Nursery-man aggrieved with the order of the Inspecting Officer may file complaint to the Director requesting for further inquiry of the matter.

12. Package and their Labelling.

(1)The labels of the plant materials shall be of such quality so that those are not spoiled by water and high humidity and are not easily torn-out and may preferably be of zinc, tin or aluminium.(2)Individual plants shall be kept in containers of appropriate size to hold on to the root zone in order to sustain adequately the life of the plant till its use in planting and care must be taken by the Nursery-man to provide for the minimum risk of loss during such process.(3)The packaging material used for packing the plants for transportation shall be is such form and bulk to satisfy the conditions specified in sub-rule (2) above and shall not be detrimental to the plant and the process by use or contact or operation in any form or in any manner.

Form I[See rule 3(1)]Application for Licence under the Orissa Fruit Nurseries Registration Act, 1997

To.....Sir,I,
Shri.....S/o.....Village/Town.....P.O.....Dist..... With to establish/conduct a fruit nursery in Village/G.P. Tahasil.....District.....I may kindly be granted a licence for this purpose as required under the Act. The detailed particulars of the nursery are given below.

1. Name of the nursery.

2. Area of the nursery (in hect. with land particulars)

3. Distance from motorable road

4. Area of the progeny orchard (in hect.)

5. Weather irrigated or not

6. Details of the progeny trees

Sl. No. Kind Variety Age No. of fruit trees

(1) (2) (3) (4) (5)

(Add Additional sheet if required)

7. Fruit plants proposed to be propagated

Sl. No. Kind Varieties Quantity (Nos.)

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

(Add Additional sheet if required)

8. Details of existing plant material, if any

Sl. No.	Kind	Variety	No. of plants available	Budded / Grafted / Seedlings	Source of Stock/Scion
(1)	(2)	(3)	(4)		(5)

(Add additional sheet if required)The sketch plan of the area under nursery and progeny trees, are enclosed with particulars of land and Schedule.I undertake to obtain additional requirements of scion material, if any, through the competent authority.I have read the Act and the rules framed thereunder and undertake to abide by all the conditions mentioned therein.Yours faithfully,(Name, Parentage and Addressof the owner of the Fruit Nursery)Form II[See Rule 3 (4)]Verification Report

1. Name & Designation of the Inspecting Officer -

2. Date of visit -

3. Name and address of Nursery -

4. Location of the Nursery -

5. Area of the Nursery/Progeny orchard with land particulars -

6. Availability of irrigation source -

7. Details of the progeny of the trees

Sl. No.	Kind	Variety	Performance	Age	No. of fruit trees	Age of the trees
(1)	(2)	(3)	(4)	(5)	(6)	(7)

8. Details of the existing planting materials, if any, -

(Add additional sheet if required)(i)The nursery is/not being kept from the insects, pests and diseases.(ii)The progeny trees are/are not maintained in good condition.(iii)The soil is/is not suitable for production work.(iv)The nursery-man is/is not competent to establish the nursery on approved times for reasons given below(v)The information supplied by the applicant is/is not correct.(vi)Additional information (Add additional sheet if any)(vii)On the basis of the above observations I recommend/do not recommend it is a fit case for grant of license.

9. Date of report -

Signature of the Inspecting Officer Designation and Seal Form III [See Rule 3 (5)] Licence for establishment/conduct fruit nursery under the Orissa Fruit Nurseries (Regulation) Act, 1997.....Licence No.....Date of issue.....Name.....S/o.....Village.....District.....Owner of.....is hereby authorised to raise, exhibit for sale and self for transportation of fruit plants of the following kinds and varieties.

Sl. No. Kind Variety

(1) (2) (3)

The licence is valid from.....to.....the licence shall be subject to the following conditions.(1)The Licence shall not contravene any of the provisions of the Act or the rules framed thereunder.(2)The Licence shall conduct his business honestly and in a fair manner.(3)The Licensee shall produce his Licence or the register and other record required to be maintained under this Act and the rules framed thereunder on demand by the competent authority or any person authorised by him.(4)The Licensee shall not permit evasion or infringement of any of the provisions of the Act and rules framed thereunder, and shall report in writing to the competent authority, if any evasion or infringement 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 him.(6)If the licensee transfers in whole or in part of his control over the nursery he shall send an intimation of such transfer to the competent authority within a period of one month of the transfer. Signature of the competent authority with his seal Form IV [See rule 3 (6)] Nursery Licence Registration Form

Sl. No.	Name, Percentage & address of licensee	Name & location of the nursery	Area of the nursery	Kind of fruit plants and varieties to be propagated
(1)	(2)	(3)	(4)	(5)

Name & designation of the inspecting Officer	Date of visit of inspecting Officer	No. & date of issue of licence	Date of expiry of licence
(6)	(7)	(8)	(9)

Date of renewal	Period of renewal	Remarks	Initial of the competent authority
(10)	(11)	(12)	(13)

Form V [See rule 4 (2)] Application for Renewal of Licence under the Orissa Fruit Nurseries (Regulation) Act, 1997 To.....Sir, My Fruit Nursery Licence No..... expire on..... it is requested that this licence may be renewed for a period of..... years. The licence in original alongwith the Treasury Challan for Rs.....is enclosed. The licence was granted, last renewed on.....and since then.....(nos.) inspections have been carried out I have complied with the instructions communicated to me in writing by the Inspecting Authority from

time to time except in the following cases for reasons indicated against each.

Sl. No.	Instructions conveyed by the Inspecting Authority	Date	Reasons for Non-Compliance
(1)	(2)	(3)	(4)

Additional sheet, if required. I have not contravened any of the provisions of the Act or the rules framed there-under. The detail information with regard to the nursery and plant material are furnished as hereunder (SI. No.1 to 7 of Form-I). Yours faithfully, Signature of the Owner Form VI [See Rule 4(2)] Verification report of inspecting officer for renewal of licence under Orissa Fruit Nurseries (Regulation) Act, 1997 To..... Sir, I have inspected on (date of visit the nursery)..... of Shri..... Licence No..... issued on..... (In case of any difference please give details in a separate sheet). (2) The details of the nursery and progeny trees as given by the applicant have been found to be correct/not correct on spot examination. (3) It is hereby certified that the owner has/has not contravened any of the provisions of the Act and any rules framed thereunder and that he has/has not been following instructions of the authorities. (4) The details of the contravention are given below.

Sl. No.	Date and No. of order	Authority by whom Issued	Remark
(1)	(2)	(3)	(4)

(5) Additional sheet, if any (6) On the basis of the above abbreviations, I recommend/do not recommend it as a fit case for renewal of the licence. Yours faithfully Signature of the Inspecting Officer, Designation & seal Date..... Form VII [See Rule 6] Application form for issue of duplicate licence under the Orissa Fruit Nurseries (Regulation) Act, 1997 To The..... Sir, I/We..... son(s)/daughter (s) of..... resident of Village..... Post office..... Dist..... state that my/our license No..... Date..... for a period ending..... Under the circumstances (here mention the circumstances under which the licence was lost/destroyed/damaged/torn/render illegible). (2) I/We therefore, request you to issue to me/us a duplicate licence on 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.....) Challan No..... dated..... (4) I/We also surrender herewith the original licence (when the licence is lost or destroyed) Witness-(1st) Witness-(2nd) Yours faithfully, Signature of the applicant (Name and address of two witnesses and their full signature to be put in here). Form VIII [See rule 9(1)(a)] Name of the Nursery..... Licence No.....

Sl. No.	Kind of planting material	Variety	No. produced	Register for rootstock & Scion
Rootstock used	Scion used	Remarks		
Name	Source	Name	Source	
(1)	(2)	(3)	(4)	(5) (6) (7) (8) (9)

Signature of the Licensee Form IX [See rule 9(1) (b)] Sale Register of Nursery Plant Name of the Nursery..... Licence No.....

Sl. No.	Name of Purchaser	Kind/Variety of planting material sold	Nos. Sold	Rate per plant	Total price charged	No. & Date of receipt used	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Signature of the Proprietor.....Date.....Form X[See rule 8(1) (b)]Format for Cash memo to be used by NurserymanCash memo No..... Date.....Name of the Nursery.....Licence No.....Name of the Purchaser.....

Sl. No.	Particulars of planting material Sold	Rate	No.	Amount
(1)	(2)	(3)	(4)	(5)
				Total_____

Received with Thanks (Rupees.....) only

Date..... Signature of the Nursery Owner.