

The Punjab Fruit Nurseries Rules, 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.