THE JAMMU AND KASHMIR FRUIT NURSERIES (LICENSING RULES, 1991

Agriculture Department

Notification SRO-167 dated 21st July, 1992.—The following draft rules which the Government propose to make, in exercise of the powers con-ferred by section 21 of the Jammu and Kashmir Fruit Nurseries (Licensing) Act, 1987 (Act No. XXII of 1987) are hereby published, as required by sub-section (1) of section 21 of the said Act, for information of all person likely to be effected thereby and notice is hereby given that the said draft rules shall be taken into consideration on or before 31st January, 1993.

Any objection or suggestion which may be received with respect to the said draft rules on or before the date specified above, shall be considered by the Government in the Agriculture Department, Civil Secretariat.

DRAFT RULES

1. Short title and commencement.—These rules may be called the Jammu and Kashmir Fruit Nurseries (Licensing Rules, 1991.

(2) They shall come into force on such date as the Government may appoint in this behalf.

2. *Definitions.*—In these rules, unless the context otherwise required :—

(a)‘Appellate Authority’ means Appellate Authority to be ap-pointed by the Government ;

(b)‘Form’ means form annexed to these rules ;

(c)‘Licence means a licence issued under these rules ;

(d)‘Licence’ means a person holding licence under these rules ;

(e)‘Act’ means Jammu and Kashmir Fruit Nurseries (Licens-ing) Act, 1982.

3. *Application for grant of licence.*—(i)An application for grant of licence under sub-section (1) of section 5 of the Act, shall be in

Form I. It shall be made in duplicate, duly signed by the applicant provided that the applicant shall be bound to furnish such additional information as may be required by the Competent Authority for grant of licence i accordance with the provisions of the Act and of these rules.

(ii) On receipt of the application under sub-rule (1) the Competent Authority shall verify the contents of the application and after making such inquiry as if considers necessary, and having due regard to the conditions as prescribed in

Form II, shall issue licence in the prescribed Form III on payment of licence fee as specified in rule 4, in the treasury under the head of account————————.

(iii)Where the applicant desires to obtain licence in respect of more than one fruit nursery, he shall submit separate application for each such nursery.

4. *Licence and renewal fee.*—The licence fee for grant of licence in respect of a fruit nursery shall be Rs. 50/- and the renewal fee of the licence for further period shall be Rs. 25/- for each licence.

5. *Validity of licence.*—The licence granted under sub-section (i) of section 5 of the Act shall be valid for a period of two years in the first instance.

6. *Renewal of licence.*—(i) The licence shall make an application for renewal of licence which shall be in

form IV. The application shall reach to the competent authority within a period of one month from the date of its expiry unless the date is extended by the Government.

(ii) The application for renewal of licence, submitted after the above specified period shall also be considered by the competent authority on payment of prescribed renewal fee and late fee equal to half the amount prescribed renewal fee.

(iii)On receipt of an application for renewal, inspection shall be con-duct by an inspecting officer nominated by the competent authority. He shall submit his report on the prescribed

Form V.

(iv)After considering the report of the inspecting officer, the compe-tent authority shall renew the licence granted under section 5 of the Act, for one calender year on payment of the renewal fee prescribed in rule 4

7. *Fee for duplicate licence.*—If a licence is lost, destroyed, torn, defaced or otherwise become illegible, the same shall be surrendered by the licensee to the competent authority along with the application for the issue of a duplicate licence accompanied by a fee of Rs. 30/-

8. *Issuance of vouchers.*—The licensee shall issue printed num-bered voucher to the purchaser of the fruit plant/root stock, specifying therein the number, variety and quality of such fruit plant//root stock. The sale of fruit plant or root stock without issuance of voucher shall, inter alia be ground for cancellation or suspension of licence under clause (d) of section 8 of the Act.

9. *Maintenance of stock register*.—For purpose of clause (g) of section 6 of the Act, the licensee shall maintain a register in

10. *Appeal.*—(1) An appeal under section 11 against an order passed by the competent authority, shall be filed the appellant in

FORM VIII within a period of 90 days from the date the competent authority refuses or rejects to grant or renew the licence or suspend, or cancel the licence.

(2)(a) Every appeal shall—

(i) be in writing ;

(ii)specify the name and address of the appellant and the date of the order appealed against ;

(iii)specify the date on which the order appealed against was communicated to the appellant ;

(iv)contain a statement of facts of the case and grounds relied upon by the appellant in support of the appeal.

(v)state the relief applied for ; and

(vi)be signed and verified by the appellant or an agent duly authorised by the him in writing in this behalf.

(b) Every appeal shall be accompanied by—

(i) an authenticated copy of the order against which appeal is made ;

(ii)a copy of the application made under section 5 ;

(iii)any other document relating to the appeal ; and

(c)Every appeal shall be submitted to the appellate authority by the appellant or his authorised agent. When the appeal is presented by an agent, it shall be accompanied by a letter of authority written on a simple paper, appointing him as such agent.

(d)On receipt of the appeal, the appellate authority shall endure thereon the date of its presentation and the name of the appellant or his duly authorised agent presenting it, as the case may be.

(e)As soon as the appeal is filed, the appellate authority shall pursue the same and it considers that there are sufficient grounds for interfering it, the appellate may give notice of the same to the appellant in

Form IX. After serving the notice, the appellant shall be called upon to send the appellate authority, all the relevant records connected with the appeal.

(f)Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further relevant material from the appellant or the competent authority as it deems fit. Such material shall form part of the record only after the party other than that from whom such record has been received, has been given an opportunity to pursue the same.

(g)Where on the date fixed for hearing or any date to which the hear-ing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for the hearing, the appeal shall be liable to the dismissed.

(h)Where an appeal is dismissed under sub-rule (g), the appellant may, within thirty days from the dismissal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant have not received intimation of the date of hear-ing appeal or was prevented by any cause, sufficient in the opinion of the appellate authority from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it deems fit.

(i)The order passed by the appellate authority on the appeal shall be in writing, bearing his seal and signature and shall state the points before it for determination, the decision thereon, and the reasons for the decision.

(j)A copy of the order passed in appeal shall be supplied by the appel-late authority free of costs to the appellant and a copy thereof shall also be sent to the competent authority.

FORM (I)

[RULE 3 (I)]

APPLICATION FOR LICENCE UNDER THE JAMMU AND KASH-MIR FRUIT NURSERIES (LICENCE) ACT, 1987.

To

THE.....
.....
.....

Sir,

As I wish to establish/conduct a fruit nursery in.....
Tehsil.....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. Area of the nursery (in bighas)

2. Distance from motorable road

3. Whether irrigated or not

4. Area of the progeny orchard (in bighas)

5. Details of the progeny trees

S. No.	Kind	Variety/Cultivar (c.v)	Age trees
1	2	3	4 5

(Add Additional sheet if required)

6. Fruit proposed to be propagated

S.No.	Kind	Varieties/Cultivars (c.v.)

7. Details of existing plant material, if any

S. No.	Kind	Variety/Cultivar (c.v.)	No. of plants available budded/ grafted seeding	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, tatima shajra and fared patwar of the area are enclosed.

1. I undertake to obtain any additional requirements of section material if any through the competent authority.

FORM II

Conditions.

(Name, designation and address)

Hereby certify that I have inspected the————————————————

(name of nursery)

————————————run/owned/managed by Shri/M/s————————————

————————————on dated—————and on my personal obser-vation state

that :—

(i) the applicant has an area of———————————— —— under Nursery

(ii)——————progeny trees of the following cultivars (c.v.) have been found to be existing at the time of inspection.

S. No.	Kind of fruit trees	Variety cultivar (c.v.)	Performance (yield and quality)	No. of trees	Age of trees	Condition of trees
1	2	3	4	5	6	7

(iii) a sketch of the nursery and the progeny orchard being maintained by the owner is enclosed ;

(iv) the nursery is not being kept free from the insects, pests, and diseases ;

(v) the progeny trees are/are not being maintained in good conditions ;

(vi) the soil is/is not suitable for nursery production work ; (vii) the nursery man 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 ; (ix) additional information and add additional sheet if required ; (x) on the basis of the above observation I recommend/do not recommend it as a fit case for grant of licences.

Signature of Inspecting Officer,

Dated.....

Designation and seal of Officer.

———————

FORM III

Licence for Establishing/Conducting Fruit Plant Nursery under the Jammu and Kashmir Fruit Nurseries (Licensing) Act, 1987.

(Act No. XXII of 1987)

Licence No.————————————Date of issue————————————
————————————son of ————————————of Village————————————
P/o————————————Tehsil————————————————————
———————— District————————————————owner of————————————
———————— is hereby authorised to raise, exhibit for sale for transplantation, fruit plants of the following kinds and varieties :—

S.No. (c.v.)	Kind	Varieties/Cultivars
1	2	3

This licence is valid from————————————to————————————. the licenced shall be subject to the following conditions :—

1. The licensee shall not contravene any of the provisions of Act, or the rules framed thereunder.
2. The licensee shall conduct his business honestly and in fair manner.
3. The licensee shall produce his licence or the register and other records required to be maintained under the Act and the rues framed thereunder on demand by the competent authority or any person authorised by it.
4. The licensee shall not permit evasion or infringement of any of the provisions of the Act or 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 be by any person authorised by it.
6. If a licensee transfer 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.

This licence is renewed————————————

Signature of the competent authority with seal of his office

Period of renewal	From	To

Signature of the competent authority with seal of his

office
_____

FORM (IV)

Application for renewal of licence under the Jammu and Kashmir Fruit Nurseries (Licensing) Act, 1987

To

_____

_____

_____.

Sir,

My Fruit Nursery Licence No.————————expire on————.

It is requested that this licence may be renewed for a period of————— year. The licence in original along with the treasury challan for a ————— are enclosed.

2. The licence was granted last renewed on ————————and since then————————(Nos.) inspection have been carried out. I have complied with the instruction communicated to me in writing by the inspect-ing authority from time to time except in the following cases for reasons indicated against each :—

S. No.	Instructions conveyed by the inspecting authority	Dated	Reasons for non compliance.
1	2	3	4

I have not contravened any of the provisions of the Act or the rules framed thereunder.

The detailed information with regard to the nursery and plant material are enclosed in Form ‘I’ (Fill in the

Form-I).

Yours faithfully,
(Signature of the owner).

N Th i hj d f d b i ifh i

FORM V

[See Rule 5 (2)]

To

The_____

_____

Sir,

I have inspected on (date of visit of the nursery) of Shri———————— Licence No.————————————issued on————————————

2. The details of the nursery and progeny trees are as given by the applicant have been found to be correct on spot examination.

(In case of any difference please give details in a separate sheet).

3. It is hereby certified that the owner has/has not contravened any of the provisions of the Act and the rules framed thereunder and that he has/ has not been following instructions of the authorities.

4. The details of the contraventions are given below :—

S. No.	Date & No. or order	Authority by whom issued	Re-marks
1	2	3	4

5. Additional information, if any.

6. On the basis of the above observations, I recommend/do not recom-

FORM VI

Name of nursery————————————Licence No.————————————

SALE REGISTER OF NURSERY PLANTS

S. No.	Name and address of the purchaser.	Kind and variety/ CVs plants sold.	R o o t - stock used.
1	2	3	4

No. of plants sold.	Rate per plant.	Total price charged	No.& date of receipt	Re-marks
5	6	7	8	9

FORM VII

Cash/Credit Memo————————————————No————————————

Name, Address and Licence No.
(To be given at the top)

Shri/M/s————————————————————

————————————————

S.No.	Kind and cultivated	Rate	No.	Amount
1	2	3	4	5

Total :— —

————————————————————————————————————

FORM VIII

[See Rule 7]

FORM OF APPEAL

To

The_____

_____

1 Shri_____S/o_____ R/o_____

Tehsil_____District_____ 2. Date of order appealed against_____

3.

Date of communication of the order_____

4. Statement of facts/grounds on which the appeal is preferred_____

_____

5.

Relief to be paid_____

6. Proof of the payment of the fees_____

_____

I (appellant) hereby certify that the above facts are true to the best of

FORM IX

FORM OF NOTICE

[See Rule 9 (e)]

(Name and designation of the Appellate Authority———————————

———————————————————————————————

In the matter of appeal No. ——————————————19—— filed under section 11 of the Jammu and Kashmir Fruit Nurseries (Li-censing) Act, 1987 by Shri———————————————————————— S/o——————————————R/o————————————————

Whereas the said Shri———————————————————— has filed before this authority, a memorandum of appeal against the order———————————————————dated——————passed by the competent authority ; and

Whereas under sub-rule (e) of rule 9 of the Jammu and Kashmir Fruit Nurseries (Licensing) Rules, 1999 this authority is required to give to the parties an opportunity of being heard.

Now, therefore, take notice that this authority has fixed—————as date of hearing of the aforesaid appeal. The hearing shall take place at———— ———————————————————AM/PM on that date in the office of the ——————————————. Your are hereby called upon to appear before this authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your cause. Please either in person or through a duly authorised agent, and explain your cause. Please take notice that failure on your part to appear on the day of hearing either in person or through a duly authorised agent, with-out showing sufficient cause to the satisfaction of this authority will make

RULES FOR GRANTING A LICENCE FOR FRUIT PLANT NURSERY BUSINESS UNDER THE JAMMU AND KASHMIR FRUIT NURSERIES (LICENSING) ACT, 1987.

1. Any person having less than half an acre (4 kanals) of land under fruit plant nursery shall not be eligible to apply for a licence nor he shall be allowed to run any such business.

2. No owners shall, after the expiry of six month from the date of commencement of this Act or from the date on which he first becomes owner of such nursery, whichever is later, conduct or carry on the business of fruit nursery except under and in accordance with a licence obtained by him under the provisions of the Act.

3. Where an owner has more than one fruit plant nursery, whether in the same town or village or in different towns or village, he shall obtain a separate licence in respect of each such fruit plant nursery.

4. The licensing authoring will grant licence to only such applicants wherein he is satisfied that :—

(a) The fruit nursery as per soil test and other prescribed conditions is suitable for proper propagation of fruit plants in respect to which the licence has been applied for ;

(b) The applicant has paid a licence fee of Rs. fifty ;

(c) The applicant is competent to conduct such a fruit nursery ;

(d) The applicant fulfils or undertakes to fulfil the conditions that have been laid down in application form, being conditions for ensuring the quality of plants to be propagated, and their sale at a reasonable price fixed by Government.

5. Every licence granted after fulfilling all the formalities prescribed n the application Form N-I, shall in the first instance be valid for a period of two years and may, on an application

Form No. made to it, be renewed by the licensing authority for a period of two years on a payment of Rs. twenty-five and on such conditions as prescribed in Form N-4.

6. The licensing authority may suspend or cancel any licence granted or renewed on any one or more of the following ground :—

(a) That the owner has parted, in whole or in part, with his control over the fruit nursery or has otherwise cease to conduct or hold such fruit nursery ;

(b) That where the maximum rates or price for any variety or any fruit plants has been fixed by the Government, the owner has sold any such fruit plant at a higher rate or price ;

(c) That the owner has, without reasonable cause, failed to comply with any of the terms and conditions of the licence or any direction lawfully given by the competent authority or has contravened any of the provision of the Act or the rules ;

(d) That the owner has used the scion material other than being supplied to him by the concerned agency of the Department of Horticulture, free of cost ;

(e) That the owner has not uprooted the seedling or nursery fruit plants or rootstocks in presence of the licensing authority or his representative ;

(f) That the owner has deceived the licensing authority or his representative or the customer by giving the wrong information pertaining to fruit plant nursery business.

7. On the expiry of the period of validity (*i.e.* two years from the date of issue) or on an order suspending or cancelling a licence, the licensee should return the licence to the issuing authority within one day.

After the expiry suspension or cancellation, as the case may be, owner will be given at least 180 days from the date of expiry, suspension or cancellation to enable him to wind up his fruit nursery.

8. A licence may be renewed on payment of rupees twenty-five in the form of postal order and for this purpose any application on the pre-scribed

Form 4 shall have to be made 90 days before the date of expiry. For any delay beyond the fixed period the owner shall have to pay a fine of rupee one per day up to 15th day, rupees two per day up to 30th day. In case the licence is not renewed within the stipulated time the licence shall be

treated cancelled from the due date of its expiry and the owner shall have to obtain a new licence if he applied for as per Form N-I.

The licence shall be issued as per Form N-3 after observance of all formalities as prescribed in the Act.

The licence will be renewed on the basis of the previous performance of the owner in respect of upkeep and maintenance of his nursery. Certifi-cate to this effect shall have to be issued by the concerned Horticulture Assistant of the scheme on Form N-4. In case of any disputed report the decision of the licence issuing authority shall be the final which should be based on sound justifications. If the owner is aggrieved of the decision, he will make an appeal to the appellate authority within 15 days of the deci-sions as per the Form N-5.

If a licence granted to an owner is lost, destroyed, mutilated, or dam-aged, the licensing authority shall on prescribed application Form N-4 sup-ported with an affidavit and on payment of rupees twenty-five issue a dupli-cate licence.

The licensee (making an appeal against suspension, cancellation or re-fusal to renew a licence) and all persons employed in connection with the nursery shall afford the appellate authority or his authorised person, all fa-cilities relating to the appeal and shall be bound to answer all relevant ques-tions to the best of their knowledge and belief to produce documents in their possession and to furnish such other information in relation to the fruit nurs-ery as may be required by such authority or person.

9. If any person,

(a) contravenes any of the provisions of the Act or the rules made or,

(b) obstructs any officer or person in the exercise of any power conferred, or in the performance of any duty imposed on him by or under the Act, shall be liable to be punished with a fine which may extend to one thousand rupees.

10. During the period of suspension/cancellation of the licence and before the disposal of appeal made in this connection, no owner shall uproot or sell or dispose any fruit plant from such nursery.

11. No owner shall uproot or sell or dispose any fruit plant from the nursery before he obtains a duplicate licence or get his licence renewed.

12. In case of death of the owner of the nursery, the licence shall remain suspended temporarily till the legal successor applied to licensing authority for transfer of licence in his name (Succession certificate issued by the competent authority shall have to be produced).

Proposals :

For the implementation of the Act, it is proposed that Government may

1	Licensing Authority	Nursery Registration Officer.
2.	Appellate Authority	Director Horticulture.

3.Licence fee Rupees fifty

4.Validity period for licence Two

5.Licence renewal fee Rs. Twenty-five.

6.Duplicate licence fee.

7.Period for appeal by the owner against decision of licensing authority, if aggrieved.

Rs. Twenty-five and affida-vit.

Fifteen days from the date of issuing orders for suspending/ cancelling a licence by licens-ing authority or denial to re-new/issue a duplicate licence.

8.Minimum area of the nursery to be fixed for issuing a licence. 4 Kanals.

9.Enforcement agency for restricting the movement of diseased, damaged infested fruit plant material, seeds, stones, cuttings, runners, seediings, etc. into the State or outside the State.

Plant Nursery Registration Scheme power be delegated to the staff working in Nursery Registration Scheme, Horticulture Asstt. (NRS) and Field Asstt. (NRS) be also delegated the powers of Enforcement Inspector, and Asstt. Enf. Inspector respectively, in addition to their own duties. Nursery Registration Officer will be also the Enforcement Officer. Identity cards be issued to the staff involved in enforcement.

10. Authority to fix sale rate of different fruit plants.

Director Horticulture.

PROCEDURE TO BE ADOPTED BY THE APPELLATE AUTHORITY FOR HEARING HEARING AN APPEAL.

If the owner is aggrieved by the order of the licensing authority regarding suspension/cancellation/denial to renew or issuance of duplicate licence, and makes an appeal to authority within the stipulated time, he may follow the following procedure in disposing off the appeal.

1. The appellate authority will admit the appeal in the Form N-4, duly filled, and supported with an affidavit by the owner.

2. The appellate authority will dispose off the appeal within 30 days of appeal.

3. The appellate authority will from a committee of officers comprising of Deputy Director Horticulture (Provincial), Entomolo-gist and mycologist (Fruits), Department of Horticulture to verify on the spot and record grounds/reasons on the basis of which the licensing authority has suspended/cancelled/denied to renew or issue a duplicate licence to the owner. The com-mittee will submit its final

report/recommendations to the ap-pellate authority within one week of assignment.

4. The appellate authority and the committee members shall have access to all the records pertinent to such order of licensing authority.

5. If the report of the committee is found otherwise, the appel-late authority may call the licensing authority to justify his or-der in a written statement regarding the appeal in question.

FORM N-1

(To be filled in Triplicate)

GOVERNMENT OF JAMMU AND KASHMIR,
DEPARTMENT OF HORTICULTURE, RAJBAGH, SRINAGAR.

Application form for grant of licence to run the Fruit Plant Nursery under the Jammu and Kashmir Fruit Nurseries (Licensing) Act, 1987.

No.————Postal Order No.————Amount————

Date————Issuing Post Office————

S.No.	Particulars	
1.	Name of the owner of the nursery with parentage.————	
2.	Residential address	Village————P/o———— Tehsil————District————
3.	Qualification	————
4.	Location of the Nursery	————
5.	Is the Nursery business run by the owner himself ?	Yes/No.
6.	If answer to S. No. 5 is No, Name and parentage of the person/Manager/Managing Director/Managing Agent responsible for running the business of Nry.	————
7.	Residential Address	Village————P/o———— Tehsil————Distt.————
8.	For how long you have been running the nursery	(a)————Y rs——— Months—— (b) Staring afresh
9.	Total area	A———K———M————

(i) Area under Nursery A———K———M————

(ii) Area under orchard if any A———K———M————

(iii) Area under roads, buildings etc. A———K———M————

(iv) Area fallow A———K———M————

10. Is the nursery irrigated ? Yes/No

11. If answer to No. 10 is yes, source _____

12. Is the nursery area fenced ? Yes/No

13. No. of budded/grafted fruit fruit plants produced and sold Kind Variety No. No. Sold for last 3 years Prod. _____

14. No. of fruit trees existing in the orchard attached to nursery, if any Kind Variety No. Age group _____

15. Wherefrom you get the bud/ graft wood. Name the source_____

16. No. of labour days being engaged for cultural and other operations of the nursery in a year. _____

17. Is nursery a part time to full time business for your ? _____

18. Name the kind of fruit trees/ seedlings your want to produce in your nursery for which your seek a licence. _____

Date :

Place :

Signature of the owner.

DECLARATION BY THE OWNER

I, Mr./Ms./Mrs.———S/p, D/o,W/o———R/o———solemnly declare that the information given above is correct to the best of my knowledge and I under take to produce and sell the fruit plants from the nursery owned by me on the terms and conditions, as mentioned below :—

1. I undertake to employ only such varieties of the fruit plants/seed-lings as specified in the licence in respect of section or rootstock for propa-gation and sale, as may be directed by the concerned licencing authority.

2. I will keep a complete record of the source of every rootstock and scion as per the proforma that will e provided to me by the concerned licencing authority.

3. I will keep a layout plan showing the position of every rootstock and scion tree employed in raising the fruit plants.

4. I will keep the nursery plots as well as the parent trees used for the propagation of fruit plants free from Insect pests.

5. I will specify in a conspicuous manner on a label the name of every variety of fruit plant enclosed in any package intended for sale and the name of the rootstock together with that of the scion of every such fruit plant as per the proforma that will be provided to me .

6. I undertake to release for sale or distribute only such fruit plants as are completely free from any kind of insect pest.

7. I will maintain a register in the form as may be prescribed showing the name of the fruit plants sold to any person, the name of rootstock and scion and the name and address of the person purchasing it.

8. I will take such measures as the licensing authority or his repre-sentative may direct to ensure proper health/disease free growth of culti-vars of known pedigree.

9. I will fulfil/undertake to fulfil such other conditions as may be pre-scribed, being conditions for ensuring the quality of plants to be propagated, and their sale at a price faced by the Government.

10. I will have no objection to allow any inspecting officer/official of the Department of Horticulture to examine the records mentioned above and to inspect my nursery area from time to time to ensure the nursery plants and trees used as a source of scion material are kept free from insect and diseases and will remove/destroy any plant material found infested with insects and diseases as and when advised by inspecting officer.

11. I will sell the nursery fruit plants/seedlings against proper receipt.

12. I undertake to keep the fruit plant nursery area free from vegetable, flower or any other crop for which licence has not been granted.

13. I shall abide by all the terms and conditions of the Act that may be laid from time to time.

Signature of the owner.

Name ———————————

Parentage ———————————

Residence ———————————

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FORM N—2

(To be filled in triplicate)

A. Report of Horticulture Assistant ———————————————————

Date————————Issuing Post Office———————————————— ———— ——————————————————————————— I have inspected the Fruit Plant Nursery/Fruit Plant Nursery-cum-Orchard/ Proposed areas for Fruit Plant Nursery of applicant.

Mr/Ms/Mrs.————————————S/o, D/o, W/o————————————

R/o————————————situated at————————————————

under application form No.————————————dated————————————and

certificate that the information given by him is correct/incorrect. He may/ may not be granted a licence to run the business of fruit plant nursery as per the prescribed rules.

Note :—Give detailed justification for not granting a licence.

Signature of Horticulture Assistant (NRS)
Name ——————————Date of Inspection——————————District——————————B. Remarks of the licensing authority after on the spot inspection.

1. Licence may be issued against the payment of Rs. 50.00 in the form of crossed postal order pledged to——————————licensing authority.

2. Licence may not be issued. (Give full justification)

Signature of Licensing Authority.
Name——————————
Dated——————————Designation——————————

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FORM N-3

Licence for Establishing/Conducting a Fruit Plant Nursery under the Jammu and Kashmir Fruit Nurseries Registration Act, 1987.

(Act No. of 1987)

Licence No.——————————Date of issue——————————Son 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 :—

S. No.	Kind	Variety/Cultivar
1	2	3

This 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 Act, or the rules framed thereunder.

2. The licensee shall conduct his business honesty and in fair man-ner.

3. The licensee shall produce his licence or the register and other records required to be maintained under the Act and the rules

29 framed thereunder on demand by the competent authority or any person authorised by it.

4. The licensee shall not permit evasion or infringement of any of the provisions the Act or 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 instruction issued to him in accordance with the rules by the competent authority or by any person authorised by it.

6. If a licensee transfers in while or in part his control over the fruit nursery he shall send an intimation of such transfer to the compe-tent authority within a period of one month of the transfer.

Signature of the
competent authority
with seal of his office.

———————————————————————————————This licence is renewed

Period of renewal	From	To

Signature of the competent
authority with seal of his
office.

_____

FORM N-4

[To be filled in triplicate]

Application form for renewing/a duplicate licence under the Jammu and Kashmir Fruit Nurseries (Licensing) Act, 1987.

Postal Order No————————Amount————————

Form No.————————Date————————issuing Post Office————————

S.No.	Particulars	
1.	Name of the owner of the Nursery with parentage (in whose name previous licence was issued.	————————————
2.	Residential address	Village————P/o———— Tehsil————District————
3.	Previous licence No. and date of issue.	————————————
4.	Reasons for renewing/ issuing a duplicate licence.	(a) Validity period of two years expired (b) Licence was suspended. (c) Licence was cancelled. (d) Licence lost/destroyed/ damaged.
5.	Total area (if extended/ decreased during the period in between).	

(i) Area under Nursery A———K———M————A———K———M————

(ii) Area under orchard A———K———M————

(iii) Area under roads, buildings etc. A———K———M————

(iv) Area fallow A———K———M————

6.	No. of budded/grafted fruit plants produced and sold during the period in between (From the date of issuing the licence to the date of renewal).	Year	Kind	No. Prod.	No. Sold.

———————————

7.	No. of bud/graftwood sticks received during the period in between : also mention the source of supply.	Year	Kind	Bud sticks	Graft sticks received

————————————

8. No. of labour days engaged

during the period in between. ————————————————

Kind of fruit tree your want

to produce in your nursery/

for which licence was granted.————————————————

I solemnly declare that the information given above is correct and in case of any wrong information I shall stand personally responsible.

Signature of owner

Date————————————

Date————————————

Name————————————

Parentage————————————

Residence————————————

B. Remarks of the Horticulture Assistant of the scheme of the concerned area.

1. The licence may be renewed (as it period of validity has expired) as the performance of owner in respect of upkeep and maintenance of the nursery has been satisfactory.

2. The licensee has co-operated with the staff and obeyed the rules concerned and the advice given to him from time to time,

3. Certificate that the information given above by the owner is correct to the best of my knowledge.

4. Duplicate licence may be issued as the owner has lost/destroyed/ multilated/damaged his licence No.————————dated———————— as stated by him in the form N—3 and supported by an affidavit given by him.

5. The licence may be issued to the owner as the appellate au-thority has ordered renewal of licence vide Order No.————————dated———————————on the basis of appeal made by owner.

6. Licence may not be renewed/duplicate issued, because,—(i)
(ii)
(iii)
Give full justification.
Note :—Strike out whichever is not applicable
No————————————Date————————————

Signature of Horticulture Asstt.

C. Remarks of licence issuing authority after on the spot inspection.

_____

1.Licence may be renewed/issued may not be renewal/issued. Give full justification for denial.

Signature of licence issuing authority

_____

FORM N—5

FORM OF APPEAL AGAINST THE ORDER OF SUSPENSION/ CANCELLATION/DENTAL TO RENEW OR ISSUE A DUPLICATE LICENCE TO THE NURSERY OWNER

(THIS FORM SHOULD BE SUPPORTED BY AN AFFIDAVIT).

To

The Director Horticulture,

Jammu and Kashmir Government.

Sir,

I am aggrieved by the order of licensing authority and hence file an appeal supported with an affidavit for your kind consideration :

Your faithfully,

Signature of the owner (appellant)————————————

Name of owner————————————

Parentage ————————————

Residence ————————————

Location of nursery————————————

Licence No. ————————————

Licence issuing authority.————————————

Appeal against Licensing Authorities Order No.————————

Dated————(Copy enclosed).

Dated of appeal————————

The information given above is correct and for any wrong information I shall stand responsible.

Signature of the owner (appellant).

Enclosure :—one affidavit.

AFFIDAVIT

I,————————S/o, D/o, W/o————————R/o———— ————today the————day of 199 —— solemnly declare that:

1.I am the owner of the fruit plant nursery located at————————2.My licence No. is————dated————valid from———————— ————to issued by————————3.The grounds on the basis of which my licence has been suspended/can-celled are not correct. (Give your statement with justification).

4.The grounds on the basis of which renewal/issue of duplicate licence has been denied are not correct (Give your statement with justification).

5.I shall not uproot/dispose/sell any fruit pants during the period of suspension or cancellation of the licence/before the decision of appeal.

6.I shall not uproot/dispose/sell any fruit plants before the renewal or obtaining a duplicate licence the decision of appeal.

7.I will not hide any record of the nursery, as and when demanded by appel-late authority or his authorised representative.

8.I shall stand personally responsible for any consequences that may arise, if statements are found wrong.

Note :—Strike out whichever is not applicable.

Date :

Signature of appellant (Owner)

PROFORMA 'A' FOR THE REGISTER TO BE MAINTAINED BY THE OWNER OF FRUIT PLANT NURSERY.

S. No.	Kind	Rootstock	Source of rootstock	Date of transplantation of rootstock see sowing.
1	2	3	4	5

No. survived/germinated	Date of budding/	Variety budded/
6	7	8

No. of bud/graft sticks used.	Source of supply of scion.	Pedigree Mark No.
9	10	11

No. available for sale	Remarks, if any, Inspecting Officer— 12
13	

PROFORMA 'B' FOR SALE REGISTER OF THE OWNER.

S. No.	Date	Kind with rootstock	Variety	No. sold.
1	2	3	4	5

Name and address of the owner to whom sold. Remarks, if any, Inspecting Officer.

Inspecting Officer.

6 7

PROFORMA 'C' FOR SALE LABELS

Licence No. _____

Kind and rootstock _____

Variety. _____

Age of the plant _____

Year _____

Rate per plant Rs. _____

Signature of the owner
Name_____

Certified plant material

Seal and signature of licensing authority or his authorised representative.

FORM IV

NURSERY LICENCE REGISTER FORM

S. No.	Name and address of the licensee	Name of the Nursery	Area of the Nursery	Kind of Fruit Plants & variety CVS to be propagated.
1	2	3	4	5

Name and designation of Inspecting Officer.	Date of visit of Inspecting Officer	No. and date of issue of licence	Date of expiry of licence
6	7	8	9

Date of renewal	Period of renewal	Remarks	Initials of the competent authority.
10	11	12	13

FORM VII

Form of Register of the progeny tree of———————————————

Licence No.———————————————————————————————

Year	S.No. of progeny trees	Kind and variety/	Yield in Kgs.	General health conditions of the
1	2	3	4	5

General observation about quality and grade of fruits

6

FORM VII

INSPECTION REGISTER

S. No.	Date of visit.	Name of the Inspecting Officer.	Instructions of the Officer	Compliance report by the
1	2	3	4	5