MADHYAPRADESH PHAL POUDH ROPANI (VINIYAM) 2012

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2. In these rules unless the Context otherwise requires,—(a) (b) (c) (d) "Act" means the Madhya Pradesh Phal Paudh Ropani (Viniyaman) Adhiniyam, 2010 (No. 3 of 2011); "Competent authority" means a competent authority appointed under Section 3 of the Act and who shall be Deputy Director/Assistant Director, Horticulture posted in the respective district. "Section" means section of the Act; ' 'Form" means forms appended to thses rules. "Working area" means entire district

2. Words and expressions used in these rules but not defined in the Act shall have the same meanings as assigned to them in the Act

3. Owner of nursery to obtain licence.—Any owner of a fruit-plant nursery desires to conduct or carry on the business of the fruit plant nursery shall obtain a licence under these rules

4. Application for grant of Any owner desiring to obtain a licence shall make an application in forn A to the competent authority for grant of licence.(2) The owner of Government nursery shall also make an application to the competent authority for grant of licence

5. Fee for grant of licence.—(l) The owner of a nursery shall deposit, the licence fee of Rs. 1000/- (One thousand) for the nursery having the area of two hectares of land and Rs. 2000/- (two thousand) for the nursery the area of which is more than two hectares of land, in the office of the Assistant Director, horticulture and shall obtain the official receipt of the deposited amount. (2) No licence fee shall be payable for the nurseries of the Government Department, Government undertaking which includes local bodies, Krishi Vishwavidyalaya and Krishi Vigyan Kendras

6. Grant of The competent authority on receipt of application alongwith documents being satisfied that all the documents fulfill the requirement, may grant a licence in the Form B to the applicant.(2) The duration of licence shall be three years from the date specified in the licence

Form C for the renewal of licence.(2) The competent authority may, on application being made to him in that behalf renew the licence for the requisite period on payment of Rs. 1000/- (one thousand) as renewal fee. 21 2012 781 (3) No fee for renewal of licence shall be payable by the owner Of Government fruit plant nursery. (4) The application for renewal ofa licence shall be made to the competent authority at least three months before the date of expiry of the existing licence. (5) The competent authority shall renew the licence before the expiry of the period of existing licence. The competent authority may reject the application for renewal and intimation thereof shall be sent to the applicant. (6) No application of renewal for licence shall be entertained after the expiry of the period of licence

8. Duplicate copy of licence.—lf a licences granted to an owner is lost, mutilated or damaged, stolen or destroyed, the competent authority shall on payment of Rs. 500/- (Rupees Five Hundred), issue duplicate licence

9. Suspension or cancellation of The competent authority shall have power to suspend or cancel any licence granted under these rules for contravention of any of the rules: Provided that the competent authority shall give the licencee on apportunity to show cause before taking any action or passing any order under these rules.(2) Notwithstanding anything contained in sub-rule (I), the licence shall be liable to immediate suspension or cancellation by the competent authority, if the place is insufficient or is causing danger to the safety or health or inconvenience to the public

10. Display of licence and sale price of plants etc.—The owner of fruit plant nursery whether private or owned by the Government Department shall display the original licence on a conspicuous place of the nursery and shall also display or paste the list of sale price of fruit plants separately in the premises

11. Licence not transferable.—A licence granted under these rules shall not be transferable and after the death of the licensee it shall be deemed to be revoked

12. Permission to include or remove plants.—If the owner of a fruit plant nursery desires to include plants in the nursery or remove some plants from the nursery, he shall make an application in

Form D to the competent authority for permission. The competent authority, on receipt of the application alongwith the application fee of Rs. 500/- (five hundred), shall inspect or cause to be inspected the nursery and after satisfaction, grant the permission for inclusion or removal of plants within 30 days from the date of receipt of the application . Provided that no permission shall be granted if the period of licence has expired: (2) No fruit plants shall be included in the nursery or removed from the nursery unless due permission of competent authority has been obtained

13. Label to be pasted/displayed.—Every holder of licence shall specify the name of fruit plants kept for sale, its age and the name of root stock together with scion of fruit plants on a label to be displayed in a conspicuous manner, The holder of licence shall mention the date of propagation, period of expiry, local name of the plants on the label

14. Record to be maintained.—Every owner of fruit plant nursery shall maintain three registers in Form E, From F and Form G as required by Section 6 of the Act

15. Power to issue directions.—The competent authority or the Director Horticulture, shall have power to give technical directions to the owners of nurseries for the purpose of keeping the nursery plots and parent trees used for the propagation of fruit plants free from insects, pests and plant diseases

16. Licencee or his nominee to be present.—Either the holder of the licence or any person whom the licencee has nominated, shall be present at the nursery during the whole time for which premises are open to the public for sale. 782 21 2012 17. Power of entry and Inspection.—(l) The Competent authority or any person authorized by it or by the State Government in this behalf, shall have the power to enter the premises of nursery during 8.00 a. m. to 7.00 p.m. for inspection for the purpose of ascertaining the position or examining the working of any fruit plant nursery or place of business where the fruit plants are sold or for any other purpose mentioned in the Act or in these rules. (2) The owner Of nursery shall render all possible assistance to the person making the inspection

18. Any person aggrived by an order of a competent authority refusing to grant or renew a licence or suspending or cancelling a licence may file appeal in Form H to the Director of Horticulture or to any Officer authorized by the concerned department for the purpose within 30 days from the date of receipt of the order by him: Provided that the appellate authority may entertain the appeal on expiry of 30 days if it is satistified that the appellant was prevented by sufficient cause from filling the appeal in time: Provided further that no appeal shall be entertained on the expiry of sixty days from the date of receipt of the order by him.(2) On receipt of an appeal under sub-rule (I), the appelate authority shall after giving the appellant an apportunity of being heard, pass such order on the appeal as it thinks fit. (3) the appellant shall deposit the fee of Rs, 250/- (Two hundred fifty) in the Office of the appellate authority and obtain a receipt. The original receipt shall be submitted alongwith the memorandum of appeal

19. Surrender of licence.—(l) The licencee shall surrender, the licence on the expiry of the period of validity specified in the licence or on receipt of an order suspending or cancelling a licence, to the competent authority. (2) The Competent authority may, after such expiration, suspension or cancellation give such reasonable time as it thinks fit to the owner of the nursery to enable him to windup his fruit plant nursery. (3) The competent authority shall also have the power to issue new licence to the owner for remaining period if needed

20. Penalties.—lf any person contravenes any of the provisions of the Madhya Pradesh Phal Paudh Ropani (Viniyaman) Adhiniyam, 2010 (No. 3 of 2011) or contravenes the provisions of these rules or obstracts any Officer or person in the exercise of any powers conferred or in the performance of any duty imposed on him by or under the Act shall be punished With imprisonment or with fine or with both, in accordance with the provisions of Section 14 of the Act, To, 2. By order and in the name of the Governor of Madhya Pradesh, T. R. KATWALE, Under secy. FORM-A (See rule 4) APPLICATION TO GRANT OF LICENSE FOR FRUIT PLANT NURSERY Name of Phal Paudh Nursery Name of owner of nursery and full address 21 2012 783 Location of nursery (a) (b) (c) (d) (e) District Tehsil and Village Nearest railway station Postal address Telephone/Mobile Number/EmaiI etc. 4

5. Details of Phal Paudh Nursery:—(i) Particulars of mother ptants (a) (b) (c) (d) Khasra number and area (in hectare) Kind and variety of fruit plants Number of fruit plant Age of fruit plants and source of mother plants (If the source of mother plants is not known, the information regarding disposal of quality of

produced fruit be given before the use as mother plants). (ii) Details of mother plants of original rootstock (a) (b) (c) (d) (e) (iii) S. No. (1) 1 2 3 4 5 Area and khasra number Kind and variety of rootstock Quantity of plants Age of plants Source of mother plants (if he/she is not the owner of the original mother plants (bud) he/she will have to give the infor- mation from where he brought the bud stick). which varieties Of fruit plants are proposed to be propagated every year, the information of quantity of grafted, budded or root cut plants be given with the above details :— Name of fruit plant (2) Variety (3) Medhod of propagation No. Of propagated plants (4) (5) The period of conducting or carrying on the business of fruit plant nursery— . . years. 4 (11) 784 6. 7. 21 2012 The Number of plants propagated and sold during the last two yers:— (ii) (iii) S. No. (1) 1. 2. 3. 4. 5. 6. 8. 9

10. Propagated . Sold . . . .plants. .plants. The information of each variety of Plants :— Name of fruit plant (2) Variety (3) Method of Propagation No. of propagated plants (5) (4) The details of available equipments for controlling the insects, pest and plant diseases :— 1. 2. 3. 4

5. The details of licence fee deposited is as under Amount Rs.. . Receipt No. . Date . (ii) (iii) (iv) Place Date . . DECLARATION I, hereby declare that the information and particulars given above are true and correct to the best of my knowledge and belief. I, have read the provisions of the rules made under the Act and I promise to comply the provisions of rules as amended from time to time. I, also promise that I, shall propagate the plants of best quality and sell them at such rates as may be fixed by the State Govenment from time to time. I, also promise that the plants (root stock) which are not available in my nursery will be planted as far as possible in the next season. Signature of applicant, Postal Address with Telephone number. 21 2012 FORM-B (See Rule 6) LICENCE FOR FRUIT-PLANTS NURSERY (A Licence for conducting or carry on the business of fruit plants nursery in the state of Madhya Pradesh) 785 Book No. Licence is for the period from (date) . I issue this licence to Shri/Smt./Ku . . . . . LICENCE . .to. . . . . resident of Serial Number . Name of fruit plant nursery . , .nehsil Madhya Pradesh for conducting or carrying on the business of fruit plants . District . . in accordance nursery, the details of which are as under for the period commencing from ..... to with the provisions of the Madhya Pradesh Phal-Paudh Ropani (Viniyaman) Adhiniyam, 2010 (No. 3 of 2011) under the following terms and conditions:— Name of fruit Plant nursery (1) Place Date . . .. To, Location and land khasra number of fruit plant nursery (2) Total area of fruit plant nursery (3) The registered name and variety of fruit plants that will be propagated for sale (4) Signature of competent authority Seal of designation

FORM-C (See Rule-7) APPLICATION FOR RENEWAL OF LICENCE IIWe holding/we are holding a licence for production and •sale of frouit plants issued by competent authority of .. .. .for a period of three years which will expire dated .vide No.. District/Division I

2. This application is submitted for renewal of the licence Photo copy of existing licence is enclosed. Information of total area of fruit plant nursery khasra No. and number of mother-plants is as under— Particulars of Mother plants— (a) Khasra Number (b) Area (c) Kind and variety of fruit plants 786 3. (d) (e) (f) 21 2012 Quantity of fruit plants Age of fruit plants Source of mother plants (If the sources of Mother plants is not known, the information regarding production and quality of fruits be given). The information of quantity of grafted, budded or root-cutting plants be given with the above details. Name of fruit plants (1) Variety (2) Method of propagation (3) Number of propagated plants (4) 4. The details of available equipments for controlling the insects, pests and plant diseases:— (1) (2) (3) (4) Information of produced and sold plants in every year is as under :— 5

6. Place Date Year (1) Name of fruit plant (2) Variety (3) Number of produced plants (4) Number of sold plants (5) The details of fee deposited for renewal of licence is as under :—Amount Rs. Receipt No. Date (ii) (iii) DECLARATION I here by declare that the information and particular given above are true and correct to the best of my knowledge and belief. I have read the provisions of the rules made Under the act and I promise the comply the provision of rules as amended from time to time. I also promise to comply with the terms and condition of the licence. I also promise that I shall sell the best quality of plants at such rates as may be fixed by the state Government from time to time. Signature of Applicant Postal Address with phone number 787 21 2012

FORM-D (See Rule 12) APPLICATION FOR PERMISSION TO INCLUDE IN OR REMOVE SOME PLANTS FROM LICENCE To, . . Date . I/We holding/we are holding a licence NO. . . , . . in the Name of . . for to produce and to sell fruit plants for a period of three years which will expire on . (Photo copy of licence is enclosed.) I want to include the following plants in the list of plants mentioned in the licence:— Name of fruit plant (2) Variety (3) Method of Propagation (4) Number of fruit Plants (5) (1) 1. 2. 3. 4

5. I want to remove the following fruit plants from the list of plant mentioned in the licence:—Year (1) Place . , Date ... Name of fruit plant (2) Variety (3) Method of Propagation (4) Number of multiplied plants (5) Signature of applicant Postal address with Telephone number. 788 21 2012 FORM-E (See Rule 14) REGISTER SHOWING THE SOURCE OF MOTHER PLANTS USED FOR PROPAGATION OF FRUIT PLANTS 4 (71) Location and land Khasra No. of fruit plant nursery where plants are propagated (1) Name and variety of fruit plants Number given to the fruit plants in the orchard Root stock (2) Scion (3) FORM-F (See Rule 14) Root stock (4) Scion (5) REGISTER SHOWING THE INFORMATION OF FRUIT PLANTS PREPARED FOR SALE Name and variety of fruit plants Number given to the mother plant in the orchard Number given to the root stock (2) Number given to the scion (bud stick) (3) FORM-G (See Rule 14) Number of produced plants (4) Plants ready for transportation or for sale (5) REGISTER SHOWING THE INFORMATION OF FRUIT PLANTS SOLD Date of sales (1) Name and address of person who purchased the plants (2) Source of produced plant for selling Number given to the root stock (3) Number given to the scion (4) Sales price per plant (5) Number of sold plants (6) Remark (6) Remark (7) 21 2012 FORM-H (See Rule 18) MEMORANDUM OF APPEAL AGAINST THE ORDER OF COMPETENT AUTHORITY To, The Appellate authority 789 I am/we are holding a licence for conducting and carrying on the business of production and sale of fruit plants. by the The license No. has been issued in the Name Of . . Date . competent authority. THE COMPETENT AUTHORITY:— (i) has refused to renew the license; or (ii) has suspended the license; (iii) has cancelled the license. OR I/we have applied for grant of licence to conduct or carry on the business of fruit plant Nursery, THE COMPETENT AUTHORITY— Has refused to grant license. I am filing this memorandum of appeal to reconsider the order passed by the compentent authority:— (i) (ii) (iii) (iv) (v) Place Details of Competent authority who passed order Order No. Date Grounds of appeal Date of filing the appeal üqr«, 13 2012 77. 283 (2) g-q æifr<T, 310 1000/-" a, 20,000/-" xrqta" iTTT. Name Designation Address .... Signature of appellant . Name Address . No. F-1-1-2012-Rule-IV.—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution Of India, The Governor Of Madhya Pradesh, hereby, makes the following amendments in the Madhya Pradesh Treasury Code, Volume-I, namely:— AMENDMENT In the said rule, in rule 310, for the letter and figure "Rs. 1000/-" wherever they occur, the letter and figure "Rs. shall be substituted. This amendment shall come into force from the date of its publication in the "Madhya Pradesh Gazette.".