

PUNJAB FRUIT NURSERIES ACT, 1961

1961 6. 8. 9. 1 12. 13. 14 15 16, 17 18. 19. Pb. Act 13] THE PUNJAB FRUIT NURSERIES THE PUNJAB FRUIT NURSERIES ACT 961 9 ARRANGEMENT OF SECTION Short title, extent and commencement Definitions Owner to obtain •cen Application for, nd ra an refus Suspension or ancancellation licence cene Return of licence Duplicates. Duties of license Appeals. Revision owers of inspectio Power of Central Governmen the bringing Änto or takin plan Penalty. Cognizance o offences, ersons exercising powers d servants. prc ibi egulat ut ofthe State frui this Ac be ubli No compensation fo uspension o ancancellation licences. Protection of persons actin in ood faith Delegation of powers Power to make rules 1961 Pb. Act 13] THE PUNJAB FRUIT NURSERIES HE UNJAB RUIT PUNJAB C R SERIES AC 3 F 1961 Received the assent of the ocernor o Punya 9 961 ont e 28th March,1961;and first published fo eneral information in the Punja Governmen Gazett (Extraordinary), st April, 1961.] ear 1961 No. egislativ upplemen ether repealed or otherw• ected by legislation Short title The Punjab urseries Act Fruit 6 Ac Amended by Punjab N 19642. Ameneded by the Punjab Reorgan sation (Chandigarh) (Adaptation of Laws on State and subjects) Order, 196 o ncurre t rui o rovi e o the egulation and icensin Nurseries in the State Punjab BE it enacted by th egislature he unjab in the elfth ea f the Republic s follows 1. 1) This Act ma calle th unja Nurseries Acq tat f ndi ruff Short titl ent and commencement (2)' It extends to h hole th [Umoter orv of Chandigarh (3) It shall come nto orce on such 'date s the State Governmen ä otificatio Gazette, appoint. IFor Statement of Objects and Reason unj Gazette (Extraordinary), 1960, page 1955. 2For Statement of Objects and Reasons, e unj the fficial overnmen vernmen Gazette (Extraordinary), 1964. pages 935-37. 8Substituted for the words! "State of Punjab" y the nja Reorganisation '(Chandigarh) (Adaptat' taf n Concurrent Subjects) Order, 1968. 4This Act comes into force with effec fro the 2nd October, Puniab Government, Agriculture Department Notificatio No. 5433-A 437 ate th 22n Septemb 961 PUNJAB FR NURSERIES 6 Pb.Ac 1 efnitio thi c nless the contex therwis quzre Y"competen uthority eans an erso authority appointed bythel[Central Go ernment] by notificationä th Offcia Gazetteao performthe function competent authority underthis Ac fo such areas as maybespecified inthenoti cation • (b)'fruitnursery" meansany her ruit plants are in the regularcourseo usiness propagate' n sol fo rans lantation; eans ny plan hlC rui Ian produce edible fruits ornuts, andinclude budwood, seedlings,grafts,seed an tin of such plant elatiortvt (d 'owne rul urser eans person wh orth uthorit which,has the ultimatecontrol ovevth airs of such fruit nursery,and where th saidaffairs aree ntrustedto Emanage managing director or managing agent,suc manager, managing director ormanagin agentshall be deemeä to betheo wne (e) "prescribed' means prescribedb les made underthisAct ; (T) "rootstock" means a fruit plantorpart there of on which any fruit plant has beengrafte or budded , and g scion eans frui plan hic is affe udded on to a root stock TSubstituted for thew ord 'State Governma# Reorganisation (Chandigarh) (Adaptati La oncurrent Subjects rd 1968 nja State an 1961 : Pb. Act 131 THE PUNJAB FRUIT NURSERIES 3, No owner shall, after the expiry of six months Power to obtain licence, from the date appointed under sub-section (3) of sec- tion 1, conduct or establish a fruit nursery unless he has obtained a licence under this Act. Explanation.—Where an owner has more than one fruit nursery in different towns and villages, he shall obtain a separate licence in respect of each such fruit nursery. 4. - (1) Every application for a licence under sec- Application for and grant and tion 3, shall be made to the competent authority and refusal of, shall be in the prescribed form. licence. (2) Subject to such conditions and restrictions as may be prescribed, if the competent authority is satis- fied that— (g) the fruit nursery is suitable for the proper propagation of the fruit plant or fruit plants -in respect of which the licence has been ap- plied for ; (b) the applicant is competent to conduct or establish such a fruit nursery 0', (c) he fulfils any other conditions notified by the competent authority in this behalf ; and (d) the applicant has paid the fee prescribed for the licence and has also furnished the prescribed security, if any, such authority may grant a licence to the applicant for conducting or establishing a fruit nursery in ace cordance with the terms of the licence and the provi- sions of this Act and the rules thereunder. (3) Every licence granted under this section shall be valid for the prescribed period and may, on appli- cation and payment of the prescribed fee, be renewed, from time to time, by the competent authority and for the prescribed period, provided the other conditions in sub-section (2) continue to be fulfilled. 96 THE PÜNjAB 11961 Pb. Act 1 NURSERI t ompe en autorit efuses to grant o (4 e ew alicenceunderthis section, it shall e cordit reasons forsuch refusalin writing an communicat

a copy of its order to the applicant. cancellation of 5• (1) The competent authority may suspend or licence et
 • cence. cancel any licence granted or renewed under section (a) if the licensee has applied to be adjudicated or
 been adjudicated as insolvent, or (b) if he has parted, in whole or in part With his control over the fruit
 nursery, or (c) if he has ceased to conduct possess such fruit nursery or (d) if in the opinion of such authority he
 become incompetent to conduct possess (e) if he has contravened, or failed to comply with any of the terms of
 the licence and the rule of the provisions of this Act or thereunder, (f) on any other prescribed ground (2)
 Before passing an order under sub-section (1), the competent authority shall intimate to the licensee the
 grounds on which it is proposed to take action and give him a reasonable opportunity of showing cause against
 it. (3) The competent authority may suspend the licence pending the passing of a cancellation order in
 respect thereof under sub-section (1). (4) A copy of every order passed under sub-section (1) or sub-
 section (3) shall be communicated to the licensee. On the expiry of this licence or on the receipt of an order
 suspending or cancelling it the licensee shall return the licence to the competent authority 1961 • Pb. Act 13] _
 PUNJAB FRUIT NURSERIES 97 Provided that such authority may, after such expiration, suspension or
 cancellation, give such reasonable time as it thinks fit to the owner to enable him to wind up his fruit
 nursery

7. If a licence granted to an owner is lost, destroyed, mutilated or damaged, the competent authority shall,
 on application and payment of the prescribed fee, issue a duplicate licence

8. Every licensee under this Act shall—Duplicates. Duties of Licensee. (1) (2) (3) undertake to employ
 only such varieties of the fruit plant as may be specified in the licence in respect of scion and rootstock,
 for propagation and sale keep a complete record of the origin or source of every rootstock and every scion
 showing the local name or botanical name or both, of the rootstock and the scion used; keep layout plan
 showing the position of every rootstock and scion tree employed in raising fruit plants ; (4) keep the
 nursery plots as well as the parent (5) trees used for the propagation of fruit plants free from insect pests
 and diseases 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 rootstock together with that of the scion of
 every such fruit plant L 50. (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 Powers of action. PUNJAB 1961 Pb, Act 13 of the rule plan sold
 an person the name of the rootstock and then name and address of the person purchasing) An person aggrieved
 competent authority refusing to grant or renew licence under this Act may appeal in such form and manner, within
 such period and such authority may be prescribed & Provided that the appellate authority may admit an appeal
 after the prescribed period, if sufficient cause is shown. after hearing the appeal the appellate authority may
 as such orders so the appeal as it thinks fit to be passed under this section shall be subject to the provision of the
 Government 10. (1) The application of any person aggrieved by an order passed under this Act, at any time, for
 the purpose of satisfying himself as to the legality or propriety of such order call for and examine the record
 of the case and order thereon as he thinks fit to provide him with [Cen _ra Government shall not exercise the
 power under this section in respect of an order against which an appeal preferred under section 9 is
 pending or in case an appeal has not been preferred before the expiry of the time-limit therefor. 1(2) An
 order passed under this section shall be 11. (1) The competent authority or any person not below the rank of an
 Agriculture Inspector, authorised by it in this behalf may, at all reasonable hour and with or without
 assistants, enter any fruit nursery to examine the fruit plants therein and inspect Punjab 1 Substituted for the words
 'State Government' organisation (Chandigarh) (Adapted to a 1961 order on the subject 1961 Pb. Act 13]
 THE PUNJAB NURSERIES 99 the registers, books of accounts and records relating thereto, for the
 purpose of satisfying himself or himself that the requirements of this Act and the rules there under are being
 complied with (2) The licensee shall afford the competent authority or the person authorised by
 all reasonable access and facilities for such inspection and examination as may be required for the purpose
 aforesaid and shall be bound to furnish such information relating to the fruit nursery as may be required by
 such authority or person. Power notification in 12. The State Government may, State Government the official
 Gazette, prohibit or regulate, subject to such conditions to prohibit restrictions and conditions as it may impose,
 the bringing into, or taking out of the State, taking out of the across a customs frontier as defined by the
 Central Government, or the transport within the State, of any fruit plant of unknown pedigree or
 affected by any infectious or contagious disease or pest If any person contravenes any of the provisions of
 this Act or any rule made thereunder contravention of which is made punishable under this section

tion or attempts to contravene or abets the contravention of any such provision, rule, he shall be punishable with fine which may extend to one thousand rupees. (2) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. 100 1961 Pb. Act 13 THE PUNJAB FRUIT NURSERIES (3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.—For the purposes of this section— (w) "company" means any body corporate and includes firm or other association or individuals; and (b) "director", in relation to firm, is a partner in the firm. 14. (i) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the competent authority or any officer authorised in this behalf by the competent authority by general or special order. (2) No court inferior to that of a magistrate of first class shall try any offence punishable under this Act. Persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. No compensation— 16. Where any licence is suspended or cancelled under this Act, the licensee shall not be entitled to any pension or cancellation of compensation therefor, nor shall he be entitled to the refund of any fee paid by him for the licence.

17. No suit, prosecution or other legal proceeding against persons acting in good faith. Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation Laws on State and Concurrent Subjects) Order, -1968, 1961 Pb. Act 13 THE PUNJAB NURSERIES any person for anything which is done in pursuance of this Act or made thereunder. 18. The [Central Government may, notification in the Official Gazette, delegate to any officer or authority subordinate, to it all or any of its powers under this Act except the powers—

9. The [Central Government may, notification in the Official Gazette, make rules to carry out the purposes of this Act (in part or in whole) and to remove any doubt as to the generality of the foregoing powers which may be provided for all matters expressly mentioned in this Act (as described) the conditions of licence may be granted when licences are to be issued or the procedure followed by a licensee in the exercise of his functions under this Act and the register, books of account and records to be maintained by licensees and the manner in which and the period for which the same shall be maintained and the circumstances in which security may be required from licensees and the security furnished by them may be forfeited and the manner in which any sum falling due as result of such forfeiture may be recovered and the manner of conduct of the fruit nurseries. Substituted for the words "State Government Reorganisation (Chandigarh) Adaptation Law, 1968" by the Punjab Reorganisation (Chandigarh) (Adaptation Laws on State and Concurrent Subjects) Order 96 of 1968. 102 THE PUNJAB FRUIT NURSERIES (g) the detection, inspection, certification, method of transport or destruction of fruit plants in respect of which a notification has been issued under section 12 or of any articles which may have been in contact or proximity thereto and the regulation of the powers and duties of the officers who may be appointed in this behalf. rule made under this section may provide what a contravention thereof shall be punishable under Section 13. 1 Sub-section (4) omitted by ibid.