

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 conferred 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 appointed 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 (Licensing) 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 it 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 conducted 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 competent authority shall renew the licence granted under section 5 of the Act, for one calendar 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 numbered 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



Form VI and cash memo in Form VII.



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 endorse 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 hearing 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 hearing 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 appellate 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 KASHMIR 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
1	2	3	4

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

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	Variety	Performance	No. of	Age	Condi-
trees	trees	cultivar	(yield and	trees	of trees	f
trees		(c.v.)	quality)			
1	2	3	4	5	6	7
(iii)	a sketch of the nursery and the progeny orchard being main- tained 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 con- ditions ;					
(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 rules 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 or 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 inspecting 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. stock	Name and address of the purchaser.	Kind and variety/ CVs plants sold.	R o o t - used.
-----------------	---------------------------------------	---------------------------------------	--------------------

1	2	3	4
---	---	---	---

No. of plants marks sold.	Rate per plant.	Total price charged	No.& date of receipt	Re-
---------------------------------	--------------------	------------------------	-------------------------	-----

5	6	7	8	9
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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 in 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. Certificate 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 decisions as per the Form N-5.

If a licence granted to an owner is lost, destroyed, mutilated, or damaged, the licensing authority shall on prescribed application Form N-4 supported with an affidavit and on payment of rupees twenty-five issue a duplicate licence.

The licensee (making an appeal against suspension, cancellation or refusal to renew a licence) and all persons employed in connection with the nursery shall afford the appellate authority or his authorised person, all facilities relating to the appeal and shall be bound to answer all relevant questions 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 nursery 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
2. Appellate Authority

- Nursery Registration Officer.
- 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 4 Kanals.

to be fixed for issuing a licence.

9.Enforcement agency for restricting the movement of diseased, damaged

infested fruit plant material, seeds, stones, cuttings, runners, seedlings,

Plant Nursery Registration Scheme power be delegated to the staff working in Nursery Registration Scheme, Horti-

culture

etc. into the State or outside the State.

Asstt. (NRS) and Field Asstt. (NRS) be also delegated the powers of Enforcement In-spector, and Asstt. Enf. Inspector respec-tively, in addition to their own duties. Nursery Registration Officer will be also the En-forcement 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 AU-THORITY

FOR HEARING HEARING AN APPEAL.

If the owner is aggrieved by the order of the licensing authority regard-ing 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 com-prising 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 Agentresponsible for running the
business of Nry.

7. Residential Address Village _____ P/o _____

Tehsil _____ Distt. _____

8. For how long you have been (a) _____ Y rs _____
Months _____9. running the nursery (b) Staring afresh
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, A——K——M——
buildings etc.

(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 Kind Variety No. No.
Sold

fruit plants produced and sold Prod.
for last 3 years _____

14. No. of fruit trees existing
in the orchard attached to Kind Variety No. Age
group

nursery, if any _____

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 you want to produce
in your nursery for which you
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 be provided to me by the concerned licensing 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 representative 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 prescribed, being conditions for ensuring the quality of plants to be propagated, and their sale at a price fixed 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

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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 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.

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
(ii) Area under orchard
(iii) Area under roads,
A _____ K _____ M _____
buildings etc. A _____ K _____ M _____
A _____ K _____ M _____
(iv) Area fallow A _____ K _____ M _____
 6. No. of budded/grafted fruit Year Kind No. No.
plants produced and sold Prod. Sold.
during the period in between
(From the date of issuing the licence to the date of renewal).

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

9.

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 its 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/mutilated/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 authority 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 transplan- tation 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 Remarks, if any, Inspecting Officer owner to whom sold.				
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 & vari- ety CVS to be pro- pagated.
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

