

{उत्तर प्रदेश अधिनियम संख्या 18 सन् 1985}

[U.P. ACT NO. 18 OF 1985]

અધિનિયમ, ૧૯૮૫

{उत्तर प्रदेश अधिनियम संख्या 18 सन् 1985}

çtSlk mÜkj izns”k fo/kku e.My }kjk ikfjr gqvkaÀ

Qynkj o {kksa dk lao)Zu djus vkSj muds lehiLFk bZaV ds HkV~Bksa ;k vU; gkfuizn अधिष्ठानों के कारण होने वाले पादप रोगों से उनका संरक्षण करने के लिए, और तत्सम्बन्धी विषयोंdh O;oLFkk djus ds fy,

अधिनियम

भारत गणराज्य के छत्तीसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:-

1-- (1) यह अधिनियम उत्तर प्रदेश फलदार वृक्षों का संवर्द्धन और संरक्षण अधिष्ठान और आवास योजना विनियमन) अधिनियम, 1985 कहा जायगा।

laf{kIr uke vkSj
izkjEHk

1/42 1/2 ;g 15 ebZ] 1984 dks izo`Ùk gqv k le>k tk;xkA

2-- जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो, इस अधिनियम में, -

if $\|H_k\|_k \leq \epsilon$, a

¼d½ ^bZV dk HkV~Bk** dk rkRi;Z fdlh HkV~Bk ls gS tgka bZV idkbZ tkrh gks vkSj ftlesa bZa/ku ds iz;kstu ds fy;s gkMZ dksd] lk¶V dksd] LySd dksy ;k fdlh vU; izdkj ds dks;ys dk mi;ksx fd;k tkrk gS fdUrq blds vUrxZr ns"kh izdkj dk bZV dk HkV~Bk ugha gS] ftlesa ydM+h ds dks;ys dk mi;ksx fd;k tkrk gS(

¼[k½ ^^vUrLFk ifj {ks=** dk rkRi;Z Qy iV~Vh ds laca/k esa] ,slh Qy iV~Vh ds pkjksa vksj vkSj lekukUrj rhu fdyksehVj ds ifj {ks= ls gS (

¼x½ ^^funs”kd** dk rkRi;Z m|ku deZ ,oa Qyksi;ksx funs”kd] mÙkj izns”k ls gS tks jkT; ljdkj }kjk bl :i esa fu;qDr fd;k x;k gks (

¼?k½ ^^ckx** dk rkRi;Z ,sls Hkw&[k.M ls gS] ftl ij Qynkj o` {k
bruh la[k esa yxk;s गये हों कि उन वृक्षों के कारण वह भूमि या उसका
अधिकांश भाग मुख्यतया किसी अन्य प्रयोजन केfy;s mi;ksx es ugha yk;k tkrk
gS ;k muds iw.kZ:i ls fodflr gks tkus ij ugha yk;k tk;xx] vkSj blds
vUrxZr ,sls o` {kksa ds ikS/kksa ds fodkl ds fy;s ikS/k"kkYk Hkh gS (

(ड) "हानिप्रद अधिष्ठान" का तात्पर्य निम्नलिखित से है:-

$$\frac{1}{4}, d\frac{1}{2} \text{ bZV dk HkV} \sim \text{Bk} ($$

(दो) कारखाना, कर्मशाला या अन्य अधिष्ठान जिसमें उसकी भट्टी में

ईंधन के;iz;kstuksa ds fy;s dksd ;k ydM+h ds dks;ys ls fHkUu dks;ys dk mi;ksx fd;k tkrk gS] vkSj ftlesa ls /kqvka fudyrk gS ;k tks /kqvka fudyus dk dkj.k gS] vkSj ftlesa oLrqvksa dk muds mi;ksx] ifjogu ;k fcØh ds n'fVdks.k ls fuekZ.k] izlaLdj.k] vuqdwyu ;k उत्पादन किया जाता है और जिसमें वर्ष में किसी भी दिन दस या अधिक कर्मकारIsok;ksftr fd;s tkrs gSa] fdUrq blds vUrxZr gksVj] jsLrjka ;k vU; vkkgkj LFky ugha gS(

$\frac{1}{4}p^{\frac{1}{2}}$ ^vkokl ;kstuk** dk rkRi;Z fdlh O;fDr ds ,sls fdllh vkokl ;k mifuos" k ;kstuk या कार्यकलाप से है जिसका उद्देश्य बिक्री या किराये पर देने के प्रयोजनार्थ एक से अधिकvkokfld ;k vU; Hkouksa ds fuekZ.k dk gks vkSj blds vUrxZr vkokfld ;k vU; Hkouksa ds fuekZ.k ds fy;s iV~Vs ij nsus ;k Hkw[k.M $\frac{1}{4}lykV^{\frac{1}{2}}$ ds :i esa fcØh ds fy;s fdllh Hkwfe dk fodkl djus dh dksbZ ;kstuk Hkh gS] fdUrq blds vUrxZr fdllh O;fDr }kjk viuh futh ;k iV~Vk/k`r Hkwfe ij vius oS;fDrd mi;ksx vkSj v;klu ds fy;s Hkou dk fuekZ.k djuk ugha gS

$\frac{1}{4}N^{\frac{1}{2}}$ ^Qy iV~Vh** dk rkRi;Z jkT; ljdkj }kjk /kkjk 3 ds v/khu bl :i esa ?kksf`kr fdllh {ks= ls gS(

(ज) "अध्यासी" का तात्पर्य किसी हानिप्रद अधिष्ठान या आवास योजना के संबंध में उसव्यक्ति से है, जिसका हानिप्रद अधिष्ठान या आवास योजना के संबंध में उस व्यक्ति से है जिसकाहानिप्रद अधिष्ठान या आवास योजना के कार्य-कलाप पर अन्ततोगत्वा नियंत्रण हो और इसकेvUrxZr mldk Lokeh ;k izcU/kd Hkh gSA

{उ0प्र0 फलदार वृक्षों का संवर्द्धन और संरक्षण (हानिप्रद अधिष्ठान और आवास योजना विनियमन) अधिनियम,1985} {धारा 3-6}

3&& $\frac{1}{4}1^{\frac{1}{2}}$;fn jkT; ljdkj dh ;g jk; gks fd fdllh {ks= esa Qynkj o` {k ds lao)Zu Qy iV~Vh dh ?kks`k.kk

और संरक्षण और उनके उत्पादन के लिये हानिप्रद अधिष्ठानों के चलाने को और वहां पर औरmlds lehi fdllh vkokl ;kstuk ds dk;kZUo;u dks fofu;fer vkSj fucZfU/kr djuk] yksd&fgr esa vko";d vkSj lehphu gS rks og mi/kkjk $\frac{1}{4}2^{\frac{1}{2}}$ ls $\frac{1}{4}4^{\frac{1}{2}}$ ds micU/kksa ds v/khu jgrs हुए, गजट में अधिसूचना द्वारा, ऐसे क्षेत्र की सीमायें विनिर्दिष्ट कर सकती है और उसे ऐसेfnukad ls] tks mlesa fofufnZ'V fd;k tk;] Qy iV~Vh ?kksf`kr dj ldrh gSA

$\frac{1}{4}2^{\frac{1}{2}}$ jkT; ljdkj mi/kkjk $\frac{1}{4}1^{\frac{1}{2}}$ ds v/khu fdllh fofufnZ'V {ks= dks Qy iV~Vh ?kksf`kr करने के पूर्व गजट में अधिसूचना द्वारा, और ऐसी अन्य रीति से जैसी विहित की जाय, ऐसा करनेके अपने अभिप्राय को अधिसूचित करेगी और प्रस्तावित घोषणा के संबंध में आपत्तियां और सुझावvkeaf=r djsxhA

$\frac{1}{4}3^{\frac{1}{2}}$ mi/kkjk $\frac{1}{4}2^{\frac{1}{2}}$ ds v/khu dksbZ vkifUk vkSj lq>ko ,slh vof/k ds Hkhrj tSlh fofgr dh tk;] izLrqr fd;k tk ldrk gS vkSj mls funs`kd dks lEcksf/kr fd;k tk;sxk tks mls ml ij viuh Vhdk&fVli.kh lfgr jkT; ljdkj dks vxzlkfjr djsxkA

$\frac{1}{4}\frac{1}{2}$ mi/kkj 3 $\frac{1}{4}\frac{1}{2}$ esa fufnZ'V vof/k dh lekflr ij jkT; ljdkj mDr vof/k ds Hkhrj izkIr vkifÜk;ksa vkSj lq>koksa ij fopkj djsxh vkSj rnqijkUr mi/kkj 3 $\frac{1}{4}\frac{1}{2}$ ds vuqlkj ml {ks= dks mldh lhek esa ,sls ifjorZu lfgr ;k jfgr] tSlk og mfpr le>s] ,slk {ks= ?kksf'kr djus dh dk;Zokgh dj ldrh gSA

4&& jkT; ljdkj] tgka og ykdsfgr esa ,slk djuk vko";d vkSj lehphu le>s] Qy iV~Vh esa mikUrj

गजट में अधिसूचना द्वारा, और ऐसी अन्य रीति से जैसी विहित की जाय, और अधिसूचना में विनिर्दिष्ट दिनांक से धारा 3 की उपधारा (1) के अधीन अधिसूचना में विनिर्दिष्ट फल पट्टी में fdlh {ks= dks lfEefyr dj ldrh gS ;k fdlh {ks= dks mlls vioftZr dj ldrh gS%

ijUrq bl /kkj 3 ds v/khu dk;Zokgh djus esa] /kkj 3 dh mi/kkj 3 $\frac{1}{4}\frac{1}{2}$ ls $\frac{1}{4}\frac{1}{2}$ ds micU/k] ;Fkko";d ifjorZu lfgr ykxw gksaxsA

5&& $\frac{1}{4}\frac{1}{2}$ rRle; izo`Ük fdlh vU; fof/k esa ;k ,slh fof/k ds vk/kkj ij हानिप्रद अधिष्ठान
lizHkkoh fdlh lafonk] vuqknk ;k vU; fy[kr esa fdlh ckr ds gksrs gq, Hkh] चलाने;k vkokl
dlchZ O`fDr /kkj 3 ds v/khu Qy iV~Vh dh ?kks'k kk ds fnukad dks ;k :kstuk ds
 $\frac{1}{4}$,d $\frac{1}{2}$,slh Qy iV~Vh ;k mlds vUrLFk ifj {ks= esa u rks fdlh
gkfuizn अधिष्ठान की स्थापना करेगा और न उसे चलायेगा ; या

$\frac{1}{4}$ nks $\frac{1}{2}$ jkT; ljdkj dh ;k jkT; ljdkj }kj bl fufeÜk fofgr jhfr ls प्राधिकृत अधिकारी की अनुज्ञा के बिना ऐसी फल पट्टी में किसी आवास योजना को dk;kZfUor ugha djsxkA

$\frac{1}{4}\frac{1}{2}$ mi/kkj 3 $\frac{1}{4}\frac{1}{2}$ dh fdlh ckr dk ;g vFkZ ugha yxk;k tk; xk fd og fdlh O;fDr dks izfrf'k) djrh gS fd og Qy iV~Vh dh ?kks'k.kk ds fnukad ls ,d o'kZ dh vof/k esa fdlh हानिप्रद अधिष्ठान को, जो ऐसी घोषणा के दिनांक के पूर्व स्थापित किया गया हो, चलाता रहे।

(3) इस धारा की कोई बात उद्योग (विकास और विनियमन) अधिनियम, 1951 की प्रथम vuqlwph esa fofufnZ'V m|ksxksa ij ykxw ugha gksxhA

6&& $\frac{1}{4}\frac{1}{2}$ tks dksbZ /kkj 5 ds micU/kksa dk mYya?ku djrk gS] mls lk/kkj.k "kkfLr

dkjkokl dk tks N% ekl rd gks ldrk gS] ;k tqekZuk ls tks rhu gtkj :i;s rd gks ldrk gS] ;k nksuksa n.M fn;k tk;sxkA

$\frac{1}{4}\frac{1}{2}$ izFke oxZ ds U;kf;d eftLV^asV ds U;k;ky; ls vfuEu dksbZ U;k;ky; bl अधिनियम के अधीन दण्डनीय किसी अपराध का विचारण नहीं करेगा।

{उ0प्र0 फलदार वृक्षों का संवर्द्धन और संरक्षण (हानिप्रद अधिष्ठान और आवास योजना विनियमन) अधिनियम, 1985} ;/kkj 7&10À

7-- (1) यदि इस अधिनियम के अधीन अपराध करने वाला व्यक्ति कोई कम्पनी है तो

dEiuh }kj

vijk/k

og dEiuh vkSj vijk/k fd;s tkus ds le; mlds dk;Z lapkyu ds fy;s dEiuh dk izHkkjh vkSj mlds izfr mRrjnk;h izR;sd O;fDr Hkh ml vijk/k dk nks'kh le>k tk; xk vkSj rn~uqlkj mlds fo:) dk;Zokgh dh tk ldsxh vkSj mls n.M fn;k tk ldsxk %

ijUrq bl mi/kkjk dh fdlh ckr ls dksbZ ,slk O;fDr n.Muh; ugha gksxk ;fn og lkfer dj ns fd vijk/k mldh tkudkj ds fcuk fd;k x;k Fkk ;k mlus ml vijk/k dks jksdus ds fy, lHkh lE;d~ rRijrk cjrH FkHA

(2) उपधारा (1) में किसी बात के होते हुए भी, जहां इस अधिनियम के अधीन कोई vijk/k fdlh dEiuh }kjk fd;k x;k gS vkSj ;g lkfer gks tkrk gS fd vijk/k ml dEiuh ds किसी निदेशक, प्रबन्धक या अन्य अधिकारी की सहमति या मौनानुमति से किया गया है या उसकी किसी उपेक्षा के कारण हुआ है तो कम्पनी का ऐसा निदेशक, प्रबन्धक या अन्य अधिकारी भी उस vijk/k dk nks'kh le>k tk;xk vkSj rn~uqlkj mlds fo:) dk;Zokgh dh tk ldsxh vkSj mls n.M fn;k tk ldsxkA

Li'Vhdj.k %& bl /kkjk ds iz;kstu ds fy;s&&

¼d½ ^^dEiuh** dk rkRi;Z fdlh fuxfer fudk; ls gS] vkSj bl ds vUrxZr dksbZ QeZ ;k O;fDr;ksa dk vU; leqnk; Hkh gS] vkSj

¼[k½ ^^funs''kd** dk fdlh QeZ ds laca/k esa rkRi;Z ml QeZ ds Hkkxhknkj ls gSA

8&& ¼1½ /kkjk 6 vkSj 7 esa fdlh ckr ds gksrs gq, Hkh] dysDVj] ;g lek/kku gks tkus ij fd fdlh O;fDr }kjk /kkjk 5 ds micU/kksa dk mYya?ku

gkfuizn अधिष्ठान dks gVkus vkSj vkokl

·ketuk ds fu'iknu dks

"kfDr (क) हानिप्रद अधिष्ठान

ds fy;s vko";d gks] mlds lapkyu dks fofu;fer djus dk funs"k ns ldrk gS (

(ख) धारा 5 के उपबन्धों का उल्लंघन करके हानिप्रद अधिष्ठान की स्थापना या fuekZ.k ;k fdlh vkokl ;kstuk ds fu'iknu dks cUn djus ;k jksdus dk funs"k ns ldrk gS %

ijUrq bl mi/kkjk ds v/khu dksbZ vkns''k ugha fn;k tk;xk tc rd fd mlus fufnZ'V O;fDr dks lquokbZ dk volj u ns fn;k x;k gksA

¼2½ tgka mi/kkjk ¼1½ ds v/khu fn;s x;s vkns''k dk visf{kr vof/k ds Hkhrj vuqiky n किया जाय, वहां कलेक्टर तदुपरान्त हानिप्रद अधिष्ठान को, यथास्थिति, हटवायगा या fofu;fer dj;k;sxk] ;k ,slh dk;Zokgh djsxk tSlh mDr vkns''k ds vuqiky ds fy;s vko";d gks vkSj bl ;kstus ds fy;s ,sls cy dk iz;ksx dj ldrk gS ;k dj ldrk gS] tSlk vko";d gksA

¼3½ dysDVj mi/kkjk ¼2½ ds v/khu vkns''k ds fu'iknu esa mixr O;; dks v;klh ls Hkw&jktLo ds cdk;s dh Hkakfr olwy djsxkA

9&& dksbZ O;fDr tks /kkjk 8 ds v/khu fdlh vkns''k ls O;fFkr gks] ,sls vkns''k dh

vk;qDr dks vihy

संसूचना के दिनांक से एक मास के भीतर अधिकारितायुक्त आयुक्त को विहित रीति से अपील dj ldrk gS vkSj vihy ij vk;qDr dk vkns''k vfUre gksxkA

10-- (1) कलेक्टर या निदेशक या इनमें से किसी एक द्वारा प्राधिकृत कोई अधिकारी अपने आवास क्षेत्र में या किसी अन्य क्षेत्र में प्रयोजनों को कार्यान्वित करने के लिये आवश्यक हो, किसी हानिप्रद अधिष्ठान में या किसी vkokl ;kstuk LFky ij] lHkh ;qfDr;qDr le; ij izos''k dj ldrk gSA

izos''k djus vkSj

fujh{k.k djus dh

{उ0प्र0 फलदार वृक्षों का संवर्द्धन और संरक्षण (हानिप्रद अधिष्ठान और आवास योजना विनियमन) अधिनियम, 1985} /kkjk 11&15A

$\frac{1}{2}\frac{1}{2}$ fdlh O;fDr dks tks mi/kkj $\frac{1}{4}\frac{1}{2}$ ds v/khu l"kdR O;fDr dks fdlh gkfuizn अधिष्ठान में या किसी आवास योजना स्थल पर प्रवेश करने में बाधा डालता है या इस प्रकार izos" k djus ds i"pkr~ ,sls O;fDr dks mRihfM+r djrk gS] lk/kkj.k dkjokl dk tks rhu ekl rd gks ldrk gS] ;k tqekZuk dk tks ,d gtkj :i;s rd gks ldrk gS] ;k nksuksa n.M fn;k tk;xkA

11-- इस अधिनियम के अधीन सद्भावना से किये गये या किये जाने के लिये आशयित {kfriwfrZ किसी कार्य के संबंध में राज्य सरकार या राज्य सरकार के किसी अधिकारी या किसी व्यक्ति ds fo:) dksbZ okn] vfHk;kstu ;k vU; fof/kd dk;Zokgh ugha dh tk;xhA

12&& $\frac{1}{4}\frac{1}{2}$ jkT; ljdkj] yksd&fgr esa] ;k vR;f/kd d'V ds ekeysa esa] jkT; ljdkj dh NwV xtV esa अधिसूचना द्वारा, विहित रीति से और ऐसे निबन्धनों और शर्तों के nsus ;k NwV okil leLr ;k fdUgha micU/kksa ds izorZu ls iw.kZr% ;k va"kr% NwV ns ldrh gSA ysus dh "kfDr

$\frac{1}{2}\frac{1}{2}$ jkT; ljdkj mi/kkj $\frac{1}{4}\frac{1}{2}$ ds v/khu nh x;h fdlh NwV dks] blh izdkj xtV esa अधिसूचना द्वारा, स्थायी रूप से या ऐसी अवधि के लिये जैसी विनिर्दिष्ट की जाय, पूर्णतः या va"kr% okil ys ldrh gS %

ijUrq fdlh NwV dks okil ugha fy;k tk;xk tc rd fd ml O;fDr dks] ftlds i{k esa NwV nh x;h gks] lquokbZ dk volj u fn;k x;k gksA

13&& $\frac{1}{4}\frac{1}{2}$ jkT; ljdkj] fdlh dfBukbZ dks nwj djus ds iz;kstufkZ] dfBukbZ nwj djus dh "kfDr vtV esa गन्तव्य, आदेश द्वारा निदेश दे सकती है कि उस अधिनियम के vkns" k esa fofufnZ'V dh tk;] ,sls vuqdwyuksa ds v/khu jgrs gq;s] pkgs os mikUrj] ifjo/kZu ;k yksi ds :i esa gksa] ftUgsa og vko";d ;k lehphu le>s] izHkkoh gksaxs %

परन्तु ऐसा कोई आदेश इस अधिनियम के प्रारम्भ से दो वर्ष के पश्चात् नहीं दिया tk;xkA

$\frac{1}{2}\frac{1}{2}$ mi/kkj $\frac{1}{4}\frac{1}{2}$ ds v/khu fn;k x;k izR;sd vkns" k jkT; fo/kku e.My ds nksuksa lnuksa ds le{k j[kk tk;xkA

$\frac{1}{3}\frac{1}{2}$ mi/kkj $\frac{1}{4}\frac{1}{2}$ ds v/khu fdlh vkns" k ij fdlh U;k;ky; esa bl vk/kkj ij vkifUk ugha dh tk;sxh fd mi/kkj $\frac{1}{4}\frac{1}{2}$ esa ;Fkk fufnZ'V dksbZ dfBukbZ fojeku ugha Fkh ;k mls nwj djuk visf{kr ugha FkkA

14-- राज्य सरकार, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिये नियम नियम बनाने की शक्ति cuk ldrh gSA

15-- (1) उत्तर प्रदेश फलदार वृक्षों का संवर्द्धन और संरक्षण (हानिप्रद अधिष्ठान और fujlu vkSj viokn

आवास योजना विनियमन) अध्यादेश, 1985 एतद्वारा निरसित किया जाता है।

$\frac{1}{2}\frac{1}{2}$,sls fujlu ds gksrs gq, Hkh] mi/kkj $\frac{1}{4}\frac{1}{2}$ esa fufnZ'V v;/kns" k ds micU/kksa ds अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायगी मानो इस अधिनियम के उपबन्ध सभी सारभूत समय पर प्रवृत्त थे।

THE UTTAR PRADESH PROMOTION AND PROTECTION OF FRUIT TREES (REGULATION OF HARMFUL ESTABLISHMENTS AND HOUSING SCHEMES) ACT, 1985

[U.P. ACT NO. 18 OF 1985]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to provide for the promotion of fruit trees and their protection from plant diseases caused by the existence of brick-kilns or other harmful establishments in vicinity, and for matters connected therewith.

IT IS HEREBY enacted in the Thirty-sixth Year of Republic of India as follows :-

- | | | |
|------------------------------|----|--|
| Short title and commencement | 1- | (1) This Act may be called the Uttar Pradesh Promotion and Protection of Fruit Trees (Regulation of Harmful Establishments and Housing Schemes) Act, 1985.
(2) It shall be deemed to have come into force on May 15, 1984. |
| Definitions | 2- | <p>In this Act, unless the context otherwise requires –</p> <p>(a) ‘brick-kiln’ means any kiln at which bricks are baked and in which hard coke, soft coke, slack coal or any other kind of coal is used for fuel purposes but does not include an indigenous type of kiln in which wood coal is used;</p> <p>(b) ‘Buffer zone’ in respect of a fruit belt means an area of 3 kilometers on all sides of and parallel to such fruit belt ;</p> <p>(c) ‘Director’ means the Director of Horticulture and Fruit Utilization, Uttar Pradesh appointed as such by the State Government ;</p> <p>(d) ‘Grove’ means any piece of land having fruit trees, planted thereon in such number that they preclude or when full grown will preclude the land or any considerable portion thereof from being used primarily for any other purpose, and includes a nursery for growing plants of such trees;</p> <p>(e) ‘harmful establishment’ means –</p> <p>(i) brick-kiln,</p> <p>(ii) factory, workshop, or other establishment which uses coke or coal other than wood coal for fuel purposes, in its furnace which emits or causes emission of smoke, and in which articles are manufactured, processed, adapted or produced with a view to their use, transport, or sale and which employs ten or more workers on any day in a year, but does not include hotel, restaurant or other eating places;</p> <p>(f) ‘housing scheme’ means any housing or colonization scheme or activity by a person designed to construct more than one residential or other buildings for purposes of sale or letting and includes any scheme for development of any land for lease or sale as plots of land for construction of residential or other buildings, but does not include construction of a building by a person on his own or lease-hold land for his personal use and occupation;</p> <p>(g) ‘fruit belt’ means an area declared as such under section 3 by the State Government;</p> <p>(h) ‘Occupier’ in relation to a harmful establishment or a housing scheme means the person who has ultimate control over the affairs of the harmful establishment or the housing scheme and includes the owner or manager thereof.</p> |

[The U. P. Promotion and Protection of Fruit Trees (Regulation of
n 3-6] Harmful Establishments and Housing Schemes) Act, 1985]

[Section

Declaration of 3- (1) If the State Government is of opinion that for the promotion and

Fruit belt		protection of fruit trees and their produce in any area it is necessary and expedient in the public interest to regulate and restrict running of harmful establishments and carrying on of any housing scheme therein and in its vicinity, it may subject to the provisions of sub-section (2) to (4) by notification in the <i>Gazette</i>, specify the boundaries of such area and declare it to be fruit belt with effect from such date as may be specified therein. (2) The State Government shall, before declaring any specified area to be fruit belt under sub-section (1), by notification in the <i>Gazette</i>, and in such other manner as may be prescribed, notify its intention so to do and invite objections and suggestions in regard to the proposed declaration. (3) Any objections and suggestions under sub-section (2) may be preferred within such period as may be prescribed and shall be addressed to the Director, who shall forward the same, with his comments thereon, to the State Government. (4) On the expiry of the period, referred to in sub-section (3), the State Government shall consider the objections and suggestions received within the said period and may thereupon proceed in accordance with sub-section (1) to declare such area with or without such changes in its boundary as it may deem fit.
Modification in fruit belt	4-	The State Government, where it considers necessary and expedient in the public interest so to do, may, by notification in the <i>Gazette</i>, and in such other manner as may be prescribed and with effect from the date specified in the notification include any area in or exclude any area from the fruit belt specified in the notification under sub-section (1) of section 3 : Provided that in taking action under this section, the provisions of sub-section (2) to (4) of section 3 shall <i>mutatis mutandis</i> apply.
Prohibition against running harmful establishments or carrying out of housing schemes	5-	(1) Notwithstanding anything in any other law for the time being in force, or in any contract, grant or other instrument having effect by virtue of such law, no person shall, on or after the date of declaration of a fruit belt under section 3-- (i) install or run any harmful establishment within such fruit belt or buffer zone thereof; or (ii) Without the permission of the State Government or of an officer authorized by the State Government in this behalf, in the manner prescribed, carry out any housing scheme within such fruit belt. (2) Nothing in sub-section (1) shall be construed to prohibit a person from continuing to run during a period of one year from the date of declaration of a fruit belt any harmful establishment installed from before the date of such declaration. (3) Nothing in this section shall apply to the industries specified in the First Scheduled of the Industries (Development and Regulation) Act, 1951.
Penalty	6-	(1) Whoever contravenes the provisions of section 5 shall be punished with simple imprisonment which may extend to three thousand rupees or with both. (2) No court inferior to the court of a Judicial Magistrate of first class shall try any offence punishable under this Act.
[The U. P. Promotion and Protection of Fruit Trees (Regulation of Harmful Establishments and Housing Schemes) Act, 1985]		[Section 7-10]
Offences by companies	7-	(1) 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.

(2) Notwithstanding anything contained in sub-section (1) where any 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 or other officer of the company, such director, manger or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation- For the purpose of this section –

(a) ‘company’ means any body corporate, and include a firm or other association of individuals; and

(b) ‘Director’ in relation to firm, means a partner in the firm.

Power to
remove
harmful
establishment
and to stop
execution of
housing
scheme

8- (1) Notwithstanding anything contained in section 6 and section 7 the Collector mav. on being satisfied that there has been contravention of the provisions of section 5 by any person, direct him by order –

(a) to remove the harmful establishment or to regulate its running in such manner, as may be necessary for the protection of the fruit belt;

(b) to discontinue or stop installation or construction of harmful establishment or execution of any housing scheme in contravention of the provisions of section 5:

Provided that no order under this sub-section shall be made unless the person referred to therein has been given an opportunity of being heard.

(2) Where the order issued under sub-section (1) is not complied with within the required period, the Collector shall thereupon cause the harmful establishment to be removed or regulated, as the case may be, or take such action as may be necessary for the compliance of the said order and may for that purpose use or cause to be used such force, as may be necessary.

(3) The Collector shall recover the expenses incurred in execution of the order under sub-section (2) from the occupier as arrears of land revenue.

Appeal to
Commissioner

9- Any person aggrieved by an order under section 8 may, within one month from the date of the communication to him of such order, prefer an appeal in the manner prescribed to the Commissioner having jurisdiction and the order of the Commissioner on appeal shall be final.

Power of
entry and
inspection

10- (1) The Collector or the Director, or any officer authorized by any one of them may, at all reasonable times enter into or upon any harmful establishment or site of any housing scheme, in order to survey or take measurements or to do any other act which may be necessary for carrying out the purposes of this Act.

[The U. P. Promotion and Protection of Fruit Trees (Regulation of
11-15] Harmful Establishments and Housing Schemes) Act, 1985]

[Section

(2) Any person who obstructs the entry of a person empowered under sub-section (1) to enter into or upon any harmful establishment or site of any housing scheme, or molests such person after such entry shall be punished with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

Indemnity	11-	No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government or any person in respect of anything which is in good faith done or intended to be done under this Act.
Power of State Government to exempt or to withdraw exemption	12-	(1) The State Government may, in public interest, or in a case of extreme hardship by notification in the <i>Gazette</i>, exempt in the manner prescribed and subject to such terms and conditions as it may impose in this behalf any housing scheme or harmful establishment wholly or in part from the operation of all or any of the provisions of this Act. (2) The State Government may, likewise by notification in the <i>Gazette</i> withdraw in whole or in part permanently, or for such period as may be specified, any exemption granted under sub-section (1): Provided that exemption shall not be withdrawn unless the person in whose favour the exemption had been granted has been given an opportunity of being heard.
Power to remove difficulty	13-	(1) The State Government may, for the purpose of removing any difficulty, by order published in the <i>Gazette</i>, direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient : Provided that no such order shall be made after two years from the commencement of this Act. (2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature. (3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.
Power to make rules	14-	The State Government may make rules for carrying out the purposes of this Act.
Repeal and saving	15-	(1) The Uttar Pradesh Promotion and Protection of Fruit Trees (Regulation of Harmful Establishments and Housing Schemes) Ordinance, 1985 is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act as if the provisions of this Act were in force at all material times.