

WEST BENGAL HORTICULTURAL NURSERIES (REGULATIONS) RULES, 2007



Registered IVO kVB/SC CAITRA 28] ('Part 1) Published by Authority WEDNESDAY 183 2007 PART I - Qrders and [Notifications by the Governor of Benoa], (11 e H i 011 l. reasury, etc GOVERNMENT OF WEST BENGAL DEPARTMENT OF FOOD PROCESSING INDUSTRIES NOTIFICATION No.866/FP1&i1/4L« I dated 2nd April 2007m In exercise of the power conferreci under Sections' > and I I read with Section 23 of the YVest Bengal Idorticultural {Nurseries (Regulation) Act 200 1 (\Vest Bene Act. XXXI of 2001), the Governor is pleased hereby to nulke the following rule.s, nanaely:- Rules (Regulations) Rules, 2007. (2) They shall come into foi-ce from the date of their publication ill the Official Gazelle. Definitions. (1) in these rule\$ unless the context otherwise requires; "Act*" means the NVest rlorocultural Nursenes (Reo ulation) Act) 2001 (Benx Act. XXXI colnpetent autnorx an officer appointed by State (Gov'trnjnent Section 4 ot conduct of 11 himsext 01' "Insoec« prov Islon. 'Inclucle Sc 11 or otter or expose tor sale & plant. ad Its preser t.ion and transportation tne vce1R on rns oehalfz r enn aonended to these rules • an officer' appointed for Inspection of var101.is horue•tulural seed or planting rnatenal synthesrzo lue k.u•ro und by tneans of zenetac eno THE KOLKATA GAZETTE, EXTRAOt) APRIL, 18, 2007 (g) "vcnclor" means a person conducting business on oereservation, transport and consignment (sfplant materials produces under the Act; (2) Words and expressxons used and not defined in tiltsc •rales but defined in the Act shall have tile sanw meanings respectively assigned to them in the Act. Registration for establish:nent of horticultural nursery. 1) .ÆIY' person desiring to establish a horticul tura I nursery shall make an application for registration to the competent authority in Forti) I with such fees as the State (Governinert by notification to be published in the Official Gazette* determine different fees for different volume or esiffereilt category of plants materials* (2) (4) On receipt of application under sub-tule (1), competent authority may, make such enquiry and take such action as it deenus fit for the purpose of disposing the application. (On being satisfied with the Inerlt ofthe application. the competent authority' Illay issue a registration entificate in

Form 11 for a period of five years. Notwithstanding anything contained in foregoing provisions of these rules> no horticulture nursery to be established for propagating any transgenic variety shall be registered unless the applicant has obtained clearance in respect of such variety under the provisions of the Environment (Protection) Act, 1986. Notwithstanding anything contained in sub-rule (2) and (3) the competent authority may, for reasons to be recorded in writing, issue a provisional registration certificate for establishing a horticulture nursery on the conditions mentioned in the provisional registration certificate.

4. Renewal of registration (1) On expiry of the period of registration, as stated in sub-rule (3) of rule 3, the nurseryman shall make an application for renewal of registration in the same manner as mentioned in sub-rule (1) of that rule. (2) The provisions of 3 shall apply *mutatis mutandis* for renewal of registration



5. License for conduct of horticultural nursery (1) A vendor shall make an application license to the competent authority in



Form-III with such flæs as the State Government may, by notification to be published in the Official Gazette, determine and different fees may be determined for different volume or different category of plant materials.(2) On receipt of application under sub-rule the competent authority may make such enquiry as it deems fit. (3) On being satisfied with the merit of the application, the competent authority may issue a license under Form I V for a period of five years

6. Renewal of license (1) expiry of the period of license as stated in sub-rule (3) of rule the applicant shall make an application in the same manner as mentioned in sub-rule (1) of that rule.(2) "The provisions of rule 5 shall apply mutatis mutandis for renewal of license



7. Suspension or cancellation of license —As per of clause (g) of sub-section (1) of Section S of the Act>

Ille competent authority may suspend or cancel lincense granted under the Acu if— (a) (b) (c) (d) the license has been obtained by misrepresentation or concealment of essential data; the variety of the plant material is found inferior to the standard of that variety; prevention of conunercial exploitation of such variety is necessary in public interest. the variety of plant materials is, being detrilnental to the environment, dangerous to Illütuan or anililal life; nusleading a customer in respect of (he standard of horticultural nursery produces (quality, quantitiv. price, label etc.) 8. Appeai rrhe Secretary, Department of Food Processing industries & Horticulture, Goveruxnellt of VVesi Bengal, shall bc the appellate authority for the purposes of the Act. Explanation - For the purpose of this rules, the word "Secretary" includes the Special Secretarit or any officer discharging the IUnctions of the Secretary for the time being. (2) Any person aggrieved by an order of the convetent auth0Lity nway prefer the appeal under Section I I of (la Act in Fonn V, with such fees as the State Govcrrunent ll)ay. by notification to bc published in the Official Gazette. determine. I (3. 9 THE KOLKATA Application for istration/reuewel e Name of horticultural nursery (in block letters) Location of lhe nurserv "IAotal area of the rrurscry i•Naxue, address of nurserv 01,vner 110m long Ille nursery owner is In this business Previous license code No« (in case of renewal \ Whether the nursery ovv11cr possesses progeny plants If yes specify varft0Rtv \M1.qe narnc and number of prooeny plants (imayv be furnished in separate sheet) APRIL IS, of horticultural Police Station Mxouza Plot NTos. Ina, Address PIN (ode I exephc')ll?: NIX year s h'es'lNov(Strike out one) Annual production target of nursery plant rmaterials under each category (A--F) (may be furnished in separate sheet). Category of plant Natne of Annual {Narnes Oi the plant production target Progress durint) previous registration period. (in case of renewal only) target (Nos,) Fruits and plantation (.)rnamental flowers Spices, Mccicinal & Aroznatles R.egistration Fee paid (enclose documnt) varieties B Averaoe annual progress of Varieties covered P resent Production Salc Vegetables D— (r.naxnental folia qes Fe Others (specify) Rs, 18, 2007 4 THE KOLKATA Declaration of n urserv cnvner i) iv) Place * 1 The infortnation subrnitted in this fom•, along with those in attachrment(s) are tilte to the best of nuy . and belief and any incorrect information nway lead to suspension or rcvocation of v 11 ursery I shall grow, mamtam and sale the horticultural nursery plant luterials strictly in accordance witli the prov of the YVest Bengal Horticultural Nurseries (Regulation) Act, 2001 and the Rules Inade thereundeI I shall grow Inaintain and market at prescribed rate only those plant rmaterials for which pernaisslon has granted to nie. ss'ilh all the information and data re,lated to shall provide access to inspection anu Inaintenance and nurke,ting as and when desired by the registerino authorily« Ignature Nanue Designation (For Office use only) Nursery Inspected by Conunent of the Inspector Whether approved for rezistratio renewal of registration to Period of approval Code No. allotted Dignature of etent p TII Registration code L)ate of issue/renewal Valid upto THE KOLK-ATA GAZETTf -XTPeiORDINARY, APRIL 18, 2007

FORM 41 I see rule 3 Certificate of registration of horticultural nursery On the power vested on through the West Bengal Horticultural Nurseries (Regulation) Act, and after due inspection and on being satisfied on the data provided in the application approve registration renewal of the horticultural nursery for growing plant materials specified in the schedule stated hereunder subject to terms and laid down under the rules of the said Act S C 11 EL) ULE Name of the nursery Location of the nursery Area of the nursery (ha.) Production of planting materials approved for: Category of plant (A4?) Name of plant Annual production (Nos.) Varieties to include B—Vegetables Foliage F—Others (specify) Remark G A—Fruits and Plantation Flower E—Spices, Medicinal & Aromatics Office Seal Signature of competent authority THE KOLKATA GAZETTE, EXTRAORDINARY, APRIL, 18, 2007 FORM-III [See rule 5(1)]

i) Application for license / renewal of license for conducting sale of horticultural nursery plant materials Name of vendor Address of the vendor Vending location (sale point) How long the vendor is in this business (years) Previous license code (in case of renewal) Varieties of nursery plant material proposed for sale under different categories of plants. (may be separate sheet) of the plant Varieties proposed for transaction L) F Progress during previous license period (in case of renewal) A C E Average Annual sale (Nos.) Vegetables Ornamental Foliage Others (specify) 4 Names of varieties transacted Fruits and Plantation Ornamental Flower E Spices, Medicinal & Aromatics License fee paid (enclosed document - RT IO iii)

iv) THE KOLKATA GAZETTE, EXTRAORDINARY, APRIL 18, 2007 Declaration of vendor The information submitted in this form along with those in are true to the best of knowledge and belief and any incorrect information may lead to suspension or cancellation of the license I shall procure, display and sale the nursery plant materials strictly in accordance with the provisions of the West Bengal Horticultural Nurseries (Regulation) Act, 2001 and the rules made thereunder I shall sale at prescribed rate only those plant materials for which permission has been granted to me I shall provide access to inspection and comply with all the information and data related production, maintenance and marketing as and when desired by the registering authority» Date. Place Signature Name Designation (for office use only) 0 3

**5. The sale point inspected by Comment of the inspector Whether approved for registration/
renewal Period of approval Code No.allotted Signature of Conipetent Authority THE KOLKATA
GAZETFE3 EXTRAORDINARY. APRIL, 18,**



FORM-IV [See rule S License for sale of Horticultural Nursery plant materials Registration code Date of issue / renewal Valid upto On the power vested yne through the West Bengal Horticultural Nurseries (Regulation) 20() I and the rules made thereunder, I, after due inspection and on being satisfied on the dala in the application, approve issue of this license as per schedule specified hereunder for vending horticultural nursery plant tmaterials subject to ternns and conditions laid down under the rules of the said Act. 1 3. SCHEDULE of vendor Vending location Vending of horticultural nursery produces approved for Category of plant (A-F) Name the plani Varieties Renvarks A=Fruids and Plantation Flower E—Spiccs, Medicinal & Aronlatics Office Seal B=Vegetables D=Orneunental Foliage (specify) Signature of competent authoriicv THE KOLKATA GAZE*ITE, EXTRAORDINARY, APRIL 18, 2007 ppellate Authority u/s. 11 of '*Vest Bengal Horticultural Nurseries (Regulation) Act, 2001. Day of The of the competent authority appealed against: ryetitloner sheweth as follows: That 'Illat That etc. Grounds 20 (Here enter the grounds on which you rely for the purpose of this appeal) Your petitioner, thereforC% prays that Verification the pctitioner named in this petition do hereby declare that the stalent made hereinabove is true to the best of lay knowledge ancl belief Signature of appellant Address By order of the (liovernotu L. MEENA Secretary to the Govt. of lsj/est Benga •engal and Printed by the Superintendent (Jovenlinellt Published by the Controller of Printing and Stationar; E 700 osa Printing Press K '

