



# The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

VOL. XXIII Aizawl, Tuesday, 6.12.1994, Agrahayana 15, S.E. 1916, Issue No. 212

## NOTIFICATION

No.H.14011/3/93-AGR, the 9th November, 1994. In exercise of the powers conferred under sub-section (1) of section 22 of the Mizoram Fruit Nurseries Registration Act, 1992, the Governor of Mizoram is pleased to make the following rules, namely :-

Short title 1. 1) These rules may be called the Mizoram Fruit Nurseries Registration Rules, 1994.  
and  
commencement

2) They shall come into force on the date of publication in the official Gazette.

Definitions 2. In these rules, unless the context otherwise requires :-

- a) "Act" means Mizoram Fruit Nurseries Registration Act, 1992 ;
- b) "appellate authority" means the Director of Horticulture, Mizoram;
- c) "Form" means a form appended to these rules ;
- d) "Licensee" means the person to whom a licence has been issued;
- e) "Mother tree" means the progeny tree from which budwood or scionwood is taken for budding or grafting in the root stocks;
- f) "security" means cash security furnished by the nursery-man for proper conduct of the business: and
- g) all other terms and expressions used herein but not defined in these rules, shall have the meanings respectively assigned to them in Act.

Procedure for grant of licence 1) An application for licence to conduct or establish a fruit nursery shall be submitted to the competent authority as in 'Form-I' appended to these rules along with a treasury challan in original of Rs. 1,000/- (Rupees One thousand only) deposited in favour of Director of Horticulture, Mizoram under Head "0401 - Crop Husbandry" 800 - Other Receipts (2) in any Government Treasury/State Bank of India.

(2) The fee deposited under sub-rule (1) shall be refunded in full if the licence is refused.

(3) The competent authority shall, on receipt of application, inspect or cause to be inspected, by any person (s) not below the rank of Horticulture Inspector/Plant Protection Inspector, the fruit nursery for which the licence has been applied for. The Inspecting Officer shall record his observations as in 'Form II' appended to these rules.

(4) On receipt of the report of the Inspecting Officer (s), competent authority may, if satisfied that the applicant fulfils the conditions notified under section 5 of the Act, may grant the licence as in 'Form-III' appended to these rules. If not satisfied, it may refuse the issue of licence and shall in its order give reasons for such refusal.

Provided that every order granting or refusing a licence shall be made within a period of 90 (ninety) days of receipt of the application for licence and communicated by a registered letter to the applicant.

(5) The competent authority shall maintain the register as in 'Form-IV' appended to these rules in which the names of the person to whom the licence are granted from time to time shall be entered.

(6) The competent authority, if he is not satisfied with the report of the Inspecting officer (s) may also conduct inspection himself or may order for re-inspection of the nursery through some other inspecting officer (s) as the case may be.

Period of validity of renewal additions and alterations in licence 4. (1) Every licence granted under these rules shall be valid for a period of three years from the date of issue.

(2) Any person desiring to get his licence renewed shall make an application to the competent authority as in 'Form -V' appended to these rules during a period of not less than 90 days (ninety) before



the date of expiry of the licence. Such application shall be accompanied by a Treasury Challan in proof of the deposit of the renewal fee as prescribed under sub-rule (4).

(3) On the receipt of the application, the competent authority shall get the nursery inspected in the same manner as if the application has been received by him under sub-rule (1) of rule 3. The inspecting authority shall give his report as in 'Form-VI' appended to these rules.

(4) On receipt of the report of the Inspecting Officer, the competent authority may, if satisfied that the applicant has not contravened any of the conditions of the licence or any provision of the Act or of these rules, renew the licence for maximum period of three years. If it is not so satisfied, it may refuse the renewal and shall, in its order, give reasons for such a refusal :

Provided that every order renewing or refusing to renew licence shall be made within a period of ninety days from the date of receipt of the application for renewal and communicated by a registered letter to the applicant.

(5) The renewal fee shall be Rs. 100.00 for a period of three years and shall be deposited under the Head of Account referred to in sub rule (1) of rule 3. The renewal fee shall be refunded if the renewal of the licence is refused.

(6) If at any time during the currency of the licence the licensee desires to undertake propagation of fruit plants other than those mentioned in the licence, he shall make an application to the competent authority specifying therein the fruit plants sought to be propagated. The competent authority may, after satisfying it that the applicant is competent to undertake the propagation of fruit plants specified in the application, make the necessary additions and alterations in the licence.

Additional grounds

5. The competent authority may, tioned in sub-section (1) of section 10 of the Act, suspend or cancel any licence granted or renewed on any one or more of the following grounds, namely -

a) the licensee has not been conducting his business honestly or in a fair manner ;

b) the licensee has refused to surrender or produce his licence or the registers and other records required to be maintained under the Act and the rules to the competent authority or any person authorised by it ;



c) he has failed to carry on the orders or instructions of the competent authority issued from time to time in improving the conditions of the nursery/plant material, as the case may be ; or

d. he is producing plants disproportionate to the availability of the scionwood of the kinds/ varieties concerned.

Issue of duplicate licence

6. In case the original licence is lost, destroyed, mutilated or damaged, the nursery-man may apply to the competent authority for the issue of a duplicate licence. On the receipt of the application and on the payment of a fee of Rs. 10/- the competent authority shall issue duplicate licence.

Appeal against orders for refusal to grant or renew of cancellation a licence

7. Any person aggrieved by an order of the competent authority refusing to grant or renew a licence or cancelling a licence may, within a period of thirty days of the receipt of such orders, appeal to the Director of Horticulture specifying clearly the grounds for appeal.

Plant material to be utilised for propagation

8. (1) The plant material to be utilised for propagation will be only that for which licence has been granted.

(2) The scion variety and rootstock to be propagated in the nursery shall be those as approved by the Horticulture Department, Mizoram from time to time.

(3) The vegetatively propagated plant material shall be in direct proportion to the availability of rootstock (vegetatively propagated, if any) and scionwood with the nursery-man.

(4) The nursery-man will maintain a map showing the details of the fields or beds and the kinds of varieties of plants in each bed. This will apply to the seedlings as well as budded and grafted plant materials.

(5) The nursery-man will maintain a register as in 'Form-VII' appended to these rules, wherein the performance of the progeny trees will be recorded.

(6) The competent authority may declare mother trees as unfit for further use, if it is satisfied that use of such a plant material will not be in the interest of fruit industry, on account of the following reasons :-



- (a) poor quality of fruit ;
- (b) poor bearing capacity ;
- (c) infested with insects, pests and diseases which cannot be cured ;
- (d) any other reason for which may be considered fit by the competent authority in the interest of the fruit industry :

the nursery-man will quarantine such trees and will not use their bud-wood for further propagation in any case should there be a danger of the spread of nursery plants, these trees may be ordered to be removed by the competent authority and the nursery-man will carry out these orders.

Recor  
inspec

9. (1) The licensee shall -

- (a) maintain a register as in 'Form-VIII' appended to these rules indicating sources of origin of rootstock and scion used for propagation and number of plants raised;
- (b) maintain a complete record of sale of fruit trees in the sales register as in 'Form-IX' appended to these rules; and issue the sale receipt as in 'Form-X' appended to these rules;
- (c) maintain an inspection register as in 'Form-XI' appended to these rules which shall be made available for recording or remarks to the competent authority. Inspecting officer or any person duly authorised to conduct inspection by the competent authority or the Director;
- (d) maintain a register regarding plant protection operations carried out in the nursery for control of insects, pests and diseases as in 'Form-XII' appended to these rules;
- (e) prepare a statement as in 'Form-XIII' appended to these rules regarding number of plants raised/and sold variety-wise for the period from 1st April to 31st March every year and submit a copy of this statement to the competent authority and the Director by the end of April every year; and
- (f) inform the inspecting authority and the competent authority about the compliance of instructions given to him at the inspection within the time specified by the said authority.

(2) All the records enumerated in these rules shall be preserved by the licensee for a period of 10(ten) years after the date of the conclusion of the transaction.

Plot, Plants and trees 10. The Schedule of plant protection operations recommended by the Department of Horticulture, Mizoram for each category of trees/



to be kept free from insects, pests and diseases rootstock/nursery plants and other material will be followed by the licensee. In addition to this, the instructions issued by the competent authority or the Department of Horticulture from time to time in this regard will be carried out properly by the nursery-man. The list of insects, pests and diseases to be controlled will be circulated by the competent authority or the Department of Horticulture Mizoram from time to time.

Inspection  
of nursery

11. (1) The entire nursery area including progeny trees, registers and other records shall be inspected by the Inspecting Officer from time to time in order to ensure that the provisions of the act and the rules framed thereunder are strictly adhered to. The licensee will show the Inspecting officer the entire plant materials and records.

(2) The inspecting Officer may direct the licensee in writing for carrying out further horticulture/plant protection operation. The licensee shall carry out these instructions within specified time and report compliance.

(3) In case, some plant material including progeny trees are found badly infested with pests and diseases and require their removal/destruction, orders to this effect shall be issued in writing by the Inspecting Officer. The licensee shall comply with these orders within the time specified therein.

(4) The Inspecting Officer may inspect any plant material while in transit for detecting infestation of pests and diseases or any defect in package and labelling. The Inspecting Officer may declare any plant materials as unfit for sale and order for its detention. The Inspecting Officer will report the matter to the competent authority within two days who will convey his decision for the destruction or otherwise of the plant material within seven days of the receipt of the report or ten days from the date of detention of the material whichever is earlier.

Package  
and their  
labelling

12. The labels of the plant material would be those which are not spoiled by high humidity and water and may preferably be of Zinc, tin or alluminium, so that these are not easily torn-out.

Penalty

13. If any person contravenes any of the provisions of these rules or of the Act or attempts to contravene or abets the contravention of any such provision he shall be punishable under section 16 of the Act.

Security

14.1) Without prejudice to the provisions of sections 5 and 6 of the Act and of rule 5, the competent authority may, by a notice in writing require a licensee to furnish within such period as may be specified in the notice, a cash security of an amount not exceeding one thousand rupees if it is satisfied that the licensee or contravened any condition of his licence or any provisions of the Act or of these rules.



2) The competent authority may forfeit the security deposited under sub-rule (1) or any portion thereof, if it is satisfied that the licensee has again contravened any condition of his licence or any provision of the Act or these rules. The licensee shall make good the amount forfeited within a month of the receipt of the orders of forfeiture.

C.

Secretary to the Govt. of Mizoram,  
Agriculture Department.

**FORM - I**  
( See rule 3 (1) )

**APPLICATION FOR LICENCE UNDER THE MIZORAM FRUIT NURSERIES  
REGISTRATION ACT, 1992**

To,

.....  
.....  
.....

Sir,

I wish to establish/conduct a fruit nursery in .....

Sub-Div ..... District ..... I may kindly  
be granted a licence for this as required under the Act. The detailed particulars  
of the nursery are given below :-

1. Area of the Nursery (in hect) .....
2. Distance from motorable road (km) .....
3. Irrigated/Unirrigated .....
4. Area of the progeny Orchard (in Ha) .....
5. Details of the progeny trees

Sl. No.	Kind	Variety	Age	No. of fruit trees
1	2	3	4	5



## 6. Fruit plants proposed to be propagated -

Sl. No.	Kind	Variety
1	2	3

## 7. Details of existing plant material, if any :

Sl. No.	Kind	Variety	No. of plants available budded/grafted seedling	Source of stock/scion
1	2	3	4	5

The sketch plan of the area under nursery and progeny trees, periodic patta, Land Settlement Certificate etc. of the area are enclosed.

I undertake to obtain any additional requirements of scion material, if any through the competent authority.

I have read the Act and the rules framed thereunder and shall abide by all the conditions mentioned therein.

Yours faithfully,

Name (in full Block letters).....

Father's Name .....

Address .....



## F O R M—II

(See rule 3 (3) )

## REPORT OF THE INSPECTING OFFICER

(Name, Designation and address)

I hereby certify that I have inspected the .....  
 (Name of nursery) run/owned/managed by Shri/Mr.....  
 (name and address of the applicant) on dated ..... and on  
 my personal observation

i) The applicant has an area of .....under nursery.

ii) .....progeny trees of the following varieties have been  
 found to be existing at the time of inspection :

Sl. No.	Kind of fruit	Variety	Performance yield and quality	No. of trees	Age of trees	Condition of trees
1	2	3	4	5	6	7

iii) A sketch of the nursery and the progeny orchard being mentioned by the owner is enclosed.

iv) The nursery is/is not being kept free from the insects, pests and diseases;

v) The progeny trees are/are not being maintained in good condition;

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 reason given below;

viii) The information supplied by the applicant is/is not correct;

ix) Additional information (additional sheet is required).

x) On the basis of the above observation I recommend/do not recommend  
 it is a fit case for grant of licence.

Date :

Signature of Inspecting Officer,  
 Designation & Seal of  
 the Officer.



## FORM - III

( See rule 3(4) )

**LICENCE FOR ESTABLISHING/CONDUCTING A FRUIT NURSERY UNDER THE MIZORAM FRUIT NURSERIES REGISTRATION ACT, 1992**

Licence No. . . . . Date of issue . . . . . son of . . . . .  
 of village . . . . . Post Office . . . . . Sub-division . . . . .  
 District . . . . . owner of . . . . . is hereby authorised  
 to raise, exhibit for sale and sell for transplantation, fruit plants of the following  
 kinds and varieties.

Sl. No.	Kind	Variety
1	2	3

The licence is valid from . . . . . to . . . . . the licence  
 shall be subjected 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 a fair manner.
- 3) The licensee shall produce his licence or the register and other records required to be maintained under this Act and the rules framed thereunder on demand by the competent authority or any person authorised by it to his knowledge.
- 4) The licensee shall not permit evasion or infringement of any of the provision 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 transfers in whole or in parts 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 and Seal of the Competent  
 authority)

This licence is renewed . . . . .

Period of renewal	From	To	Signature of the competent authority with seal of his Office
1	2	3	4



(See Rule 3(5) )

My Fruit Nursery Licence No..... expires on.....  
it is requested that this licence may be renewed for a period of..... years. The  
licence in Original alongwith the treasury challan for Rs. ....(Rupees.....  
.....) only are enclosed.



The licence was granted, last renewed on.....and since then  
 .....(Nos) inspections have been carried out. I have complied with  
 the instructions communicated to me in writing by the Inspecting Authority from  
 time to time except in the following cases for reasons indicated against each :—

Sl. No.	Instructions conveyed by the Inspecting Authority.	Date	Reasons for Non-Compliance,
1	2	3	4

I have not contravened any of the provisions of the Act, or of the rules framed thereunder.

The detailed information with regard to the nursery and plant materials are enclosed in Form 'I' (Fill in the Form I).

Yours faithfully,

Signature of the Owner.

NOTE :

The Land Settlement Certificate No. & Period Parts No. may not be given if there is no change in the original record.

F O R M - VI

( See rule 4(3) )

To.

.....

.....

Sir,

I have inspected on ..... (date of visit to the nursery)  
 of Shri ..... Licence No ..... issued on.....

2. The details of the nursery and progeny 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 contravention are given below :—

Sl. No.	Date & No. of Order	Authority by whom Issued	Remarks.
1	2	3	4

5. Additional  
6. On the basis of the above observations, I recommend/ do not recommend it is a fit case for renewal of the licence.

Date

Signature of the Inspecting Officer  
Designation & Seal of the Officer.

### F O R M - VII

( See Rule 8 (5) )

Form of Register of the progeny trees of ..... Licence  
No. ....

Year	Sl.No. of Progeny	Kind & Variety		Yield in Kgs	General health condition of the progeny trees.	General observation about quality & grade of fruits.
1	2	3	4	5	6	7

### F O R M—VIII (See rule 9 (1) (a) )

#### RECORD OF SOURCE OF PLANT MATERIALS

Name of nursery.....Licence No.....  
Kind of fruit plants.....Variety.....

Date	Source of root stock	Source of Scion variety	No. of plants raised	Remarks
1	2	3	4	5



F O R M—IX  
(See rule 9 (1) (b) )

REGISTER OF SALES

Name of Nursery \_\_\_\_\_ Licence No. \_\_\_\_\_

Rate	Name & Address of the purchaser.	Kind of Variety plants sold	Rootstock used.	No. of plant sold
1	2	3	4	5

Rate per plant	Total price charged	No. & date of receipt issued	Remarks
1	2	3	4

F O R M—X  
SALES RECEIPT

(See rule 9 (I) (b) )

CASH/CREDIT MEMO.....NO.....

Name and address and Licence No  
(To be given at the top)

Shri/Ms.....

Sl. No.	Kind & Variety of plants	Rate	No.	Amount
1	2	3	4	5

TOTAL :

Received with thanks.....

Note : (Carbon copy to be retained by the nursery man)

Signature of Owner.



**FORM - XI**  
**REGISTER OF INSPECTION**  
 ( See rule 9(1) (c) )

Sl. No.	Date of visit	Name of the Inspecting Officer	Instruction of the Officer	Compliance report of the nursery-man
1	2	3	4	5

**FORM - XII**  
**REGISTER OF PLANT PROTECTION OPERATIONS**  
 ( See rule 9(1) )

Sl. No.	Date	Name of the insect, diseases.	Control measures taken ( mention pesticides used and their formulation,
1	2	3	4

**FORM - XIII**

Annual Statement of Production and Sale of fruit plants for the year ending 31st March .....

( See rule 9(1) (e) )

Sl. No.	Kind/Variety	No. Produced	No. fit for sale	Last Year's balance	No. sold	Balance on 31st March
1	2	3	4	5	6	7