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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF FOOD PROCESSING INDUSTRIES
&
HORTICULTURE**

NOTIFICATION

No.866/FPI&H/4L-1(H)/2007 - dated 2nd April 2007, - In exercise of the power conferred under Sections 5, 6, 8 and 11 read with Section 23 of the West Bengal Horticultural Nurseries (Regulation) Act, 2001 (West Ben. Act. XXXI of 2001), the Governor is pleased hereby to make the following rules, namely:-

Rules

1. **Short title and commencement.** - (1) These rules may be called the West Bengal Horticultural Nurseries (Regulations) Rules, 2007.
(2) They shall come into force from the date of their publication in the *Official Gazette*.
2. **Definitions.** - (1) in these rules, unless the context otherwise requires, -
 - (a) "Act" means the West Bengal Horticultural Nurseries (Regulation) Act, 2001 (West Ben. Act. XXXI of 2001);
 - (b) "competent authority" means an officer appointed by the State Government under the provisions of Section 4 of the Act;
 - (c) "conduct of horticultural nursery" include sell, or exchange, or offer or expose for sale, or consign for sale, any variety of horticultural plant material and its preservation and transportation by the vendor himself or by any person on his behalf;
 - (d) "Form" means Form appended to these rules;
 - (e) "Inspector" means an officer appointed for inspection of various horticultural nursery activities under the purview of the Act;
 - (f) "Transgenic variety" means seed or planting material synthesized or developed by modifying or altering the genetic composition or background by means of genetic engineering, protoplast fusion or any other biotechnological means;

- (g) "vendor" means a person conducting business on sale, preservation, transport and consignment of plant materials produces under the Act;
- (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Registration for establishment of horticultural nursery. - (1) Any person desiring to establish a horticultural nursery shall make an application for registration to the competent authority in Form I with such fees as the State Government may, by notification to be published in the *Official Gazette*, determine different fees for different volume or different category of plants materials.

- (2) On receipt of application under sub-rule (1), competent authority may, make such enquiry and take such action as it deems fit for the purpose of disposing the application.
- (3) On being satisfied with the merit of the application, the competent authority may issue a registration certificate in Form II for a period of five years.
- (4) Notwithstanding anything contained in foregoing provisions of these rules, no horticulture nursery purported 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.
- (5) Notwithstanding anything contained in sub-rule (1), (2) and (3) the competent authority may, for the 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 rule 3 shall apply mutatis mutandis for renewal of registration.

5. License for conduct of horticultural nursery - (1) A vendor shall make an application for license to the competent authority in Form-III with such fees 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 (1), 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 in Form IV for a period of five years.

6. Renewal of license - (1) On expiry of the period of license, as stated in sub-rule (3) of rule 5, the vendor 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 8 of the Act, the competent authority may suspend or cancel license granted under the Act., if -

- (a) the license has been obtained by misrepresentation or concealment of essential data;
- (b) the variety of the plant material is found inferior to the standard of that variety;
- (c) prevention of commercial exploitation of such variety is necessary in public interest.
- (d) the variety of plant materials is, being detrimental to the environment, dangerous to human or animal life;
- (e) misleading a customer in respect of the standard of horticultural nursery produces (quality, quantity, price, label, etc.)

8. Appeal - (1) The Secretary, Department of Food Processing Industries & Horticulture, Government of West Bengal, shall be the appellate authority for the purposes of the Act.

Explanation . - For the purpose of this rules, the word "Secretary" includes the Special Secretary or any officer discharging the functions of the Secretary for the time being.

(2) Any person aggrieved by an order of the competent authority may prefer the appeal under Section 11 of the Act in Form V, with such fees as the State Government may, by notification to be published in the *Official Gazette*, determine.

FORM – I

[See rule 3 (1)]

Application for registration/renewal of registration of horticultural nursery

1. Name of horticultural nursery :
(in block letters)
2. Location of the nursery : Police Station.....
Mouza.....
J.L. No.
Plot Nos.
3. Total area of the nursery : ha.
4. Name, address of nursery owner : Name.....
Address.....
.....
.....
PIN Code.....
Telephone No.
5. How long the nursery owner is in this business : years.
6. Previous license code No. :
(in case of renewal)
7. Whether the nursery owner possesses progeny plants : Yes/No.(Strike out one)
8. If yes specify variety wise name and number of progeny plants :
(may be furnished in separate sheet)
9. Annual production target of nursery plant materials under each category (A-F) (may be furnished in separate sheet).

Category of plant (A-F)	Name of the plant	Annual production target (Nos.)	Names of target varieties	Progress during previous registration period (in case of renewal only)			
				Average annual progress of		Varieties covered (Nos.)	Present stock (Nos.)
				Production (Nos.)	Sale (Nos.)		

A= Fruits and plantation
C= Ornamental flowers
E= Spices, Medicinal & Aromatics

B= Vegetables
D= Ornamental foliages
F= Others (specify)

10. Registration Fee paid : Amount Rs..... date
- (enclose document)

Declaration of nursery owner

- i) The information submitted in this form along with those in attachment(s) are true to the best of my knowledge and belief and any incorrect information may lead to suspension or revocation of my nursery registration.
- ii) I shall grow, maintain and sale the horticultural nursery plant materials strictly in accordance with the provisions of the West Bengal Horticultural Nurseries (Regulation) Act, 2001 and the Rules made thereunder.
- iii) I shall grow, maintain and market at prescribed rate only those plant materials for which permission has been granted to me.
- iv) I shall provide access to inspection and comply with all the information and data related to production, maintenance and marketing as and when desired by the registering authority.

Date:

Signature

Place :

Name

Designation

(For Office use only)

1. Nursery inspected by :
2. Comment of the inspector :
3. Whether approved for registration
/ renewal of registration :
4. Period of approval : to
5. Code No. allotted :

Signature of Competent Authority

FORM-II

[See rule 3 (3)]

Certificate of registration of horticultural nursery

Registration code :
 Date of issue/renewal :
 Valid upto :

On the power vested on me through the West Bengal Horticultural Nurseries (Regulation) Act., 2001 and the rules thereunder I, after due inspection and on being satisfied on the data provided in the application approve registration / renewal of registration of the horticultural nursery for growing plant materials specified in the schedule stated hereunder subject to terms and conditions laid down under the rules of the said Act.

SCHEDULE

1. Name of the nursery :
2. Location of the nursery :
3. Area of the nursery (ha.) :
4. Production of planting materials approved for:

Category of plant (A-F)	Name of plant	Annual production (Nos.)	Varieties to include	Remarks

A=Fruits and Plantation
 C=Ornamental Flower
 E=Spices, Medicinal & Aromatics

B=Vegetables
 D=Ornamental Foliage
 F=Others (specify)



Signature of competent authority

FORM-III

[See rule 5(1)]

Application for license / renewal of license for conducting sale of horticultural nursery plant materials.

1. Name of vendor :
2. Address of the vendor :
3. Vending location (sale point) :
4. How long the vendor is in this business (years) :
5. Previous license code No. (in case of renewal) :
6. Varieties of nursery plant material proposed for sale under different categories of plants. (may be furnished in separate sheet)

Category of plant (A-F)	Name of the plant	Varieties proposed for transaction	Progress during previous license period (in case if renewal)	
			Average Annual sale (Nos.)	Names of varieties transacted

A = Fruits and Plantation

C = Ornamental Flower

E = Spices, Medicinal & Aromatics

B = Vegetables

D = Ornamental Foliage

F = Others (specify)

7. License fee paid (enclosed document) :

Amount Rs. Date.....

Declaration of vendor

- i) The information submitted in this form along with those in attachment(s) are true to the best of my knowledge and belief and any incorrect information may lead to suspension or cancellation of the license.
- ii) 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.
- iii) I shall sale at prescribed rate only those plant materials for which permission has been granted to me.
- iv) I shall provide access to inspection and comply with all the information and data related to production, maintenance and marketing as and when desired by the registering authority.

Date:

Signature

Place :

Name

Designation

(for office use only)

- 1. The sale point inspected by :
- 2. Comment of the inspector :
- 3. Whether approved for registration/ renewal :
- 4. Period of approval : to
- 5. Code No. allotted :

Signature of Competent Authority

FORM-IV

[See rule 5 (3)]

License for sale of Horticultural Nursery plant materials

Registration code :
 Date of issue / renewal :
 Valid upto :

On the power vested on me through the West Bengal Horticultural Nurseries (Regulation) Act, 2001 and the rules made thereunder, I, after due inspection and on being satisfied on the data provided in the application, approve issue of this license as per schedule specified hereunder for vending horticultural nursery plant materials subject to terms and conditions laid down under the rules of the said Act.

SCHEDULE

1. Name of vendor :
2. Vending location :
3. Vending of horticultural nursery produces approved for :

Category of plant (A-F)	Name of the plant	Varieties	Remarks

A=Fruits and Plantation

C=Ornamental Flower

E=Spices, Medicinal & Aromatics

B=Vegetables

D=Ornamental Foliage

F=Others (specify)

Office Seal

Signature of competent authority

FORM V

[See rule 8(2)]

To
The Appellate Authority u/s. 11 of
The West Bengal Horticultural Nurseries (Regulation) Act, 2001.

The Day of 20.....

Date of order of the competent authority appealed against:

The petitioner sheweth as follows:

- 1. That
- 2. That
- 3. That

etc.

Grounds

(Here enter the grounds on which you rely for the purpose of this appeal)

Your petitioner, therefore, prays that

Verification

I,, the petitioner named in this petition do hereby declare that the statement made hereinabove is true to the best of my knowledge and belief.

Signature of appellant

Address

By order of the Governor,
M. L. MEENA
Secretary to the Govt. of West Bengal.