
**MAHARASHTRA FRUIT NURSERIES AND SALE OF FRUIT
PLANTS (REGULATION) ACT, 1969**

45 of 1969

[12th September, 1969]

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**MAHARASHTRA FRUIT NURSERIES AND SALE OF FRUIT
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An Act to provide for the licensing and regulation of fruit nurseries in the State of Maharashtra. Amended by Maharashtra Act No.

XVIII of 1995 WHEREAS it is expedient to provide for the licensing and regulation of [fruit nurseries and sale of fruit plants] in the State of Maharashtra and for matters connected therewith, It is hereby enacted in the Twentieth Year of the Republic of India as follows

1. Short title, extent and commencement :-

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Competent Authority" means a Competent Authority appointed under section 3;

(b) "fruit nursery" means any place, where fruit plants are in a regular course of business propagated and sold for transplantation, but does not include a fruit nursery belonging to, or managed by, the Government;

(c) "fruit plant" means any plant, which can produce edible fruits or nuts, and includes budwood, seedlings, grafts, layers, seeds, bulbs, suckers, rhizomes and cuttings of any such plant;

(d) "owner" in relation to a fruit nursery, means the person, who, or the authority which, has the ultimate control over the affairs of such fruit nursery; where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the fruit nursery.

(e) "prescribed" means prescribed by rules made under this Act;

(g) "scion" means a portion of a fruit plant which is grafted or budded on to a rootstock.

3. Appointment of Competent Authorities :-

The State Government may, by notification in the Official Gazette,

(a) appoint such persons, being gazetted officers of Government, as it thinks fit to be Competent Authorities for the purposes of this Act; and

(b) define the limits within which a Competent Authority shall

exercise the powers conferred and perform the duties imposed on a Competent Authority, by or under this Act.

4. Owner of every fruit nursery [and every person carrying on business of sale of fruit plants] to obtain licence :-

Explanation Where an owner has more than one fruit nursery, Whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such fruit nursery.

4A. Application of provisions of sections 5, 6, 8, 9, 10 and 11 to the licence for sale of fruit plants :-

¹ The provisions of sections 5, 6, 8,9, 10 and 11 shall mutatis mutandis, apply to the grant of licence for the sale of fruit plants and the Competent Authority shall have and exercise the same powers as he has and exercises in respect of the licence granted to the owner of a fruit nursery.

1. Inserted vide Maha. Act 18 of 1995, Section7.

5. Application for grant and renewal of licence :-

6. Duties of the holder of a licence :-

Every holder of a licence under this Act shall-

(a) undertake to employ only such varieties of the fruit plants specified in the licence in respect of scion or rootstock, for propagation and sale, as may be directed by the Competent Authority.

(c) keep a lay-out plan showing the position of every rootstock and scion tree in raising the fruit plants;

(d) keep the nursery plots as well as the parent trees used for the propagation of fruit plants free from insect pests and plant diseases;

(e) undertake to prepare the fruit plants in such manner as may be directed by the Competent Authority;

(f) specify in a conspicuous manner on a label the name of every variety of fruit plant enclosed in any package intended for sale, its age as determined in the prescribed manner and the name of the rootstock together with that of the scion of every such fruit plant.

(g) undertake to release for sale or distribution only such fruit

plants that are completely free from any kind of insect pest or plant disease;

(h) maintain a register in the form specified by the Competent Authority showing the name of the fruit plant sold to any person, its age, the name of the rootstock and scion and the name and address of the person purchasing it.

7. Power of State Government to regulate or prohibit import, export or transport of certain fruit plants :-

The State Government may, for the purpose of maintaining the quality of any fruit plants grown in any part of the State or to protect them from injurious insect pests or plant diseases, by notification in the Official Gazette, regulate or prohibit, subject to such restrictions and conditions as it may impose, the bringing into, or taking out of, the State or any part thereof, otherwise than across the customs frontiers as defined by the Central Government, or the transport within the State, of any fruit plants of unknown pedigree or affected by any infectious or contagious pests or diseases.

8. Power to cancel or suspend licences :-

(2) The Competent Authority may suspend the licence pending the passing of a cancellation order in respect thereof under sub-section (1).

(3) Before passing an order under sub-section (1), the Competent Authority shall inform the licensee the grounds on which it is proposed to take action and given him a reasonable opportunity of showing cause against such action.

(4) A copy of every order passed under sub-section (1) or (2) shall be communicated to the licensee forthwith.

9. Return of licence :-

On the expiry of the period of validity specified in a licence or on receipt of an order suspending or cancelling a licence, the licensee shall return the licence to the Competent Authority :

Provided that, such Authority may, after such expiration, suspension or cancellation, give such reasonable time as it thinks fit to the owner to enable him to wind up his fruit nursery.

10. Duplicate licence :-

If licence granted to an owner is lost, destroyed, mutilated or

damaged, the Competent Authority shall, on application and payment of the prescribed fee, issue a duplicate licence.

11. Appeals :-

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it thinks fit.

(3) An order passed under this section shall, subject to the provisions of the next succeeding section, be final.

12. Revisions :-

(2) An order passed under this section shall be final.

13. Power of entry and inspection :-

14. Penalties :-

If any person

(a) contravenes any of the provisions of this Act, or contravenes the provisions of any rule made thereunder the contravention of which is made punishable under this section, or

15. Offences by companies :-

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16. Cognizance of offence :-

No court shall take cognizance of any offence punishable under this Act except on the report in writing of the facts constituting such offence made by the Competent Authority or any officer authorised by the State Government in this behalf.

17. Jurisdiction of court :-

No court inferior to that of a Presidency Magistrate, or a Magistrate of the first class, shall try any offence punishable under this Act.

18. Officers and persons exercising powers under this Act

to be public servants :-

All officers appointed under this Act and every person authorised to exercise any powers conferred or to perform any duties imposed on him by or under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

19. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

20. Power to delegate :-

The State Government may, by notification in the Official Gazette, direct that any power or duty which by this Act or by any rule made thereunder is conferred or imposed on the State Government (except the power to make rules) shall in such circumstances and subject to such conditions, if any, as may be specified by the notification, be exercised or performed also by any officer or authority subordinate to the State Government.

21. Rules :-

(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable under section 14.

(4) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or, the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, from the date of a publication of a notification in the Official Gazette, of such decision have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.