

Bill No. LII of 2004

THE SEEDS BILL, 2004

A

BILL

to provide for regulating the quality of seeds for sale, import and export and to facilitate production and supply of seeds of quality and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Seeds Act, 2004.
- (2) It extends to the whole of India.
- (3) Save as otherwise provided in this Act, it shall apply to—
 - (a) every dealer; and
 - (b) every producer of seed except when the seed is produced by him for his own use and not for sale.

(4) It shall come into force on such date as the Central Government may, by notification, appoint:

Short title,
extent,
application
and com-
mencement.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires, —

(1) "agriculture" includes horticulture, forestry, cultivation of plantation, medicinal and aromatic plants;

(2) "Central Seed Testing Laboratory" means the Central Seed Testing Laboratory established or declared as such under sub-section (1) of section 32;

(3) "Certification Agency" means an agency established under section 26 or accredited under section 27 or recognised under section 30;

(4) "Chairperson" means the Chairperson of the Committee;

(5) "Committee" means the Central Seed Committee constituted under sub-section (1) of section 3;

(6) "container" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article or thing is placed or packed;

(7) "dealer" means a person who carries on the business of buying and selling, exporting, or importing seed, and includes an agent of a dealer;

(8) "essentially derived variety", in relation to a variety or an initial variety means a variety of seeds essentially derived from such initial variety when it—

(a) is predominantly derived from such initial variety, or from a variety that itself is predominantly derived from such initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of such initial variety;

(b) is clearly distinguished from such initial variety; and

(c) conforms (except for the differences which result from the act of derivation) to such initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of such initial variety;

(9) "export" means taking out of India by land, sea or air;

(10) "extant variety" means a variety available in India which—

(a) had been notified under section 5 of the Seeds Act, 1966 and remains as such on the date of commencement of this Act; or 54 of 1966.

(b) is a farmers' variety as defined in clause (1) of section 2 of the Protection of Plant Varieties and Farmers' Rights Act, 2001; or 53 of 2001.

(c) is a variety about which there is common knowledge; or

(d) a variety other than a variety referred to in sub-clauses (a) to (c) and is in the public domain;

(11) "farmer" means any person who cultivates crops either by cultivating the land himself or through any other person but does not include any individual, company, trader or dealer who engages in the procurement and sale of seeds on a commercial basis;

(12) "horticulture nursery" means any place, where horticulture plants are, in the regular course of business, produced or propagated and sold for transplantation;

(13) "import" means bringing into India by land, sea or air;

(14) "kind" means one or more related species or sub-species of crop plants each individually or collectively known by one common name such as cabbage, maize, paddy and wheat;

(15) "member" means a member of the Committee;

(16) "misbranded" a seed shall be deemed to be misbranded if—

(i) it is a substitute for, or resembles in a manner likely to deceive another variety of seed under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true nature;

(ii) it is falsely stated to be the product of any place or country;

(iii) it is sold by a name which belongs to another kind or variety of seed;

(iv) false claims are made for it upon the label or otherwise;

(v) when sold in a package which has been sealed or prepared by, or at the instance, of the dealer and which bears his name and address, the contents of each package are not conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act;

(vi) the package containing it, or the label on the package bears any statement, design or device regarding the quality or the kind or variety of seed contained therein, which is false or misleading in any material particular or if the package is otherwise deceptive with respect to its contents;

(vii) it is not registered in the manner required by or under this Act;

(viii) the label contains any reference to registration other than the registration number;

(ix) its label does not contain a warning or caution which may be necessary and sufficient, if complied with, to protect human, animal and plant life and health or to avoid serious prejudice to the environment;

(x) the package containing it or the label on the package bears the name of a fictitious individual or company as the dealer of the kind or variety; or

(xi) it is not labelled in accordance with the requirements of this Act or the rules made thereunder;

(17) "notification" means a notification published in the Official Gazette;

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

(19) "producer" means a person, group of persons, firm or organisation who grows or organizes the production of seeds;

(20) "registered kind or variety", in relation to any seed, means any kind, or variety thereof, registered under section 13;

(21) "Registration Sub-Committee" means the Registration Sub-Committee constituted under sub-section (1) of section 7;

(22) "regulation" means a regulation made by the Committee under this Act;

(23) "seed" means any type of living embryo or propagule capable of regeneration and giving rise to a plant of agriculture which is true to such type;

(24) "Seed Analyst" means a Seed Analyst appointed under sub-section (1) of section 33;

(25) "Seed Inspector" means a Seed Inspector appointed under sub-section (1) of section 34;

(26) "seed processing" means the process by which seeds and planting materials are dried, threshed, shelled, ginned or delinted (in cotton), cleaned, graded or treated;

(27) "spurious seed" means any seed which is not genuine or true to type;

(28) "State Government", in relation to a Union territory, means the administrator thereof;

(29) "State Seed Testing Laboratory", in relation to any State, means the State Seed Laboratory established or declared as such under sub-section (2) of section 32 for that State;

(30) "transgenic variety" means seed or planting material synthesized or developed by modifying or altering the genetic composition by means of genetic engineering;

(31) "variety" means a plant grouping except micro-organism within a single botanical taxon of the lowest known rank, which can be—

(a) defined by the expression of the characteristics resulting from a given genotype of that plant grouping;

(b) distinguished from any other plant grouping by expression of at least one of the said characteristics; and

(c) considered as a unit with regard to its suitability for being propagated, which remains unchanged after such propagation,

and includes propagating material of such variety, extant variety, transgenic variety, farmers' variety and essentially derived variety.

CHAPTER II

THE CENTRAL SEED COMMITTEE, REGISTRATION AND OTHER SUB-COMMITTEES

Constitution of Central Seed Committee.

3. (1) The Central Government shall, by notification, constitute, for the purpose of this Act, a Committee to be called the Central Seed Committee.

(2) The headquarters of the Central Seed Committee shall be at New Delhi.

Composition of the Committee.

4. (1) The Committee shall consist of a Chairperson, members, *ex officio* and other members, to be nominated by the Central Government.

(2) The Secretary to the Government of India in the Department of Agriculture and Co-operation, Ministry of Agriculture, shall be the Chairperson, *ex officio*.

(3) The Committee shall consist of the following *ex officio* members, namely:—

(i) the Agriculture Commissioner, Department of Agriculture and Co-operation, Government of India;

(ii) the Deputy Director General (Crop Sciences), Indian Council of Agricultural Research;

(iii) the Deputy Director General (Horticulture), Indian Council of Agricultural Research;

(iv) the Joint Secretary in charge of seeds in the Department of Agriculture and Co-operation, Government of India;

(v) the Horticulture Commissioner, Department of Agriculture and Co-operation, Government of India;

(vi) a representative of the Department of Bio-technology, Government of India, not below the rank of Joint Secretary to the Government of India;

(vii) a representative of the Ministry of Environment and Forests, Government of India, not below the rank of Joint Secretary to the Government of India.

(4) The Committee shall consist of the following other members to be nominated by the Central Government, namely:—

(i) the Secretary (Agriculture) from five States, one each from three out of the five geographical zones of the country as mentioned in the Schedule on rotation basis;

(ii) Director, State Seed Certification Agency from one State which is not represented under clause (i);

(iii) Managing Director, State Seeds Corporation, from one State which is not represented under clause (i) or clause (ii);

(iv) two representatives of farmers;

(v) two representatives of seed industry;

(vi) two specialists or experts in the field of seed development.

(5) The Committee may associate with it, in such manner, on such terms and for such purposes as it may deem fit, any person whose assistance or advice it may desire in complying with any of the provisions of this Act, and a person so associated shall have the right to take part in the discussion of the Committee relevant to the purposes for which he has been associated, but shall not have the right to vote and shall be entitled to receive such allowances or fees as may be fixed by the Central Government.

(6) A Member nominated under sub-section (5) shall, unless his seat becomes vacant earlier by resignation, death or otherwise, be entitled to hold office for two years from the date of his nomination but shall be eligible for re-nomination provided that the said member shall hold office only for so long as he holds the appointment by virtue of which his nomination was made.

(7) Save as otherwise provided, the terms and conditions of appointment of the members shall be such as may be prescribed.

(8) A member other than an *ex officio* member may resign his office by giving notice in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.

(9) A person shall be disqualified for being nominated or appointed as a member if he—

(i) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(ii) is an undischarged insolvent; or

(iii) is of unsound mind and stands so declared by a competent court.

(10) No act or proceeding of the Committee shall become invalid merely by reason of—

(i) any vacancy therein, or any defect in the constitution thereof; or

(ii) any defect in the appointment of a person acting as the Chairperson or a member of the Committee; or

(iii) any irregularity in the procedure of the Committee not affecting the merits of the case.

(11) The Central Government may, at any time, remove from office any member other than member, *ex officio* after giving him a reasonable opportunity of showing cause against the proposed removal.

5. The Committee shall be responsible for and shall have all the powers for the effective implementation of this Act and shall advise the Central Government and the State Governments on matters relating to—

(a) seed programming and planning;

(b) seed development and production;

(c) export and import of seeds;

(d) standards for registration, certification and seed testing;

(e) seed registration and its enforcement;

(f) such other matters as may be prescribed.

Powers and functions of the Committee.

Powers of Committee to specify minimum limits of germination, purity, seed health, etc.

6. The Committee may, by notification, specify—

(a) the minimum limits of germination, genetic and physical purity, and maximum seed health, with respect to any seed of any kind or variety;

(b) the mark or label on the packet or container to indicate that such seed conforms to the minimum limits of germination, genetic and physical purity, and seed health specified under clause (a), and other particulars, such as expected performance of the seed in accordance with the information provided by the producer under section 14 which such mark or label may contain.

Registration and other Sub-Committees of the Committee and their functions.

7. (1) The Committee shall constitute a Sub-Committee to be called the Registration Sub-Committee consisting of a Chairman and such number of other members, to assist him in the discharge of the functions of the Committee, as may be prescribed.

(2) It shall be the duty of the Registration Sub-Committee—

(a) to register seeds of varieties after scrutinizing their claims as made in the application in such manner as may be prescribed;

(b) to perform such other functions as are assigned to it by the Committee.

(3) The Committee may appoint as many other Sub-Committees including a Sub-Committee on Seed Certification as it deems fit consisting wholly of the members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons as it thinks fit to exercise such powers and perform such duties as may be delegated to them.

Procedure of the Committee and its Sub-Committees.

8. The Committee may, subject to the previous approval of the Central Government, make regulations for the purpose of regulating its own procedure and the procedure of any Sub-Committee thereof.

Secretary and other officers of the Committee.

9. **The Central Government shall—**

(a) **appoint a person to be the Secretary of the Committee; and**

(b) **provide the Committee with such technical and other officers and employees as may be necessary for the efficient performance of the functions of the Committee under this Act.**

Meetings of the Committee.

10. (1) The Committee shall meet as and when necessary at such time and place and shall observe such procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations.

(2) The Chairperson or, in his absence, the Agricultural Commissioner or, in the absence of both the Chairperson and the Agricultural Commissioner, any member chosen by the members present from amongst themselves, shall preside at a meeting of the Committee.

(3) All questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the case of an equality of votes, the Chairperson or, in his absence, the Agricultural Commissioner or, in the absence of both the Chairperson and the Agricultural Commissioner the person presiding shall have and exercise a second or casting vote.

State Seed Committee.

11. Every State Government shall establish a State Seed Committee to—

(a) advise the Committee on registration of regional or local seeds of any kind or variety;

(b) advise the State Government on registration of seed producing units, seed processing units, seed dealers and horticulture nurseries;

(c) maintain, in each district, a list of seed dealers, seed producers, seed processing units and horticulture nurseries;

(d) seek information from persons engaged in the production, supply, distribution, trade or commerce in seeds of any kind or variety regarding stocks, prices, sales and other information in the manner as may be prescribed;

(e) advise the State Government and the Committee on all matters arising out of the administration and implementation of this Act; and

(f) carry out other functions assigned to, by, or under this Act.

CHAPTER III

REGISTRATION OF KINDS AND VARIETIES OF SEEDS, ETC.

12. (1) For the purposes of this Act, a register of all kinds and varieties of seed to be called the National Register of Seeds shall be kept by the Registration Sub-Committee wherein all specifications, as may be prescribed, shall be maintained.

Maintenance of National Register of Seeds of kinds and varieties.

(2) Subject to the directions of the Committee, the Register shall be kept under the control and management of the Registration Sub-Committee.

(3) The Registration Sub-Committee shall, within such intervals and in such manner as it thinks appropriate, publish the list of kinds and varieties of seed which have been registered during that interval.

13. (1) No seed of any kind or variety shall, for the purpose of sowing or planting by any person, be sold unless such seed is registered under sub-section (2) by the Registration Sub-Committee in such manner as may be prescribed.

Registration of seeds of any kind or variety.

(2) Subject to the provisions of sections 14 and 15, the Registration Sub-Committee may register or refuse to register any kind or variety of seeds on the basis of information furnished by the producer who develops the variety on the results of multi-locational trials for such period as may be prescribed to establish the performance of that seed:

Provided that no application for registration shall be refused under this sub-section unless the applicant has been given an opportunity to represent his case:

Provided further that seeds of any kind or variety in respect of which a valid registration exist on the date of commencement of this Act are not required to be registered again under this section on basis of the information on the results of multi-location trials.

(3) The Registration Sub-Committee may grant provisional registration to the varieties of seeds which are available in the market on the date of commencement of this Act.

(4) A registration made under this Act shall be valid for a period of fifteen years in the case of annual and biennial crops, and eighteen years for long duration perennials.

(5) At the expiry of the period granted under sub-section (4), the kind or variety of seeds may be re-registered for a like period by the Registration Sub-Committee on the basis of information furnished by the producer on the results of such trials as may be prescribed under sub-section (2) to re-establish performance of the kind or variety of seeds.

(6) The Registration Sub-Committee shall have the power to issue such directions to protect the interests of a producer against any abusive act committed by any third party during the period between the date of filing of application for registration and the date of decision by the Committee on such application.

14. (1) Every application for registration under sub-section (2) of section 13 shall be made in such form and contain such particulars and be accompanied by such fees as may be prescribed.

Procedure for registration.

(2) On receipt of any such application for the registration of a kind or variety of seed, the Registration Sub-Committee may, after such enquiry as it deems fit and after satisfying itself that the kind or variety of seed to which the application relates conforms to the claims made by the importer or by the seller, as the case may be, as regards the efficacy of the kind or variety of seed and its safety to human beings and animals, register the kind or variety, as the case may be, of the seed on such conditions as may be specified by it and allot a registration number thereto and issue a certification of registration.

(3) The Registration Sub-Committee may, having regard to the efficacy of the seeds and its safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may, for that purpose, require the certificate holder by notice in writing to deliver up the certificate to it within such time as may be specified in the notice.

Special provision for registration of transgenic varieties.

15. (1) Notwithstanding anything contained in section 14, no seed of any transgenic variety shall be registered unless the applicant has obtained a clearance in respect of the same as required by or under the provisions of the Environment (Protection) Act, 1986:

29 of 1986.

Provided that the Registration Sub-Committee may, subject to clearance under the said Act, grant provisional registration, for a period not exceeding two years on the basis of information furnished by the producer on the results of multi-locational trials conducted in the prescribed manner.

(2) Save as otherwise provided in sub-section (1), the form and manner in which and the procedure for registration of transgenic variety of seeds and the fee payable thereto shall be the same as applicable in case of registration under section 13.

Cancellation of registration of seeds of kinds and varieties.

16. (1) The Registration Sub-Committee may cancel any registration granted under section 13 or section 15 on any one or more of the following grounds, namely:—

(a) that the holder of the certificate has violated any of the terms and conditions of the registration; or

(b) that the registration has been obtained by misrepresentation or concealment of essential data; or

(c) that the variety is not performing in accordance with the information furnished by the producer under sub-section (2) of section 13 or become obsolete or outlived its utility and be made available for sale in the market in the public interest; or

(d) that prevention of commercial exploitation of such variety of seeds is necessary—

(i) in the public interest;

(ii) to protect public order or public morality; or

(iii) to protect human beings, animals and plant life and health to avoid serious prejudice to the environment.

(2) No order of cancellation of registration under this section shall be made unless the holder thereof or the affected person concerned has been given a reasonable opportunity of showing cause in respect of the grounds for such cancellation.

Notification of cancellation of registration of seeds of kinds and varieties.

17. The Registration Sub-Committee shall notify the cancellation of a registration of any kind or variety of seed made under section 13, or a registration made under section 15 in the Official Gazette.

Exclusion of certain kinds or varieties of seeds from registration.

18. (1) Notwithstanding anything contained in this Act, no registration of any kind or variety of seeds shall be made under this Act, if prevention of commercial exploitation of such kind or variety is necessary to protect public order or public morality or human, animal or plant life and health, or to avoid serious prejudice to the environment.

(2) A kind or variety of seed containing any technology, which is harmful, or potentially harmful, shall not be registered.

Explanation.— For the purposes of this sub-section, the expression “technology” includes genetic use restriction technology and terminator technology.

- 19.** The Committee may, for conducting trials to assess the performance, accredit centres of the Indian Council of Agricultural Research, State Agricultural Universities and such other organizations fulfilling the eligibility requirements as may be prescribed, to conduct trials to evaluate the performance of any kind or variety of seeds. Evaluation of performance.
- 20.** Where the seed of registered kind or variety is sold to a farmer, the producer, distributor or vendor, as the case may be, shall disclose the expected performance of such kind or variety to the farmer under given conditions, and if, such registered seed fails to provide the expected performance under such given conditions, the farmer may claim compensation from the producer, dealer, distributor or vendor under the Consumer Protection Act, 1986. Compensation to farmer.
- 68 of 1986.
- 21.** (1) No producer shall grow or organize the production of seed unless he is registered as such by the State Government under this Act. Seed producers and seed processing units to be registered.
- (2) No person shall maintain a seed processing unit unless such unit is registered by the State Government under this Act.
- (3) The State Government shall register a producer or seed processing unit if he or it meets the specifications prescribed by the Central Government in terms of infrastructure, equipment and qualified manpower.
- (4) Every application for registration under sub-section (3) shall be made in such form and manner and shall be accompanied by such fee as may be prescribed.
- (5) The State Government may, after making such enquiry and subject to such conditions as it thinks fit, grant a certificate for maintaining a seed producing or a seed processing unit in such form as may be prescribed.
- (6) Every seed producing unit and every seed processing unit shall furnish periodic returns on the quantity of seeds of different kinds or varieties produced or processed by it to the Seed Certification Agency in such form and at such time as may be prescribed.
- (7) The State Government may, after giving the holder of certificate of registration under sub-section (1) or sub-section (2), as the case may be, suspend or cancel the registration if—
- (a) such registration has been obtained by misrepresentation as to a material particular relating to the specification in terms of infrastructure, equipment or availability of qualified manpower; or
- (b) any of the provisions of this Act or the rules made thereunder has been contravened.
- 22.** (1) Every person who desires to carry on the business of selling, keeping for sale, offering to sell, bartering, import or export or otherwise supply any seed by himself, or by any other person on his behalf shall obtain a registration certificate as a dealer in seeds from the State Government. Seed dealers to be registered.
- (2) Every applicant for dealership under sub-section (1) shall be required to furnish information about seed stocks, sales and other related information as may be prescribed.
- (3) Every application for registration under sub-section (1) shall be made in such form and manner and shall be accompanied by such fees as may be prescribed.
- (4) The State Government may, after making such enquiry and subject to such conditions as it thinks fit, grant a certificate of registration as a dealer in seeds in such form as may be prescribed.
- (5) Every dealer registered under this section shall furnish to the State Government such information and returns regarding seed stocks, seed lots, expiry date of seed lots and other related information as may be prescribed.

(6) The State Government may, after giving the dealer an opportunity of being heard, suspend or cancel a certificate granted under this section if—

(a) such registration had been obtained by misrepresentation of any material fact;

(b) contravenes any of the provisions of this Act or the rules made thereunder.

Horticulture nursery to be registered.

23. (1) No person shall conduct or carry on the business of horticulture nursery for any of the purposes of this Act unless such nursery is registered with the State Government.

(2) Every application for registration under sub-section (1) shall be made in such form and contain such particulars and shall be accompanied by such fees as may be prescribed.

Duties of registration holders of horticulture nursery.

24. Every person who is a holder of a registration of a horticulture nursery under section 23 shall—

(a) keep a complete record of the origin or source of every planting material and performance record of mother trees in the nursery;

(b) keep a layout plan showing the position of the root-stocks and scions used in raising the horticulture plants;

(c) keep a performance record of the mother trees in the nursery;

(d) keep the nursery plants as well as the parent trees used for the production or propagation of horticulture plants free from infectious or contagious insects, pests or diseases affecting plants; and

(e) furnish such information to the State Government on the production, stocks, sales and prices of planting material in the nursery as may be prescribed.

CHAPTER IV

REGULATION OF SALE OF SEED AND SEED CERTIFICATION AGENCIES

Regulation of sale of seeds of registered kinds and varieties.

25. No person shall himself, or by any other person on his behalf, carry on the business of selling, keeping for sale, offering to sell, bartering, import or export or otherwise supply any kind of seed of any registered kind or variety unless—

(a) such seed is identifiable as to its kind or variety;

(b) such seed conforms to the minimum limit of germination and genetic, physical purity, maximum seed health specified under clause (a) of section 6;

(c) the container of such seed bears in the prescribed manner, the mark or label bearing the correct particulars thereof, specified under clause (b) of section 6;

(d) the container of such seed, in the case of transgenic varieties, bears a declaration to this effect; and

(e) he complies with such other requirements as may be prescribed.

State Seed Certification Agency.

26. The Committee may, in consultation with the State Government, by notification, establish a State Seed Certification Agency for the State to carry out the functions entrusted to the State Seed Certification Agency by or under this Act.

Accreditation of Seed Certification Agencies.

27. (1) The Committee may, in consultation with the State Government and the State Seed Committee, accredit—

(a) organizations to carry out certification, on the fulfilment of such criteria, as may be prescribed, or

(b) individuals or seed producing organisations to carry out self-certification, in such manner as may be prescribed.

(2) The accredited organisations, individuals and seed producing organisations shall be subject to such inspection and control of the Committee, the concerned State Government and State Seed Certification Agency, as may be prescribed.

(3) The accreditation may be withdrawn by the Committee, for reasons to be recorded in writing and after giving to the concerned organisation or individual, as the case may be, a reasonable opportunity of being heard.

28. (1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any registered kind or variety may, if he desires to have such seed certified by the State Seed Certification Agency, apply to that Agency for the grant of a certificate for the purpose.

Grant of certificate by the State Seed Certification Agency.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (1), the State Seed Certification Agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the prescribed standards, grant a certificate in such form and on such conditions as may be prescribed:

Provided that such standards shall not be lower than the minimum limit of germination, genetic and physical purity specified for that seed under clause (a) of section 6.

29. If the State Seed Certification Agency is satisfied, either on a reference made to it in this behalf or otherwise, that—

Revocation of certificate.

(a) the certificate granted by it under section 28 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the State Seed Certification Agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

30. The Central Government may, on the recommendation of the Committee and by notification, recognise any seed certification agency established in any foreign country, for the purposes of this Act.

Recognition of seed certification agencies in foreign countries.

CHAPTER V

APPEALS

31. (1) Any person aggrieved by a decision of the Registration Sub-Committee under section 14, section 16 or section 27 or of the State Seed Certification Agency under section 28 or section 29 may, within thirty days from the date on which the decision is communicated to him prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the Central Government may think fit to constitute:

Appeals.

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) An appellate authority shall consist of a single person or three persons as the Central Government may think fit, to be appointed by that Government.

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fee payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the appellate authority shall, after giving the appellant and the other party an opportunity of being heard, dispose of the appeal as expeditiously as possible.

CHAPTER VI

SEED ANALYSIS AND SEEDS TESTING

Central and
State Seed
Testing
Laboratories.

32. (1) The Central Government may, by notification, establish a Central Seed Testing Laboratory or declare any seed testing laboratory as the Central Seed Testing Laboratory to carry out the functions entrusted to the Central Seed Testing Laboratory by or under this Act in the prescribed manner.

(2) The State Government may, in consultation with the Committee, and by notification, establish one or more State Seed Testing Laboratories or declare any seed testing laboratory in the Government or non-Government sector as a State Seed Testing Laboratory where analysis of seed of any kind or variety shall be carried out, under this Act, in the prescribed manner.

(3) Every Seed Testing Laboratory referred to in sub-section (1) shall have as many Seed Analysts as the Central Government may consider necessary.

(4) Every Seed Testing Laboratory referred to in sub-section (2) shall have as many Seed Analysts as the State Government may consider necessary.

Seed Analysts.

33. (1) In case of the Central Seed Laboratory, the Central Government and in other cases the State Government may, by notification, appoint such persons as the concerned Government thinks fit and having the prescribed qualifications to be Seed Analysts and define the local limits of their jurisdiction.

(2) Every Central Seed Testing Laboratory established or declared under sub-section (1) of section 32 and every State Seed Testing Laboratory established or declared under sub-section (2) of that section shall have as many Seed Analysts as the Central Government or the State Government, as the case may be, specify.

Seed
Inspectors.

34. (1) The State Government may, by notification, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be subordinate to such authority as the State Government may specify in this behalf.

Powers of Seed
Inspectors.

35. (1) The Seed Inspector may—

(a) take samples of any seed of any kind or variety from—

(i) any person selling such seed; or

(ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) send such sample for analysis to the Seed Analyst of the area within which such sample has been taken;

(c) enter and search, at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any seed in respect of which the offence has been or is being committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessor of the seed, seize the stock of such seed;

(d) examine any record, register, document or any other material object found in any place mentioned in clause (c) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule or regulation made thereunder.

(2) The power conferred by this section includes the power to break-open any container in which any seed of any kind or variety may be contained or to break-open the door of any premises where any such seed may be kept for sale:

Provided that the power to break-open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so.

(3) Where the Seed Inspector takes any action under clause (a) of sub-section (1), he shall, as far as possible, call not less than two independent and respectable persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in such form and manner as may be prescribed.

2 of 1974.

(4) The provisions of the Code of Criminal Procedure, 1973, or in relation to the State of Jammu and Kashmir, the provisions of any corresponding law in force in that State, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code, or, as the case may be, under the corresponding provisions of the said law.

CHAPTER VII

IMPORT AND EXPORT OF SEEDS

36. (1) All import of seeds—

Import of seeds.

(a) shall be subject to the provisions of the Plant Quarantine (Regulation of Import into India) Order, 2003, or any corresponding order made under section 3 of the Destructive Insects and Pests Act, 1914;

2 of 1914.

(b) shall conform to minimum limits of germination, genetic and physical purity, and seed health as prescribed under section 6; and

(c) shall be subject to registration as may be granted on the basis of information furnished by the importer on the results of multi-locational trials for such period as may be prescribed to establish agronomic performance.

(2) The Central Government may, by notification, permit to import an unregistered variety in such quantity and subject to fulfilling such conditions as may be specified in that notification for research purposes.

37. The Central Government may, on the advice of the Committee, restrict, by notification, the export of seeds of any kind or variety if it is deemed that such export may adversely affect the food security of the country, or if it is felt that the reasonable requirements of the public will not be met, or on such other grounds as may be prescribed.

Export of seeds.

CHAPTER VIII

OFFENCES AND PUNISHMENT

38. (1) If any person—

Offences and punishment.

(a) contravenes any provision of this Act or any rule made thereunder; or

(b) imports, sells, stocks or exhibits for sale or barter or otherwise supplies any seed of any kind or variety deemed to be misbranded; or

(c) imports, sells, stocks or exhibits for sale or barter, or otherwise supplies any seed of any kind or variety without a certificate of registration; or

(d) obstructs the Committee, Registration Sub-Committee or Seed Certification Agency or Seed Inspector or Seed Analyst or any other authority appointed or duly empowered under this Act in the exercise of its powers or discharge of their duties under this Act or the rules made thereunder,

he shall, on conviction, be punishable with fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees.

(2) If any person sells any seed which does not conform to the standards of physical purity, germination or health or does not maintain any records required to be maintained under this Act or the rules made thereunder he shall, on conviction, be punishable with fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees.

(3) If any person furnishes any false information relating to the standards of genetic purity, misbrands any seed or supply any spurious seed or spurious transgenic variety or sells any non-registered seeds he shall, on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

Forfeiture of property.

39. When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made thereunder, the seed in respect of which the contravention has been committed shall be forfeited to the Central Government.

Offences by companies.

40. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, 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 under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(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 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.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER IX

POWER OF CENTRAL GOVERNMENT

Power of Central Government to give directions to the State Governments.

41. The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made thereunder.

42. (1) Without prejudice to the foregoing provisions of this Act, the Committee shall, in the discharge of its functions and the performance duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

Power of Central Government to issue directions to the Committee.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

43. (1) Nothing in this Act shall restrict the right of the farmer to save, use, exchange, share or sell his farm seeds and planting material, except that he shall not sell such seed or planting material under a brand name or which does not conform to the minimum limit of germination, physical purity, genetic purity prescribed under clause (a) or clause (b) of section 6.

Exemption from registration.

(2) The Central Government may, by notification, and subject to conditions, if any, as it may specify therein, exempt from all or any of the provisions of this Act or the rules made thereunder, any educational, scientific or research or extension organisation.

CHAPTER X

MISCELLANEOUS

44. No suit, prosecution or other legal proceeding shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

46. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions of appointment of members of the Committee under sub-section (7) of section 4;

(b) the matters to be prescribed under clause (f) of section 5;

(c) the number of other members who shall assist the Chairperson of the Registration Sub-Committee to discharge its functions under sub-section (1) of section 7;

(d) the manner of scrutinizing the claims as made in the applications under clause (a) of sub-section (2) of section 7;

(e) the manner of seeking information by a State Seed Committee under clause (d) of section 11;

(f) the specifications which shall be maintained in the National Register of Seeds of kinds or varieties under sub-section (1) of section 12;

(g) the manner of registration of seed of any kind or variety under sub-section (1) of section 13;

(h) the period which required to establish performance of seed on the results of multi-location trials conducted under sub-section (2) of section 13;

(i) the form of application and the particulars which should be furnished, and the fee which should accompany, such application under sub-section (1) of section 14;

(j) the eligibility requirement which an organisation shall fulfil for accreditation under section 19;

(k) the specification required to be fulfilled for registration as a producer or seed producing unit under sub-section (3) of section 21;

(l) the form and manner in which an application for registration under sub-section (3) of section 21 shall be made and the fee which shall accompany such application under sub-section (4) of the said section;

(m) the form in which a certificate for maintaining a seed producing or seed processing unit may be granted under sub-section (5) of section 21;

(n) the form in which and the time within which periodic returns shall be filled under sub-section (6) of section 21;

(o) the information which an applicant for dealership in seeds shall be furnished under sub-section (2) of section 22;

(p) the form and manner in which an application for registration as seed dealer under sub-section (1) of section 22 shall be made and the fee which shall accompany such application under sub-section (3) of that section;

(q) the form in which a certificate of registration as a dealer in seeds shall be granted under sub-section (4) of section 22;

(r) the information and return which a registered dealer shall furnish to the State Government under sub-section (5) of section 22;

(s) the form in which an application for registration of a horticulture nursery shall be made, the particulars which such application shall contain and fee which shall accompany such application under sub-section (2) of section 23;

(t) the information on production, stocks, sales and prices of planting material in a nursery which shall be furnished to the State Government under section 24;

(u) the manner in which the container of seeds shall bear the mark or label under clause (c) of section 25;

(v) the requirement which a person carrying on business of selling, etc., of any registered kind or variety of seeds shall comply with under clause (e) of section 25;

(w) the criteria to be fulfilled under clause (a) and the manner of carrying out self-certification under clause (b) of sub-section (1) of section 27;

(x) the inspection and control which the Committee, the concerned State Government and the State Seeds Certification Agency shall carry out or have on an accredited individual and seed producing organizations under sub-section (2) of section 27;

(y) the form of application and the particulars to be furnished in such application and the fee which shall accompany such application under sub-section (2) of section 28;

(z) the form in which and the conditions subject to which a certificate shall be granted under sub-section (3) of section 28;

(za) the form and manner in which an appeal shall be preferred and the fee which such appeal shall accompany and the procedure which the appellate authority shall follow under sub-section (3) of section 31;

(zb) the manner in which a Central Seed Testing Laboratory established or declared under sub-section (1) of section 32 shall carry out its functions;

(zc) the manner of carrying out analysis of seeds under sub-section (2) of section 32;

(zd) the qualifications which a person to be appointed as Seed Analyst shall possess under sub-section (1) of section 33;

(ze) the qualifications which a person to be appointed as Seed Inspector shall possess under sub-section (1) of section 34;

(zf) the form and manner in which the memorandum shall be prepared under sub-section (3) of section 35;

(zg) the grounds on which the Central Government may restrict export of seeds under section 37;

(zh) any other matter which is to be or may be prescribed.

47. (1) The Committee may, with the previous approval of the Central Government, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

Power of Committee to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the procedure for conduct of business to be transacted by the Committee or any Sub-Committee thereof under section 8;

(b) the procedure in regard to transaction of business at meetings of the Committee (including the quorum at meetings) under sub-section (1) of section 10;

(c) any other matter in respect of which regulations are to be or may be made.

48. Every rule and every regulation made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall, thereafter, 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 under that rule or regulation.

Rules and regulations to be laid before Parliament.

54 of 1966.

49. (1) The Seeds Act, 1966 is hereby repealed.

Repeal and savings.

10 of 1897.

(2) Without prejudice to the provisions contained in the General Clauses, 1897, with respect to repeals, no such repeal shall affect—

(a) the previous operation of the law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(d) any investigation, proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, proceedings, legal proceeding or remedy may be instituted, continued or enforced; any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the first proviso and any saving provisions made elsewhere in this Act anything done, any action taken, any rule made, any notification or

order issued under the provisions of the Act so repealed shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until expressly or impliedly repealed by anything done, action taken, rules made or, notification or order issued under this Act.

(2) Notwithstanding such repeal any kind or variety of seeds that has been notified under the law as so repealed shall be deemed to have been registered under this Act, and any seed certification agency established under section 18 of the Seeds Act, 1966 shall be deemed to have been established or recognised, as the case may be, under this Act. 54 of 1966.

THE SCHEDULE

[See section 4(4)(i), (ii) and (iii)]

GEOGRAPHICAL ZONES

ZONE-I	Andhra Pradesh, Karnataka, Kerala, Lakshadweep, Pondicherry and Tamil Nadu.
ZONE-II	Andaman Nicobar Islands, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa and West Bengal.
ZONE-III	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.
ZONE-IV	Dadra and Nagar Haveli, Daman and Diu, Goa, Gujarat, Rajasthan and Maharashtra.
ZONE-V	Chandigarh, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi, Punjab, Uttaranchal and Uttar Pradesh.

THE SEEDS BILL, 2004

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(ii)

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