

Rules and regulations in Seed act for quality seed production

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Seed is the most important input for agricultural production. Efficacy of other agricultural inputs such as fertilizers, pesticides and irrigation is largely determined by the quality of seed. Seed quality accounts for 20-25% of agricultural productivity. It is therefore, important to ensure that the farmers of the country use quality seeds. The seed quality regime in the country is governed by the Seeds Act, 1966, the Seed Rules, 1968 made there under and the Seeds (Control) Order, 1983. In addition to these legal instruments, various guidelines and policy parameters have been laid down in the National Seeds Policy, 2002.

Various committees formed and their function in the seed act are:

(i) Central Seed Committee

The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Seed Committee to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it by or under this Act.

The Committee shall consist of the following members, namely:-

- i Chairman to be nominated by the Central Government;
- ii eight persons to be nominated by the Central Government to represent such interests that Government thinks fit, of whom not less than two persons shall be representatives of growers of seed;
- iii one person to be nominated by the Government of each of the States.

The Committee may, subject to the previous approval of the Central Government, make bye-laws fixing the quorum and regulating its own procedure and the conduct of all business to be transacted by it.

The Committee may appoint one or more sub-committees, consisting wholly of 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, for the purpose of discharging such of its functions as may be delegated to such sub-committee or sub-committees by the Committee.

The functions of the Committee or any sub-committee thereof may be exercised notwithstanding any vacancy therein.

The Central Government shall appoint a person to be the secretary of the Committee and shall provide the Committee with such clerical and other staff as the Central Government considers necessary.

Power to notify kinds or varieties of seeds

If the Central Government, after consultation with the Committee, is of opinion that it is necessary or expedient to regulate the quality of seed of any kind or variety to be sold for purposes of agriculture, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof.

Power to specify minimum limits of germination and purity, etc.

The Central Government may, after consultation with the Committee and by notification in the Official Gazette, specify-

the minimum limits of germination and purity with respect to any seed of any notified kind or variety;

the mark or label to indicate that such seed conforms to the minimum limits of germination and purity specified under clause (a) and the particulars which such mark or label may contain.

Regulation of sale of seeds of notified kinds or varieties

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 or otherwise supplying any seed of any notified kind or variety, unless-

- a. such seed is identifiable as to its kind or variety;
- b. such seed conforms to the minimum limits of germination and purity specified under clause (a) of section 6;
- c. the container of such seed bears in the prescribed manner, the mark or label containing the correct particulars thereof, specified under clause (b) of section

(ii) Central Seed Laboratory and State Seed Laboratory

The Central Government may, by notification in the Official Gazette, establish a Central Seed Laboratory or declare any seed laboratory as the Central Seed Laboratory to carry out the functions entrusted to the Central Seed Laboratory by or under this Act.

The State Government may, by notification in the Official Gazette, establish one or more State Seed Laboratories or declare any seed laboratory as a State Seed Laboratory where analysis of seeds of any notified kind or variety shall be carried out by Seed Analysts under this Act in the prescribed manner..

(iii) Certification agency

The State Government or the Central Government in consultation with the State Government may, by notification in the Official Gazette, establish a certification agency for the State to carry out the functions entrusted to the certification agency by or under this Act.

Grant of certificate by certification agency

Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the certification agency, apply to the certification agency for the grant of a certificate for the purpose.

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 any such application for the grant of a certificate, the 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 minimum limits of germination and purity specified for that seed under clause (a) of section 6, grant a certificate in such form and on such conditions as may be prescribed.

Revocation of certificate

If the certification agency is satisfied, either on a reference made to it in this behalf or otherwise, that-

- a. the certificate granted by it under section 9 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 certification agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

Appeal

Any person aggrieved by a decision of a certification agency under section 9 or section 10, may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the State Government in this behalf:

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 appellate was prevented by sufficient cause from filing the appeal in time.

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

(3) Every order of the appellate authority under this section shall be final.

Seed Analysts

The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analysts and define the areas within which they shall exercise jurisdiction.

Seed Inspectors

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

Powers of Seed Inspector

The Seed Inspector may-

- a. take samples of any seed of any notified 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 for 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 made thereunder.

(2) Where any sample of any seed of any notified kind or variety is taken under clause (a) of sub-section (1), its cost, calculated at the rate at which such seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(3) The power conferred by this section includes power to break-open any container in which any seed of any notified 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.

(4) 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 persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

(5) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), 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 98 of the said Code.

Procedure to be followed by Seed Inspectors

Whenever a Seed Inspector intends to take sample of any seed of any notified kind or variety for analysis, he shall-

- a. give notice in writing, then and there, of such intention to the person from whom he intends to take sample;
- b. except in special cases provided by rules made under this Act, take three representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

When samples of any seed of any notified kind or variety are taken under sub-section (1), the Seed Inspector shall-

- a. deliver one sample to the person from whom it has been taken;
- b. send in the prescribed manner another sample for analysis to the Seed Analyst for the area within which such sample has been taken; and
- c. retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Central Seed Laboratory under sub-section (2) of section 16, as the case may be.

If the person from whom the samples have been taken refuses to accept one of the samples, the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.

Where a Seed Inspector takes any action under clause (c) of sub-section (1) of section 14:

- a. he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 7 and if it is

ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the seed seized;

- b. if he seizes the stock of the seed, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof;
- c. without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed under the said clause.

(5) Where as Seed Inspector seizes any record, register, document or any other material object under clause (d) of sub-section (1) of section 14, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof.

Report of Seed Analyst

(1) The Seed Analyst shall, as soon as may be after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the State Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of the result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

(2) After the institution of a prosecution under this Act, the accused vendor or the complainant may, on payment of the prescribed fee, make an application to the court for sending any of the samples mentioned in clause (a) or clause (c) of sub-section (2) of section 15 to the Central Seed Laboratory for its report and on receipt of the application, the court shall first ascertain that the mark and the seal or fastening as provided in clause (b) of sub-section (1) of section 15 are intact and may then despatch the sample under its own seal to the Central Seed Laboratory which shall thereupon send its report to the court in the prescribed form within one month from the date of receipt of the sample, specifying the result of the analysis.

(3) The report sent by the Central Seed Laboratory under sub-section (2) shall supersede the report given by the Seed Analyst under sub-section (1).

(4) Where the report sent by the Central Seed Laboratory under sub-section (2) is produced in any proceedings under Section 19, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

During the last four decades, seed production technology has changed and new technologies like transgenic, tissue culture, soil-less agriculture etc. have emerged. There is greater emphasis on seed quality assurance particularly to safeguard the interest of the farmers. In addition, significant changes have occurred in the country's socio-economic conditions. The economy has been substantially liberalised and the private sector is playing an increasing role in various spheres including agriculture. India is also increasingly engaged with the rest of the world through Organization for Economic co-operation and development (OECD) and International Seed Testing Association (ISTA), etc. In the liberalized and changed environment, imports and exports of seeds and planting materials into the country have increased. These ongoing changes require upgradation of seed production, quality and regulatory standards. Therefore, a need has arisen for updating the seed quality regulatory regime by enacting a new legislation.

Scope of the Seeds Bill, 2004

Seeds Bill, 2004 covers all the crops and varieties of agricultural, horticultural, forestry, plantation, medicinal and aromatic plants. With respect to fruit nurseries, the Bill proposes compulsory registration of fruit nursery of above one hectare area with State Governments.

Objectives of The Seeds Bill, 2004

The objectives of the Seeds Bill, 2004 are to regulate the quality of seeds and planting materials of all agricultural, horticultural and plantation crops to

- i. Ensure availability of true to type seeds for Indian farmers
- ii. Curb the sale of spurious and poor quality seeds

- iii. Protect the rights of farmers, increased private participation in seed production
- iv. Distribution and seed testing
- v. Liberalize imports of seeds and planting materials, etc.

Status of Seeds Bill, 2004

The Seeds Bill, 2004 was introduced in the Rajya Sabha in December, 2004. Thereafter, it was referred to the Parliamentary Standing Committee on Agriculture on 16th December, 2004. Parliamentary Standing Committee on Agriculture submitted the report on 12th October, 2006. The Bill is now pending in Rajya Sabha.

The Seeds Bill, 2004 mainly seeks to advance the following objectives:

- i. Enhance the quality of seeds marketed in the country by mandated compulsory registration of varieties.
- ii. It enhances penalties for offences, compared to the existing Seeds Act 1966.
- iii. It makes provision for labelling of expected performance of seeds and also provides for compensation to farmers in case of seed failure.
- iv. It adds seed health as an additional standard for seed quality
- v. It brings conformity with existing National Laws and regulations, especially those relating to the import and export of seeds and use of Genetically Modified seeds
- vi. It imposes a ban on the use of Genetic Use Restriction Technology (GURT).
- vii. It provides for registration of seed producers, seed dealers and seed processing units.
- viii. Farmers' Rights: The Bill proposes to emphasize the rights of the Farmers in conformity with the PPV & FR Act, 2001. The farmer will have the right to save, use, sow, re-sow, exchange, share or sell his farm seeds and planting materials except when he sells such seeds or

planting material under a brand name. However, **the farmers will be exempted from compulsory registration of varieties/nurseries.**

SALIENT FEATURES:

- i) **Compulsory registration of varieties:** No person will be allowed to carry on the business of selling or supplying any seed which is not of a registered kind/variety. Farmers are to be exempted from compulsory registration.
- ii) **Period of registration:** 10 years for annual & biennial crops and 12 years for long duration perennials. Re-registration for a like period after re-establishment of performance in the multi-location trials.
- iii) **Registration of transgenic varieties:** Registration of transgenic varieties will be subject to environmental clearance from MOEF&CC under the Environmental (Protection) Act, 1986 and Rules 1988 made there under.
- iv) **Enhancement of penalties:** It is proposed to enhancement of penalty from Rs. 500/- Rs. 1000/- with or without imprisonment in the Seeds Act 1966 to Rs. 25,000/- Rs. 5,00,000 with or without imprisonment.
- v) **Expected performance:** Provision for labelling of expected performance of seeds has been included so that the farmers are assured of quality of seeds purchased by them.
- vi) **Compensation to the farmers on seeds failure:** Provision for compensation to the farmer in case of seed failure has been made.
- vii) **Farmers' rights:** The bill proposes to emphasise the rights of farmers in conformity with the PPV&FRA (PPV&FR Act, 2001) . The farmer will have the right to save, use, sow, re-sow, exchange, share or sell his farm seeds and planting materials except when he sells such seed or planting material under a brand name.
- viii) **Exclusion of certain kind of variety of seeds from registration:** The Government will have the right to exclude certain kind or variety of seeds from registration to protect public order or public morality or human, animal and plant health or to avoid serious prejudice to the environment.

- ix) **Seeds health:** Seed health has been included as an additional standard for quality seed.
- x) **Cancellation of Registration of varieties:** The Registration of varieties under the Seed Bill will be cancelled on the following grounds:
 - a. Violation of terms and conditions of the registration.
 - b. Registration obtained by misrepresentation or concealment of essential data.
 - c. Non-performance of variety and obsolete variety.
 - d. Commercial exploitation of a variety.
 - e. Public interest.
 - f. Protect human beings, animal and plant life and health to avoid serious prejudice to the environment.
- xi) Provisions to regulate import and export of seeds have been largely incorporated into the Seeds Bill itself as given below:-
 - a) All import of seed shall be subject to Plant Quarantine (Regulation of Import into India) Order, 2003 and other relevant Acts.
 - b) All imported seeds shall conform to minimum standards of seeds health in addition to other conditions already in existence.
 - c) All imported seeds shall be subject to registration on the basis of information furnished by the importer on the basis of multi location trials.
 - d) Exports can be restricted if such exports adversely affect the food security of the country.
 - e) Genetic Use Restriction Technology (GURT): (**Restriction technology including terminator technology**) has been prohibited. Any person intending to import seed or planting material will declare that such material is, or is not, as the case may be a product of transgenic manipulation or involves Genetic Use Restriction Technology.

Comparative Analysis of the Seeds Act, 1966 and the Seeds Bill, 2004

The Seeds Act, 1966	The Seeds Bill, 2004
Covers seeds of food crops, fruits, vegetables, fodder, cotton & jute only.	It covers all the crops.
No explicit farmers' exemption.	Explicit farmer's exemptions. The Bill shall not restrict the right of the farmer to save, use, sow, re-sow, exchange, share or sell his farm seeds and planting material except when he sells such seed or planting material under a brand name.
Voluntary notification of variety by Central Government.	Dispensed with the provision of notification of varieties. In place of notification, registration of varieties will be compulsory. Registration of State varieties by the SSC and national varieties by the CSC.
The Central Government notifies the varieties based on the recommendations of the CSC for indefinite period.	The registration Sub-Committee based on the performance in the MLT shall register the varieties for a period of 10 years for annual and biennial crops and 12 year for perennial crops.
The standards to be prescribed will be for germination and purity with respect to notified variety.	The standards to be prescribed will be for germination, physical and genetic purity, seed health and standards for transgenic seeds of all registered varieties sold in the market.
No provision for giving expected performance of variety on the seed label.	Information about expected performance of variety shall be compulsory to be given on the seed label.

No separate provisions for notification of transgenic varieties.	Special provisions for registration of transgenic varieties.
Minimum limits of germination and purity required for import of seeds.	The imported varieties will also be required to be registered if it will meet all the seed quality standards.
Mild penal provision of Rs.500/1000 with or without imprisonment (6 months).	Enhanced penalty for offences i.e. Rs 25,000/5,00,000 with or without imprisonment (1 year).
Seeds Inspector may enter into the premises of seed dealer to take samples without approval of any authority.	Seeds Inspector may enter and make search of the premises of seed dealer with the prior approval of Executive Magistrate.
Minimum limits of germination and purity required for import of seeds.	The imported varieties will also be required to be registered if it will meet all the seed quality standards.
Mild penal provision of Rs.500/1000 with or without imprisonment (6 months).	Enhanced penalty for offences i.e. Rs 25,000/5,00,000 with or without imprisonment (one year).
Seeds Inspector may enter into the premises of seed dealer to take samples without approval of any authority.	Seeds Inspector may enter and make search of the premises of seed dealer with the prior approval of Executive Magistrate.
Seed Inspector can stop the sale of seeds of suspicious quality up-to 30 days for regulating the quality.	Seed Inspector can stop the sale of seeds of suspicious quality up-to 15 days for regulating the quality.
New provisions.	Seed price regulation Prohibition of GURT including Terminator technology.

	Compensation to farmers in case seed failure.
	Compulsory registration of Seed producer, Seed Processing Unit and Seed Dealers.
	Regulation of fruit nurseries.
	Accreditation of Government organizations as Certification Agency
	Exemption of Educational, Scientific and Research Organization from all the provisions of this Act.

References:

- i. <http://seednet.gov.in/>
- ii. <http://www.plantauthority.gov.in/>
- iii. Note for the Cabinet on Seed Bill, 2004.
- iv. The Seeds Act, 1966 and Seeds Rules, 1968.