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**STANDING COMMITTEE ON AGRICULTURE**

**(2006-07)**

**FOURTEENTH LOK SABHA**

**MINISTRY OF AGRICULTURE  
(DEPARTMENT OF AGRICULTURE & COOPERATION)**

**THE SEEDS BILL, 2004**

**TWENTY SECOND REPORT**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**OCTOBER, 2006/ASVINA, 1928 (Saka)**

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Presented to Lok Sabha on \_\_\_\_\_

Laid in Rajya Sabha on \_\_\_\_\_



**LOK SABHA SECRETARIAT**

**NEW DELHI**

OCTOBER, 2006/ASVINA, 1928 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON AGRICULTURE**  
**FOR THE YEAR – 2005-06**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS**

**LOK SABHA**

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Shri Kuldeep Bishnoi
6. Shri Khagen Das
7. Shri Dharmendra
8. Shri Sharanjit Singh Dhillon
9. Shri Raghunath Jha
10. Shri Nihal Chand Chauhan
11. Smt. Rupatai Diliprao Patil Nilangekar
12. Shri Sippiparai Ravichandran
13. Shri K.J.S.P. Reddy
14. Shri Y.S. Vivekananda Reddy
15. Shri Harihar Swain
16. Shri M.P. Veerendra Kumar
17. Shri Deepender Singh Hooda
18. Shri Anil Basu
19. Shri Munshi Ram
20. Shri Rajesh Verma
21. Vacant

**RAJYA SABHA**

22. Smt. Mohsina Kidwai
23. Shri Harish Rawat
24. Dr. M.S.Gill
25. Shri Pyarelal Khandelwal
26. Shri Raj Nath Singh
27. Shri Sk. Khabir Uddin Ahmed
28. Shri Bhagwati Singh
29. Shri Datta Meghe
30. Shri Anantrao Joshi
31. Shri Mahmood A. Madani

**SECRETARIAT**

- |    |                    |   |                   |
|----|--------------------|---|-------------------|
| 1. | Sh. N.K. Sapra     | - | Joint Secretary   |
| 2. | Sh. A.K. Singh     | - | Joint Secretary   |
| 3. | Sh. Devender Singh | - | Director          |
| 4. | Sh. Hardev Singh   | - | Deputy Secretary  |
| 5. | Sh. N.S. Hooda     | - | Under Secretary   |
| 6. | Ms. Amita Walia    | - | Committee Officer |

**COMPOSITION OF THE STANDING COMMITTEE ON AGRICULTURE**  
**FOR THE YEAR – 2006-07**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS**

**LOK SABHA**

2. Shri Ranen Barman
3. Shri Anil Basu
4. Shri Manoranjan Bhakta
5. Shri Girdhari Lal Bhargava
6. Shri Kuldeep Bishnoi
7. Shri Khagen Das
8. Shri Dharmendra
9. Shri GadakhTukaram Gangadhar
10. Shri Deepender Singh Hooda
11. Shri Hari Rama Jogaiah
12. Shri Mahendra Prasad Nishad
13. Shri Prabodh Panda
14. Smt. Rupatai Diliprao Patil Nilangekar
15. Shri K.J.S.P. Reddy
16. Shri Y.S. Vivekananda Reddy
17. Shri Chandra Bhushan Singh
18. Shri M.P. Veerendra Kumar
19. Shri Raosaheb Danve Patil
20. Shri Baleshwar Yadav
21. Smt. Kalpana Ramesh Narhire

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22. Shri Harish Rawat
23. Dr. M.S.Gill
24. Smt. Mohsina Kidwai
25. Shri Vikram Verma
26. Shri Vinay Katiyar
27. Shri Sk. Khabir Uddin Ahmed
28. Shri Datta Meghe
29. Shri Debabrata Biswas
30. Shri Sharad Anantrao Joshi
30. Sh. M. Rajasekara Murthy

**SECRETARIAT**

- |    |                  |   |                   |
|----|------------------|---|-------------------|
| 1. | Sh. S.K. Sharma  | - | Addl. Secretary   |
| 2. | Sh. A.K. Singh   | - | Joint Secretary   |
| 3. | Sh. Hardev Singh | - | Deputy Secretary  |
| 4. | Sh. N.S. Hooda   | - | Under Secretary   |
| 5. | Ms. Amita Walia  | - | Committee Officer |

## INTRODUCTION

I, the Chairman, Standing Committee on Agriculture having been authorized by the Committee to present the report on their behalf, present this Twenty Second Report (Fourteenth Lok Sabha) on 'The Seeds Bill, 2004' pertaining to the Ministry of Agriculture (Department of Agriculture and Co-operation).

2. One of the functions of the Standing Committee on Agriculture as laid down in Rule 331 E (1) (b) of 'The Rules of Procedure and Conduct of Business in Lok Sabha' is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, as the case may be, and make Report thereon. In pursuance of this Rule, Honourable Speaker referred 'The Seeds Bill, 2004' to the Committee on 16<sup>th</sup> December 2004 for examination and Report. The Committee decided to know the views of various institutions/experts in the field to enable the Members to have an in-depth knowledge about various clauses of the Bill and therefore called for written memoranda from the Agricultural Research Institutions, Agricultural Universities, National and State level Seed Corporations, private Seed Companies, scientists, experts, farmers' organizations, NGOs and other interest groups or individuals. A Press Communiqué was issued for publication in the National and regional newspapers and All India Radio and Doordarshan's National as well as Regional Channels. Out of these the Committee heard the views of the following experts/organizations and discussed with them various provisions of the Bill:

1. Dr. Vandana Shiva - Director, Navdanya, New Delhi
2. Dr. Suman Sahai - Convenor, The Gene Campaign, New Delhi

### **All India Kissan Sabha (CPM), New Delhi**

3. Sh. S. Ramachandran Pillai - President, AIKS
4. Sh. K. Varadharajan - General Secretary, AIKS

### **All India Kissan Sabha (CPI), New Delhi**

5. Sh. Kolli Nageswara Rao - General Secretary, Andhra Pradesh Ryotu Sangham
6. Mr. Chittar Singh - Vice President, UP Kissan Sabha Member, All India Kissan Sabha National Council

### **BHARAT KRISHAK SAMAJ, NEW DELHI**

7. Dr. Krishan Bir Chaudhary - Executive Chairman Bharat Krishak Samaj

### **ASSOCIATION OF SEED INDUSTRY, MUMBAI**

8. Shri Nandkishor Kagliwal - Chairman, Nath Seeds Limited
9. Shri Raju Barwale - MD, Maharashtra Hybrid Seeds Company Ltd.
10. Shri M. Ramasami - MD, Rasi Seeds Pvt. Ltd.
11. Dr. Arvind Kapur - MD, Numhems Seeds India Pvt. Ltd.
12. Dr. Paresh Verma - Director-Research, Bioseed Research India Pvt Ltd.
13. Shri R.S.Arora - MD, Century Seeds Pvt. Ltd.
14. Shri R.K.Sinha - Executive Director, Association of Seed Industry and All India Crop Biotechnology.

### **SHETKARI SANGTANA, PUNE**

15. Dr. Manavendra Kachole - Member of the Executive Committee
16. Shri Nikhade - Member of the Executive Committee
17. Shri Govind Joshi - Member of the Executive Committee

3. In all the Committee held Eight Sittings for detailed examinations of the Bill. The sittings were held on 17 Feb, 2005, 21 June, 2005, 19 June 2006, 20<sup>th</sup> June, 2006, 03<sup>rd</sup> July, 2006, 18<sup>th</sup> July, 2006, 26<sup>th</sup> July, 2006 and 26<sup>th</sup> Sep, 2006. The Committee took oral evidence of the representatives of the Ministries of Agriculture, Law, Justice and Company Affairs on 17<sup>th</sup> Feb, 2005, 21<sup>st</sup> June, 2005, 18<sup>th</sup> May, 2006 and 26<sup>th</sup> July, 2006. The Committee express their thanks to the experts/NGOs/farmers/organizations and seed industry, who gave their valuable suggestions/views to enable the Committee to arrive at consensual decisions on various clauses of the Bill. The Committee also express their thanks to the officers of the Ministry of Agriculture (Department of Agriculture and Co-operation) and Ministry of Law, Chairman of PPV&FR Authority for placing before them the material and information desired by the Committee from time to time in connection with the examination of the Bill.



4. The Committee appreciate the strenuous efforts put in by the Officers and staff of Committee Secretariat in connection with the examination of the Bill and drafting an excellent Report.

5. The Committee considered and adopted the Report at their sitting held on 26<sup>th</sup> September, 2006.

New Delhi;  
26 Sep, 2006  
04 Asvina, 1928 (Saka)

Prof. Ram Gopal Yadav  
Chairman  
Standing Committee on Agriculture

**REPORT****PART – I****AN OVERVIEW**

1. The seed is the most important determinant of agricultural production. The organized seed programme in India is four decades old which began with the implementation of 'The Seeds Act, 1966.' A sustained increase in agricultural production and productivity has become dependent on the development of new and improved varieties of crops and an efficient system for supply of quality seeds to farmers.

2. 'The Seeds Act, 1966' regulates only notified kinds and varieties of seeds. It became operational with the enactment of the Seeds Rules in 1968. Amendments to the Seeds Act and Rules were introduced in 1972, 1973, 1974 and 1981. The Seeds (Control) Order, 1983, which was an order issued under the Essential Commodities Act, 1955, established a regulatory framework for controlling the distribution and supply of seeds to farmers. Owing to litigation, however, the Seeds (Control) Order became enforceable only from July 1994. In October 1988, the Government of India announced the 'New Policy on Seed Development' with the objective of making the best planting material anywhere in the world available to Indian farmers for increasing productivity and to encourage the growth of export in seeds. According to the Government a need was felt to substantially revise the existing seeds legislation and policy.

3. 'The Seeds Bill, 2004' which was introduced in Rajya Sabha on 9.12.2004, seeks to repeal and replace 'The Seeds Act, 1966'. It was referred to the Standing Committee on Agriculture on 16.12.2004 for examination and Report. The Bill is covered under the Constitution of India, Seventh Schedule Entry 41 & 42 of the 'Union List' which relate to 'trade and commerce with foreign countries, import and export across customs frontiers', etc and inter-State trade and commerce. It is also covered under Entry 33 of the Concurrent List, which inter-alia covers, 'Trade and Commerce in, and the production, supply and distribution of food stuff, including edible oilseeds and oils, cattle fodder, raw cotton whether ginned or un-ginned, and cotton seed and raw jute'.

4. Numerous changes have taken place in the national and international environment since the enactment of the existing seeds legislation. The plateauing of agricultural growth during the nineties has necessitated new strategies to ensure food security. Provision of good quality seeds to the Indian farmer is a key factor in order to attain the objective of 'doubling food production in ten years'. A quantum increase in production can be affected by enhancing Seed Replacement Rate (SRR) of various crops or, in other words, by increasing the use of quality seeds in comparison with farmers' saved

seeds. According to the Government, this would require a vastly expanded role for the private seed industry. The creation of a facilitative climate for growth of the seed industry, boosting of exports and encouragement of imports of useful germplasm lies at the core of the agriculture strategy in the new Millennium.

5. The liberalized climate for investment led to vigorous participation by the private sector in the seed industry. The rapid growth of the private sector also raised issues relating to collaboration between the public research system and the private seed industry. This raised issues regarding the relative roles that should be assigned to the public sector and private sector, including trans-national corporations in the seed sector. To resolve these issues the Department of Agriculture and Co-operation (DAC) constitute a Seed Policy Review Group under the chairmanship of Dr. M.V. Rao, the then Vice Chancellor of Andhra Pradesh Agricultural University to examine the changes required in the seed sector in the context of the changing environment. The principal recommendations of the Review Group were as under:

- Compulsory registration of varieties be introduced
- Amalgamation of Seeds (Control) Order with the provisions of Seeds Act be effected.
- Self-certification by Seed Producing Agencies be provided.
- Accreditation of private Seed Testing Laboratories be promoted.
- Revamping Central Seed Committee.
- Increase in penalties for offences.
- Review of labeling of certification standards.

6. A Core group constituted under the Chairmanship of Additional Secretary, Department of Agriculture & Co-operation, studied the recommendations of the Seed Policy Review Group. Subsequently, a small Working Group was set up under the Joint Secretary (Seeds), with technical back-up, to detail the implementation process.

7. The Government have informed the Committee that the recommendations of the Seed Policy Review Group form the basis of the seed sector reforms undertaken by the Department of Agriculture Co-operation. The draft Seeds Bill, 2004 has been prepared on the basis of the recommendations of the Seed Policy Review Group and consultations with seed experts and various stakeholders.

8. A National Symposium was organized in September 1999 under the Chairmanship of Secretary (A&C) to elicit the views of stake-holders like the Indian Council of Agriculture Research institutions, universities, national and state level seeds corporations, private seed companies, scientists, experts, farmers group, Non Governmental Organizations and State Governments before finalizing the legislative and administrative changes.

9. According to the Government, some of the deficiencies in the existing seed legislation are as enumerated below:

- Present Seeds Act regulates only notified kind and varieties and does not touch non-notified varieties, so called research hybrid varieties, etc.;
- Central Seeds Committee and Central Seeds Certification Board are not adequately empowered to effectively regulate seed production and distribution;
- Green manure seeds, commercial crops, plantation crops, and the like are not covered;
- Registration of seeds is not compulsory;
- No provision is available to regulate the quality of seeds of non-food crops;
- No provision of self-certification and accreditation of private seed testing laboratories;
- No provision for regulation of transgenic materials;
- Definition for “farmers’ exemption” is ambiguous;
- Penalties for infringement are very mild.

10. Since the enactment of the 1966 Seeds Act, far-reaching changes have occurred in the agriculture and horticulture areas with crop diversification and biotechnology emerging as vital elements of such change. Building of a conducive environment for enhanced investment in research and development and quality seed production including application of frontier sciences are sought to be established under the present Seeds Bill, 2004.

11. According to the Statement of Objects and Reasons of the Seeds Bill, 2004, the proposed legislation inter-alia provides for the following changes;

- (i) regulation of seeds and planting material of all agricultural, horticultural, plantation, crops so as to ensure availability of true to type seeds to Indian farmers;
- (ii) provisions for constitution of a separate Registration Sub-Committee of the Committee to look after the various registration aspects and maintenance of a National Register of seeds of kinds and varieties.
- (iii) Check on the sale of spurious and poor quality seed and provision for compensation to farmer.
- (iv) provision of registration of seed producers, seed producing units, seed dealers and horticulture nurseries;
- (v) regulation of sale of seeds and increase in the proportion of availability of quality seed for sowing;
- (vi) increase in the seed replacement rate resulting in higher productivity;
- (vii) simplification of procedures and placing a more efficient regulatory mechanism;

- (viii) increased private participation in seed production, distribution, certification and seed testing;
- (ix) regulation of import and sale of transgenic seed and planting material;
- (x) liberalised import of seed and planting materials compatible with World Trade Organisation (WTO) commitments;
- (xi) provision for right of farmers for exemption from registration in certain cases.

12. The expected benefits from the revised seed legislation have been stated as follows:

- Availability of true to type seeds to Indian farmers;
- Check on sale of spurious and poor quality seed;
- Increase in the proportion of quality seed available for sowing;
- Increase in the seed replacement rate resulting in higher productivity;
- Simplification of procedures and more efficient regulation;
- Revamping of Central Seed Committee as a permanent body for effective monitoring of the seed development programme in the country;
- Increased private participation in seed production, distribution, certification and seed testing;
- Regulation of import and sale of transgenic seed and planting material;
- Liberalised import of seeds and planting materials compatible with WTO commitments;
- Provision of farmers' exemption from registration, etc.

13. The seed legislation also seeks to address issues regarding sale of newly developed material while keeping in tact the interest of the farmers and sustainability of Indian agriculture. The most important feature stated in the new Bill is that it explicitly protects and recognises the traditional rights of farmers to produce, sell and exchange seeds, and non-requirement of them to register their varieties under the proposed Bill.

14. An act for establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants, known as 'The Protection of Plant Varieties and Farmers Rights Act, 2001' (PPV&FR Act), already exists.

15. The Committee, before going into detailed examination of the Bill invited written memoranda from Agricultural Research Institutions and Universities, National and State level Seeds Corporations, Private Seed Companies, Scientists, Experts, Farmers' Organisations, NGOs and other interested groups/individuals their views/suggestions/comments on the Bill. 70 memoranda were received, based on which representatives from seven Organizations were called in to give their expert comments on various clauses

of the Bill. The experts' views on various clauses have immensely helped the Committee to understand the intricacies of the contentious issues involved in various clauses and to arrive at consensual recommendations.

16. The Committee have gone through the Bill threadbare and clause-wise comments have been given in Part-II of this Report. The clauses which have not been covered/commented upon in the Report are found to be in order. However, some of the important recommendations of the Committee which have far reaching effects on the implementation of The Seed Bill have been summarised hereunder.

**17. The Committee feel that the Seed legislation should address the issue of promoting sale of newly developed kinds or varieties of seeds and at the same time ensure that the interest of the farmer and the sustainability of Indian agriculture are not jeopardized. The Seed Bill should not undermine the farmers/primary conserver friendly provisions of the Plant Protection of Varieties and Farmers Rights Act 2001 and Bio-diversity Act, 2002. It should not also undermine the existing procedure for the assessment and release of genetically modified crop varieties. Its main aim should be to strengthen the integrated growth of farmers and commercial seed systems, so that every farmer has access to high quality seed/planting material at the right time and place and at appropriate prices. The Committee strongly recommend that the 'PPV&FR Act, 2001' should be made fully operative first, before passing/implementing 'The Seeds Bill, 2004' so as to ensure the harmony between the two.**

**18. The Committee note that Clause 43 begins with a positive note by stating that farmers will continue to exercise all rights including the rights to save, use, exchange, share or sale his farm seeds and planting**

material, but in the same line the positive gesture has been qualified by a negative rider which states that the farmers whose seeds do not conform to the minimum limit of germination, physical purity and genetic purity prescribed under sub-clauses (a) and (b) of section 6 of the Bill would constitute a violation of the Act. The Committee are of the considered view that this provision will restrict the rights of the farmer. The Committee recommend that the words, *'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'* should be deleted from Clause 43 (1) so that the rights of the farmer are not infringed and the provision of the new Seed Bill is made consistent with the corresponding provision in the PPV&FR Act 2001.

The Committee further recommend that Clause 43, which exempts the farmers from registration, should come in the beginning of the Bill and may be placed just after Clause 1 (3) so as to avoid any confusion about the registration of the farmers' seeds.

19. There is a growing dependency of farmers on seed market dominated by Private seed companies for their seed requirements, which are out to make more and more profits at the expense of farmers. Unscrupulous trading in seed by supplying spurious, substandard and misbranded seed, which is going unchecked, more so in private sector, can be curbed by incorporating specific provisions in the Bill. The Committee feel that the public sector should be encouraged to play the main role in the seed sector and it should not be marginalized for commercial gains of private seed industry.

Private participation in seed certification and seed testing could bring in serious elements of conflict of interest and defeat the objectives of the Government by marginalizing the farmers who practise traditional systems of exchange and sale of seeds. For instance, under the new Seeds Bill 2004, individuals and organizations are proposed to be accredited for seed certification under Clause 27 and they will be competing with the already existing State Seed Certification Agencies. Increasing private participation in seed production, distribution as well as certification and seed testing is bound to bring in conflict of interest where the producer becomes the judge to award certificate to himself for minimum limit of germination, genetic and physical purity of the seeds he produces. The Committee observe that the provision of self-certification will upset the seed market with a high risk to the consumers and farmers as well, because it will encourage the producers to introduce such seed varieties into the market which have not yet been tested by Government approved Labs/Agencies. The Committee strongly recommend that the provision of self-certification in the Bill should be dispensed with.

20. The powers of the Central Seed Committee given in the Bill are very comprehensive, yet there is no mention of price regulation of seeds either by the Central Seed Committee or State levels Committee or by any other agency/authority. The Committee feel that the Seed Company will be getting exclusive, perpetual and monopolistic rights over the seed prices. The Committee do not agree with the views expressed by the Government that when most of the sectors of the economy are



opening up, it will not solve public purpose to exercise control over seed industry, except in matter of quality. Policy of the Government is to encourage public-private partnership and create a conducive environment for growth of seed industry. However, the Committee have a strong view that in addition to necessary growth of seed industry, conducive environment should be created for farmers also, so as to provide them the seeds at reasonable price. The recent case of Monsanto Company charging exorbitant price for the BT Cotton seed is the proof of unfair trade practices being exercised by the multinational companies. The Committee recommend that a price regulatory provision should be provided in the Bill itself so as to ensure that the farmers are not charged arbitrary price by the seed producer/supplier.

21. According to the Government, penalties for infringement are very mild in the existing Seeds Act, and this is one of the reasons for bringing new legislation. But in the present Bill, which repeals and replaces the old Seeds Act, the Government have not suggested any deterrent punishment/penalty for the persons who sell spurious or misbranded/sub-standard seeds or the seed which does not give the promised yield. In the Seeds Act, 1966 the penalty for first offence was up to Rs.500 and in case of repetition of the offence the fine could extend to Rs.1000 or an imprisonment for a term which may extend to six months or both. The Committee feel that Rs.500 in 1966 would become more than Rs.1,00,000 in 2006 even if we calculate the interest on bank rates prevailing from time to time. It is not understood, how the penalty of only Rs.5000 in place of Rs.500 has been fixed in the new

**Seeds Bill. The small trader or dealer who sells misbranded or spurious seeds cannot be spared with a mild penalty. This will be an encouragement to commit the offences, which may have irreparable and incalculable loss to the farmer who may use these seeds for cropping. Given that the misbranded and spurious seed trade is worth crores of rupees, the small penalties being proposed are of no use to deter the offenders. The Committee recommend that the punishment for the offences committed under the new Seeds Bill should be in consonance with the stringent penalties provided in PPV&FR Act, 2001.**

**22. The new Seeds Bill envisages that the farmers can claim compensation from the producer, distributor or vendor under 'The Consumer Protection Act, 1986'. The Committee are of the opinion that the farming community in the rural areas, are not aware of the existence of the Consumer Protection Act, 1986 or the District Consumer Forum or the State Consumer Council or for that matter any other authority set up for the purpose of claiming compensation. The Committee strongly feel that compensation provision should be included in the Bill itself on the lines of Clause 39 (2) of the Protection of Plant Varieties & Farmers' Rights Act, 2001, which can be implemented through specially designated arbitration Tribunal/ Compensation Committee or any other authority constituted for this purpose by the Government.**

**23. The Committee are of the opinion that insurance could be one of the solutions for providing compensation to the farmers whose seeds have not given the desired yield. During the Ninth Five Year Plan period,**

the Government had started a pilot scheme on 'seed crop insurance' but later on it was discontinued, the Committee feel that 'seed crop insurance' scheme should be re-introduced by incorporating a suitable provision in the Bill itself so as to award timely compensation to the farmers. The seed producer should pay the premium for the seed insurance.

24. The Committee are in agreement with the conclusions arrived at a symposium organized by the Government on seed sector reforms that a seed mark, or symbol on the lines of Agmark to denote quality of the seed should be introduced and the labelling provisions under the Seeds Act should be harmonized with the provisions of other Acts such as Weights & Measurement Act, Package Act, etc.

25. The Committee feel that the powers of the seed inspector is the most important section and need careful attention as he has been given the responsibility of seed law enforcement. The Committee apprehend that Clause 35 will bring an 'Inspector Raj' to exploit the poor farmers. Under this Clause the inspector can enter and search any place in which he has reason to believe that an offence under this Act has been or is being committed. The Committee are of the firm opinion that to give such sweeping powers to an officer of a junior level to inspect and search a place on a mere belief, without a proper procedure or authorization from higher authorities could lead to disastrous results and there is every possibility of his taking prejudiced decision or that he may be subjected to the pressure to misuse his powers. The powers of

the inspector in the proposed Bill being similar to the Seeds Act 1966 does not ensure that the inspector will not misuse the powers given to him. The Committee are not convinced by the arguments given by the Government that this apprehension expressed by the Committee can be taken care of while making the rules for implementing this provision. The Act has to have a precedent over the rules and regulations. It is not understandable that powers can be given in the Act but the control will be provided in the regulations made thereafter. The Committee strongly recommend that the controls over the power of the inspector should also be provided in the Act itself. The inspector should be allowed to search or break open any premises only on the written orders of the District Collector or a Magistrate specially authorised to exercise the powers given under the Seeds Act. Moreover, as the farmers are not selling any branded seeds, they should be exempted from this Clause.

26. The Committee have considered each Clause of the Bill very carefully and are of the opinion that the Clauses, other than those discussed in the Report, should be made consistent with the provisions on which amendments/suggestions have been made by the Committee in the Report.

**PART – II****CLAUSE-WISE ANALYSIS****Clause 1**

1. Clause 1 gives the short title of the Bill, the area of its operation and its applicability.

Clause 1 (3) of the Bill states as under:

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.

2. **The Committee recommend that the words ‘Other than farmer’ should be added after the word ‘Producer’ and in order to safeguard the interest of the farmers the words ‘and not for sale’ should be deleted from Clause 1 (3) (b).**

**The Clause 1(3)(b) should read as under:**

- (b) every producer of seed, other than farmer, except when the seed is produced by him for his own use.**

**Clause 2 (11)**

3. Clause 2 (11) specifies the definition of farmer as under:

“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;

4. **The Committee observe that the definition of farmer is incomplete. Therefore, the following words should be added after the words ‘through any other person’ to make the definition of farmer more comprehensive:**

***‘or who conserves and preserves, severally or jointly with any person, any traditional varieties or adds value to such traditional varieties through selection and identification of their useful properties’***

**Clause 2 (16) & 2 (27)**

5. Clause 2 (16) is defined as under:

“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) its 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.

6. Clause 2 (27) of the Bill is defined as under:

“spurious seed” means any seed which is not genuine or true to type;.

7. **The Committee have come to know through the field experience of the farmers that the seed package, many a time, gives deceptive information to our predominantly illiterate farmers. Containers having alluring pictures have misled many a farmers, but seed companies may get away by printing in small letters somewhere on the package “picture on this container is intended to represent the kind only”. Farmers do not understand these qualifying lines on the package and purchase the package in the hope of getting the crop yield as depicted on the package. However, when the seeds do not give the promised yield or fail to germinate, the farmer is disappointed and financially shattered. The Committee feel that misleading pictures/ads should not be printed on the seed packages unless they are true to the variety inside the package.**

8. **The Committee recommend that a suitable clause should be added to the Bill itself for describing the mechanism for disposal of misbranded and spurious seeds so that undesirable seeds are not sold in the market.**

**Clause 2(19)**

9. Clause 2(19) is defined as under:

“producer” means a person, group of persons, firm or organisation who grows or organizes the production of seeds;

**10. The Committee are of the opinion that though the term ‘farmer’ has been defined separately in Clause 2(11), however, to make the definition of ‘producer’ more clear, the words ‘other than the farmer’ should be added after the words ‘group of persons’ and the Clause 2 (19) should read as under:**

***“producer” means a person, group of persons other than the farmer, firm or organisation who grows or organizes the production of seeds;***

**Clause 2 (23)**

11. Clause 2 (23) of Bill gives the definition of ‘Seed’ as under:

“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.

**12. The Committee desire that the following words may be added after the words ‘Embryo or propagule’ to make the definition more clear:**

***“Including seedlings, tuber, bulbs, rhizomes, roots, cuttings, all type of grafts and other vegetatively propagated material”***

**Clause (4)**

13. Clause (4) of the Bill deals with Composition of the Central Seed Committee. In Clause 4 (3) there is a provision of nominating ex-officio Members to the Central Seed Committee, as indicated below:



- (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.

**14. Since the Bill includes medicinal and aromatic plants in the definition of Agriculture, the Committee recommend that the Director of the National Centre for Aromatic and Medicinal Plants should be made an ex-officio member of the Central Seed Committee.**

**Clause 4 (4) (i)**

15. Clause 4 (4) (i) states that 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 will be nominated by the Central Government to the Central Seed Committee.

16. The Committee note that in the present Bill, only five States, one each from five geographical zones, on a rotation basis, will get representation in the Central Seed Committee, whereas the Seed Act of 1966 provided representation to all the States on this Committee. The Government have argued that it is desirable to have a compact Central Seed Committee for purposes of in-depth deliberations. However, during evidence, on the insistence of the Committee that ours is a vast country with much diversity in the field of agriculture, so instead of geographical zones, the representation of the States should be based on the agro-climatic zones, the Secretary,

Department of Agriculture and Co-operation, accepted the suggestion to have one representative State from every agro-climatic zone of the country.

**17. The Committee recommend that Agriculture being a State subject, Clause 4 (4) (i) should be amended and the Central Seed Committee should have a representative of one State from each of the agro-climatic zones, as specified by the Planning Commission, instead of geographical zones, on rotation basis and the Clause should read as under:**

***‘The Secretary (Agriculture), one each from the agro-climatic zones of the country on rotation basis;’***

**Clause 4 (4) (iv)**

18. Clause 4 (4) (iv) provides two representatives of the farmers to be nominated by the Central Government to the Central Seed Committee. Clause 4 (4) reads as under:

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.

**19. The Committee feel that two representatives of the farmers in the Central Seed Committee is too small a representation keeping in view**

**the number of farmers in our country. Since the farming in India is of a diverse nature, as there are different kinds of land formations and climatic zones, the Committee recommend that farmers representation on the Central Seed Committee should be raised to five Members, one each from different geographical zones.**

### **Clause 5**

20. The Clause 5 deals with powers and functions of the Committee. It states that 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.

21. **The Committee observe that though the powers of the Central Seeds Committee are very comprehensive, yet in the Bill, there is no mention of price regulation of seeds either by the Central Seed Committee or State level Committees or by any other agency/authority. They feel that the Seed Companies will be getting exclusive, perpetual and monopolistic rights to arbitrarily fix the price of the seeds developed by them. The Committee, therefore, recommend that a price regulatory provision should be made in the Bill itself to ensure that the farmers are not charged exaggerated price by the seed supplier. This can be done by setting up a sub-Committee of the Central Seed**

**Committee to control the prices of the seeds and for that the Clause 5 (e) should be amended and read as under:**

***‘Seeds registration, its enforcement and price regulation;’***

**Clause 6 & Clause 7**

22. Clause 6 deals with the powers of the Central Seed Committee to specify minimum limits of germination, purity, seed health, etc. It reads as under:

‘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.

23. Clause 7 deals with registration and other sub-committees of the Central Seed Committee and their functions.

The Central Seed Committee through its Registration Sub-Committee or a sub-committee on seed certification is duty bound ‘to register seeds of varieties after scrutinizing their claims as made in the application in such manner as may be prescribed’ [Clause 7(2)(a)]

**24. As has been provided in the Bill itself, the Seed Certification Committee would be giving its certificate for ‘minimum limits of germination, genetic and physical purity etc.’. However, the seed selling company will be putting a label on their seed packets of their expected performance which will be more than the minimum standards fixed by the Committee. The farmer will buy the seed by seeing the label of the company and he will be ignorant about the minimum standards based**

on which the seed certificate has been issued. The Committee are unable to comprehend the basis on which the compensation to the farmers will be provided, if the seed does not conform to the minimum standards fixed by the Committee. Whether it will be the minimum standard as fixed by the Seed Committee while issuing the Seed Certificate or the standard given/printed by the Seed Company on the label of the package of the seed. The Committee are of the opinion that the compensation to the farmers should be based on the expected performance as mentioned by the Seed Producer on the label of the seed package.

25. The very purpose of having a seed certification agency, which through its officers is expected to put a certification tag and seal on every bag, is to ensure the quality of that seed. The seed producers pay a fee to inspect the farmers' fields and to supervise the grading and packing processes of the seeds. The seeds of every lot are supposed to be tested by this agency at their seed testing laboratories so the quality of seeds is guaranteed to the farmers by the seed certification agency. Therefore, the Committee recommend that if the seed delivered to the farmer is from the same stock which has been certified by the Seed Committee, but has failed to give the desired result, as was specified in the Certificate issued by it, this Seed Certification agency should be held responsible for the quality of the seeds and should invariably be made a party to the compensation process, along with the seed producer/supplier, in case the seed fails to give the desired yield. The Committee recommend that the Clause 7 should be suitably amended to

hold the Central/State Seed Certification Committee responsible for the powers exercised and functions under Clause 5 and issuance of seed certificate under Clauses 13, 14 and 28 of the Bill.

26. In Clause 7(2)(a) the word, '*kinds and*' should be added after the words, 'to register seeds of'.

**Clause 12 (1)**

27. As per Clause 12 (1) a register of all kinds and varieties of seeds 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.

28. The Committee are of the opinion that the farmers' varieties should be entirely excluded from the registration in the Seeds Bill. The Committee, therefore, recommend that the following words should be added to Clause 12:

*'However, Farmers will not be required to register farmers' varieties in the National Register Of Seeds'.*

29. The registration of farmers' varieties of seeds should be the responsibility of District Administration, either through Gram Panchayat/Block Development Office/Zila Parishad who themselves will register the extant varieties of seeds and farmers need not be asked to register their varieties as most of them are unaware of the technicalities involved in the registration process. The information may then be forwarded by the registering authority to the State level and/or national level Registration Committee. As the Committee have been informed

that farmers' variety will be registered as per PPV&FR Act, making it a community right because generally most of the farmers' varieties, as we have today like that of the Nagpur orange or basmati rice, belong to a community rather than to an individual. And this collective community right will automatically have the power to produce those farmers' variety seed because it is not qualified as a brand. Irrespective of the provisions in the PPV&FR Act, if the varieties of common knowledge are not entered/registered in the National Register of Seeds within a stipulated time it should become the property of the concerned State and should not be allowed to be registered by any private agency. The Committee recommend that to make it clear and known to all, that extant varieties and patrimony varieties belong to the Government, the entries of these varieties should be made in a Register maintained by the concerned State Government.

### **Clause 12(3)**

30. Clause 12(3) provides that the registration sub-committee shall, within such intervals and in such manner as it think appropriate, publish the list of kinds and varieties of seed which have been registered during that interval.

31. The Committee recommend that the Registration Sub-Committee should maintain a National Register Of Seeds of kinds and varieties and the updated list must be published and put up on the website every three months.

### **Clause 13 (1)**

32. Under Clause 13 of the Bill, compulsory registration of all kinds and varieties of seeds is a pre-requisite for their sale in the market.

33. The Committee feel that this Clause does not make it clear that the farmers need not get their seeds registered. Therefore, they recommend that in order to exempt the farmers from compulsory registration of their seeds, the words '*except the farmers' variety*' should be added after the words 'No seed of any kind or variety' and Clause 13 (1) may read as under:

*'No seed of any kind or variety, except the farmers' 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.'*

34. The Committee further recommend that the following proviso may be added to Clause 13(1) which may read as under:

*'Provided that the Registration Sub-Committee may decide to implement this provision in phases for registration of seeds of any kind or variety.'*

#### **Clause 13(4) & (5)**

35. Under Clause 13(4) a registration made under this Act shall be valid for a period of fifteen years in case of annual and biennial crops, and eighteen years for long duration perennials. And under Clause 13 (5) at the expiry of the period granted under Sub section (4) the seeds may be re-registered for a like period on the basis of information furnished by the producer on the results of such trials as may be prescribed to re-establish performance of the kind or variety of seeds.

36. When the Committee suggested to the Govt. that why this provision of re-registration should not be deleted to break the monopolistic control of the seed industry which may go on exploiting the farmers for unlimited period as the holder of the registration without adding any quality to the seeds. The Govt. accepted the suggestion.



**37. The Committee are of a firm opinion that this provision of re-registration will give monopolistic control on the seeds marketing by the seed industry, which may go on exploiting the farmers for unlimited period. Even the period of fifteen years, in case of annual and biennial crops, and eighteen years for long duration perennials, is quite a long time considering the progress/innovations in research and development being made in the agricultural sector worldwide. The duration of registration period for any kind or variety of a seed should be reduced to ten and twelve years for annual & biennial crops and perennials, respectively.**

**The Committee are of the firm view that when the holder of registration is not adding any quality or change in the variety of seed, it will increase the monopolies of the seed producer, which may exploit the farmers for unlimited period. As has also been agreed to by the Government, the Committee, strongly recommend that this provision of re-registration under Clause 13 (5) should be deleted.**

#### **Clause 14**

38. Clause 14 deals with the procedure for registration of a kind or variety of seed and issuance of certificate of registration.

Clause 14(2) reads as under:

‘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, of the seed on such conditions as may be specified by it and allot a registration number thereto and issue a certificate of registration’.

39. The Committee have been informed through a written reply that seed testing laboratory is a post-registration phenomenon and not a pre-registration requirement. Registration is to be granted on the basis of agronomic performance including yield, resistance to disease/droughts/salinity, response to inputs, etc., assessed through an elaborate process of evaluation and trial including value for cultivation and usage trials. The Committee are of the strong opinion that seed testing including seed germination and yield testing should mandatorily be a pre-registration requirement, as yield testing is must, in so far as farmers are concerned. They, therefore, recommend that for this the services of Agriculture Universities, Agriculture Colleges and Krishi Vigyan Kendras laboratories may be utilised so as to save time and provide easy accessibility which will avoid the necessity of self-certification and provisional certification of seeds.

40. The Committee also recommend that the word 'may' should be replaced with '*shall, only*' in the second line of Clause 14(2) so as to make it mandatory for the Seed Committee to make such enquiry, as it deems fit, to conform to the claims made by the importer or the seller, as the case may be, as regards the efficacy of the kind or variety of seeds, its yield and safety to human beings and animals, before issuing a certificate of registration. The Committee further recommend that the maximum time limit for registration should also be specified in the Clause itself, in order to ensure that all the actions, from receipt of application to the issuance of certification of registration, are taken within the stipulated time.

41. The Committee note that there is no provision in the present Bill for pre-grant opposition to registration of a new kind or variety of seed, on the lines of Section 21 of the PPV&FR Act 2001, to ensure more transparency. They are of the considered view that a provision for pre-grant opposition will allow legitimate opposition to the grant of a registration of a new variety before registration is granted. Thus, people will have an opportunity to raise objections, if they have reason to believe that the variety is not what is being claimed or the person opposing the application is entitled to the breeder's right as against the applicant or the variety may have adverse effect on the environment or any other reason which the Government may consider appropriate for pre-grant opposition to the registration of any new kind or variety of a seed. Therefore, the Committee recommend that a suitable Clause containing the pre-grant opposition to the registration of the new kind or variety of the seed be added to the Bill.

42. The Committee note that the present Seeds Bill is silent on the origin and ownership aspect of a registered variety of seed. The PPV&FR Act, 2001 vide Section 18(1), has provisions relating to declaring the origin i.e., parentage of variety, the conditions for multi-location testing, etc., whereas 'The Seeds Bill 2004' which requires mandatory registration of the seeds, does not give importance to declaring the parentage. In the absence of such a provision, established seed companies could use farmer varieties in breeding the new species without paying anything to them or to the Government. For example, all

agriculture scientists and business professionals know that most hybrid varieties of various crops that Indian private firms sell - except vegetables, maize and sunflower- are created from varieties developed by ICAR institutions. But this cannot be verified because there is no compulsion on private players to disclose parental lines, while those of public sector varieties, is a public knowledge. Therefore, the Committee feel that this Bill should be in consonance with other laws which require pre-requisite disclosure of parentage for doing registration. This will facilitate unrestricted commercialisation of varieties in the public domain, including farmers' varieties, by private parties. The Committee recommend that a sub-Clause may be added to the Clause 14 as under:

*'Every application for registration under Section 13 shall contain a complete passport data of the parental lines from which the variety has been derived and from where the genetic material has been taken and all such information relating to the contribution, if any, of any farmer, village community, institution or organisation in breeding, evolving or developing the variety'.*

### **Clause 15**

43. Clause 15(1) provides special provision for registration of transgenic varieties of seeds, which needs the clearance under the Environment Protection Act, 1986. It also incorporates a proviso regarding grant of provisional registration/clearance for a period of two years irrespective of such clearance under EPA. The Clause reads as under:

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

**44. The Committee are of a strong view that the provisional registration of transgenic varieties would bring the untested seeds and genetically engineered food crops in the market from backdoor, which may sabotage the entire bio-safety regulatory system of our country. Also, as the transgenic seeds cannot be released for commercial cultivation without the approval of the Genetic Engineering Approval Committee (GEAC), provisional registration/clearance should not be allowed and the proviso to Clause 15 (1) should be deleted.**

#### **Clause 17**

45. Clause 17 deals with notification of cancellation of registration of seeds of kinds and varieties which reads as under:

'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'.

**46. The Committee suggest that the names of the seed producers as well as dealers who have been charged with contravention of the provisions of the Seeds Act and whose registration of any kind or variety of seed made under Section 30 has been cancelled, should be published in a manner that the information reaches the farm produce users and the general public.**

**Clause 19**

47. Clause 19 provides as under:

‘The Committee may, for conducting trials to assess performance, accredit centers 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 seed.’

**48. The Committee recommend that in Clause 19 the words ‘and such other organizations’ may be replaced with the words ‘*and such other government/semi-government/autonomous organizations*’ so as to avoid any private and trans-national seed-testing laboratory to conduct the trials to evaluate the performance of any kind or variety of seeds, as they are not directly accountable to the Government of India or any State Government. Multi-locational testing of varieties bred by the private sector must be done by the ICAR. The Committee suggest that the seed industry may contribute to a fund to pay for multi-location testing but the testing itself should be done by the ICAR and its subsidiary laboratories only. The Committee desire that all out concerted efforts should be made to increase the number of seed testing laboratories in Government or Semi-Government sector with at least one seed testing laboratory in each district.**

**Clause 20**

49. Clause 20 deals with compensation to farmers and which reads as under:

‘ 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’.

Section 39 (2) of the Protection of Plant Varieties & Farmers’ Rights Act, 2001 relating to compensation reads as under:

‘Where any propagating material of a variety registered under this Act has been sold to a farmer or a group of farmers or any organisation of farmers, the breeder of such variety shall discuss to the farmer or the group of farmers or the organizations of farmers, as the case may be, the expected performance under given conditions, and if such propagating material fails to provide such performance under such given conditions, the farmer or the group of farmers or the organisation of farmers, as the case may be, may claim compensation in the prescribed manner before the Authority and the Authority, after giving notice to the breeders of the variety and after providing him an opportunity to file opposition in the prescribed manner and after hearing the parties, may direct the breeder of the variety to pay such compensation as it deems fit, to the farmer or the group of farmers or the organisation of farmers, as the case may be’.

**50. The Committee are of the opinion that the term ‘expected performance under given conditions’ is very vague and can lead to avoidable litigation for claiming compensation. Moreover, to claim the compensation under ‘Consumer Protection Act, 1986’, the farmers need the receipt as an evidence for the purchase of seed from the seed producer, distributor or vendor and in most of the cases, the seed vendor do not provide them the receipt and the farmers also do not know that they should insist for it. The farming community in the rural areas in general is not aware of the existence of the Consumer Protection Act, 1986 or the District Consumer Forum or the State Consumer Council or for that matter any other authority set up for this purpose for claiming compensation. They do not know the procedure to claim the compensation through these authorities. Majority of the farmers are unaware of genetic purity of the seed, so, if there is a failure of agronomic performance due to genetic impurity, they**

cannot identify and claim the compensation from seed producer, distributor or vendor under the Consumer Protection Act, 1986.

51. The Committee also note that one of the objectives mentioned at Para 5(iii) in the Statement of Objects & Reasons of the present Bill, is to 'check on the sale of spurious and poor quality seeds and provision for compensation to farmers'. The Committee strongly feel that compensation provisions should be included in the Bill itself on the lines of Section 39 (2) of the Protection of Plant Varieties & Farmers' Rights Act, 2001, through specially designated arbitration Tribunal/Compensation Committee constituted by the Government. After the words 'compensation from the producer, dealer, distributor or vendor' in Clause 20 the following words may be added:

*'through a Sub-Committee especially designated for this purpose within the Consumer Protection Act, 1986 or certifying agency through Arbitration or Compensation Committees or Special Tribunals/Fast Track Court/Authority established by the Government which may award the compensation within 30 days of the filing of the claim'.*

The Consumer Protection Act, may be amended accordingly, if needed.

### **Clause 21**

52. Clause 21 deals with the seed producers and seed processing units to be registered and reads as under:

(1) 'No producer shall grow or organize the production of seed unless he is registered as such by the State Government under this Act.



(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 there under has been contravened'.

**53. The Committee find that there is an obligation upon the seed producer and seed-producing agency to be registered by the State Government as such under the Bill. But the seed producers operate in different States, and hence, there should be only a central register for them, and they should be spared the ordeal of registration in every State in which they operate. The Committee, therefore, recommend that the seed producer and processing unit should be allowed to register only in the State where the seed production is taken up.**

**Clause 22 (1), Clause 25 & Clause 28(1)**

54. **Clause 22** deals with compulsory registration of the seed dealers.

**Clause 22(1)** reads as under:

‘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’.

55. **Clause 25** deals with regulation of sale of seeds of registered kinds and varieties, which reads as under:

‘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-.....’

56. And **Clause 28** deals with grant of certificate by the State Seed Certification Agency; and the **Clause 28(1)** reads as under:

‘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’.

**57. The Committee feel that ‘bartering’ is the traditional way of mutual exchange of seeds in Indian farming community and stopping bartering among the farming community will put an end to the seed security in the rural India. The farmers’ exchanging seeds through ‘barter system’ among themselves should be exempted from the purview of these Clauses and the word ‘bartering’ should be removed from Clause 22(1), Clause 25 & Clause 28(1).**

**Clause 27**

58. Clause 27 provides for accreditation of seed certification agencies, and reads as under:

- (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 organizations, 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 organization or individual, as the case may be, a reasonable opportunity of being heard.

59. On the issue of the accreditation of the seed certifying agencies, the Committee suggested to the Government that the organisations to carry out the seed certification should be qualified with the words 'Govt/Semi Government' and Clause 27(1)(b), which provides for individuals or seed producing organisations to carry out self-certification, should be deleted and also in Clause 27(2) and 27(3) the words 'individual and seed producing organisations as the case may be' should be deleted. To this the Government replied that 'Accreditation will be granted on the basis of standards to be prescribed in the Rules with a view to improving and expanding the quality regulation regime. Accreditation can be granted to ICAR institutions, State Agriculture universities, State Departments, Seeds Corporations, Cooperative institutions, farmers' organizations on the basis of prescribed standards. There will be stringent standards for accreditation and certification'.

**60. The Committee are unable to agree to the views expressed by the Government and observe that the Clause 27(1)(b) accrediting the 'individuals or seed producing organisations to carry out self-certification, in such manner as may be prescribed' should be deleted. Provision of self-certification is bound to upset the seed market because it will encourage the seed varieties to come into the market which have**

not yet been tested by Government approved Labs/Agencies. These self-certified seeds may pose high risk to the consumers and the farmers as well. Therefore, the Committee recommend as under:

- (i) In Clause 27(1) (a) add '*Government/Semi-Government*' before the words 'Organisations to carry out certification....'
- (ii) Clause 27(1)(b) should be deleted.
- (iii) In Clause 27(2) the words 'individuals and seed producing organisations' should be deleted.
- (iv) In Clause 27(3) the words 'Or individual, as the case may be' should be deleted.

### **Clause 28**

61. Clause 28 deals with grant of certificate by the State Seed Certification Agency, which reads as under:

(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.

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

62. The Committee recommend that the word 'may' should be replaced with '*shall, only*' in the second line of Clause 28(3) so as to

**make it mandatory for the State Seed Certification Agency to make such enquiry, as it deems fit, to conform to the claims made by the applicant as regards the prescribed standards, kind or variety of seeds and its safety to human beings and animals, before issuing a certificate of registration.**

### **Clause 30**

63. Clause 30 provides for the recognition of seed certification agencies in foreign countries and reads as follows:

‘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’.

64. **The Committee are of the opinion that the recognition of seed certification agencies in foreign countries is likely to be harmful for the Indian farmers since the climatic environment, soil, crop management system and other such conditions in the foreign land vary from the conditions in our country, and the same seed may not give the same yield to our farmers, as it might have given to the farmers of the country, where the seed’s yield trials have been conducted. Moreover, it can upset the indigenous seed market in our country, as the multinational companies do not follow the Indian laws and exploit the farmers by charging the price of their seeds exorbitantly, disproportionate to the inputs made. In Committee’s view it is dangerous to accredit any foreign seed certification agency to certify the seed to get it registered in India without conducting localised trials of that seed in our country. They, therefore, recommend that the Seed Certification Agency established in any foreign country should be recognised only if the seed**

**certified by it is invariably tested on Indian soil to conform to the specified minimum limits of germination, genetic and physical purity and maximum seed health.**

**Clause 32 (2)**

65. Clause 32 (2) which deals with the Central and State Seed Testing Laboratories, states as under:

‘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’.

**66. The Committee desire that since this lab will be called ‘State Seed Testing Laboratory’ so the word ‘non-Government’ in clause 32(2) should be replaced with ‘Semi-Government’**

**67. The Committee note that there is no audit of the performance of the Government Seed Testing Laboratories (STLs). The adoption of standard operating practices and maintenance of the required condition of seed germination are not subject to any audit by the independent agencies, which results in wrong test results at times. Therefore, there should be a provision for the audit of the notified STLs to conform to the ISO standards by accredited Central Seed Testing Laboratory especially designated for the purpose.**

**Clause 35**

68. Clause 35 deals with powers of Seed Inspectors, the places where samples may be taken, how to issue a 'stop sale' order for a period of thirty days and how to seize the stock, ledger, etc., and reads as under:

- (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 there under.
- (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 subsection (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.

(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.

**69. The Committee apprehend that Clause 35 will bring an 'Inspector Raj' to exploit the poor farmers. Under Clause 35 (1)(c) the inspector can enter and search at all reasonable time any place in which he has reason to believe that an offence under this Act has been or is being committed. The Committee are of the firm opinion that to give such sweeping powers to the inspectors to inspect and search a place on a mere belief without a proper procedure could lead to disastrous results and there is every possibility of misuse of power by the inspector. The Committee are not convinced with the arguments given by the Government that this apprehension expressed by the Committee can be taken care of while making the rules for implementing this provision of the Bill. As the Act has to have a precedent over the regulations, the Committee strongly recommend that the controls over the power of the inspector should also be provided in the Act itself. The inspector should be allowed to search or break open any premises only on the written orders of the District Collector or a Magistrate specially authorised to exercise the powers given under the Seeds Act and as the farmers are not selling any branded seeds, they should be specifically exempted from this Clause.**



70. The Committee feel that as the sowing season for any crop is of a limited period, the period of thirty days for not disposing of any stock of defective seeds should be reduced to fifteen days. In the Committee's view, fifteen days is a sufficient period to check a seed to conform to the prescribed standards for its germination. Hence, in sub-section 35(1)(c) the words, 'thirty days' should be replaced with words, '*fifteen days*'.

71. The Committee are of the view that the words 'as far as possible' may give a handle to the seed inspector to not to call the two independent witnesses of the same locality at the time of taking the samples of any seed. They, therefore, recommend that these words should be deleted from this Clause and the words '*from the same locality*' should be added after the words 'respectable persons'. Clause 35(3) should read as under:

*'Where the Seed Inspector takes any action under clause (a) of sub-section (1), he shall call not less than two independent persons from the same locality, 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.'*

72. The Committee suggest that after Clause 35(3), the following Clause as 35(4), on the lines of Section 16 of 'The Seeds Act, 1966', may be added:

**"35(4) (a) The Seed Analyst shall, as soon as may be after the receipt of sample, under Section 35(1)(b), analyse the sample at the State Seed Testing 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.

(b) 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 retained under Section 35(1)(b) 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 Section 35(1)(a) 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.

(c) The report sent by the Central Seed Laboratory under sub-section (b) shall supersede the report given by the Seed Analyst under sub-section (a).

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

**Present Clause 35 (4) should read as 35 (5).**

### **Clause 36**

73. Clause 36 deals with the import of seeds. Clause 36 (1) (c) says:

‘All import of seeds – 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’.

**74. The Committee feel that the importers’ data on multi-locational trials should not be accepted as it is, because the climatic, soil, crop management and other conditions vary from country to country and region to region and so their results may not be applicable to India as the aforesaid conditions mentioned above may not be the same here as in the trial country. Therefore, unless localized trials are held in India, permission for registration of imported seeds should not be granted. The Committee recommend that after the words ‘on the results of multi-locational trials’ the words ‘*and also localized trials in India*’ should be added to Clause 36 (1) (c).**

### **Clause 38**

75. Clause 38 lays down certain offences under the proposed legislation and the penalty for such offences. It reads as under:

‘If any person –

- (a) contravenes any provision of this Act or any rule made thereunder; or
- (b) imports, sells, stocks or exhibits for sale or barter; and 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 there under 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 supplies 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’.

76. When the Committee pointed out that punishment for offences under this Clause starting from Rs.5000 to Rs.50,000 is very low, anybody can pay this penalty without feeling any pinch. As the penalty should actually work as a deterrent, this should be raised in consistence with the penalties prescribed in the PPV&FR Act that provides penalty up to twenty lakh rupees and there is a provision of imprisonment also. To this the Government replied:

“The seed production and distribution involves a large number of people, many of whom are small traders/dealers operating at village level whose volumes of trade and turnover are small. On the other hand development of new varieties which is a subject matter of PPV & FR Act, 2001 involves big organizations/companies capable of making considerable investments. Therefore, the proposed penalties may be retained.”

**77. The Committee find that the reasons given by the Government for fixing mild penalties in new Seeds Bill are not satisfactory and not consistent with the penalties provided in the Seeds Act, 1966 as the penalty of Rs.500 for first offence would become more than Rs.1,00,000 in 2006 even if we calculate the real value of the rupee. It is not understood, how the penalty amount of only Rs.5000 has been arrived at after forty years of the previous Seed Act. The small trader or dealer who sells misbranded or spurious seeds cannot be spared with a mild penalty. Considering the huge losses, the person using these seeds may**

suffer as a result of contravention of one rule or the other by the holder of the seed registration certificate, the punishment in the Seeds Bill should be minimum of Rs.50,000 which may extend to Rs.2,00,000 along with an imprisonment which may extend to three month or with both depending on the offender involved from vendor, distributor, seed producer for the violations of the provisions of Clause 38 (1) & (2).

78. The Committee further recommend that since the person who indulges in 'fly by night' seed business cannot be controlled by imposing a small fine for the violation of the provisions of Clause 38 (3), the punishment for such person who furnishes any false information relating to the standards of genetic purity or misbrands any seed or supplies any spurious seed or spurious transgenic variety, the level of punishment should begin with the fine of Rs.2,00,000 which may extend up to Rs.10,00,000 along with an imprisonment for a term of three months which may extend up to one year. The imprisonment will help in creating the fear among the vendors/dealers/producers etc., who supply spurious or misbranded seeds to the farmers. For repeated violations under this Clause, the punishment should be in consonance with the penalties provided in Section 73 of PPV&FR Act, 2001.

#### **Clause 40**

79. Clause 40 deals with the offences by the companies. It seeks to provide that where a person committing offence is a company, every person responsible in the company for the conduct of its business will be liable and where a person accused, proves that the offence was committed without his knowledge he will not be liable. Clause 40(1) reads as under:

‘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’.

**80. The Committee note that Clause 40(1) excludes higher ups in the company if they could anyhow prove that the offence was committed without their knowledge. The Committee are of the opinion that the active members of the governing body of any company are responsible for all the ins and outs of the working of the company, hence they should also be held responsible individually and collectively for the offences committed by the company. Therefore, they recommend that the proviso to the Clause 40(1) should be deleted.**

### **Clause 43**

81. Clause 43 relates to exemption from registration. It states as under:

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.

(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 organization.

82. The Committee note that Clause 43 begins with a positive note by stating that farmers will continue to exercise all rights including the rights to save, use, exchange, share or sell his farm seeds and planting material, but in the same line the positive gesture has been qualified by a negative rider that states that the farmers whose seeds do not conform to the minimum limit of germination, physical purity and genetic purity prescribed under sub-clauses (a) and (b) of section 6 would constitute a violation of the Act.

83. The Committee are of considered view that Clause 43 will restrict the rights of the farmers. The Committee recommend that in Clause 43(1) the word '*grow*', should be added after the words, 'the right of the farmer to' and the word '*barter*' should be added after the word 'exchange'.

84. The Committee further note that the majority of farmers in India are unaware and do not understand the scientific or technical terms such as minimum limit of germination, physical purity or genetic purity. So they may not conform to these standards while selling their seeds or bartering or exchanging the seeds with other farmers. Considering the views expressed by the experts on the subject, the representatives of the Government and its own members, the Committee recommend that the words, '*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*' should be deleted from the Clause 43 (1) so that the rights of the farmer are saved and the provision is made consistent with the corresponding provision in the PPV&FR Act 2001.

**The Committee further recommend that Clause 43, which exempts the farmers from registration, should come in the beginning of the Bill and may be placed just after Clause 1 (3) so as to avoid any confusion about the registration of the farmers seeds.**

#### **Clause 45**

85. Clause 45 empowers the Central Government to remove any difficulty in implementing the Act. It states as under:

Clause 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:

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

86. **The Committee feel that the restriction of two years for making orders to remove the difficulties in implementing the Act should be done away with because the Seed Bill is likely to have far-reaching effects on the farming community and the difficulties may arise from time to time in enforcing the Act. Some unforeseen circumstances may arise necessitating amendments even after the expiry of the period of two years after the commencement of this Act, and at that time the Government will be helpless to make any amendment due to this proviso. Therefore, the Committee recommend that the proviso to Clause 45(1) should be deleted.**



**Clause 46**

87. Clause 46 deals with the power of Central Government to make rules.

Clause 46 (zf) states as under:

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

88. The Committee recommend that the following words may be added to the sub-clause to avoid any confusion in the manner and procedure of seed sampling by the seed inspector.

***“Manner and procedure of seed sampling and”***

The Clause 46 (zf) should read as under:

***‘manner and procedure of seed sampling and the form and manner in which the memorandum shall be prepared under sub-section (3) of section 35;’***

NEW DELHI;  
26 Sep, 2006  
04 Asvina, 1928 (Saka)

PROF. RAM GOPAL YADAV  
Chairman,  
Standing Committee on Agriculture

**APPENDIX - I****MINUTES OF THE TWELFTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON THURSDAY, THE 17 FEBRUARY, 2005 AT 1100 HRS. IN COMMITTEE ROOM 'E', BASEMENT, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1220 hrs.

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri G.L. Bhargava
5. Shri Shivraj Singh Chauhan
6. Smt. Rupatai D. Patil Nilangekar
7. Smt. Anuradha Choudhary

**RAJYA SABHA**

8. Shri Harish Rawat
9. Shri Bhagwati Singh
10. Shri Sharad Anantrao Joshi
11. Dr. M.S.Gill

**SECRETARIAT**

- |                        |   |                    |
|------------------------|---|--------------------|
| 1. Shri N.K.Sapra      | - | Joint Secretary    |
| 2. Shri Devender Singh | - | Director           |
| 3. Shri K.D. Muley     | - | Under Secretary    |
| 4. Smt. Ratna Bhagwani | - | Assistant Director |

**WITNESSES**

- |                           |   |   |
|---------------------------|---|---|
| 1. Smt. Radha Singh       | - | Secretary (A&C)                           |
| 2. Shri Champak Chatterji | - | A.S.                                      |
| 3. Shri Prem Narain       | - | Joint Secretary (Seeds)                   |
| 4. Shri N.K.Nampoorthri   | - | J.S.(legislative Counsel) Ministry of Law |
| 5. Dr.S.P. Tiwari         | - | ADG (Seeds), ICAR                         |
| 6. Dr.S.R.K.Varshney      | - | Director (Finance)                        |
| 7. Shri Harish Prasad     | - | Director (Seeds)                          |
| 8. Shri C. Shanmugam      | - | DC (QC)                                   |
| 9. Shri S. Selvaraj       | - | DC (Seeds)                                |

At the outset, the Chairman welcomed the representatives of the Ministry and asked them to brief the Committee about the provision of 'The Seeds Bill, 2004'.

2. Before the briefing, with the permission of the Chair, a Member raised the issue of the devastation caused by the Tsunami waves on 26 December 2005 in the Andaman and Nicobar Islands which had rendered the agricultural land incultivable for many years to come and the paltry amounts of compensation given to the farmers by the Government of India. The Chairman, thereupon, directed that a comprehensive factual report may be obtained from the Ministry.

3. While briefing about the Bill, the Secretary (Department of Agriculture and Co-operation) referred to the Seeds Act which was enacted in 1966 and the Rules framed thereunder. The Secretary also mentioned about the Seeds (Control) Order, 1983 issued under section 3 of the Essential Commodities Act, 1955 to regulate the quality of the seeds sold in the market. She referred to the deficiencies in the existing seeds legislation and the need to revise it. It was further stated that the main object of the 'Seeds Bill, 2004' was to regulate the quality of seeds for sale, import and export and to facilitate production and supply of quality seeds to the farmers.

4. The Members raised queries on Terminator Technology or harmful technology, application procedure for registration and also regarding inclusion of views of farmers' organizations and experts in the Bill, etc.

5. The representative of the Department replied to some of the queries. The Chairman then desired that in respect of the points or queries of the Members which could not be replied to instantly the Department may send in their replies in writing to the Secretariat later along with the views/suggestion emerging from main Seminars/Workshops organized by the Ministry in connection with the Seeds Bill.

6. A verbatim record of the proceeding of the sitting has been kept.

7. *The witnesses then withdrew.*

*The Committee then adjourned.*

**APPENDIX - II****MINUTES OF THE NINETEENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON TUESDAY, 21 JUNE, 2005 AT 1100 HRS. IN ROOM 'A', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1225 hrs.  
and 1240hrs to 1321 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

2. Shri Manoranjan Bhakta
3. Shri G.L. Bhargava
4. Shri Nihal Chand Chauhan
5. Shri Khagen Das
6. Shri Sharanjit Singh Dhillon
7. Smt. Rupatai D. Patil Nilangekar
8. Shri A. Ravichandran
9. Shri M.P. Veerendra Kumar

**RAJYA SABHA**

10. Smt. Mohsina Kidwai
11. Shri Harish Rawat
12. Shri Pyarelal Khandelwal
13. Shri Sk. Khabir Uddin Ahmed
14. Shri Bashistha Narain Singh
15. Shri Sharad Anantrao Joshi
16. Dr. M.S.Gill

**SECRETARIAT**

- |                        |   |                    |
|------------------------|---|--------------------|
| 1. Shri N.K. Sapra     | - | Joint Secretary    |
| 2. Shri Devender Singh | - | Director           |
| 3. Smt. Ratna Bhagwani | - | Assistant Director |

WITNESSES

1.	Dr. Mangala Rai	-	DG, ICAR
2.	Shri Champak Chatterji	-	Additional Secretary
3.	Dr. N.B. Singh	-	A.C.
4.	Dr. M.L. Chowdhary	-	H.C.
5.	Dr. G. Kalloo	-	DDG{Crop Sciences(ICAR)}
6.	Shri Prem Narain	-	Joint Secretary
7.	Shri N.K. Nampoorthri	-	Joint Secretary
8.	Shri Harish Prasad	-	Director (Seeds)
9.	Dr. S.R.K. Varshney	-	Director (F)
10.	Shri C. Shanmugam	-	Deputy Commissioner

At the outset, the Chairman welcomed the representatives of the Ministry and asked them to brief about the Salient features of the Bill, and counter views expressed by the various interested groups on the various provisions of 'The Seeds Bill, 2004'.

2. Before the briefing, with the permission of the Chair, Members wanted to discuss about the comments received from various agencies. All members were of the opinion that there should be some more discussions and the Committee should take its own time and the farmers should be consulted, as they are the end users of the Seeds

3. The representative of the Department replied to some of the queries. The Chairman then desired that in respect of the points or queries of the Members which could not be replied to instantly the Department may send in their replies in writing to the Secretariat later along with the views/suggestion emerging from main Seminars/Workshops organized by the Ministry in connection with the Seeds Bill.

4. A verbatim record of the proceeding of the sitting has been kept.

5. The witnesses then withdrew.

The Committee then adjourned.

APPENDIX- III**MINUTES OF THE EIGHTEENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON MONDAY, THE 19 JUNE, 2006 AT 1500 HRS. IN COMMITTEE ROOM 'B', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1500 hrs to 1735 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

2. Shri Hiten Barman
3. Shri Manoranjan Bhakta
4. Shri Girdhari Lal Bhargava
5. Shri Khagen Das
6. Shri Sharanjit Singh Dhillon
7. Shri Raghunath Jha
8. Smt. Rupatai D. Patil Nilangekar
9. Shri Sippiparai Ravichandran
10. Shri M.P. Veerendra Kumar
11. Shri Deepender Singh Hooda
12. Shri Anil Basu
13. Shri Munshi Ram
14. Shri Rajesh Verma

**RAJYA SABHA**

15. Smt. Mohsina Kidwai
16. Shri Harish Rawat
17. Shri Sk. Khabir Uddin Ahmed
18. Shri Bhagwati Singh
19. Shri Sharad Anantrao Joshi

**SECRETARIAT**

- |    |                   |   |                  |
|----|-------------------|---|------------------|
| 1. | Shri Hardev Singh | - | Deputy Secretary |
| 2. | Shri N.S.Hooda    | - | Under Secretary  |

**WITNESSES**

1. Dr. Vandana Shiva - Founder Director, Navdanya, New Delhi
2. Dr. Suman Sahai - Convenor, The Gene Campaign,  
New Delhi

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members and Dr. Vandana Shiva, Founder Director, Navdanya and Dr. Suman Sahai, Convenor, The Gene Campaign to the sitting of the Committee. After the introduction the Chairman requested Dr. Vandana Shiva to apprise the Committee about her views and suggestions on 'The Seeds Bill, 2004'. Dr. Vandana Shiva expressed her concern about the welfare of the farmers and the negative impact of 'The Seeds Bill, 2004' on the farmers. She desired that either 'The Seeds Bill, 1966' should be amended or this new Bill should be redrafted.

2. Dr. Suman Sahai expressed that the objective of 'The Seeds Bill, 2004' is to govern trading and not the intellectual property. The suitable clause to ensure quality and price should be incorporated in the Bill. She stressed that the Bill should be in harmony with the Protection of Plant Varieties and Farmers' Rights Act (PPV&FR). According to her the rights of the farmers have been protected in PPV&FR Act but the same rights have been curtailed by the registration provision in 'The Seeds Bill.

3. Thereafter the Members made some queries to both the experts and they clarified one by one. They also assured the Committee to send the suggestions and clause wise analysis of the Bill in writing afterwards.

4. A copy of the verbatim proceedings of the meeting has been kept.

*The witnesses then withdrew.*

*The Committee then adjourned.*



APPENDIX - IV**MINUTES OF THE NINETEENTH SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON TUESDAY, THE 20 JUNE, 2006 AT 1100 HRS. IN COMMITTEE ROOM 'D', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs to 1150 hrs  
1210 hrs to 1240 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

2. Shri Manoranjan Bhakta
3. Shri Girdhari Lal Bhargava
4. Shri Khagen Das
5. Shri Sharanjit Singh Dhillon
6. Shri Raghunath Jha
7. Shri Nihal Chand Chauhan
8. Smt. Rupatai D. Patil Nilangekar
9. Shri Sippiparai Ravichandran
10. Shri M.P. Veerendra Kumar
11. Shri Deepender Singh Hooda
12. Shri Anil Basu
13. Shri Munshi Ram
14. Shri Rajesh Verma

**RAJYA SABHA**

15. Smt. Mohsina Kidwai
16. Shri Harish Rawat
17. Shri Pyarelal Khandelwal
18. Shri Sk. Khabir Uddin Ahmed
19. Shri Bhagwati Singh
20. Shri Sharad Anantrao Joshi

**SECRETARIAT**

- |                      |   |                  |
|----------------------|---|------------------|
| 1. Shri Hardev Singh | - | Deputy Secretary |
| 2. Shri N.S.Hooda    | - | Under Secretary  |

**WITNESSES**

1. Sh. Ramachandran Pillai - President, All India Kissan Sabha,  
(CPM)
2. Sh. Kolli Nageshwarao - General Secretary, Andhra Pradesh,  
Ruthu Sangam
3. Sh. Bhupender Sambher - General Secretary, Punjab Kissan Sabha

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members and representative of All India Kissan Sabha (CPM), Sh. S. Ramachandran Pillai and read out the contents of Direction 55 (1) of the Directions by the Speaker. Thereafter the Chairman asked Mr. Pillai to give his suggestions on 'The Seeds Bill, 2004.' Sh. S. Ramachandran Pillai expressed his apprehension that with the introduction of this Bill, terminator technology is bound to come in India, which is very harmful for our Indian agriculture. He also gave his suggestions on the registration of traditional seed varieties, pre-grant opposition, rights of the seeds inspectors and monopoly of the seed industries etc. He also clarified some of the points made by the Members of the Committee. The Chairman asked him to send clause by clause analysis on the provisions of the Bill to the Committee at his earliest. The witness then withdrew.

2. Thereafter, the representatives of All India Kissan Sabha (CPI) were called in and asked to present their views on the subject. One of the witnesses, Sh. Kolli Nageswara Rao shared his views with the Committee and apprised the Members about the steps taken by him on the issue of arbitrary price being charged by Monsanto/Mhyco industries from the Indian farmers for the BT cottonseeds. He desired that the clause for the price fixation by some Govt. agency should be included in the Bill. He also gave his views on various other clauses of the Bill. Sh. Chittar Singh, another representative of All India Kissan Sabha (CPI) also expressed his concern about the protection of rights of the farmers in India. According to him the illiterate farmers cannot register their seeds. Therefore, the compulsory registration of seeds as provided in 'The Seeds Bill, 2004' is unwarranted.

3. Thereafter the Members of the Committee raised some clarificatory queries to the representatives and they answered some of the points and assured to send written replies clause by clause later on.

4. A copy of the verbatim proceedings of the meeting has been kept.

*The witnesses then withdrew.*

*The Committee then adjourned.*

APPENDIX - V**MINUTES OF THE TWENTIETH SITTING OF THE STANDING COMMITTEE  
ON AGRICULTURE HELD ON MONDAY, THE 3 JULY, 2006 AT 1030 HRS.  
IN COMMITTEE ROOM '139', FIRST FLOOR, PARLIAMENT HOUSE  
ANNEXE, NEW DELHI**

The Committee sat from 1030 hrs to 1408 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

2. Shri Hiten Barman
3. Shri Girdhari Lal Bhargava
4. Shri Sharanjit Singh Dhillon
5. Shri Raghunath Jha
6. Shri Nihal Chand Chauhan
7. Smt. Rupatai D. Patil Nilangek
8. Shri Deepender Singh Hooda
9. Shri Anil Basu
10. Shri Munshi Ram
11. Shri Rajesh Verma

**RAJYA SABHA**

12. Smt. Mohsina Kidwai
13. Shri Harish Rawat
14. Shri Pyarelal Khandelwal
15. Shri Sk. Khabir Uddin Ahmed
16. Shri Sharad Anantrao Joshi

**SECRETARIAT**

- |                      |   |                  |
|----------------------|---|------------------|
| 1. Shri A.K.Singh    | - | Joint Secretary  |
| 2. Shri Hardev Singh | - | Deputy Secretary |
| 3. Shri N.S.Hooda    | - | Under Secretary  |

**WITNESSES****BHARAT KRISHAK SAMAJ, NEW DELHI**

1. Dr. Krishan Bir Chaudhary - Executive Chairman Bharat Krishak Samaj

**ASSOCIATION OF SEED INDUSTRY, MUMBAI**

1. Shri Nandkishor Kagliwal - Chairman, Nath Seeds Limited
2. Shri Raju Barwale - MD, Maharashtra Hybrid Seeds Company Ltd.
3. Shri M. Ramasami - MD, Rasi Seeds Pvt. Ltd.
4. Dr. Arvind Kapur - MD, Numhems Seeds India Pvt. Ltd.
5. Dr. Paresh Verma - Director-Research, Bioseed Research India Pvt. Ltd.
6. Shri R.S.Arora - MD, Century Seeds Pvt. Ltd.
7. Shri R.K.Sinha - Executive Director, Association of Seed Industry and All India Crop Biotechnology.

**SHETKARI SANGTHAN, PUNE**

1. Dr. Manavendra Kachole - Member of the Executive Committee
2. Shri Nikhade - Member of the Executive Committee
3. Shri Govind Joshi - Member of the Executive Committee

At the outset, the Chairman, Standing Committee on Agriculture welcomed the Members and Dr. Krishan Bir Chaudhary, Executive Chairman, Bharat Krishak Samaj and read out the contents of Direction 55 (1) of the Directions by the Speaker. Thereafter, the Chairman asked Dr. Krishan Bir Chaudhary to give his suggestions on 'The Seeds Bill, 2004'. Dr. Chaudhary expressed his concern about the welfare of farmers and strongly expressed his view to delete the latter portion of Clause 43 (1) so as to exempt the farmers from registration of their seeds. He also clarified some of the points made by the Members of the Committee. The Chairman thanked him for briefing the Committee and also asked him to submit his point of view on various clauses of the Bill.

2. *The witnesses then withdrew*

3. Thereafter the representatives of the Association Of Seed Industry were welcomed in and asked to present their views on the subject. They gave their point of view on various clauses of the Bill. The Members appreciated their concern and they were also asked to send clause-by-clause analysis from the point of view of the Seed Industry.

4. *The witnesses then withdrew*

*Then there was a tea break*

5. After tea break representatives of Shetkari Sangathan were called in to depose before the Committee about their point of view on the various clauses of 'The Seeds Bill, 2004'. They were also apprised of the Direction 55 (1) of 'Directions by the Speaker'.

6. The Members of the Committee raised some clarificatory queries to the representatives and they answered some of the points and assured to send written replies clause by clause later on.

7. A verbatim record of the proceeding of the sitting has been kept.
8. The witnesses then withdrew.

The Committee then adjourned.



APPENDIX - VI**MINUTES OF THE TWENTY-FIRST SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON TUESDAY, THE 18 JULY, 2006 AT 1100 HRS. IN COMMITTEE ROOM 'B', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs to 1312 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

1. Shri Hiten Barman
2. Shri Manoranjan Bhakta
3. Shri Girdhari Lal Bhargava
4. Shri Sharanjit Singh Dhillon
5. Shri Raghunath Jha
6. Smt. Rupatai D. Patil Nilangek
7. Shri S.Ravichandran
8. Shri Anil Basu
9. Shri Munshi Ram

**RAJYA SABHA**

10. Smt. Mohsina Kidwai
11. Shri Harish Rawat
12. Shri Pyarelal Khandelwal
13. Shri Sk. Khabir Uddin Ahmed
14. Shri Sharad Anantrao Joshi

**SECRETARIAT**

- |                      |   |                  |
|----------------------|---|------------------|
| 1. Shri A.K.Singh    | - | Joint Secretary  |
| 2. Shri Hardev Singh | - | Deputy Secretary |
| 3. Shri N.S.Hooda    | - | Under Secretary  |

**WITNESSES**

1. Smt. Radha Singh - Secretary (A&C)
2. Dr. N.B.Singh - Agriculture Commissioner
3. Shri S.L.Bhat - J.S.(Seeds)
4. Shri Nampoothiry - J.S., Ministry of Law
5. Dr. M.L.Chaudhary - Horticulture Commissioner
6. Dr. S. Nagrajan - Chairman, PPV&FR Authority
7. Shri Harish Parasad - Director (Seeds)
8. Dr. S.R.K.Varshney - Director (Finance)
9. Shri C.Shanmugam - Dy. Commissioner (QC)

At the outset, the Chairman welcomed the representatives of the Ministry of Agriculture (Department of Agriculture and Co-operation), Ministry of Law and Chairman, PPV&FR Authority to the sitting of the Committee and read out contents of Direction 55 (1) of the 'Directions by the Speaker, Lok Sabha' and thereafter Secretary (Department of Agriculture and Cooperation) explained the Ministry's point of view on the points raised by the Committee.

2. The evidence could not be concluded and the Committee decided to take further evidence of the Government on 26.07.06.
3. A verbatim record of the proceeding of the sitting has been kept.
4. The witnesses then withdrew.

The Committee then adjourned.

APPENDIX - VII**MINUTES OF THE TWENTY-THIRD SITTING OF THE STANDING COMMITTEE ON AGRICULTURE HELD ON WEDNESDAY, THE 26 JULY, 2006 AT 1500 HRS. IN COMMITTEE ROOM 'D', GROUND FLOOR, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1500 hrs to 1712 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

1. Shri Manoranjan Bhakta
2. Shri G.L.Bhargava
3. Shri Khagan Das
4. Shri Raghunath Jha
5. Smt. Rupatai D. Patil Nilangekar
6. Shri Sippiparai Ravichandran
7. Shri Y.S.Vivekananda Reddy
8. Shri Anil Basu
9. Shri Munshi Ram

**RAJYA SABHA**

10. Smt. Mohsina Kidwai
11. Shri Harish Rawat
12. Shri Sk. Khabir Uddin Ahmed
13. Shri Sharad Anantrao Joshi

**SECRETARIAT**

- |                      |   |                  |
|----------------------|---|------------------|
| 1. Shri A.K.Singh    | - | Joint Secretary  |
| 2. Shri Hardev Singh | - | Deputy Secretary |
| 3. Shri N.S.Hooda    | - | Under Secretary  |

**WITNESSES**

1. Smt. Radha Singh - Secretary (A&C)
2. Dr. S. Nagrajan - Chairman, PPV&FR Authority
3. Dr. S.P.Tewari - D.D.G.(ICAR)
4. Dr. N.B.Singh - Agriculture Commissioner
5. Shri S.L.Bhat - Joint Secretary
6. Shri M.L.Chaudhary - Horticulture Commissioner
7. Shri N.K.Nampoothiry - J.S., Ministry of Law
8. Shri R.S.Shukla - Dy. Legislative Council
9. Shri Harish Prasad - Director (Seeds)
10. Dr. S.R.K.Varshney - Director (Finance)
11. Shri C.Shanmugam - Dy. Commissioner (Seeds)

At the outset, the Chairman welcomed the representatives of the Ministry of Agriculture (Department of Agriculture and Co-operation), Ministry of Law and Chairman, PPV&FR Authority to the sitting of the Committee and read out contents of Direction 55 (1) of the 'Directions by the Speaker, Lok Sabha'.

2. Thereafter, the Committee took further evidence of the officials who gave the Government's point of view on the questions raised by the members of the Committee on various clauses of 'The Seeds Bill. The evidence was concluded.

3. A copy of the verbatim proceedings of the meeting has been kept.

4. The witnesses then withdrew.

The Committee then adjourned.

**APPENDIX- VIII****MINUTES OF THE SECOND SITTING OF THE STANDING COMMITTEE  
ON AGRICULTURE HELD ON TUESDAY, THE 26 SEPTEMBER, 2006 AT  
1100 HRS. IN COMMITTEE ROOM 'C', GROUND FLOOR, PARLIAMENT  
HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs to 1320 hrs

**PRESENT**

**Prof. Ram Gopal Yadav – Chairman**

**MEMBERS****LOK SABHA**

2. Shri Ranen Barman
3. Shri Anil Basu
4. Shri Girdhari Lal Bhargava
5. Shri Khagen Das
6. Shri Hari Rama Jogaiah
7. Shri Mahendra Prasad Nishad
8. Shri Prabodh Panda
9. Smt. Rupatai D. Patil Nilangekar
10. Shri M.P.Veerendra Kumar
11. Shri Danve Raosaheb Patil
12. Shri Baleshwar Yadav

**RAJYA SABHA**

13. Shri Harish Rawat
14. Dr.M.S.Gill
15. Smt. Mohsina Kidwai
16. Shri Vikram Verma
17. Shri Vinay Katiyar
18. Shri Sk. Khabir Uddin Ahmed
19. Shri Debabrata Biswas
20. Shri Sharad Anantrao Joshi
21. Shri M. Rajasekara Murthy

**SECRETARIAT**

- |                   |   |                 |
|-------------------|---|-----------------|
| 1. Shri A.K.Singh | - | Joint Secretary |
| 2. Shri N.S.Hooda | - | Under Secretary |

At the outset, the Chairman, Standing Committee on Agriculture welcomed the members and apprised the Members about the deliberations/ evidences of the experts/NGOs/farmers or organizations, Seed Industries and Govt. officials held with a view to examine 'The Seeds Bill, 2004' in detail. He also apprised them that the Draft Report on the Bill is ready for their consideration. Then the Report was taken up for clause-by-clause consideration. The Report was unanimously adopted with minor modifications. The Committee also put on record their appreciation of strenuous efforts put in by the Committee Secretariat for reflecting Committee's concern and observations in drafting such an excellent Report. As the House is not in session the Committee authorized the Chairman to finalize the Report on their behalf and to present the same to Honourable Speaker on a date and time convenient to him.

*The Committee then adjourned.*





## Department of Agriculture & Cooperation

Ministry of Agriculture  
Government of India

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	<b>THE SEEDS BILL, 2004</b>
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2.	<a href="#"><u>Definitions.</u></a>
	<b><u>CHAPTER II</u></b>
	<b><u>THE CENTRAL SEED COMMITTEE, REGISTRATION AND</u></b>
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3.	<a href="#"><u>Constitution of the Central Seed Committee.</u></a>
4.	<a href="#"><u>Composition of the Committee.</u></a>
5.	<a href="#"><u>Powers and functions of the Committee.</u></a>
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39.	<u>Forfeiture of property.</u>
40.	<u>Offences by companies.</u>
	CHAPTER IX <u>POWER OF CENTRAL GOVERNMENT</u>
41.	<u>Power of the Central Government to give directions to the State Governments.</u>
42.	<u>Power of the Central Government to issue directions to the Committee.</u>
43.	<u>Exemptions from registration</u>
	CHAPTER X <u>MISCELLANEOUS</u>
44.	<u>Protection of action taken in good faith</u>
45.	<u>Power to remove difficulties.</u>
46.	<u>Power of Central Government to make rules.</u>
47.	<u>Power of the Committee to make regulations.</u>
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49.	<u>Repeal and savings.</u>
	<u>THE SCHEDULE</u>

# 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:-

	<b>CHAPTER I PRELIMINARY</b>
<b>Short title, extent, application and commencement.</b>	<p>1.(1) This Act may be called the Seeds Act, 2004.</p> <p>(2) It extends to the whole of India .</p> <p>(3) Save as otherwise provided in this Act, it shall apply to-</p> <p>(a) every dealer; and</p> <p>(b) every producer of seed except when the seed is produced by him for his own use and not for sale.</p> <p>(4) It shall come into force on such date as the Central Government may, by notification, appoint.</p> <p>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.</p>

<b>Definitions.</b>	<p><b>2.</b> In this Act, unless the context otherwise requires, -</p> <p>(1) "agriculture" includes horticulture, forestry and cultivation of plantation, medicinal and aromatic plants;</p> <p>(2) "Central Seed Testing Laboratory" means the Central Seed Testing Laboratory established or declared as such under sub-section (1) of section 32;</p> <p>(3) "Certification Agency" means an agency established under section 26 or accredited under section 27 or recognised under section 30;</p> <p>(4) "Chairperson" means the Chairperson of the Committee;</p> <p>(5) "Committee" means the Central Seed Committee constituted under sub-section (1) of section 3;</p> <p>(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;</p> <p>(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;</p> <p>(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 -</p> <p>(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</p>
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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

(b) is a farmers’ variety as defined in clause (i) of section 2 of the Protection of Plant Varieties and Farmers’ Rights Act, 2001;

or

(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

	<p>propagated and sold for transplantation;</p> <p>(13) "import" means bringing into India by land, sea or air;</p> <p>(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;</p> <p>(15) "member" means a member of the Committee;</p>
	<p>(16) "misbranded" - A seed shall be deemed to be misbranded if-</p> <p>(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;</p> <p>(ii) it is falsely stated to be the product of any place or country;</p> <p>(iii) it is sold by a name which belongs to another kind or variety of seed;</p> <p>(iv) false claims are made for it upon the label or otherwise;</p> <p>(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;</p> <p>(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</p>

	<p>otherwise deceptive with respect to its contents;</p> <p>(vii) it is not registered in the manner required by or under this Act;</p> <p>(viii) the label contains any reference to registration other than the registration number;</p> <p>(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;</p> <p>(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</p> <p>(xi) it is not labelled in accordance with the requirements of this Act or the rules made thereunder;</p> <p>(17) "notification" means a notification published in the Official Gazette;</p> <p>(18) "prescribed" means prescribed by rules made under this Act;</p> <p>(19) "producer" means a person, group of persons, firm or organisation who grows or organizes the production of seeds;</p> <p>(20) "registered kind or variety", in relation to any seed, means any kind, or variety thereof, registered under section 13;</p>
	<p>(21) "Registration Sub-Committee" means the Registration Sub-Committee constituted under sub-section (1) of section 7;</p>



	<p>(22) “regulation” means a regulation made by the Committee under this Act;</p> <p>(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;</p> <p>(24) "Seed Analyst" means a Seed Analyst appointed under Sub-section (1) of section 33;</p> <p>(25) "Seed Inspector" means a Seed Inspector appointed under Sub-section (1) of section 34;</p> <p>(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;</p> <p>(27) “spurious seed” means any seed which is not genuine or true to type;</p> <p>(28) “State Government” ,in relation to a Union territory, means the administrator thereof;</p> <p>(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;</p>
	<p>(30) “transgenic variety” means seed or planting material synthesized or developed by modifying or altering the genetic composition by means of genetic engineering;</p> <p>(31) “variety” means a plant grouping except micro-organism within a single botanical <u>taxon</u> of the lowest known rank, which can be</p>

	<p>(a) defined by the expression of the characteristics resulting from a given genotype of that plant grouping;</p> <p>(b) distinguished from any other plant grouping by expression of at least one of the said characteristics; and</p> <p>(c) considered as a unit with regard to its suitability for being propagated, which remains unchanged after such propagation,</p> <p>and includes propagating material of such variety, extant variety, transgenic variety, farmers' variety and essentially derived variety.</p>
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<b>CHAPTER II</b> <b>THE CENTRAL SEED COMMITTEE, REGISTRATION AND</b> <b>OTHER SUB-COMMITTEES</b>	
<b>Constitution of Central Seed Committee.</b>	<b>3.</b> (1) The Central Government shall, by notification, constitute, for the purpose of this Act, a Committee to be called the Central Seed Committee.
<b>Composition of the Committee.</b>	<b>4.</b> (1) The Committee shall consist of a Chairperson, members, <i>ex-officio</i> 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 Chairperson, <i>ex officio</i> .

(3) The Committee shall consist of the following members, *ex officio* 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 service of the members shall be such as may be prescribed.  (8) A member other than an <i>ex officio</i> 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

	<p>(iii) is of unsound mind and stands so declared by a competent court.</p> <p>(10) No act or proceeding of the Committee shall become invalid merely by reason of –</p> <p>(i) any vacancy therein, or any defect in the constitution thereof; or</p> <p>(ii) any defect in the appointment of a person acting as the Chairperson or a member of the Committee; or</p> <p>(iii) any irregularity in the procedure of the Committee not affecting the merits of the case.</p> <p>(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.</p>
<p><b>Powers and functions of the Committee.</b></p>	<p><b>5.</b> 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-</p> <p>(a) seed programming and planning;</p> <p>(b) seed development and production;</p> <p>(c) export and import of seeds;</p> <p>(d) standards for registration, certification and seed testing;</p> <p>(e) seed registration and its enforcement;</p> <p>(f) such other matters as may be specified by the Central Government.</p>
<p><b>Powers of Committee to specify</b></p>	<p><b>6.</b> The Committee may, by notification, specify–</p>

<p><b>specify minimum limits of germination, purity, seed health, etc.</b></p>	<p>(a) the minimum limits of germination, genetic and physical purity, and seed health, with respect to any seed of any kind of variety;</p> <p>(b) the mark or label 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.</p>
<p><b>Registration and other Sub-Committees of the Committee and their functions.</b></p>	<p>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.</p> <p>(2) It shall be the duty of the Registration Sub-Committee-</p> <p>(a) to register seeds of varieties after scrutinizing their claims as made in the application in such manner as may be prescribed;</p> <p>(b) to perform such other functions as are assigned to it by the Committee.</p> <p>(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</p>

	delegated to them.
<b>Procedure of the Committee and its Sub-Committees.</b>	<b>8.</b> 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.
<b>Secretary and other officers of the Committee.</b>	<b>9.</b> 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.
<b>Meetings of the Committee.</b>	<b>10.</b> (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 Agriculture 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 Agriculture Commissioner or, in the absence of both the Chairperson and the Agriculture Commissioner the person presiding shall have and exercise a second or casting vote
<b>State Seed Committee.</b>	<b>11.</b> Every State Government shall establish a State Seed Committee to

	<p>Committee to –</p> <p>(a) advise the Committee on registration of regional or local seeds of any kind or variety;</p> <p>(b) advise the State Government on registration of seed producing units, seed processing units, seed dealers and horticulture nurseries;</p> <p>(c) maintain, in each district, a list of seed dealers, seed producers, seed processing units and horticulture nurseries;</p> <p>(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;</p> <p>(e) advise the State Government and the Committee on all matters arising out of the administration and implementation of this Act; and</p> <p>(f) carry out other functions assigned to, by, or under this Act.</p>
	<p><b>CHAPTER III</b></p> <p><b>REGISTRATION OF KINDS AND VARIETIES OF SEEDS, ETC.</b></p>
<p><b>Maintenance of National Register of seeds of kinds and varieties.</b></p>	<p><b>12.</b>(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.</p> <p>(2) Subject to the directions of the Committee, the Register shall be kept under the control and management of the</p>



	<p>Registration Sub-Committee.</p> <p>(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.</p>
<p><b>Registration of seeds of any kind or variety.</b></p>	<p><b>13.</b>(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.</p> <p>(2) Subject to the provisions of sections 14 and 15, the Registration Sub-Committee may register, or refuse any kind or variety of seed 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.</p> <p>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:</p> <p>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.</p> <p>(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.</p> <p>(4) Registration made under this Act shall be valid for a</p>

	<p>period of fifteen years in the case of annual and biennial crops, and eighteen years for long duration perennials.</p> <p>(5) At the expiry of the period granted under sub-section (4), the kind or variety of seed 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 seed.</p> <p>(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.</p>
<b>Procedure for registration.</b>	<p>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.</p> <p>(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, of the seed on such conditions as may be specified by it and allot a registration number thereto and issue a certificate of registration.</p>

	<p>(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 the certificate to it within such time as may be specified in the notice.</p>
<p><b>Special provision for registration of transgenic varieties.</b></p>	<p><b>15.</b> (1) Notwithstanding anything contained in section 14, no seed of any transgenic variety shall be registered unless the applicant has obtained clearance in respect of the same as required by or under the provisions of the Environment (Protection) Act, 1986:</p> <p style="padding-left: 40px;">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 in the prescribed manner.</p> <p>(2) Save as otherwise provided in sub-section (1), the form and manner and the procedure for registration of transgenic variety of seed and the fee payable thereto shall be the same as applicable in case of registration under section 13.</p>

<p><b>Cancellation of registration of seeds of kinds and varieties.</b></p>	<p><b>16.</b>(1) The Registration Sub-Committee may cancel any registration granted under section 13 or section 15 or any one or more of the following grounds, namely:-</p> <p>(a) that the holder of the certificate has violated any of the terms and conditions of the registration; or</p> <p>(b) that the registration has been obtained by misrepresentation or concealment of essential data; or</p> <p>(c) that the variety is not performing in accordance with the information provided by the producer under sub-section (3) of section 14 or has become obsolete or has outlived its utility; or and be made available for sale in the market in the public interest; or</p> <p>(d) that prevention of commercial exploitation of such variety of seeds is necessary.</p> <p>(i) in the public interest;</p> <p>(ii) to protect public order or public morality; or</p> <p>(iii) to protect human beings, animal and plant life and health to avoid serious prejudice to the environment.</p> <p>(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.</p>
<p><b>Notification of cancellation of registration of seeds of kinds and</b></p>	<p><b>17.</b> The Registration Sub-Committee shall notify the cancellation of registration of any kind or variety of seed made under section 13 or any registration made under section 15 in the Official Gazette.</p>



**Seed producers and seed processing units to be registered.**

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.

(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 subsection (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 units 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.

	<p>(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 —</p> <p>(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</p> <p>(b) any of the provisions of this Act or the rules made thereunder has been contravened.</p>
<p><b>Seed dealers to be registered.</b></p>	<p><b>22.</b>(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 .</p> <p>(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.</p> <p>(3) Even application for registration under sub-section(1) shall be made in such form and manner and shall be accompanied by such fee as may be prescribed.</p> <p>(4) The State Government may, after making such enquiry and subject to such conditions as it thinks fit,</p>

	<p>grant a certificate of registration as a dealer in seeds in such form as may be prescribed.</p> <p>(5) Every dealer registered under this section shall furnish such information and returns regarding seed stocks, seed lots, expiry date of seed lots and other related information as may be prescribed.</p> <p>(6) The State Government may, after giving the dealer an opportunity of being heard, suspend or cancel a certificate granted under this Act if-</p> <p>(a) such registration had been obtained by misrepresentation of any material fact;</p> <p>(b) contravenes any of the provisions of this Act or the rules made thereunder.</p>
<p><b>Horticulture nursery to be registered.</b></p>	<p><b>23.</b>(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.</p> <p>(2) Every application for registration under subsection (1) shall be made in such form and contain such particulars and shall be accompanied by such fee as may be prescribed.</p>
<p><b>Duties of registration holders of horticulture nursery.</b></p>	<p><b>24.</b> Every person who is a holder of a registration of a horticulture nursery under section 23 shall-</p> <p>(a) keep a complete record of the origin or source of every planting material and performance record of mother trees in the nursery;</p>



	<p>(b) keep a layout plan showing the position of the root-stocks and scions used in raising the horticulture plants;</p> <p>(c) keep a performance record of the mother trees in the nursery;</p> <p>(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</p> <p>(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.</p>
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	<b>CHAPTER IV</b> <b>REGULATION OF SALE OF SEED AND</b> <b>SEED CERTIFICATION AGENCIES</b>	
<b>Regulation of sale of seeds of registered kinds and varieties.</b>	<p><b>25.</b> 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-</p> <p>(a) such seed is identifiable as to its kind or variety;</p> <p>(b) such seed conforms to the minimum limit of germination and genetic, physical purity, maximum seed health specified under clause (a) of section 6;</p> <p>(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;</p> <p>(d) the container of such seed, in the case of transgenic varieties, bears a declaration to this effect.</p> <p>(e) he complies with such other requirements as may be prescribed.</p>	
<b>State Seed Certification Agency.</b>	<p><b>26.</b> The Committee may, in consultation with the State Government, by notification, establish a State Seed Certification Agency for the State to carry out the</p>	

	functions entrusted to the State Seed Certification Agency by or under this Act:	
<b>Accreditation of Seed Certification Agencies.</b>	<p>27. (1) The Committee may in consultation with the State Government and the State Seed Committee, accredit –</p> <p>(a) organizations to carry out certification, on the fulfillment of such criteria, as may be prescribed, or</p> <p>(b) individuals or seed producing organisations to carry out self- certification, in such manner as may be prescribed.</p> <p>(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.</p> <p>(3) The accreditation may be withdrawn by the Committee, for reasons to be recorded in writing and after giving to the concerned organization or individual, as the case may be, a reasonable opportunity of being heard.</p>	
<b>Grant of certificate by the State Seed Certification Agency.</b>	<p>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.</p> <p>(2) Every application under sub-section (1) shall be</p>	

	<p>made in such form, shall contain such particulars and shall be accompanied by such fee as may be prescribed.</p> <p>(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:</p> <p style="padding-left: 40px;">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.</p>	
<p><b>Revocation of certificate.</b></p>	<p><b>29.</b> If the State Seed Certification Agency is satisfied, either on a reference made to it in this behalf or otherwise, that-</p> <p>(a) the certificate granted by it under section 28 has been obtained by misrepresentation as to an essential fact; or</p> <p>(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,</p> <p>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</p>	

	the holder of the certificate an opportunity of showing cause, revoke the certificate.	
<b>Recognition of seed certification agencies in foreign countries.</b>	<b>30.</b> 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.	
	<b>CHAPTER V</b> <b>APPEALS</b>	
<b>Appeals.</b>	<p><b>31.(1)</b> 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:</p> <p style="padding-left: 40px;">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.</p> <p>(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.</p> <p>(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</p>	

	<p>appellate authority shall be such as may be prescribed.</p> <p>(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.</p>	
	<p><b>CHAPTER VI</b></p> <p><b>SEED ANALYSIS AND SEED TESTING</b></p>	
<p><b>Central and State Seed Testing Laboratories</b></p>	<p><b>32.(1)</b> 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</p> <p>(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.</p> <p>(3) Every Seed Testing Laboratory referred to in sub-section (1) shall have as many Seed Analysts as the Central Government may consider necessary.</p> <p>(4) Every Seed Testing Laboratory referred to in sub-section (2) shall have as many Seed Analysts as the State Government may consider necessary.</p>	
<p><b>Seed</b></p>	<p><b>33.(1)</b> In case of the Central Seed Laboratory, the</p>	

<p><b>Analysts.</b></p>	<p>Central Government and in other cases the State Government may, by notification, appoint such persons as the Government thinks fit and having the prescribed qualifications to be Seed Analysts and define the local limits of their jurisdiction.</p> <p>(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.</p>	
<p><b>Seed Inspectors.</b></p>	<p><b>34.</b>(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.</p> <p>(2) Every Seed Inspector shall be subordinate to such authority as the State Government may specify in this behalf.</p>	
<p><b>Powers of Seed Inspectors.</b></p>	<p><b>35.</b>(1) The Seed Inspector may-</p> <p>(a) take samples of any seed of any kind or variety from-</p> <p>(i) any person selling such seed; or</p> <p>(ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a</p>	

	<p>consignee; or</p> <p>(iii) a purchaser or a consignee after delivery of such seed to him;</p> <p>(b) send such sample for analysis to the Seed Analyst of the area within which such sample has been taken;</p> <p>(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;</p> <p>(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</p> <p>(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule or regulation made thereunder.</p> <p>(2) The power conferred by this section includes the power to break-open any container in which any seed</p>	
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	<p>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:</p> <p>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.</p> <p>(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.</p> <p>(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.</p>	
	<p><b>CHAPTER VII</b></p> <p><b>IMPORT AND EXPORT OF SEEDS</b></p>	
<p><b>Import of seeds.</b></p>	<p><b>36. (1)</b> All import of seeds –</p> <p>(a) shall be subject to the provisions of the Plants, Fruits and Seeds (Regulation of Import into India)</p>	

	<p>Order, 1989, or any corresponding order made under section 3 of the Destructive Insects and Pests Act, 1914;</p> <p>(b) shall conform to minimum limits of germination, genetic and physical purity, and seed health as prescribed under section 6; and</p> <p>(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.</p> <p>(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.</p>	<p>2 of 1914.</p>
<p><b>Export of seeds.</b></p>	<p><b>37.</b> 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.</p>	
	<p><b>CHAPTER VIII</b></p> <p><b>OFFENCES AND PUNISHMENT</b></p>	
<p><b>Offences and punishment.</b></p>	<p><b>38.</b> If any person –</p> <p>(a) contravenes any provision of this Act or any rule made thereunder; or</p>	

(b) imports, sells, stocks or exhibits for sale or barter; and 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 supplies any spurious seed or spurious transgenic variety, 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.	
<b>Forfeiture of property.</b>	<b>39.</b> 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.	
<b>Offences by companies.</b>	<p><b>40.(1)</b> 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:</p> <p style="padding-left: 40px;">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.</p> <p><b>(2)</b> 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</p>	

	<p>offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.</i> – For the purpose of this section,-</p> <p>(a) “company” means any body corporate and includes a firm or other association of individuals; and</p> <p>(b) “director”, in relation to a firm, means a partner in the firm.</p>	
	<p><b>CHAPTER IX</b></p> <p><b>POWER OF CENTRAL GOVERNMENT</b></p>	
<p><b>Power of Central Government to give directions to the State Governments.</b></p>	<p><b>41.</b> The Central Government may give such directions to any State Governments 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 there under.</p>	
<p><b>Power of Central Government to issue directions to the Committee.</b></p>	<p><b>42.</b>(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.</p> <p>(2) The decision of the Central Government whether a question is one of policy or not shall be final.</p>	
<p><b>Exemption from registration.</b></p>	<p><b>43.</b> (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</p>	

	<p>under clause (a) or clause (b) of section 6.</p> <p>(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 organization.</p>	
	<p><b>CHAPTER X</b></p> <p><b>MISCELLANEOUS</b></p>	
<p><b>Protection of action taken in good faith.</b></p>	<p><b>44.</b> 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.</p>	
<p><b>Power to remove difficulties.</b></p>	<p><b>45.</b> (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:</p> <p style="padding-left: 40px;">Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.</p> <p>(2) Every order made under sub-section (1) shall be laid before each House of Parliament.</p>	
<p><b>Power of Central Government to make rules.</b></p>	<p><b>46.</b>(1) The Central Government may by notification, make rules to carry out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may</p>	

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) and (3) 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 organization 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

	<p>registration under sub-section (3) of section 21 shall be made and the fee with which such application shall be accompanied under sub-section (5) of said section 21;</p> <p>(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;</p> <p>(n) the form in which and time within which periodic returns shall be filled under sub-section (6) of section 21;</p> <p>(o) the information which an applicant for dealership in seeds shall be furnished under sub-section (2) of section 22;</p> <p>(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;</p> <p>(Q) the form in which a certificate of registration as a dealer in seeds shall be granted under sub-section (4) of section 22;</p> <p>(r) the information and return which a registered dealer shall furnish to the State Government under sub-section (5) of section 22;</p> <p>(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;</p> <p>(t) the information on production, stocks, sales and prices of planting material in a nursery shall be furnished to the State Government under section 24;</p> <p>(u) the manner in which the container of seeds shall bear the mark or label under clause © of section 25;</p>	
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	<ul style="list-style-type: none"><li>(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;</li><li>(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;</li><li>(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;</li><li>(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;</li><li>(z) the form in which and the conditions subject to which a certificate shall be granted under sub-section (3) of section 28;</li><li>(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;</li><li>(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;</li><li>(zc) the manner of carrying out analysis of seeds shall be made under sub-section (2) of section 32;</li><li>(zd) the qualifications which a person to be appointed as Seed Analysts shall possess under sub-section (1) of section 33;</li><li>(ze) the qualifications which a person to be appointed as Seed Inspector shall possess under sub-</li></ul>	
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	<p>section (1) of section 34;</p> <p>(zf) the form and manner in which the memorandum shall be prepared under sub-section (3) of section 35;</p> <p>(zg) the grounds on which the Central Government may restrict export of seeds under section 37;</p> <p>(zh) any other matter which is to be or may be prescribed.</p>	
<p><b>Power of Committee to make regulations.</b></p>	<p><b>47.</b> (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.</p> <p>(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:-</p> <p>(a) the procedure for conduct of business to be transacted by the Committee or any Sub-Committee thereof under section 8;</p> <p>(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.</p> <p>(c) any other matter in respect of which regulations are to be or may be made.</p>	
<p><b>Rules and regulations to be laid before Parliament</b></p>	<p><b>48.</b> 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,</p>	

<p><b>Parliament.</b></p>	<p>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.</p>	
<p><b>Repeal and savings.</b></p>	<p><b>49.</b> (1) The Seeds Act, 1966 is hereby repealed.</p> <p>(2) Without prejudice to the provisions contained in the General Clauses, 1897, with respect to repeals, no such repeal shall affect-</p> <p>(a) the previous operation of the law so repealed or anything duly done or suffered thereunder; or</p> <p>(b) any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed; or</p> <p>(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or</p> <p>(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,</p>	

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 notifications or orders 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 implied repealed by any thing done, action taken, rules made or, notification or orders issued under this Act.

(2) Notwithstanding such repeals 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 recognized, as the case may be, under this Act.

## THE SCHEDULE

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

### GEOGRAPHICAL ZONES

ZONE-I	ANDHRA PRADESH, KARNAKATA, KERALA, LAKSHADWEEP , PONDICHERRY AND TAMIL NADU.
ZONE-II	ANDAMAN AND NICOBAR ISLANDS , BIHAR , CHHATISGARH, 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, UTTRANCHAL AND UTTAR PRADESH.

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## STATEMENT OF OBJECTS AND REASONS

In the interest of increased agricultural production in India, it was considered necessary to regulate the quality of certain seeds such as seeds for food crops, cotton seeds and “Jute seeds” to be sold for the purpose of agriculture including horticulture. It was, therefore, considered necessary to have a legislation for regulating the quality of certain seeds and accordingly the Seeds Act, 1966 was enacted. However, during the working of the said Act for more than four decades, the following deficiencies have been noticed:-

(a) the Act regulates only notified kinds and varieties of seeds and does not provide for regulation of research hybrid varieties or varieties which are “not notified”;

(b) registration of seeds is not compulsory under the Act;

(c) green manure seeds, commercial crops, plantation crops and the like are not covered under the Act;

(d) the Act does not contain provisions for self-certification or accreditation of private seed testing laboratories or for regulation of transgenic materials;

(e) the provisions for exempting the sale of seed for purposes other than for sowing or planting are ambiguous;

(f) the penalties for contravention of the provisions of the Act are very mild and inadequate for any deterrent effect.

2. Further, it has been noticed that far-reaching changes have taken place in the field of agriculture since the enactment of the Seeds Act, 1966. The plateauing of agricultural growth during the last decade has necessitated new strategies to ensure food security. Availability of good quality seeds to the Indian farmers is a key factor in order to attain the objective of ‘doubling food production in ten years’. A quantum increase in production can be effected only by enhancing Seed Replacement Rates of various crops or, in other words, by increasing the use of quality seeds in comparison with farmers’ saved seeds. A sustained increase in agricultural production and productivity has become dependent on the development of new and improved varieties of crops. This will require a vastly expanded role for the private seed industry as well. The creation of a facilitative climate for growth of the seed industry, boosting of exports and encouragement of imports of useful germplasm lies at the core of the agriculture strategy in the new millennium.

3. Also, Biotechnology is likely to be a vital element in agricultural development in the coming decades. A conducive atmosphere for enhanced investment in research and development for application of frontier sciences in the development of varieties has been sought to be created through the Protection of Plant Varieties and Farmers’ Rights Act,

2001. However, the Seed legislation has to address the issue of promoting sale of newly developed materials while ensuring that the interest of the farmers and the sustainability of Indian agriculture are not jeopardized.

4. It has become necessary that the existing provisions contained in the Seeds Act, 1966 and the Seed (Control) Order, 1983 made under the Essential Commodities Act, 1955 should be substantially revised to address the issues outlined above. The need for wide-ranging changes has also been supported by the National Agriculture Policy, which inter alia states “Development, production and distribution of improved varieties of seed and planting materials and strengthening and expansion of seed and plant certification system with private sector participation will receive a high priority.”

5. In view of the above, it is proposed to replace the Seeds Act, 1966 by a new legislation. The proposed legislation inter alia provides for the following, namely:-

(i) regulation of seeds and planting material of all agricultural, horticultural and plantation, crops so as to ensure availability of true to type seeds to Indian farmers;

(ii) provisions for constitution of a separate Registration Sub-committee of the Central Seed Committee to look after the various registration aspects and maintenance of a National Register of Seeds of kinds and varieties;

(iii) check on the sale of spurious and poor quality seed and provisions for compensation to farmers;

(iv) provision of registration of seed producers, seed producing units, seed dealers and horticulture nurseries;

(v) regulation of sale of seeds and increasing the availability of quality seed for sowing;

(vi) increase in the seed replacement rate resulting in higher productivity;

(vii) simplification of procedures and placing a more efficient regulatory mechanism;

(viii) increasing private participation in seed production, distribution, certification and seed testing;

(ix) regulation of import and sale of transgenic seed and planting material;

(x) liberalized import of seed and planting materials compatible with World Trade Organisation (WTO) commitments;

(xi) provision for right of farmers for exemption from registration in certain cases.

6. The notes on clauses explain in detail the various provisions contained in the Bill.

7. The Bill seeks to achieve the above objects.

SHARAD PAWAR

New Delhi;  
The 24<sup>th</sup> August, 2004



### Notes on clauses

Clause 1.-This clause gives the short title of the Bill, the area of its operation and its applicability. The proposed legislation shall not be applicable to a producer to a producer in respect of seeds produced by him for his own use and not for sale. As adequate steps have to be taken for administering the provisions of the proposed legislation, provision has been made that different dates may be appointed for bringing different provisions of the proposed legislation into force.

Clause 2.- This clause contains definitions of certain expressions used in the Bill. The definitions of “agriculture”, “Commerce”, “farmer”, “horticulture nursery”, “misbranded”, “producer”, “registered kind or variety”, “seed”, “spurious seed”, “transgenic variety” and “variety” are some of them. The word “agriculture” includes horticulture, forestry, cultivation of plantation, medicinal and aromatic plants. The word “seed” is defined to mean any type of living embryo or propagule capable of regeneration and giving rise to a plant of agriculture, which is true to such type. ‘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. “Seed processing” means the process by which seeds and planting materials are dried, threshed, shelled, ginned or delinted (in cotton), cleaned, graded or treated. “Variety” means a plant grouping except micro-organism within a single botanical taxon of the lowest known rank, which can be defined by the expression of the characteristics resulting from a given genotype of that plant grouping or distinguished from any other plant grouping by expression of at least one of the said characteristics or 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. Some of these definitions are the same as given in the Seeds Act, 1966.

Clause 3- This clause provides for the constitution of a Committee to be called the Central Seed Committee with its headquarters at New Delhi.

Clause 4.- This clause lays down the composition of the Central Seed Committee, i.e., a Chairperson, members, ex officio, and other members to be nominated by the Central Government. The nominated members include representatives from farmers, seed industry and specialists or experts in the field of seed development. It also provides for the terms and conditions of appointment of members to be laid down by rules. It also makes provisions for removal of the members other than the ex officio members by issuing show cause notice their resignation, etc.

Clause 5.- This clause lays down the powers and functions of the Central Seed Committee (hereafter referred to as the Committee). The Committee shall be responsible for and shall have all the powers for the effective implementation of the proposed legislation. These functions, inter alia, include advising the Central Government and the State Governments on matters relating to seed programming and planning, seed development and production and seed registration and its enforcement. It also empowers the Committee to make regulations for regulating its procedure and the procedure of its Sub-Committees.

Clause 6.-This clause provides the provision to specify minimum limits of germination, purity and maximum percentage of seed health, etc., and the requirements of marking or labeling of seeds on its containers.

Clause 7.-This clause contains the provisions for constitution of a Registration Sub-Committee and other Sub-Committees and their functions. The Registration Sub-Committee to be constituted by the Central Government shall consist of a Chairman and such number of other members of the Committee as may be determined by the Central Government by rules. It shall be the duty of the Registration Sub-Committee to register seeds of varieties after scrutinizing the claim made by the applicant.

Clause 8.- This clause empowers the Committee to make regulations, with the previous approval of the Central Government, for regulating its own procedure and the procedure of its Sub-Committees.

Clause 9.-This clause stipulates that the Central Government shall appoint a Secretary of the Committee and provide it with technical and other officers and employees of the Committee for the efficient performance of its functions under the proposed legislation.

Clause 10.-This clause provides for the conduct of the meeting of the Committee for transaction of its business. It also empowers the Committee to lay down detailed procedure of transaction of its business at meetings by regulations.

Clause 11.-This clause provides for the establishment of a State Seed Sub-Committee in every State by the concerned State Government. The State Seed Committee has, inter alia, to advise the State Government on registration of regional or local seeds of any kind or variety and to maintain a district-wise list of seed dealers, seed producers, seed processing units and horticulture nurseries.

Clause 12.-This clause provides for the maintenance of a register of all kinds and varieties of seeds to be called the National Register of Seeds by the Registration Sub-Committee. The specifications required to be incorporated in the register shall be laid

down in the rules. The Registration Sub-Committee shall be required to publish a list of registered kinds and varieties of seeds at certain intervals as decided by it.

Clause 13.-This clause makes compulsory registration of all varieties as a pre-requisite for their sale in the market. Registration of the variety is based on the information as may be furnished by the producer to establish its performance on the basis of the results of multi-locational trials. Registration Sub-Committee may grant provisional registration as well as regular registration of specific periods depending upon the durability of the variety. The registration shall be valid for a period of fifteen years in case of annuals and biennial crops and eighteen years in case of long duration perennials.

Clause 14.-This clause lays down the procedure for registration of a variety. The form of application, the particulars to be furnished in such application and the fee payable shall be laid down by the Central Government in the rules. The Registration Sub-Committee will give due regard to the efficacy of the seeds, its safety to human beings and animals while laying down the conditions subject to which the certification of registration is granted.

Clause 15.-This clause makes special provisions for registration of transgenic varieties which involves environmental problems. Submission of environmental clearance under the Environment (Protection) Act, 1986 or the rules made thereunder shall be a pre-requisite for registration of transgenic varieties. The procedure for registration in all other respects shall be the same as specified under clause 14.

Clause 16.-This clause lays down the grounds on which a registration granted under section 13 or section 15 could be cancelled. These grounds inter alia include violation of the terms and conditions of grant of certificate by the certificate holder, misrepresentation or concealment of material facts by the applicant, non-performance of

the seed, prevention of commercial exploitation of the variety, etc. It is also provided that no such cancellation of registration shall be made unless the certificate holder is given a reasonable opportunity of showing cause in respect of the grounds for the proposed cancellation.

Clause 17.-This clause stipulates that the Registration Sub-Committee should notify in the Official Gazette, of every cancellation of registration of seeds of any kind or variety made by it.

Clause 18.-This clause states the grounds on which registration in respect of certain kinds or varieties of seeds should not be made. These grounds include prevention of commercial exploitation of the kind or variety of seed, if necessary to protect the public order, public morality, human or animal or plant life and health or the avoidance of serious prejudice to the environment or that the seed contains a technology which would be harmful or potentially harmful. It is clarified that “technology” includes genetic use restriction technology and terminator technology.

Clause 19.-This clause provides for accreditation of certain agencies including the Indian Council of Agricultural Research, State Agricultural Universities and such other organizations fulfilling the eligibility requirements as may be specified by the Central Government, by rules, for conducting trials to evaluate the performance of any kind or variety of seeds.

Clause 20.-This clause seeks to provide adequate safeguard to provide compensation to the farmers in case any registered seed fails to provide the expected performance under given conditions. The compensation may be claimed from the producer, dealer, distributor or vendor as per the provisions of the Consumer Protection Act, 1986.

Clause 21.-This clause deals with the requirement and procedure for registration of seed producers and seed processing units with the State Government. However, the specifications in respect of infrastructure, equipment, qualified manpower, form of application, fee payable for registration, etc., will be laid down by rules by the Central Government.

Clause 22.-This clause provides for compulsory registration of seed dealers who carry on the business of selling, keeping for sale, offering the sell, bartering or importing or exporting seeds and also for requiring them to furnish information about the seed stock, sales and other related information. It further provides for giving an opportunity of being heard to the seed dealer in respect of suspension or cancellation of his registration.

Clause 23.-This clause provides that no person shall conduct or carry on business of horticulture nursery for any of the purposes of the proposed legislation unless such nursery is registered with the State Government. However, the form of application for registration, the fee payable for such registration, etc., will be laid down by rules made by the Central Government.

Clause 24.-This clause sets out the duties of the registration holders of horticulture nursery. The registration holder of every nursery is required to keep a complete record of the origin or source of every planting material and performance record of the mother trees in the nursery, a layout plan showing the position of the root-stocks and scions used in raising the horticulture plants, a performance record of the mother trees in the nursery, the nursery plants and parent trees used for the production or propagation of horticulture plants free from infectious or contagious insects, pests or diseases affecting plants and also to furnish such information to the State Government on

the production, stocks, sales and prices of planting material in the nursery as may be specified by the Central Government by rules.

Clause 25.- This clause prohibits the selling, bartering, importing, exporting etc., of seeds which do not conform to certain specifications including conforming to the minimum limit of germination, genetic purity or physical purity or maximum seed health. It also provides that no seed should be sold without a label or mark on its container as specified by rules and complies with the other requirements prescribed by rules. The transgenic seed to be sold in the market should also bear a declaration about its nature.

Clause 26.- This clause provides for the establishment of a State Seed Certification Agency for every State by the Committee in consultation with the concerned State Government to carry out the functions entrusted to the State Seed Certification Agency by or under the proposed legislation.

Clause 27.-This clause provides for accreditation of organizations to carry out certification and the individuals or seed producing organizations to carry out self-certification of seeds in the manner as may be laid down by the Central Government by rules. It also empowers the Committee to withdraw the accreditation or self-certification facility for reasons to be recorded in writing.

Clause 28.-This clause deals with grant of certificate of seed by the Seed Certification Agency to any person selling, keeping for sale, offering to sell, bartering of otherwise supplying such seed. It also provides for the procedure for such certification as per the rules as may be made by the Central Government.

Clause 29.-This clause deals with revocation of certificate granted by the State Seed Certification Agency on the grounds of misrepresentation of essential fact, etc.

however, before such revocation the certificate holder shall be given an opportunity to show cause against the proposed revocation.

Clause 30.-This clause provides for the recognition, for the purpose of the proposed legislation, of any Seed Certification Agency established in any foreign country. Such recognition will be granted by the Central Government on the recommendation of the Committee.

Clause 31.-This clause empowers the Central Government to constitute an appellate authority for the purpose of hearing and disposing of appeals of any person aggrieved by the decision off the Registration Sub-Committee, under section 14, section 16 or section 27 of the proposed legislation or of the State Seed Certification Agency under section 28 or section 29 thereof. These matters include cancellation of the registration of seeds of any kind or variety, accreditation of Seed Certification Agency, revocation of certificate, etc. The appellate authority is to be constituted with a single person or three persons by the Central Government as it thinks fit. This clause further lays down that the period of limitation of filing appeals shall be thirty days from the date of communication of the decision against which such appeal is sought for. The procedure for preferring appeal shall be laid down by the Central Government by rules.

Clause 32.-This clause provides for the establishment of a Central Seed Testing Laboratory or declaring any seed-testing laboratory as the Central Seed Testing Laboratory. All such laboratories are required to have as many Seed Analysts as the Central Government may specify. It also provides for the establishment of one or more State Seed Testing Laboratories by the State Government or recognizing any Government or non-Government laboratory as a State Seed Testing Laboratory. Every Seed Testing Laboratory of the State Government or recognized by the State Government as a State



Seed Testing Laboratory is required to have as many Seed Analysts as the State Government may consider necessary.

Clause 33.-This clause deals with the appointment of Seed Analysts having prescribed qualifications. In case of the Central Seed Testing Laboratory, the Central Government and in other cases the State Governments shall appoint the Seed Analysts.

Clause 34.-This clause deals with the appointment of Seed Inspectors by the State Government. The qualifications and the area of jurisdiction of Seed Inspectors shall, however, be prescribed by the Central Government.

Clause 35.-Under this clause, the powers of the Seed Inspector have been defined. The places where samples may be taken, how to issue a stop sale order for a period of thirty days and how to seize the stock, ledger, etc., have also been specified. The provisions of search and seizure under 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 and seizure under this clause.

Clause 36.-This clause stipulates that the import of seeds would be subject to such seeds possessing of minimum standards of germination, genetic and physical purity and seed health as required under the proposed legislation read with 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. The imported seed should also be registered with the multi-locational trials data. However, import of unregistered seeds may be permitted for research purposes in such quantity and subject to such conditions as may be notified by the Central Government.

Clause 37.-This clause provides for regulation of export of seeds by the Central Government on the advise of the Committee. If the Central Government considers that the export of seeds of any kind or variety would adversely affect the food security of the country or if it feels that the reasonable requirements of the public will not be met or on such other grounds as may be laid down by rules, the Central Government may restrict export of seeds.

Clause 38.-This clause lays down certain offences under the proposed legislation and the penalty for such offences. The penalty for contravention of the provisions of the proposed legislation and the rules made there under would be fine which shall not be less than five thousand rupees and which may extend to twenty-five thousand rupees. Sub-clause (2) of this clause lays down that 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 the proposed legislation or the rules made there under 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. Sub-clause (3) provides that if any person furnishes any false information relating to the standard of genetic purity, misbrands any seed or supply any spurious seed or spurious transgenic variety, 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.

Clause 39.-This clause provides that if any person has been convicted under the proposed legislation for contravention of any of the provisions of it, the seed in respect of which the contravention has been committed shall be forfeited to the Central Government.

Clause 40.-This clause contains provisions for offences by companies. It seeks to provide that where a person committing offence is a company, every person responsible in the company for the conduct of its business will be liable and where a person accused, proves that the offence was committed without his knowledge he will not be liable. However, where it is proved that an offence has been committed with the consent or connivance or is attributable to the neglect of any Director, Manager, Secretary or any other officer of the company, he shall be deemed to be guilty of the offence.

Clause 41.-This clause sets out the powers of the Central Government to give directions to State Governments for carrying into execution of the provisions of the proposed legislation.

Clause 42.-Under this clause certain powers are sought to be given to the Central Government to issue directions to the Committee while discharging its function and duties under the proposed legislation. It further states that the decision of the Central Government, whether a question is one of policy or not, shall be final.

Clause 43.-This clause clarifies that nothing contained in the proposed legislation will restrict the right of a farmer to save, use, exchange, share, or sell his farm seeds and planting material. However, this exemption shall not be applicable in case of sale of seeds under a brand name or in case of seeds which do not conform to the minimum limit of germination, physical purity or genetic purity as may be prescribed by the Central Government. This clause also empowers the Central Government to exempt from the requirements of the proposed legislation or the rules made thereunder any educational, scientific or research or extension organization by notification and subject to such conditions as may be specified in that notification.

Clause 44.-This clause seeks to provide immunity to persons from suits, prosecution and other legal proceedings in respect of anything which is done in good faith under the proposed legislation.

Clause 45.-This clause empowers the Central Government to remove any difficulty which may rise in giving effect to the provisions of the proposed legislation by order published in the official Gazette. Such order shall not be inconsistent with the provisions of the proposed legislation. This power can be exercised only within two years from the commencement of the proposed legislation. Every such order shall be required to be laid before each House of Parliament.

Clause 46.-This clause empowers the Central Government to make rules to carry out the provisions of the proposed legislation. Sub-clause (2) enumerates the various matters in respect of which such rules may be made. These matters, inter alia, include the terms and conditions of appointment of members of the Committee, the form of application for registration of varieties, the particulars which should be furnished in such application and the fee which shall accompany such application under proposed section 14 or section 15, scrutinizing applications for registration of the varieties, manner of registration of seeds, specifications which shall be maintained in the national Register of Seeds, periods for which multi-locational trials of seeds shall be conducted, eligibility requirements for accreditation of seed testing institutes, procedure for registration of seed producers, seed processing units, seed dealers and persons conducting or carrying on the business of horticulture nurseries, information on production, stocks sales and prices of planting material in a nursery to be furnished to the State Government and form and manner of filing appeal against the decisions of the Committee.

Clause 47.-This clause empowers the Central Seed Committee to make, with the approval of Central Government, regulations not inconsistent with the provisions of the proposed legislation and the rules made there under. These include the procedure for conduct of business to be transacted by the Central Seed Committee and its Sub-Committees and the procedure at meetings (including the quorum at such meetings) of the Committee.

Clause 48.-This clause provides that every rule made by the Central Government and every regulation made by the Committee under the proposed legislation shall be laid before each House of Parliament.

Clause 49.-This clause deals with repeal and savings. On the commencement of the proposed legislation, the Seeds Act, 1966 shall stand repealed subject to certain savings with regard to investigation, proceedings, penalty, forfeiture, punishment, notification of kind and variety, etc.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall, by notification in the Official Gazette constitute for the purposes of the proposed legislation a Committee to be called the Central Seed Committee. Clause 4 of the Bill lays down the composition of the Committee. The Committee shall be constituted in the Department of Agriculture and Cooperation of the Ministry of Agriculture. The Secretary to the Government of India in the said Department shall be the *ex officio* Chairperson of the Committee. Sub-clause (4) of clause 4 provides for nomination of certain members including two representatives each of farmers and seed industry and two specialists or experts in the field of seed development.

Clause 9 of the Bill provides for appointment of a Secretary of the Committee and such technical and other officers and employees of the Committee by the Central Government. The Committee would be functioning as a part of the Department of Agriculture and Cooperation and existing staff of the Department will look after the work relating to the functioning of the Committee. Hence, no additional recurring or non-recurring expenditure except the traveling and daily allowance payable to the non-official members for attending the meetings of the Committee is envisaged.

Clause 31 of the Bill provides for filing of appeals against the decisions of the Registration Sub-Committee and State Seed Certification Agencies before the appellate authority. Sub-Clause (2) of this clause stipulates that an appellate authority shall consist of a single person or three persons as the Central Government may think fit to be appointed. In case officials are appointed, no additional expenditure would be incurred.

However, when non-officials or officials on deputation are appointed as appellate authority both recurring and non-recurring expenditure will be incurred. The requirement depends upon the number of cases. No additional expenditure towards establishment of office of appellate authorities is envisaged for the financial year 2004-05.

Clause 32 of the Bill provides for the establishment of a Central Seed Testing Laboratory and State Seed Testing Laboratories or declaring any seed-testing laboratory as such laboratories. Until new laboratories are established, no expenditure on account of implementation of this provision is envisaged for the current financial year, i.e., 2004-05.

Clause 33 of the Bill provides for appointment of Seed Analysts for the Central Seed Testing Laboratory by the Central Government and in other cases by the State Governments. The expenditure for appointment of Seed Analysts for the Central Seed Testing Laboratory and State Seed Testing Laboratories in the Union territories is to be borne by the Central Government.

Sub-clause (1) of clause 34 provides that the State Government shall appoint Seed Inspectors. The State Government in relation to Union Territories being the Central Government the expenditure for appointment of Seed Inspectors for the Union Territories is to be met from the Consolidated Fund of India.

The implementation of the aforesaid provisions would involve certain expenditure from the Consolidated Fund of India. However, it is not possible to give any specific figure of expenditure, as it would depend on the specific decision which may be taken on the manner of implementation.

It is estimated that a sum of rupees thirty-six lakhs approximately may be required to meet the recurring and non-recurring expenditure towards the above items during the financial year 2004-05. The Bill will not involve any other expenditure of a recurring or non-recurring nature from of the Consolidated Fund of India.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 46 of the Bill empowers the Central Government to make rules for carrying out the provisions of the proposed legislation. Sub-clause (2) of that clause enumerates the matter in respect of which such rules may be made under the proposed legislation. These matters, *inter alia*, relate to the terms and conditions of appointment of members of the Central Seed Committee, functions of the Registration Sub-Committee, the form of application for registration of varieties including transgenic varieties, the particulars to be furnished in such application and the fee which shall accompany such application, the manner of scrutinizing of applications for registration of seeds, the eligibility requirements which an organisation shall fulfill for accreditation for conducting trial to evaluate the performance of any kind or variety of seed, the specifications required to be fulfilled for registration as a seed producer or a seed processing unit, the form and manner in which an application for registration as a seed producer or a seed processing unit and the fee which shall accompany such application, the form in which and the time within which periodic returns shall be filed by seed producers and seed processing units to the Seed Certification Agency, the form and manner of making application for obtaining a registration certificate for dealership in seeds and the fee which shall accompany such application, the form in which an application for registration of a horticulture nursery shall be made, the particulars which such application shall contain and the fee which such application shall accompany, the information on production, stocks, sales and prices of planting material in a nursery to be furnished, the criteria to be fulfilled and the manner of self-certification of seeds, the form and manner in which an appeal shall be preferred against the decisions of the

Central Seed Committee or a State Seed Certifying Agency, the manner of carrying out the functions of the Central Seed Testing Laboratory, the manner of carrying out analysis of seed by Seed Testing Laboratories, qualification of Seeds Analysts and Seed Inspectors, form and manner of preparation of memorandum of seed inspections and the grounds on which the Central Government may restrict export of seeds.

2. Sub-clause(1) of clause 47 empowers the Central Seed Committee to make, by notification in the Official Gazette and with the previous approval of the Central Government and not inconsistent with the provisions of the proposed legislation and the rules made thereunder, regulations to provide for matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of the proposed legislation. Sub-clause(2) of that clause enumerates the matters in respect of which such regulations may be made under the proposed legislation. These matters, *inter alia*, include the procedure for conduct of business to be transacted by the Central Seed Committee or any of its Sub-Committees and the procedure in regard to the transaction of business at meetings of the Committee(including the quorum at such meetings).

3. Clause 48 of the Bill provides that the rules made by the Central Government and the regulations made by the Committee under the proposed legislation shall be required to be laid before Parliament.

4. The aforesaid matters in respect of which rules or regulations may be made relate to matters of procedure or administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

