

RAJYA SABHA
NOTICE OF AMENDMENTS
THE SEEDS BILL, 2004
(As introduced in the Rajya Sabha)
[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI SHARAD PAWAR:

1. That at page 1, line 1, ***for*** the word "Fifty-fifth Year", the word "Sixty-first Year" be ***substituted***.

CLAUSE 1

BY SHRI SHARAD PAWAR:

2. That at page 1, line 4, ***for*** the figure "2004", the figure "2010" be ***substituted***.
3. That at page 1, ***for*** lines 8 and 9, the following be ***substituted***, namely,-
"(b) every producer of seed, other than farmer, except when the seed is produced by him for his own use."
4. That at page 1, ***after*** line 9, the following proviso be ***inserted***, namely:-

"Provided that nothing contained in this Act shall restrict the right of the farmer to grow, sow, re-sow, save, use, exchange, share or sell his farm seeds and planting material except when he sells such seed or planting material under a brand name".

CLAUSE 2

BY SHRI SHARAD PAWAR:

5. That at page 2, line 38, ***for*** the words "any other person", the words "any other person or who conserves or 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" be ***substituted***.
6. That at page 3, line 29, ***after*** the word "seeds" the words "but does not include a farmer" be ***inserted***.
7. That at page 3, line 35, ***for*** the word "propagule", the words "propagule, including seedlings, tubers, bulbs, rhizomes, roots, cuttings, all types of grafts, tissue culture plantlets, synthetic seeds and other vegetatively propagated material." be ***substituted***.

8. That at page 4, for line 13, the following be substituted, namely,-
“variety, essentially derived variety and hybrid.”

CLAUSE 4

BY SHRI SHARAD PAWAR:

9. That at page 4, after line 37, the following be inserted, namely, -
“(viii) the Director, National Centre for Aromatic and Medicinal plants;
(ix) the Chairperson, Protection of Plant Varieties and Farmer’s Rights Authority;
(x) the Chairperson, National Bio-diversity Authority.”.
10. That at page 4, for lines 40 and 41, the following be substituted, namely,-
“(i) the Secretary (Agriculture), to the State Government one each from the geographical zones as specified in the Schedule on rotation basis;”.
11. That at page 4, for line 46, the following be substituted, namely,-
“(iv) the representatives of farmers, one each from the geographical zones of the county as specified in the Schedule on rotation basis;”.

CLAUSE 6

BY SHRI SHARAD PAWAR:

12. That at page 6, for line 1, the following be substituted, namely,-
“6. On the recommendations of the Committee, the Central Government may, by notification, specify-”
13. That at page 6, line 3, after the word “variety”, the words “and additional standards including transgenic events and corresponding traits for transgenic seeds” be inserted.
14. That at page 6, lines 5 and 6, for the words “and seed health”, the words “, seed health and additional information including transgenic events and corresponding traits for transgenic seeds” be substituted.

CLAUSE 7

BY SHRI SHARAD PAWAR:

15. That at page 6, line 13, ***for*** the words "seeds of varieties", the words "kinds and varieties of seeds" be ***substituted***.

CLAUSE 8

BY SHRI SHARAD PAWAR:

16. That at page 6, line 21, ***for*** the words "previous approval", the words "prior approval" be ***substituted***.

CLAUSE 11

BY SHRI SHARAD PAWAR:

17. That at page 6, line 41, ***for*** the words "advise the Committee", the words "make recommendations" be ***substituted***.

CLAUSE 12

BY SHRI SHARAD PAWAR:

18. That at page 7, ***after*** line 11, the following proviso be ***inserted***, namely, -

"Provided that the farmers shall not be required to register the farmers' varieties of seeds in the said register."

19. That at page 7, line 15, ***for*** the words "it thinks appropriate", the words "may be prescribed" be ***substituted***.

CLAUSE 13

BY SHRI SHARAD PAWAR:

20. That at page 7, line 17, ***after*** the word "variety", the words "except the farmers' variety" be ***inserted***.
21. That at page 7, line 18, ***for*** the words "such seed", the words "such kind or variety" be ***substituted***.

22. That at page 7, line 22, for the word "producer", the words "producer or dealer" be substituted.
23. That at page 7, line 31, for the words "fifteen years", the words "ten years" be substituted.
24. That at page 7, line 32, for the words "eighteen years", the words "twelve years" be substituted.

CLAUSE 14

BY SHRI SHARAD PAWAR:

25. That at page 7, line 45, for the word "may", the word "shall"; be substituted.

CLAUSE 15

BY SHRI SHARAD PAWAR:

26. That at page 8, lines 9 to 12, be deleted.

CLAUSE 16

BY SHRI SHARAD PAWAR:

27. That at page 8, for line 24, the following be substituted, namely,-
"utility; or".

CLAUSE 17

BY SHRI SHARAD PAWAR:

28. That at page 8, line 36, for the words "Official Gazette", the words "Official Gazette and shall also publish the same in such other manner as may be prescribed" be substituted.

CLAUSE 20

BY SHRI SHARAD PAWAR:

29. That at page 9, for lines 5 to 10, the following be substituted, namely,-

“20. (1) Where the seed of a 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 such compensation from such producer, dealer, distributor or vendor, as may be determined by a Compensation Committee.
(2) The Central Government may prescribe,-

Compensation
to farmer.

(a) the composition and experience of the members of the Compensation Committee;

(b) the procedure to be followed by such Compensation Committee;

(c) the manner of giving compensation by such Compensation Committee to the farmer;

(d) the time within which the compensation so determined shall be paid to the farmer.

(3) Any compensation determined by the Compensation Committee under sub-section (1) if not paid to the concerned farmer, shall be recovered as an arrear of land revenue.

(4) Any farmer aggrieved from the decision of the Compensation Committee may prefer an appeal to the prescribed authority which shall dispose off the appeal within such time and in such manner as may be prescribed.”.

CLAUSE 21

BY SHRI SHARAD PAWAR:

30. That at page 9, for line 12, the following be substituted, namely,-

“under this Act by the State Government in which he grows or organizes such production.”.

31. That at page 9, for line 14, the following be substituted, namely,-

“under this Act by the State Government in which he processes the seed.”.

32. That at page 9, line 25, after the word “the”, the words “State Government and the” be inserted.

CLAUSE 22

BY SHRI SHARAD PAWAR:

33. That at page 9, line 35, the word "bartering" be deleted.
34. That at page 9, line 38, for the word "dealership", the word "registration" be substituted.
35. That at page 9, for line 47, the following be substituted, namely,-
"other related information and at such intervals as may be prescribed."

CLAUSE 24

BY SHRI SHARAD PAWAR:

36. That at page 10, line 22, for the word "nursery", the words "nursery and at such intervals" be substituted.

CLAUSE 25

BY SHRI SHARAD PAWAR:

37. That at page 10, line 26, the word "bartering" be deleted.
38. That at page 10, line 30, after the word "health", the words "and additional information including transgenic events and corresponding traits for transgenic seeds" be inserted.

CLAUSE 26

BY SHRI SHARAD PAWAR:

39. That at page 10, line 37, for the word "Committee", the words "State Government or the Central Government" be substituted.

CLAUSE 27

BY SHRI SHARAD PAWAR:

40. That at page 10, for lines 40 to 45, the following be substituted, namely,-
"27.(1) The State Government may, with the prior approval of the Central Government, accredit the organizations owned or controlled by the Central Government or the State Governments to carry out certification, on the fulfilment of such criteria, as may be prescribed."
- Accreditation
of seed
certification
agencies.

41. That at page 11, line 1, the words "individual and seed producing organizations" be deleted.
42. That at page 11, line 2, the words "the Committee" be deleted.
43. That at page 11, line 4, for the word "Committee", the words "State Government" be substituted.
44. That at page 11, line 5, the words "or individual, as the case may be" be deleted.

CLAUSE 28

BY SHRI SHARAD PAWAR:

45. That at page 11, line 7, the word "bartering" be deleted.
46. That at page 11, line 14, for the word "may", the word "shall" be substituted.
47. That at page 11, line 18 for the words "and physical purity", the words ", physical purity, seed health and additional information including transgenic events and corresponding traits for transgenic seeds" be substituted.

CLAUSE 30

BY SHRI SHARAD PAWAR:

48. That at page 11, for lines 29 to 31, the following be substituted, namely,-

"30. The Central Government may, on the recommendations of the Committee, by notification, recognize any seed certification agency established in a territory outside India, for such purposes as may be specified therein."	Recognition of seed certification agencies in territory outside India.
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CLAUSE 31

BY SHRI SHARAD PAWAR:

49. That at page 11, line 35, the words and figure "or section 27" be deleted.

CLAUSE 32

BY SHRI SHARAD PAWAR:

50. That at page 12, line 10, the words "in consultation with the Committee, and" be deleted.

51. That at page 12, after line 18, the following be inserted, namely,-

“(5) The Central Seed Testing Laboratory referred to in sub-section (1) and the State Seed Testing Laboratory referred to in sub-section (2) shall conform to such standards and adopt such practices as may be prescribed.”.

NEW CLAUSES 33A and 33B

BY SHRI SHARAD PAWAR:

52. That at page 12, after line 26, the following be inserted, namely,-

Report of
seed analyst.

“33A. The seed analyst shall, as soon as may be after the receipt of sample of seed under clause (b) of sub-section (1) of section 35, 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 analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

33B. (1) Where any prosecution is instituted on the basis of the report referred to in section 33A by any person authorised under the provision of this Act, the accused vendor, or as the case may be, the complainant, if he disputes the correctness of the report, may, on payment of the prescribed fee, make an application to the court for sending the sample taken under clause (a) of sub-section (1) of section 35, to the Central Seed Testing Laboratory for its report.

Application
to court for
seed analysis.

(2) On receipt of the application under sub-section (1), the court shall first ascertain that the seal of the sample taken under clause (a) of sub-section (1) of section 35 is intact and then dispatch the sample under its own seal to the Central Seed Testing Laboratory.

(3) The Central Seed Testing Laboratory shall send the report of its analysis to the court in such manner and within such time as may be prescribed.

(4) In case the report of the State Seed Testing Laboratory referred to in section 33A and the report of the Central Seed Testing Laboratory referred to in sub-section (3) of section 33B vary, the report sent by the Central Seed Testing Laboratory referred to in sub-section (3) shall, to the extent of such variation, prevail over the report of the State Seed Testing Laboratory.

(5) Where the report sent by the Central Seed Testing Laboratory under sub-section (3) is produced in any proceedings, it shall not be necessary to produce the sample or part thereof taken for analysis in such proceedings”.

CLAUSE 35

BY SHRI SHARAD PAWAR:

53. That at page 12, for line 32, the following be substituted, namely,-

“35. (1) The Seed Inspector may, in such manner as may be prescribed.”

54. That at page 12, line 40, after the word “search”, the words “with prior written authorisation of the District Magistrate” be inserted.

55. That at page 12, line 44, for the words “thirty days”, the words “fifteen days” be substituted.

56. That at page 13, for line 13, the following be substituted, namely,-

“shall call not less than two independent persons from the same locality to be”.

CLAUSE 36

BY SHRI SHARAD PAWAR:

57. That at page 13, line 28, for the words “and seed health”, the words “, seed health and additional information including transgenic events and corresponding traits for transgenic seeds” be substituted.

58. That at page 13, line 30, for the words “multi-locational trials”, the words “multi-locational trials conducted in such manner and” be substituted.

59. That at page 13, after line 31, the following proviso be inserted, namely,-

“Provided that all import of seeds of transgenic varieties shall also be subject to the provisions of the Environment (Protection) Act, 1986 or any other law for the time being in force”.

29 of
1986.

CLAUSE 38

BY SHRI SHARAD PAWAR:

60. That at page 14, lines 7 and 8, for the words "five thousand rupees but which may extend to twenty-five thousand", the words "twenty-five thousand rupees but which may extend to one lakh" be substituted.
61. That at page 14, lines 12 and 13, for the words "five thousand rupees but which may extend to twenty-five thousand", the words "twenty-five thousand rupees but which may extend to one lakh" be substituted.
62. That at page 14, line 17, for the words "six month or with fine which may extend to fifty thousand", the words "one year or with fine which may extend to five lakh" be substituted.

CLAUSE 43

BY SHRI SHARAD PAWAR:

63. That at page 15, for lines 7 to 14, the following be substituted, namely,-

"43. The. Central Government may, by notification, and subject to such conditions as it may specify therein, exempt any educational, scientific, research or extension organization from all or any of the provisions of this Act or the rules made thereunder."

Exemptions
from
provisions of
Act.

CLAUSE 46

BY SHRI SHARAD PAWAR:

64. That at page 16, after line 2, the following be inserted, namely,-

"(ia) the manner of publishing registration and cancellation of registration under section 17;"

65. That at page 16, after line 4, the following be inserted, namely,-

"(ja) the composition and experience of the members of the Compensation Committee, the procedure to be followed by it, the manner of giving compensation and the time within which the compensation so determined is to be paid to the farmer under sub-section (2) of section 20;

(jb) the authority to whom appeal may be preferred and time and manner for making appeal under sub-section (4) of section 20;"

66. That at page 16, for line 22, the following be substituted, namely,-
“Government and the intervals at which such information and return shall be furnished under sub-section (5) of section 22”.
67. That at page 16, line 27, for the words “State Government”, the words “State Government and the intervals at which such information shall be furnished”.
68. That at page 16, for lines 32 and 33, the following be substituted, namely,-
“(w) the criteria to be fulfilled under sub-section (1) of section 27”.
69. That at page 17, after line 2, the following be inserted, namely,-
“(zca) the standards to be conformed to and the practices to be adopted under sub-section (5) of section 32.”
70. That at page 17, after line 4, the following be inserted, namely,-
“(zda) the form of report under section 33A;
(zdb) fee for application under sub-section (1) of section 33B and the manner of sending report under sub-section (3) of that section.
(zdc) the manner in which and the time within which the report is to be sent to the court.”
71. That at page 17, after line 6, the following be inserted, namely,-
“(zca) the manner of taking samples under clause (a) of sub-section (1) of section 35;
(zcb) the manner of sending samples for analysis under clause (b) of sub-section (1) of section 35;
(zcc) the manner of entering and searching under clause (c) of sub-section (1) of section 35;
(zcd) the manner of examining any record, register, document or any material object under clause (d) of sub-section (1) of section 35;
(zce) the manner of exercising such other powers under clause (e) of sub-section (1) of section 35;”
72. That at page 17, after line 8, the following be inserted, namely,-
“(zfa) the manner of conducting multi-locational trials under section 36”.

CLAUSE 48

BY SHRI SHARAD PAWAR:

73. That at page 17, for lines 23 to 31, the following be substituted, namely,-

“48. Every notification issued under sections 30 and 43 and every rule and every regulation made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one Session or in two or more successive Sessions, and if, before the expiry of the Session immediately following the Session or the successive Sessions as aforesaid, both the Houses agree in making any modification in the notification or the rule or the regulation or both Houses agree that the notification or the rule or the regulation should not be so made, the notification or the rule or the regulation shall, thereafter, have effect only on 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 notification or the rule or the regulation.”.

Rules and regulations to be laid before Parliament.

CLAUSE 49

BY SHRI SHARAD PAWAR:

74. That at page 18, line 6, for the bracket and figure “(2)”, the bracket and figure “(3)” be substituted.

New Delhi;
November 04, 2010.

**V.K. AGNIHOTRI,
SECRETARY GENERAL.**