

REGISTERED No. S. 1033
L-7646

The Gazette  of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MAY 18, 1976

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 18th May, 1976

The following Acts of Parliament received the assent of the President on the 11th May, 1976, and are hereby published for general information:—

ACT No. XXVI OF 1976

ACT No. XXIX OF 1976

An Act to provide for controlling and regulating the quality of seeds of various varieties of crops

WHEREAS it is expedient to provide for controlling and regulating the quality of seeds of various varieties of crops and for matters connected therewith ;

AND WHEREAS the Provincial Assemblies of the Punjab, Sind, the North-West Frontier Province and Baluchistan have passed resolutions under Article 144 of the Constitution of the Islamic Republic of Pakistan to the effect that Parliament may by law regulate and control the quality of seeds of various varieties of crops ;

It is hereby enacted as follows :—

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Seed Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “approved seed” means seed true to species as approved by the Federal Seed Certification Agency ;
- (b) “basic seed” means seed produced by an organization set up by a Provincial Government for the purpose ;
- (c) “certified seed” means seed certified by the Federal Seed Certification Agency ;
- (d) “Federal Seed Certification Agency” means the Federal Seed Certification Agency established under section 5 ;
- (e) “National Registration Agency” means the National Registration Agency established under section 7 ;
- (f) “National Seed Council” means the National Seed Council established under section 3 ;
- (g) “notified variety or species” means a variety or species which has been notified as such under section 10 ;
- (h) “post-control” means a trial to check on varietal authenticity and purity of the certified seed ;
- (i) “pre-basic seed” means seed of high genetic purity produced by a plant breeder ;
- (j) “prescribed” means prescribed by rules ;

- (k) "Provincial Seed Council" means a Provincial Seed Council established under section 9 ;
- (l) "registered variety" means a variety registered by the National Registration Agency under section 8 ;
- (m) "registered grower" means a person or group of persons engaged in producing seed and registered as such under this Act ;
- (n) "released variety" means a registered variety having agricultural value for growing in a Province and approved by the Provincial Seed Council ;
- (o) "rules" means rules made under this Act ;
- (p) "seed" means any of the following classes of seeds used for sowing or planting namely—
- (i) Seeds of food crops including edible oil seed and seeds of fruits and vegetables ;
 - (ii) cotton seed ;
 - (iii) seeds of fodder ; and includes seedlings, tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetatively propagated material of food crops or fodder.
- (q) "Seed Analyst" means a Seed Analyst appointed under section 17 ;
- (r) "Seed Certification Officer" means a Seed Certification Officer appointed under section 18 ;
- (s) "Seed Inspector" means a Seed Inspector appointed under section 19 ;
- (t) "species" means a group of plants representing a crop known by a common name, such as, wheat, paddy and cotton belonging to one species sub-species or forma ; and
- (u) "variety" means a group of plants belonging to a species which for cropping purpose is considered as an individual unit and can be distinguished from other varieties of the same species.

3. **Establishment of National Seed Council.**—As soon as may be after the commencement of this Act, the Federal Government shall establish a National Seed Council under the Chairmanship of the Federal Minister-in-Charge of Agriculture for the performance of such functions as may be entrusted to it under this Act.

4. **Functions of the National Seed Council.**—The functions of the National Seed Council *inter-alia* shall be—

- (i) to advise on policy for the development, operation and regulation of the Provincial seed industries ;
- (ii) to maintain a watch on the operation of the provisions of this Act ;
- (iii) to guide in administering the seed quality control service ;
- (iv) to direct initiation of Provincial Seed Projects ;
- (v) to ensure and protect investment in the seed industry ;
- (vi) to approve and sanction seed standards ;

- (vii) to regulate inter-Provincial seed movement ;
- (viii) to advise on import of seeds ;
- (ix) to coordinate multiplication and supply of seeds of approved varieties ;
- (x) to coordinate the arrangements for the maintenance of genetic potential ; and
- (xi) to assist in developing approved seed production farms.

5. Establishment of Federal Seed Certification Agency.—As soon as may be after the commencement of this Act, the Federal Government shall establish a Federal Seed Certification Agency for the performance of such functions as may be entrusted to it under this Act.

6. Functions of Federal Seed Certification Agency.—The Federal Seed Certification Agency shall perform the following functions, namely :—

- (a) controlling the quality of seeds ;
- (b) registering growers in such manner and subject to such conditions as may be prescribed ;
- (c) certification of seeds ;
- (d) field inspection of the crops of registered varieties and released varieties intended for sale as basic seed or certified seed ;
- (e) sampling and testing of seed lots intended for sale in order to ascertain their purity, viability, germination capacity and health status in the prescribed manner ;
- (f) issuing certificates in respect of seeds which meet the prescribed standards of particular category of seeds ;
- (g) carrying out post-control trials on pre-basic, basic and certified seeds ;
- (h) sampling and analysing seed lots delivered to the processing plants to establish a basis for the purchase of such lots ;
- (i) arranging training courses for seed Certification Officer ; and
- (j) providing technical and specialist advice and assistance to the National Seed Council in the performance of its functions.

7. Establishment of National Registration Agency.—As soon as may be after the commencement of this Act, the Federal Government shall establish a National Registration Agency for the performance of such functions as may be entrusted to it under this Act.

8. Functions of National Registration Agency.—The National Registration Agency shall perform the executive functions of the National Seed Council and shall :—

- (i) conduct pre-registration checking of varieties submitted for the purpose of.—
 - (a) determining suitability for registration as a variety ;

- (b) providing definitive botanical description of crop varieties ; and
- (c) providing information on genetic suitability and adaptability of varieties ;
- (ii) register seed varieties after conducting pre-registration checking under clause (i) ;
- (iii) publish a list of registered seed varieties ; and
- (iv) perform such other functions as the National Seed Council may entrust to it.

9. **Establishment of Provincial Seed Council.**—As soon as may be after the commencement of this Act, each Provincial Government shall establish a Provincial Seed Council for the performance of such functions for the purposes of this Act as may be entrusted to it by the Federal Government, in consultation with the Provincial Government.

10. **Power to notify varieties or species of seed.**—The Federal Government may, by notification in the official Gazette, specify :—

- (a) the varieties or species of seed approved for production in a Province or any part thereof ;
- (b) the minimum limits of germination and purity standards to which such seed shall conform ; and
- (c) the mark and label to indicate that such seed conforms to the minimum limits of germination and purity standards and the particulars which such mark or label may contain.

11. **Regulation of sale of seeds of notified varieties and species.**—No person shall sell, offer for sale, or advertise or hold in stock for sale, or barter or otherwise supply, any seed of any notified variety or species unless,—

- (a) such seed is identifiable as to its variety or species ;
- (b) such seed conforms to the minimum limits of germination and purity standards as laid down under section 10 ;
- (c) the container of such seed bears the mark and label containing correct particulars thereof in the prescribed manner ; and
- (d) he complies with such other requirements as may be prescribed.

12. **Appointment of registered growers.**—The Federal Seed Certification Agency may, on the recommendation of a Provincial Seed Council, register any farmer or grower as a registered grower to produce seed in the prescribed manner.

13. **Grant of certificate by Federal Certification Agency.**—(1) Any person intending to produce notified varieties or species of seed, or stock for sale, or offer for distribution or otherwise supply seed of a notified variety or species may, if he desires to have such seed certified or tested by the Federal Seed Certification Agency, apply to the said Agency for the grant of a certificate for this purpose.

(2) Every application under sub-section (1) shall be in such form and be accompanied by such fee and contain such information as may be prescribed.

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

14. **Period for which registration and certification shall be effective.**—(1) The registration of a grower for producing seeds shall be effective for such period, not exceeding five years, as may be prescribed.

(2) The certification of the notified varieties and species of seeds shall be effective for such period as may be prescribed.

15. **Cancellation of certification.**—If, at any time after certification under sub-section (3) of section 13, the Federal Seed Certification Agency is satisfied, either on a reference made to it in this behalf or otherwise, that—

- (i) the certificate granted by it has been obtained by misrepresentation or suppression of an essential fact; or
- (ii) 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,

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

16. **Appeal.**—(1) Any person aggrieved by a decision of the Federal Seed Certification Agency under section 15 to cancel a certificate may, within thirty days from the date on which the decision to cancel the certificate is communicated to him and on payment of such fee as may be prescribed, prefer an appeal to the federal government or any other authority as it may determine from time to time.

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

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

17. **Seed Analyst.**—The Federal Seed Certification Agency may, by notification in the official Gazette, appoint any person to be a Seed Analyst to test the quality and purity of seed produced at the seed farms before it is given out for commercial cultivation.

18. **Seed Certification Officer.**—The Federal Seed Certification Agency may, by notification in the official Gazette, appoint such person as it thinks fit to be a Seed Certification Officer for such area as may be specified in the notification.

(2) A Seed Certification Officer shall perform the same functions as are assigned to a Seed Inspector and also supervise the work of the Seed Inspectors in the area for which he is appointed.

19. **Seed Inspector.**—The Federal Seed Certification Agency may, by notification in the official Gazette, appoint such persons as it thinks fit to be Seed Inspectors for such areas as may be specified in the notification.

20. Power of Seed Inspectors.—(1) A Seed Inspector may, within the area for which he is appointed, inspect and take samples of any seed in labelled containers purporting to contain seed of a notified variety or species of seed from any person producing, selling, delivering, stocking or distributing seed and send such samples for analysis to the nearest laboratory of the Federal Seed Certification Agency.

(2) The Seed Inspector may—

- (a) enter and search at all times, with such assistance as he may consider 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 specified period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessors of seed, seize the stock of such seed;
- (b) examine any record, register, document or other material, object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of any offence punishable under this Act; and
- (c) exercise such powers as may be necessary for carrying out the purposes of this Act or any rule.

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

(4) The power conferred by this section includes power to break open any labelled container in which any seed of any notified variety or species may be kept and to break upon 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.

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

(6) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, so far as may be, apply to any search or seizure made under this section: they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

21. Procedure to be followed by Seed Inspector.—(1) Whenever a Seed Inspector intends to take a sample from the crop of any seed of any notified variety or species for analysis, he shall—

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

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

- (a) deliver one sample to the person from whom it has been taken;
- (b) send, in the prescribed manner, another sample for analysis to the Seed Testing Laboratory of the area within which such sample has been taken; and
- (c) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken.

(3) Where a Seed Inspector makes an order under clause (a) of sub-section (2) of section 20,

- (a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the specifications laid down under section 10, and, if it is ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the seed seized thereunder;
- (b) if the stock of the seed seized under that clause does not conform to the aforesaid specifications, he shall, as soon as may be, report the matter to a Magistrate and take his orders as to the custody thereof; and
- (c) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed under the said clause.

(4) Where a Seed Inspector seizes any record, register, documents or any material object under clause (b) of sub-section (2) of section 20, he shall, as soon as may be, report the matter to a Magistrate and take his orders as to the custody thereof.

22. Report of Seed Testing Laboratory.—(1) The Seed Testing Laboratory shall, as soon as may be after the receipt of the sample under section 21, analyse the sample and deliver, in such form as may be prescribed, one copy of the report of the result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

(2) The production in any inquiry, trial or other proceedings under this Act of a report under the hand of a Seed Analyst in the form prescribed shall, until the contrary is proved, be sufficient to prove the facts stated therein.

(3) When any person is accused of an offence under this Act, the court may, if it considers necessary in the interest of justice and the accused deposits in the court a sum of money in accordance with the scale prescribed, summon as a witness the Seed Analyst who analysed the sample in respect of which such person is accused of having committed an offence, and, if such person is acquitted, any sum of money so deposited shall be refunded to him.

23. Offences and penalty.—Whoever—

- (i) contravenes any provision of this Act or any rule; or
- (ii) prevents a Seed Certification Officer or a Seed Inspector from taking a sample or inspecting seed under this Act; or

- (iii) prevents any official from exercising any power conferred on him by or under this Act, shall be punishable—
- (a) for the first offence, with fine not exceeding one thousand rupees ;
 - (b) where the offence continues after conviction, with a further fine of one hundred rupees for each day during which the offence continues ; and
 - (c) for a subsequent offence, with imprisonment for a term which may extend to six months, or with fine, or with both.

24. Power of court to order forfeiture.—If any person is convicted of an offence punishable under this Act in respect of any notified variety or species of seed, the court convicting him shall further direct that the seed shall be forfeited to the Federal Government.

25. Cognizance of offence, etc.—(1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Federal Seed Certification Agency or a person authorised by it in this behalf by an order in writing.

26. Presumption as to order.—Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume within the meaning of the Evidence Act, 1872 (I of 1872), that such order was so made by that authority.

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

28. Delegation of powers.—The Federal Government may, by notification in the official Gazette, direct that all or any of its powers under this Act or the rules shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by—

- (a) a Provincial Government ; or
- (b) an officer or authority subordinate to the Federal Government.

29. Power to make rules.—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the functions of the Seed Testing Laboratory ;
- (b) the requirements which shall be complied with by the registered growers or a person carrying on the business of seed production, processing or distribution ;
- (c) the form of application for the grant of a certificate under section 13, the particulars it shall contain, the fees which shall accompany it, the form of the certificate and the conditions subject to which the certificate may be granted ;

- (d) the records to be maintained by a registered grower or a person carrying on the business referred to in sub-section (1) of section 13 and the particulars which such records shall contain ;
- (e) the form and manner in which, and the fee on payment of which, an appeal may be preferred under section 16 and the procedure to be followed by the appellate authority in disposing of the appeal ;
- (f) the qualifications and duties of a Seed Certification Officer ;
- (g) the qualifications and duties of a Seed Inspector ;
- (h) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Testing Laboratory and the manner of analysing such samples ;
- (i) the form of report of the result of the analysis under sub-section (1) of section 22 and the fees payable in respect thereof ;
- (j) the powers and functions of a Seed Analyst ; and
- (k) any other matter which is to be or may be prescribed.