

SEEDS (CONTROL) ORDER, 1983

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SCHEDULE 1 :-Sealing, Fastening, Despatch and Analysis of Samples.

SEEDS (CONTROL) ORDER, 1983

1. -In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely :

1. Short title and extent :-

- (i) This Order may be called the Seeds (Control) Order, 1983.
- (ii) It extends to the whole of India.
- (iii) It shall come into force on the 30th December, 1983.

2. Definitions :-

In this Order, unless the context otherwise requires :

- (a) "Act" means the Essential Commodities Act, 1955 (10 of 1955)

(b) "Controller" means a person appointed as Controller of Seeds by the Central Government and includes any person empowered by the Central Government to exercise all or any functions of the Controller under this Order,

(c) "Dealer" means a person carrying on the business of selling, exporting or importing seeds, and includes an agent of a dealer;

(d) "Export" means to take or cause to be taken out from any place in India to a place outside India;

(e) "Form" means a form appended to this Order;

(f) "Import" means to bring or cause to be brought to any place in India from outside India;

(g) "Inspector" means an Inspector of Seeds appointed under Cl. 12;

(h) "Registering authority" means a licensing authority appointed under Cl. 11;

(i) "Seeds" means the seeds as defined in the Seeds Act, 1966 (54 of 1966)K>;

(j) "State Government" in relation to a Union Territory means the Administrator thereof by whatever designation known.

3. Dealer to obtain licence :-

(1) No person shall carry on the business of selling, exporting or importing seeds at any place except under and in accordance with the terms and conditions of licence granted to him under this Order.

(2) Notwithstanding anything contained in sub-clause (1), the State Government may, by notification in the Official Gazette, exempt from the provisions of that sub-clause such class of dealers in such areas and subject to such conditions as may be specified in the notification.

4. Application for licence :-

Every person desiring to obtain a licence for selling, exporting or importing seeds shall make an application in duplicate in Form A together with a fee of rupees fifty for licence to the licencing authority.

5. Grant and refusal of licence :-

(1) The licensing authority may, after making such enquiry as it thinks fit, grant a licence in Form B to any person who applies for it under Cl. 4 : Provided that a licence shall not be issued to a person-

(a) whose earlier licence granted under this Order is under suspension, during the period of such suspension;

(b) whose earlier licence granted under this Order has been cancelled, within a period of one year from the date of such cancellation;

(c) who has been convicted under Essential Commodities Act, 1955 , or any order issued thereunder within three years preceding the date of application.

(2) When the licensing authority refuses to grant licence to a person who applies for it under Cl. 4, he shall record his reason for doing so.

6. Period of validity of licence :-

Every licence under this Order, shall unless previously suspended or cancelled, remain valid for three years from the date of its issue.

7. Renewal of licence :-

(1) Every holder of licence, desiring to renew the licence, shall, before the date of expiry of the licence, make an application for renewal in duplicate, to the licensing authority in Form C together with a fee of rupees twenty for renewal. On receipt of such application, together with such fee, the licensing authority may renew the licence.

(2) If any application for renewal is not made before the expiry of the licence, but is made within one month from the date of expiry of the licence, the licence may be renewed on payment of additional fee of rupees twenty-five, in addition to the fee for renewal of licence.

8. Dealers to display stock and price list :-

Every dealer of seeds shall display in his place of business :

(a) the opening and closing stocks, on daily basis, of different seeds held by him;

(b) a list indicating prices or rates of different seeds.

8A. Dealers to ensure certain standards in respect of seeds

:-

1 Every dealer of seeds in notified kind or variety or other than notified kind or variety of seeds shall ensure that the standards of quality of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under Sec. 6 of the Seeds Act, 1966 (54 of 1966) and any other additional standards relating to size, colour and content of the label as may be specified."

In the Seeds (Control) Order, 1983, after clause 8, the following clause shall be inserted, namely: "8A. Dealers to ensure certain standards in respect of seeds. Every dealer of seeds in notified kind or variety or other than notified kind or variety of seeds shall ensure that the standards of quality of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under Sec. 6 of the Seeds Act, 1966 (54 of 1966) and any other additional standards relating to size, colour and content of the label as may be specified." by the Seeds (Control) Amendment Order, 2006.

9. Dealers to give memorandum to purchaser :-

Every dealer shall give a cash or credit memorandum to a purchaser of seeds.

10. Power to distribute seeds :-

Where it is considered necessary to do so in public interest, the Controller may, by an order in writing direct any producer or dealer to sell or distribute any seed in such manner as may be specified therein.

11. Appointment of licensing authority :-

The State Government may by notification in the Official Gazette appoint such number of persons as it thinks necessary to be licensing authority and may also define in that notification the area within which each such licensing authority shall exercise his jurisdiction.

12. Appointment of Inspectors :-

The State Government may by notification in the Official Gazette appoint such number of persons as it thinks necessary to be Inspectors and may in such notification define the local area within which each Inspector shall exercise his jurisdiction.

13. Inspection and punishment :-

(1) An Inspector may with a view to securing compliance with this Order-

(a) require any dealer to give any information in his possession with respect to purchase, storage and sale of seeds by him;

(b) enter upon and search any premises where any seed is stored or exhibited for sale to ensure compliance with the provisions of this Order,

(c) draw samples of seeds meant for sale, export and seeds imported, and send the same in accordance with the procedure laid down in Sch. I to a laboratory notified under Seeds Act, 1966 , to ensure the sample conforms to standard of quality claimed;

(d) seize or detain any seed in respect of which he has reason to believe that a contravention of this Order has been committed or is being committed;

(e) seize any books of accounts or document relating to Any seed in respect of which he has reason to believe that a contravention of the Order has been committed or is being committed : Provided that the Inspector shall give a receipt, a respect of the books of accounts or documents seized, to such person from whom they have been seized: Provided further that the seized books of accounts or documents shall be returned to the person from whom the same had been seized after copies thereof or extracts therefrom as certified by such person have been taken.

(2) Subject to the provisions of para. (d) of sub-clause (1), the provision of S.100 Code Of Criminal Procedure, 1973, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

(3) Where any seed is seized by an Inspector under this clause, he shall forthwith report the fact of such seizure to a Magistrate whereupon the provisions of Secs. 457 and Section 458 of the Code of Criminal Procedure, 1973 , shall, so far as may be, apply to the custody and disposal of such seed.

(4) Every person, if so required by an Inspector, shall be bound to offer all necessary facilities to him for the purpose of enabling him to exercise his power under this clause

14. Time limit for analysis :-

The laboratory to which a sample has been sent by an Inspector for

analysis under this Order shall analyse the said samples and send the analysis report to the concerned Inspector within 60 days from the date of receipt of the sample in the laboratory.

15. Suspension/Cancellation of licence :-

The licensing authority may, after giving the holder of the licence an opportunity of being heard, suspend or cancel the licence on the following grounds, namely

(a) that the licence had been obtained by misrepresentation as to a material particular; or

(b) that any of the provisions of this Order or any condition of licence has been contravened.

16. Appeal :-

Any person aggrieved by an Order,-

(a) refusing to grant, amend or renew the licence for sale, export or import of seeds;

(b) suspending or cancelling any licence, may within sixty days from the date of the Order, appeal to such authority as the State Government may specify in this behalf, and the decision of such authority shall be final : Provided that an application for appeal shall accompany an appeal fee of rupees fifty.

17. Amendment of licence :-

The licensing authority may, on receipt of a request in writing together with a fee of rupees ten from a dealer, amend the licence of such dealer.

18. Maintenance of records and submission of returns, etc

:-

(1) Every dealer shall maintain such books, accounts and records relating to his business as may be directed by the State Government.

(2) Every dealer shall submit monthly return relating to his business for the preceding month in Form "C" to the licensing authority by the 5th day of every month

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SCHEDULE 1

Sealing, Fastening, Despatch and Analysis of Samples.

1. Manner of taking samples of any seed for the purposes of analysis shall be taken in a clean dry container which shall be closed sufficiently tight to prevent leakage and entrance of moisture and shall be carefully sealed. 2. Sampling/Intensity ' bulk sampling-when sampling seed lots are stored in bulk (heaps, bins, wagons, etc.) the following sampling intensity should be regarded as a minimum requirement for obtaining the bulk sample : (a) upto 500 kilograms-at least 5 individual samples except in case of small lots upto 50 kilograms where a smaller number of samples is sufficient, not less than, 3 samples need be taken; (b) 501 to 3,000 kilograms-One individual sample for each 300 kilograms, but not less then 5 individual samples; (c) 3,001 to 20,000 kilograms-one individual sample for each 500 kilograms but not less than 10 individual samples. For seed in bulk the individual samples should be distributed at random all over the bulk and the samples drawn from varying depths. Bag Sampling-for seed lots in bags or other containers the following sampling intensity should be regarded as a minimum requirement; (d) upto 5 containers-sample each container but always take at least 5 individual samples; (e) from 6 to 30 containers-sample at least one in every three containers but never less than 5; (f) 31 containers or more sample at least one in every five containers but never less than 10. Unless doubt exists about the homogeneity of a lot, all such primary samples should be combined to make a composite sample to the lot for submitting to the seed testing laboratory. If the individual or primary samples are not sufficiently homogenous, they may be sent to the laboratory for a heterogeneity test. 3. Containers to be labelled and addressed-All containers containing samples for analysis shall be properly labelled and the parcels shall be properly addressed. The label on any sample of seed sent for analysis shall bear- (a) serial number; (b) name of the sender with official designation, if any; (c) name of the person from whom the sample has been taken; (d) date and place of taking the sample; (e) kind or variety of the seed for analysis; (f) nature and quantity of preservative, if any, added to the sample. 4. Manner of packing, fastening and sealing the samples-All samples of seeds sent for analysis shall be packed, fastened and sealed in the following manner: (a) The stopper shall first be securely fastened so as to prevent leakage of the containers in transit. (b) The container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive, (c) The paper cover shall be further secured by means of strong twine or thread both above and across the container, and the twine or thread shall When be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the sender, which, one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine of thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.