



**FACULTY OF AGRICULTURAL SCIENCES
AND ALLIED INDUSTRIES**

SEEDS ACT AND RULES

The seed is an important agricultural input and it plays vital role in increasing production and productivity. There is a need to safeguard the farmers with the supply of genetically pure and quality seeds. Any new variety produced by the Scientist has to be multiplied to many times to meet the needs of the farmers. In order to ensure the availability of quality seeds, Government of India have enacted seeds act 1966 and seed rules, 1968. The seed (Control) order 1983 promulgated under essential commodities act, 1955 in order to ensure the production, marketing and equal distribution of the seeds.

Seeds Act 1966.

The object of Seed Act is for regulating the quality of certain notified kind / varieties of seeds for sale and for matters connected therewith. The seed act passed by the Indian Parliament in 1966 was designed to create a 'Climate' in which the seeds man could operate effectively and to make good quality seed available to cultivators. Seeds rule under the act were notified in September 1968 and the act was implemented in its entirety in October 1969. This act extent to the whole of India and it has 25 sections.

Seed legislation could broadly be divided into two groups

1. Sanctioning legislation

Sanctioning legislation authorities formation of advisory bodies, Seed Certification Agencies, Seed Testing laboratories, Foundation and Certified Seed Programmes, Recognition of Seed Certification Agencies of Foreign countries appellate authorities.

2. Regulatory legislation

Regulatory Legislation controls the quality of seeds sold in the market including suitable agencies for regulating the seed quality. On quality control basis, the Seeds Act could conveniently be divided into the following:

I. Minimum limit and labelling of the notified kind / varieties of seed

- a. Power to notify the kind / variety
- b. Labeling provisions
- c. Seed testing
- d. Seed analyst

- e. Seed inspectors
- f. Penalty
- g. General provisions

II. Seed Certification

III. Restriction of Import and Export of Seeds

1. Minimum limits and labelling

Quality control as envisaged in the Act is to be achieved through pre and post marketing control, voluntary certification and compulsory labelling of the seeds of notified kind / varieties.

(a) Power to notify the kind / varieties

New varieties evolved by the State Agricultural Universities and ICAR institutes are notified and release /notified respectively under section 5 of the seeds act in consultation with the central seed committee and its sub committees constitute under section 3 and 3(5) of the Seeds Act. As on date more than 2500 varieties and 130 varieties were notified and denotified under this section.

List of varieties notified and denotified from 1969 to 1965 are compiled and made available in the form book called catalogue of varieties notified and denotified under section 5 of the Seeds Act functions of the Central Seed Committee and its sub-committee are defined in Clauses 3 and 4 of part II of seed rule.

(b) Labelling provision

Minimum limits for germination, physical purity and genetic purity of varieties / hybrids for crops have been prescribed and notified for labelling seeds of notified kind / varieties under section 6(a) of the Seeds Act. Size of the label, colour of the label and content of the label were also notified under sub clause (b) of Section 6 of Seeds Act. Colour of the label is opoline green and size of the label is 10 cm x 15 cm or proportionate thereof. Responsibility for making labelling content of mark or label, manner of marking, false / misleading statement on label etc., are defined under clause 7,8,9,10,11 and 12 of part V of seeds rule.

Section 7 of the act regulates the sale of notified kind or varieties. Accordingly no person shall keep for sale, offer to sell, barter or otherwise supply any seed of any notified kind or variety, after the dates recorded on the container mark or label as the date unto which the seed may expected to retain the germination not less than prescribed under clause (a) of section 6 of the Act.

Seed Testing

There is a provision to set up a central seed laboratory and state seed laboratory to discharge functions under section 4(1) and 4(2) of the Seed Act, In the year 1968 there were 23 state seed testing laboratories in the country. At present there are 86 Seed testing laboratories functioning in the country. During 1995-96 these laboratories tested about 5 lakh samples. Seed Testing laboratories have been assigned certain important functions under part III (5) of Seed Rule.

Seed Analyst

State Government could appoint the Seed Analysts through notification in the Official Gazette under Section 12 of the Seed Act defining his area and his jurisdiction. Seed Analyst should possess certain minimum qualification as prescribed under clause 20 part IX of Seed Rule.

Seed Inspectors

The State Government, under section 13 of the Act may appoint such a person as it thinks fit, having prescribed qualification (Clause 22 part IX of Seed Rule) through notification, as a Seed Inspector and define the areas within which he shall exercise jurisdiction for enforcing the seed law. He will be treated as a public servant with in a meaning of section 21 of the I.P.C. (45 of 1860).

He has power to examine records, register document of the seed dealer. He will also exercise such other powers as may be necessary for carrying out the purposes of this Act or rule made thereunder. Duties of Seed inspectors are defined in clause 23 of part IX of Seed rule. He can issue stop sale order in case the seed in question contravenes the provision of relevant Act and rules for which he can use form No.III. When he seizes any record, register documents or any other material, he should inform a magistrate and take his order for which he can use form No.IV.

Penalty

If any person, contravenes any provision of the Act or Rule, or prevents a seed inspector from taking sample under this Act or prevents a Seed Inspector from exercising any other power conferred on him could be punished under section 19 of the act with a fine of five hundred rupees for the first offence. In the event of such person having been previously convicted of an offence under this section with imprisonment for a term, which may extend to six months or with fine, which may extend to one thousand rupees or with both.

Seed certification

The object of the Seed Certification is to maintain and make available to the public through certification high quality propagating material of notified kind / varieties so grown and distributed as to ensure genetic identity and genetic purity. The certified standards enforce are Indian Minimum seed certification standards and seed certification procedures form together for the seed certification regulations.

Seed of only Seed if only those varieties which are notified under section under Section 5 of the seeds act shall be eligible for certification.

Seed (Control) order, 1983

Restriction of Export and Import of Seeds

There is a provision to restrict export and import of seeds of notified kinds or varieties. The section 17 define as under

" No person shall for the purpose of sowing or planting by any person (including himself) export or import or cause to be exported or imported any seed of any notified kind or variety unless.

- a) It conforms to the minimum limits of germination and purity specified for that seed under clause (a) of Section 6 and
- b) Its container bears in the prescribed manner the mark or label with the correct particular thereof specified for that seed under clause (b) of section 6.

Background of the case

The ministry of civil supply through an order dated 24.4.1983 had declared the seed for sowing or planting of food crops, fruits, vegetables, cattle fodder and jute to be essential commodities in exercise of power conferred by Section 2(a) (viii) of Essential Commodities Act, 1955. It was followed by the issue of seed (control) order dated 30th December 1983 by the Ministry of Agriculture, Dept. of Agriculture and Cooperation in exercise of powers contained in section 3 of Essential Commodities Act, which deals with Central Governments power to control, and regulate production, supply and distribution of essential commodities.

The seed (control) order 1983 had been notified as per Gazette notification G.S.R (832(E) dated 30.,12.1983. The notification under reference holds good and remains operative. Joint Secretary (Seeds), Government of India, Ministry of Agriculture, Department of Agriculture and Cooperation has been appointed as Seed Controller for implementation of seed (control) order.

Gist of the seed (Control) order

1983. Issue of licence to dealers

All persons carrying on the business of selling, exporting and importing seeds will be required to carry on the business in accordance with terms and conditions of licence granted to him for which dealer make an application in duplicate in Form 'A' together with a fee of Rs.50/- for licence to licensing authority unless the State Government by notification exempts such class of dealers in such areas and subject to such conditions as may be specified in the notification.

Based on such enquiry as it thinks fit for licensing authority may grant in form 'B' or refuse in provisions of the Order. The refusal to grant licence shall be accompanied by clear recording of reasons for such refusal.

Renewal of licence

A holder of licence shall be eligible for renewal upon and applicable being made in the prescribed form 'C' (in duplicate) together with a fee of rupees twenty before the expiry of licence or at the most within a month of date of expiry of license for which additional fee of rS.25/- is required to be paid.

Appointing of licensing authority

The state government may appoint such number of persons as it thinks necessary to be inspector and define the area of such Inspector jurisdiction through notification in the official gazette.

Time limit for analysis of samples by Seed testing lab

Time limit for analysis of samples by seed testing lab and suspension / cancellation of license may be done by Licensing authority after giving an opportunity of being heard to the holder of license, suspend or cancel the license on grounds of mis-representation of a material particular or contravention in provision of the order.

Suspension / Cancellation of licence

The Licensing authority may after giving an opportunity of being heard to the holder of licence, suspend or cancel the licence on grounds of mis-representation of material particular or contravention in provision of the Order.

Appeal

The state government may specify authority for hearing the appeals against suspension / cancellation under this order and the decision of such authority shall be final. Any person aggrieved by an order of refusal to grant or amend or renew the licence for sale, export / import of seed may within 60 days from the date of Order appeal to the designated authority in the manner prescribed in the Order.

Miscellaneous

The licencing authority may on receipt of request in writing together with Rs.10/- from amend the licence of such dealer.

Every seed dealer are expected to maintain such books, accounts and records to this business in order and submit monthly return of his business for the preceding months in Form 'D' to the licencing authority by 5th day of every month

Plant variety protection and the Indian agriculture

The Intellectual Property Rights (IPRs) are generally being applicable to industrial property only. The patent laws of India so not provide for IPRs on living organisms including plant varieties. The question of plant variety protection has been brought in to sharp focus by Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) which is a part of Agreement establishing World Trade Organization (WTO). India is a signatory to TRIPs agreement, which casts an obligation on member countries to provide for a system of plant variety protection either through patents or through a *sui generis* legislation framework or a combination thereof. Under these agreements, a legislative framework for plant variety protection has to be provided by member countries within a specified time period. While this has lent some urgency to the question of plant variety protection, the question of plant variety rights, even independent of the obligations posed by TRIPs agreement, has been under active consideration in view of our strong agricultural research system. The plant breeding programmes have become more

sophisticated and high input based. The extent of investment by the State on public research, in evolving varieties of commercial significance, is coming down with responsibility of evolving new varieties of crops of commercial significance being left to the private sector commercial organisations. There is also a move on the part of the international research institutions, who at one time played a pioneering role in plant breeding and genetic work, to focus on pure or strategic research.

In the wake of the global economic liberalization, it is only expected that agriculture is accorded the status of an industry and given all incentives and impetus, normally required for a fast developing, competitive business. To meet our food demands, as well as to exploit our export potential in agricultural commodities, development and use of new plant varieties having specific agronomic nutritive or market preference characteristics are essential. New varieties may be bred for higher yields, greater resistance to biotic and abiotic stresses, longer shelf life, better consumer preference, higher industrial value, low input requirements and so on. To meet these demands the variety improvement activities based on conventional as well as biotechnological methods requires heavy investments both in scientific man power and economic terms. It is therefore, understandable that the fruits of such intensive efforts will have to be protected from misuse, and also ensuring an appropriate incentive (reward) to the breeder.

The following are the plant variety protection steps;

1. Historical developments of plant variety protection

For over 60 years different forms of protection of new plant varieties through the system of Plant Breeders' Right (PBRs) have been in existence in industrialised countries which essentially means that the holder of the PBR can prevent others from producing propagating material of the protected variety and / or marketing the same. In order to coordinate inter country implementation of PBR a " Union Internationale Pour La Protection Des Obtention Vegetables" (UPOV) was established by International Convention for Protection of New Varieties of plants (the UPOV convention), which was signed in Paris in 1961. The convention entered into force in 1968. It was revised in 1972, 1978 and 1991. The 1978 Act entered into force in 1981. The 1991 act has not yet entered into force.

The purpose of UPOV convention is to ensure that the member States of the Union acknowledge the achievements of breeder of new plant varieties by making available to them exclusive property rights, on the basis of a set of uniform and clearly defined principles. To be eligible for protection varieties have to be (i) distinct from existing known varieties (ii) sufficiently homogenous (uniform) (iii) stable and (iv) new in the sense that they must not have commercialised prior to certain dates established by reference to the date of the application for protection.

2. Scope of protection of plant varieties under UPOV convention

Both the 1978 and 1991 conventions set out a minimum scope of protection offer member states the possibility of taking national circumstances into account in their legislation. Under 1978 Act, the minimum scope of the Plant Breeders' right requires that the holders' authorization for the production for purposes of commercial marketing, the offering for sale and marketing of propagating material of protected variety.

The 1991 Act contains more detailed provision defining the acts concerning propagating material in relation to which holders' authorization is required.

Exceptionally, but only where the holder has no reasonable opportunity to exercise his

right in relation to the propagating material, his authorization may be required in relation to any specified acts done with harvested material of the variety.

3. Duration of plant breeder's rights

Like all intellectual property rights, plant breeders rights are granted for a limited period of time (15-20 years) at the end of which varieties protected by them pass into public domain. The rights are also subject to controls, in the public interest, against any possible abuse.

4. Exemptions

It is also important to note that authorization of the holder of plant breeders' rights is not required for the use of his variety for research purpose, including its use in the breeding of further new varieties.

From the inception of UPOV in 1961, farmers have been allowed to use their own harvested material of protected varieties for the next production cycle on their own farms. On farm saving is still a practice in UPOV countries. The 1991 UPOV convention contains an "Optional exception" which provides that it is unto the national government to decide whether to permit farmers to use the seed of a PBR protected variety for propagation purposes on their own holdings or not.

5. Sovereign rights on biological resources

Another major development, which has taken place along with India signing the World Trade Agreement, is global Biodiversity Convention. India is a signatory to this convention, which became operational on December 29, 1993. Among other things it reaffirms that "the states have sovereign rights over their own biological resources" and that states are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner".

6. Suggestions for a SUI system of plant variety protection

The proposal of 1991 UPOV convention which extends plant breeders rights to the harvested material, is not appropriate for our country.

The frame work for plant variety protection has to be evolved in a manner that prevents situations where repeated imports of improved varieties are not required so as to avoid dependence on foreign sources of supply.

While, finalizing a legislation on PVP the government needs to strike a balance between its commitment under WTO, growth of the seed sector and their interests of the farmers, which through a difficult task, is not impossible to achieve.

7. Seed Industry Development

As we anticipate fairly high investment in seed research from private sector and healthy competition with public sector in crop breeding and seed production and distribution. However, public sector institutions will continue to play major role in developing varieties of wheat rice, chick pea, pigeon pea, mungbeans, urbeans, groundnut, sugarcane, jute, potato and millets. The continued improvement of these crops is most vital for our food security system. The public sector will have to continue to develop varieties for rainfed, salt affected, hilly and low lying flood prone regions. In export potential of food grains and other agricultural commodities, breeding for quality of produce will have to give priority. We may also tailor varieties suited to the needs of the importing countries. Since there is growing concern about the use of

chemical pesticides in crop production, the present research programme of breeding for resistance against the pests and diseases will have to be strengthened further. Strategic research on breeding for resistance against pests and diseases will be priority areas of research of a public institution. We anticipate that the material generated from these research programmes will be made available to the private sector.

Seed industry both in public and private sector is likely to develop at a fast rate after the legislation on plant variety protection is enacted. The recent experience shows that contribution of both public and private sector in seed industry development is complimentary. While private sector seed companies are concentrating on hybrids of millets, oil seeds, cotton and vegetables, the public sector seed corporations are engaged in seed production and distribution of self-pollinated crops. It has also been observed that due to competition among the seed companies, the farmers have been benefited not only in respect of stability in prices of hybrid seeds but also better quality of seeds. It is expected that with programmatic policy planning, faster growth of both public and private sector in seed research and development will be ensured so that they can play important role in improving the incomes and standards of living of our farmers.

New seed policy

The Government of India evolved a new seed policy and which is implemented from October 1, 1988.

The policy laid a special emphasis on

- Import of high quality of seeds
 - A time bound programme to modernize plant quarantine facilities
 - Effective implementation of procedures for quarantine /post entry quarantine and
 - Incentives to encourage the domestic industry
 - Import of quality seeds.
1. Bulk import of seeds of coarse cereals, pulses and oil seeds may replace (or) displace the local productions.
 2. Transfer of technology may not be actual one, because due to bulk import of seeds or import of technology, instead we can import the germplasm of superior variety if any and could be developed locally to meet the demand (i.e.,) incorporate the advantages of exotic variety to the local types(or) even direct multiplication's after adaptive trials.
 3. As we have superior varieties of international standard (e.g.) Maize, Sorghum, Bajra, or even in oil seeds like groundnut etc., the bulk import is not necessitated. Instead we need varieties suitable to agroclimatic zones besides higher yields.
 4. Import of flower seeds could be encouraged in order to earn foreign exchange through export of flours and it can be imported under (OGL) open general license. But there is a fear of introduction of new pest and diseases as they are coming without post entry quarantine checkup.

IMPORTANT QUESTIONS:

1. Define Indian Seed ACT 1966.
2. What are the important features of seed rules?
3. What do you mean by new seed policy?
4. What are the functions of seed analyst?
5. Define Quarantine rules.