

# **Introduction to Seed Act 1966- An Overview**

***By***

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## The Seeds Act, 1966

To control the quality of seed during production and marketing , Govt. of India enacted Seed Act in 1966. For effective implementation of the act, major provisions are

- Central Seed Committee
- Power to notify kind or variety of seeds
- Minimum Seed Certification Standards
- Certification voluntary but labeling is compulsory
- Label should contain necessary information
- Central Seed Testing Laboratory
- State Seed Testing Laboratories

- Central Seed Certification Board
- Central Seed Certification Agency
- State Seed Certification Agencies
- Seed Inspectors
- Seed Analysts
- Appellate Authority
- Recognition of Seed Certification Agencies of Foreign Countries

Seeds Act, 1966 consist of 25 clauses

## 1. Short title, extent and commencement

- 1) This Act may be called the **Seeds Act, 1966**.
- 2) It extends to the **whole of India**.
- 3) It shall **come into force on such date** as the Central Government may, by **notification in the Official Gazette**, appoint, and **different dates** may be appointed for different provisions of this Act, and for different States or for different areas thereof.

## 2. Definitions

- “agriculture” includes horticulture;
- “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
- “notified kind or variety”, in relation to any seed, means any kind or variety thereof **notified under section 5**

➤ seed” means any of the following classes of seeds used for sowing or planting—

- (i) seed of food crops including edible oil seeds and seeds of fruits and vegetables;
- (ii) cotton seeds;
- (iii) seeds of cattle fodder;
- (iv) jute seeds,

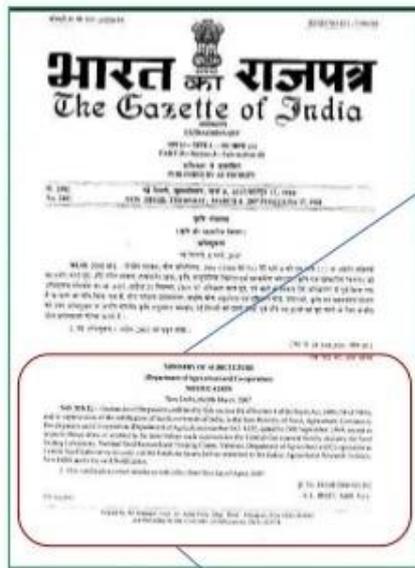
and includes seedlings, and tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetative propagated material, of food crops or cattle fodder;

### 3. Central Seed Committee

To **advise** the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it by or under this Act.

### 4. Central Seed Laboratory and State Seed Laboratory

(1) The Central Government may, by **notification in the Official Gazette**, **establish a Central Seed Laboratory** or declare any seed laboratory as the Central Seed Laboratory to carry out the functions entrusted to the Central Seed Laboratory by or under this Act



MINISTRY OF AGRICULTURE  
(Department of Agriculture and Co-operation)  
NOTIFICATION

New Delhi, the 8th March, 2007

**S.O. 331(E)**---In exercise of the powers conferred by Sub-section (1) of Section 4 of the Seeds Act, 1966 (54 of 1966), and in supersession of the notification of the Government of India, in the then Ministry of Food, Agriculture, Community Development and Co-operation (Department of Agriculture) number S.O. 4435, dated the 29th September, 1969, except as respects things done or omitted to be done before such supersession the Central Government hereby declares the Seed Testing Laboratory, National Seed Research and Training Centre, Varanasi, Department of Agriculture and Co-operation as Central Seed Laboratory to carry out the functions herein before entrusted to the Indian Agricultural Research Institute, New Delhi under the said Notification.

2. This notification comes into force with effect from first day of April, 2007.

[F.No.18-148/2006-SD.IV]

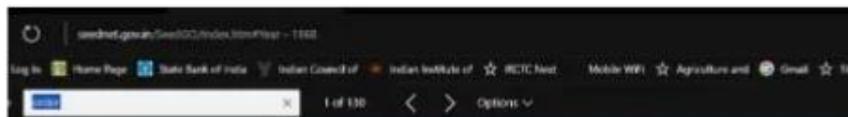
S. L. BHAT, Addl. Secy.

775 (G)/2007

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and Published by the Controller of Publications, Delhi-110054.

## 5. Power to notify kinds or varieties of seeds

- If the Central Government, after consultation with the Committee, is of opinion that it is necessary or expedient to regulate the quality of seed of any kind or variety to be sold for purposes of agriculture, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof



Seed Division : Gazette Notifications

Select Year of Notification

2017	2016		
2015	2014	2013	2012
2011	2010	2009	2008
2007	2006	2005	2004
2003	2002	2001	2000
1999	1998	1997	1996
1995	1994	1993	1992
1991	1990	1989	1988
1987	1986	1985	1984
1983	1982	1981	1980
1979	1978	1977	1976
1975	1974	1973	1972
1971	1970	1969	1968

Year - 2017

S. No.	G.O. No.	Statutory Order (S.O.) Number	Date of the Order	Remarks
1	IV	<a href="#">S.O 182 (E)</a>	19/01/2017	Seed Variety Notification
2	IV	<a href="#">S.O 802 (E)</a>	10/03/2017	Seed Variety Notification
3	IV	<a href="#">S.O 1007 (E)</a>	30/03/2017	Seed Variety Notification
4	IV	<a href="#">S.O 1007 (E)</a>	30/03/2017	Notification of crop varieties under section 5 of the Seeds

[Section 3(ii)]

बिजली का विभाग : अध्यापक

7

MINISTRY OF AGRICULTURE AND FARMERS WELFARE  
(Department of Agriculture, Co-operation and Farmers Welfare)

NOTIFICATION

New Delhi, the 30th March, 2017

S.O. 1007(E).—In exercise of the powers conferred by section 5 of the Seeds Act, 1966 (54 of 1966), the Central Government after consultation with the Central Seed Committee, is of the opinion that it is necessary and expedient to regulate the quality of the seeds of the varieties specified in column (3) of the Table below of the kinds specified in the corresponding entries in column (2) of the said Table, hereby declares that the said varieties of the seeds shall be notified varieties to be sold for the purposes of agriculture for the States mentioned in column (4) of the said Table and shall be the notified varieties for the whole of India for the purposes of the said Act, with effect from the date of publication of this notification in the Official Gazette, namely:-

TABLE

	Crop	Variety	State
1.	Rice	HRI-183 (Arize Swift Gold)	Haryana, Uttarakhand, Uttar Pradesh and Gujarat.
2.	Rice	HRI-180 (Arize Tej Gold)	Punjab, Haryana and Uttarakhand.
3.	Rice	PA6129 (Arize 6129)	Madhya Pradesh.
4.	Rice	BS129G (Arize 6129 Gold)	Chhattisgarh.
5.	Rice	28P09	Odisha, West Bengal and Uttar Pradesh, Assam, Chhattisgarh, Maharashtra, Gujarat, Tamil Nadu and Andhra Pradesh.
6.	Rice	CO 51	Haryana, Uttarakhand, Odisha, Bihar, West Bengal, Uttar Pradesh, Madhya Pradesh, Maharashtra, Gujarat, Andhra Pradesh, Kerala, Karnataka and Tamil Nadu.
7.	Rice	VI. Dian 158 (VL 8657)	Himachal Pradesh and Uttarakhand.
8.	Rice	Jalkunwari (TTB 202-4)	Assam.
9.	Rice	Jalashree (TTB 202-3)	Assam.
10.	Rice	Kanakhya (TTB 103-1-1)	Assam.
11.	Rice	Gitesh (TTB 283-1-26)	Assam.

<http://www.seednet.gov.in/SeedGO/Index.htm>

## 6. Power to specify minimum limits of germination and purity, etc

The Central Government may, after consultation with the Committee and by notification in the Official Gazette, specify—

- (a) the minimum limits of germination and purity with respect to any seed of any notified kind or variety;
- (b) the mark or label to indicate that such seed conforms to the minimum limits of germination and purity specified under clause (a) and the particulars which such mark or label may contain.

## 7. Regulation or sale of seeds of notified kinds or varieties.

keeping for sale, offering to sell, bartering or otherwise supplying any seed of **any notified kind or variety**

- is **identifiable** as to its kind or variety
- conforms to the **minimum limits of germination and purity** specified under clause (a) of section 6
- the **container** of such seed bears in the prescribed manner, the **mark or label** containing the correct particulars thereof, specified under clause (b) of section 6

## 8. Certification agency

- The State Government or the Central Government in consultation with the State Government may, by notification in the Official Gazette, establish a certification agency for the State to carry out the functions entrusted to the certification agency by or under this Act.
- The Central Seed Certification Board - to advise the Central Government and the State Governments on all matters relating to certification, and to co-ordinate the functioning of the agencies established under section 8.

## 9. Grant of certificate by certification agency

- (1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the certification agency, apply to the certification 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 fees as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the 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 1[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 limits of germination and purity specified for that seed under clause (a) of section 6.]

## 10. Revocation of certificate.

If the certification agency is satisfied, either on a reference made to it in this behalf or otherwise, that— (a) the certificate granted by it under section 9 has been **obtained by misrepresentation** as to an essential fact; or (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, then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the **certification agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.**

## 11. Appeal

- (1) Any person aggrieved by a decision of a certification agency under section 9 or section 10, may within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the State Government in this behalf
- (2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellate an opportunity of being heard, dispose of the appeal as expeditiously as possible.
- (3) Every order of the appellate authority under this section shall be final.

## 12. Seed Analysts

The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analysts and define the areas within which they shall exercise jurisdiction

### 13. Seed Inspectors

- (1) The State Government may, by notification in the Official Gazette, 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.
- (2) Every Seed Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860) and shall be officially subordinate to such authority as the State Government may specify in this behalf

## 14. Powers of Seed Inspector

- (1) The Seed Inspector may— (a) take samples of any seed in any notified 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 for 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 made thereunder.

(2) Where any sample of any seed of any notified kind or variety is taken under clause (a) of sub-section (1), its **cost, calculated** at the rate at which such seed is usually sold to the public, **shall be paid on demand** to the person from whom it is taken

(3) The power conferred by this section includes **power to break-open any container** in which any seed of any notified 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.

(4) 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 persons to be present** at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

(5) **The provisions of the Code of Criminal Procedure, 1898** (5 of 1898), 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 98 of the said Code

## 15. Procedure to be followed by Seed Inspectors

- (1) Whenever a Seed Inspector intends to take sample of any seed of any notified kind or variety or analysis, he shall—
  - (a) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;
  - (b) except in special cases provided by rules made under this Act, 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 kind or variety 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 Analyst for 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 or for analysis by the Central Seed Laboratory under sub-section (2) of section 16, as the case may be.

(3) If the person from whom the samples have been taken **refuses to accept one of the samples**, the Seed Inspector shall send **intimation** to the Seed Analyst of such refusal and thereupon **the Seed Analyst receiving the sample** for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be **delivered to the Seed Inspector** who shall retain it for production in case legal proceedings are taken.

(4) Where a **Seed Inspector takes any action** under clause (c) of subsection (1) of section 14,—

(a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 7 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**;

(b) if he **seizes the stock** of the seed, he shall, as soon as may be, **inform a magistrate** and take his orders as to the custody thereof;

(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.

(5) Where a Seed Inspector seizes any record, register, document or any other material object under clause (d) of sub-section (1) of section 14, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof.

## 16. Report of Seed Analyst

(1) The Seed Analyst shall, as soon as may be after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the State Seed 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.

(2) 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 mentioned in clause (a) or clause (c) of sub-section (2) of section 15 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 clause (b) of sub-section (1) of section 15 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.

(3) The report send by the Central Seed Laboratory under sub-section (2) shall supersede the report given by the Seed Analyst under sub-section (1)

(4) Where the report sent by the Central Seed Laboratory under sub-section (2) is produced in any proceedings under section 19, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

## 17. Restriction on export and import of seeds of notified kinds or varieties

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 particulars thereof specified for that seed under clause (b) of section 6.

## 18. Recognition of seed certification agencies of foreign countries

The Central Government may, on the recommendation of the Committee and by notification in the Official Gazette, recognise any seed certification agency established in any foreign country, for the purposes of this Act.

## 19. Penalty

If any person— (a) **contravenes any provision** of this Act or any rule made thereunder; or (b) **prevents a Seed Inspector from taking sample** under this Act; or (c) prevents a Seed Inspector from **exercising any other power** conferred on him by or under this Act, he shall, on conviction, be punishable— (i) for the **first offence** with fine which may extend to **five hundred rupees**, and (ii) 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.

## 20. Forfeiture of property

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 may be forfeited to the Government

## 21. Offences by companies

1) 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 subsection 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

(2) 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 offence and shall be liable to be proceeded against and punished accordingly. Explanation.—For the purposes of this section,— (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

## 22. Protection of action taken in good faith

Not suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

## 23. Power to give directions

The Central Government may give such directions to any State Government 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 thereunder.

## 24. Exemption

Nothing in this Act shall apply to any seed of any notified kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that person for the purpose of sowing or planting.

## 25. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power.

## Lacunae in Seed Act 1966

- The farmers' traditional seed system is left outside the Act.
- Seed marketing is linked neither to plant breeders' rights nor to any established ownership on variety.
- Not prescribe the declaration of pedigree, particularly in the case of TLVs, secrecy on pedigree is used to create a commercial monopoly on seeds.
- In the seed chain involving producers, processors and stockists/traders, license for the transaction is required only for the stockist/trader

- No provision for **transgenic varieties**
- No provision related to Environment and labour standard
- No provision for seed price monitoring
- No encouragement for organic seed production
- No specific provision for **compensation to farmers**
- The **enforcement of the law is weak** and the prescribed penalty is soft.
- **Excludes horticultural nurseries**



**THANK YOU**