

Seed Control Order, 1983

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PRELIMINARY

1. Short title and extent.

- ✓ This order may be called the seeds (control) order. 1983.
- ✓ It extends to the whole of india.
- ✓ It shall come into force on the 30th December of 1983.

2. Definitions.

1. **“Act”** means the essential commodity act, 1955 (10 of 1955).
2. **“Controller”** means a person appointed by the 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 act.

3. **“Dealer”** means a person carrying on the business of selling, exporting, or importing seeds, and includes an agent or a dealer.
4. **“Export”** means to take or cause to be taken out from any place in india to a place outside india.
5. **“Form”** means a form appended in this order.
6. **“Import”** means to bring or cause to be brought to any place in india from outside india.
7. **“Inspector”** means an inspector of seeds appointed under **clause 12.**

8. **“Registering authority”** means a licensing authority appointed under **clause 11**.
 9. **“Seeds”** means the seeds as defined in the act , 1966 (54 of 1966).
 10. **“State government”** in relation to a union territory means the administrator thereof by whatever designation known.
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3. Dealer to obtain license.

1. No person shall carry on the business of selling , exporting or importing of seeds at any place except under and in accordance with the terms and conditions of license 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 provision 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 license.

- ✓ Every person desiring to obtain a license for selling, exporting or importing seeds shall make an application in duplicate in **form A** together with a fee of rupees fifty for license to the licensing.

5. Grant and refusal of license.

1. The licensing authority may, after making such inquiry as it thinks fit, grant a license in **from B** to any person who applies for it under clause 4, provided that a license shall not be issued to a person;-
 - A. Whose earlier license granted under this order in under **suspension**, during the period of such suspensions.
 - B. Whose earlier license 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 the essential commodity act, 1955 (10 of 1955) or any order issued there under within three years proceeding the date of application.

 - 2. When the licensing authority refuses to grant a license to a person who applies for it under **clause 4**, he shall **record his reasons** for doing so.
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6. Period of validity of license.

- ✓ Every license granted under this order, shall unless previously suspended or cancelled, remain valid for **three years** from the date of its issue.

7. Renewal of license.

1. In **form C** together with a fee of **twenty rupees** for renewal before expiry of the license.
2. If any application for renewal is not made before the expiry of the license, the license may be renewed on payment of **additional fee of rupees twenty-five**, in addition to the fee for renewal of license.

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 of rates of different seeds.
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9. Dealers to give memorandum to purchase.

Every dealer shall give a cash or credit memorandum to a purchase 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 a manner as may be specified therein.

Enforcement authority.

11. Appointment of licensing authority.

The state government may after notification in the official gazette appoint such number of persons as it thinks necessary to the 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 as the inspector and may in such notification define the local area within which each such 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 provision of this order.
 - C. Draw sample of seeds meant for sale, export and seeds imported, and send the same in accordance with the procedure laid down in **schedule 1, to a laboratory notified** under the seeds act 1966 (54 of 1966) to ensure that the sample conforms to standards of quality claimed.

- D. Seize or detain any seed in respect of which he has reasons to believe that a contravention of this order has been committed or is being committed.
 - E. Seize books of accounts or documents relating to any seed, provided that the inspector shall give a receipt to the person from whom they have been seized and further they shall be returned to that person.
2. Subject to the provision of paragraph (d) of **sub-clause (1)** the provision, of section 100 of the code of criminal procedure 1973 (2 of 1974) 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 where upon the provisions of sections 457 and 458 of the code of criminal procedure 1973 (2 of 1974) shall, so far as may be applied to the custody and disposal of such seeds.
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 power under this clause.

14. Time limit for analysis.

The analysis report has to be sent to the inspector within 60 days from the date of receipt by the laboratory.

15. Dispensation/cancellation of license.

The licensing authority may suspend or cancel the license on the following grounds:

- A. If the license had been obtained by misinterpretation as to the material particulars, or,
- B. If any of the provisions of this order or any conditions of license has been contravened.

16. Appeal.

Any person aggrieved by an order:-

- A. Refusing to grant, amend or renew the license for sale, export and import of seeds;
- B. Suspending or cancelling any license may within sixty days from the date of order, appeal to the 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.**

Miscellaneous.

17. Amendment of license.

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

18. Maintenance of records and submission of returns etc.,

Every dealer should maintain book accounts and records relating to his business as may be directed by state government.

Every dealer shall submit monthly returns relating to his business for the preceding month in the **form D** to the licensing authority by the 5th day of every month.

- ▶ **Form A** = form for application to obtain dealer's license.
- ▶ **Form B** = license to carry on the business of a dealer in seeds.
- ▶ **Form C** = application for renewal of license to carry on the business of a dealer in seeds.
- ▶ **Form D** = form to submit monthly returns of dealer's business in seeds.



FORM 'A'

(See clause 4)

FORM OF APPLICATION TO OBTAIN DEALER'S LICENCE

To

The Registering Authority,
_____ (Place)
State of/ U.T. of _____

1. Full name and address of the applicant:

- (a) Name and postal address:
- (b) Place of business (please give exact address):
 - (i) for sale
 - (ii) for storage

2. Is it a proprietary/partnership/Limited Company/Hindu undivided family concern?
Give the Name(s) and address(es) of proprietor/partner/Manager/Karta.

3. In what capacity this application is made:

- (i) Proprietor
- (ii) Partner
- (iii) Manager
- (iv) Karta

4. Was the applicant ever convicted under the Essential Commodities Act, 1955 (10 of 1955), or any order issued thereunder during the last three years preceding the date of application? If so, give details

5. Give the details of seeds to be handled.
S.No. Name of Seed

6. I/we have deposited the licence fee of rupees fifty vide challan No. _____
dated _____ in treasury/bank _____

7. Declaration:

- (a) I/we declare that the information given above is true to the best of my/our knowledge and belief and no part thereof is false.
- (b) I/we have carefully read the terms and conditions of the licence given in Form 'B' appended to the Seeds (Control) Order, 1983, and agree to abide by them.

Signature of Applicant

Date: _____

Place: _____

Note: (1) Where the business of selling/exporting/importing seeds is intended to be carried on at more than one place, a separate licence should be obtained for each such place.

For use in the office of Licensing Authority

Date of receipt _____

Name and designation of officer receiving the application



FORM 'B'
(See clause 5)

LICENCE TO CARRY ON THE BUSINESS OF A DEALER IN SEEDS

Licence No. _____

Date: _____

Subject to the provisions of the Seeds (Control) Order, 1983 and to the terms and conditions of this Licence Shri/M/s _____ is hereby granted licence to sell, export, import and store for the said purposes of seeds.

2. The licensee shall carry on the aforesaid business at _____
(Place for storage and place for sale) _____ (Tehsil or District)

Date: _____

Seal:

Licensing Authority

State of _____

Terms and conditions of licence

- (i) The licence shall be displayed at a prominent and conspicuous place in a part of the business premises open to the public.
- (ii) The holder of the licence shall comply with the provisions of the Seeds (Control) Order, 1983 and the notifications issued thereunder and for the time being in force.
- (iii) This licence comes into force with immediate effect and shall be valid upto _____ unless previously cancelled or suspended.
- (iv) The holder of the licence shall from time to time report to the licensing authority any change in the premises where he carries on his business of sale, export, import or storage for the said purposes of seeds.
- (v) The licensee shall give every facility to the licensing authority or any other officer acting under his Authority for the purpose of inspecting his stock in any shop, depot or godown or other place/places used by him for the purpose of storage, sale or export of seeds.



FORM 'C'
(See clause 7)

**APPLICATION FOR RENEWAL OF LICENCE TO CARRY ON THE BUSINESS OF A
DEALER IN SEEDS**

To

The Licensing Authority
_____ (Place)
State of/U.T. of _____

I/We hereby apply for renewal of the Licence to carry on the business of dealer in
seeds under the name and style of Shri/M/s. _____
The licence, desired to be
renewed, was granted by the Licensing Authority for the State of
_____ and allotted Licence No. _____ on the
_____ day of _____ 19____

Signature of applicant(s)

Full name and address of the applicant(s) _____

Date and Place: _____

Certified that the Licence bearing No. _____ granted on
_____ to carry on the business of a dealer in seeds at the premises situated
_____ is hereby renewed upto _____
unless previously cancelled or suspended under the provisions of the Seeds (Control) Order,
1983.

Date: _____

Licensing Authority

Renewal No. _____

State of _____

Seal:



FORM 'D'
(See clause 18)

1. Month and year:
2. Name and designation of Licensee:

(Quantity in Quintals)

Crop/ Variety	Class of seed	Opening stock on the first day of the month	Quantity purchased during the month	Total quantity imported	Total	Total quantity sold	Total quantity exported	Closing stock on the last day of the month
1	2	3	4	5	6	7	8	9

(3+4+5)

6-(7+8)

Signature of dealer

Name: _____

Address: _____

SCHEDULE I

(See clause 13) Sealing, Fastening, Despatch and Analysis of Samples

I. Manner of taking Samples

- ▶ Samples of any seed for the purpose 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.

ii) 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”.
 - 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.

Cont.....

- 501 to 3,000 kilograms – one individual sample for each 300 kilograms, but not less than 5 individual samples.
 - 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.
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Cont...

- ▶ Bag sampling – For seed lots in bags or other containers the following sampling intensity should be regarded as a minimum requirement:
 - upto 5 containers – sample each container but always take at least 5 individual samples.
 - from 6 to 30 containers – sample at least one in every three containers but never less than 5.
 - 31 containers or more – sample at least one in every five containers but never less than 10.

III) 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
 - ❖ serial number
 - ❖ name of the sender with official designation, if any;
 - ❖ name of the person from whom the sample has been taken;
 - ❖ date and place of taking the sample;
 - ❖ kind or variety of the seed for analysis;
 - ❖ nature and quantity of preservative, if any, added to the sample.

IV) 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:

- ▶ The stopper shall first be securely fastened so as to prevent leakage of the containers in transit.
- ▶ 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.

Cont....

- ▶ 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 then 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, of 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 or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.



Thank You