

Grant of certificate, certification fee and other service charges

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.

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 minimum limits of germination and purity specified for that seed under clause (a) of section 6, grant a certificate in such form and on such conditions as may be prescribed.

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 sec. 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.

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:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellate was prevented by sufficient cause from filing the appeal in 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) Every order of the appellate authority under this section shall be final.

Seed Analysts

12. 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.

Seed Inspectors

13. (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.

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 sent 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.

Issue of License 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 license granted to him for which dealer has to make an application in duplicate in Form 'A' together with a fee of Rs.50/- for license 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 license shall be accompanied by clear recording of reasons for such refusal.

Renewal of License

A holder of license 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 license 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's 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 in particular or contravention in provision of the order.

Suspension / Cancellation of license

The Licensing authority may after giving an opportunity of being held to the holder of license, suspend or cancel the license on grounds of mis-representation of material in 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 license 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 licensing authority may on receipt of request in writing together with Rs.10/- can amend the license 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 licensing authority by 5th day of every month