

SEED ACT, 1976 AS AMENDED THROUGH SEED (AMENDMENT) ACT, 2015
FURTHER AMENDED THROUGH
THE PUNJAB SEED (AMENDMENT) ACT, 2017 (PROPOSED)

ACT NO. XXIX OF 1976

An Act to provide for controlling and regulating the quality of seeds of various varieties of crops

WHEREAS it is expedient to provide for controlling and regulating the quality of seeds of various varieties of crops and for matters connected therewith;

AND WHEREAS the Provincial Assemblies of the Punjab, Sind, the North-West Frontier Province and Baluchistan have passed resolutions under Article 144 of the Constitution of the Islamic Republic of Pakistan to the effect that Parliament may by law regulate and control the quality of seeds of various varieties of crops;

AND

Act No. VII of 2015

An Act to amend the Seed Act. 1976

WHEREAS it is expedient to amend the Seed Act, 1976 (XXIX OF 1976) for the purposes hereinafter appearing;

AND WHEREAS the Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh have passed resolutions under Article 144 of the Constitution of the Islamic Republic of Pakistan to the effect that Majlis-e-Shoora (Parliament) may suitably amend the aforesaid Act;

AND

Act No.-----

An Act to provide for provision of quality seeds of various varieties of crops in Punjab

WHEREAS it is expedient to provide for enabling environment for provision of quality seeds of various varieties of crops and for matters connected therewith specifically for Punjab;

AND WHEREAS the Provincial Assembly of the Punjab may amend Seed Act, 1976

(amended from time to time) as respects to Punjab under Article 144 of the Constitution of the
Islamic Republic of Pakistan

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called The Punjab Seed (Amendment) Act, 2017.

(2) It extends to the whole of Punjab.

(3) It shall come into force at once.

2. Definitions.— **In this Act, unless there is anything repugnant in the subject or context,—**

(i) “accredited laboratory” means any seed testing laboratory established in public sector or private sector and accredited by an appropriate organization as may be prescribed;

(ii) **Omitted*******

(iii) “basic seed” means progeny of the pre-basic seed produced by any public sector or private sector organization and certified by the Punjab Seed Certification and Registration Department or by another organization so authorized by the Government of The Punjab;

(iv) “certified seed” means progeny of the basic seed certified by the Punjab Seed Certification and Registration Department or by another organization so authorized by the Government of The Punjab;

(v) “enlisted variety” means a variety or a hybrid or species enlisted by Punjab Seed Certification & Registration Department as may be prescribed.

(vi) “Punjab Seed Certification & Registration Department” means the Punjab Seed Certification and Registration Department established under this Act;”

(vii) **Omitted*******

(viii) “genetically modified variety” means plant varieties which have been bred by genetic engineering involving molecular techniques that modify, recombine and transfer genes or segments of genetic material and includes recombinant deoxyribonucleic acid (DNA) techniques that transfer genes or segments of genetic material between genotype and also apply to plant varieties derived from a living modified organism;

- (ix) “horticulture nursery” means any grounds or premises on which nursery plants are propagated, grown or procured for resale and held for sale throughout the year;
- (x) “hybrid” means (1) the first generation offspring of a cross between two individuals (plants) differing in one or more genes; (2) the progeny of a cross between species of the same genus or of different genera;
- (xi) “misbranded seed” means a seed if :
- (i) it is a substitute for, or resembles in a manner likely to deceive, another plant variety or hybrid of seed under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true nature;
 - (ii) it is falsely stated to be the product of any place or country;
 - (iii) it is sold by a name which belongs to another kind or plant variety or hybrid of seed or closely resembles such name so as to deceive the buyer;
 - (iv) false claims are made for it upon the label or otherwise;
 - (v) when sold in a package which has been sealed or prepared by, or at the instance of, the person engaged in seed business and which bears his name or address, the contents of each package are not conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act;
 - (vi) the package containing it or the label on the package, bears any statement, design or device regarding the quality or the kind or plant variety or hybrid of seed contained therein, which is false or misleading in any material particular or if the package is otherwise deceptive with respect to its contents;
 - (vii) it is not the seed of a variety or hybrid registered or enlisted under this Act;
 - (viii) its label contains any reference to a number other than enlistment number of the variety or hybrid;
 - (ix) its label does not contain a warning or caution which may be necessary and sufficient, if complied with, to protect human, animal and plant life and health or to avoid serious prejudice to the environment;
 - (x) the package containing it or the label on the package bears the name of a fictitious individual or company as the dealer of the kind or plant variety or hybrid; or
 - (xi) it is not labelled in accordance with the requirements of this Act or the rules made thereunder;

- (xii) **Omitted*******
- (xiii) **Omitted*******
- (xiv) “person” means any natural or legal entity and includes an association of persons, firm, partnership, society, group of persons, a public or private limited company, corporation, cooperative society or any other body corporate;
- (xv) **Omitted*******
- (xvi) “pre-basic seed” means seed of high genetic purity produced by a plant breeder;
- (xvii) “prescribed” means prescribed by rules;
- (xviii) **Omitted*******
- (xix) **Omitted*******
- (xx) “registered variety” means a variety registered by the Punjab Seed Certification & Registration Department and included in the list of Enlisted Varieties separately indicated as a registered variety;
- (xxi) **Omitted*******
- (xxii) “rules” means rules made under this Act;
- (xxiii) “seed” means any of the reproductive or vegetative propagating material of the plants varieties / hybrids / species of field crops, vegetable crops, fruits, spices, medicinal herbs, flowers, shrubs, forest trees, other plant species and mushroom spawn used for sowing or planting such varieties / hybrids / species.
- (xxiv) “Seed Analyst” means a Seed Analyst appointed under this Act;
- (xxv) “seed business” means any commercial operation of seed involving production, processing, conditioning, packaging, distribution, import and export of seeds;
- (xxvi) “Seed Certification Officer” means a Seed Certification Officer appointed under this Act;
- (xxvii) “seed dealer” means any person registered as seed dealer under this Act;
- (xxviii) “Seed Inspector” means a Seed Inspector appointed under this Act;
- (xxix) “seed processing” means the process by which seeds and planting materials are dried, threshed, shelled, ginned or delinted (in cotton), cleaned, graded or treated;
- (xxx) “species” means a group of plants capable of interbreeding and producing fertile offspring of both genders, and separated from other such groups with which interbreeding does

not (normally) happen;

(xxxi) “terminator technology” means genetic modification that includes gene or gene sequences which restrict germination of the seed produced by the plant variety or hybrid during the next subsequent year of planting;

(xxxii) “truthfully labelled seed” means seed of an enlisted variety or hybrid or species produced locally or imported and which conforms to standards as prescribed under the rules and the label of the packet in which such seed is sold or kept for sale contains the true information as per contents inside duly verifiable by an authorized laboratory”;

(xxxiii) “variety” means a group of plants belonging to a species which for cropping purpose is considered as an individual unit and can be distinguished from other varieties or hybrids of the same species.

(xxxiv) **Omitted*******

3. Omitted*****

4. Omitted*****

5. Establishment of Punjab Seed Certification and Registration Department.— As soon as may be after the commencement of this Act, the Punjab Government shall establish a Punjab Seed Certification and Registration Department for the performance of such functions as may be entrusted to it under this Act.

6. Functions of Punjab Seed Certification and Registration Department. — The Punjab Seed Certification and Registration Department shall perform the following functions, namely:—

(a) controlling the quality of seeds through Truth-in Labelling;

(b) registering crop varieties voluntarily presented for registration as may be prescribed.

(c) Only on request of a seed producer, certification of seeds and field inspections of the crops of registered varieties which may include field inspection of the crops of registered varieties intended for sale as pre-basic seed, basic seed or certified seed; sampling and testing of seed lots of registered varieties intended for sale in order to ascertain their purity, viability, germination capacity and health status in the prescribed manner; issuing certificates in respect of seeds which meet the prescribed standards of particular category of seeds; sampling and analysing seed lots delivered to the processing plants to establish a basis for the purchase of such lots.

(d) **Omitted*******

(e) **Omitted*******

- (f) **Omitted*******
- (g) **Omitted*******
- (h) **Omitted*******
- (i) arranging training courses for persons engaged in the seed business;
- (j) providing technical and specialist advice and assistance to the National Seed Council in the performance of its functions.
- (k) **Omitted*******
- (l) **Omitted*******
- (m) publish a list of registered plant varieties as part of list of enlisted varieties;
- (n) **Omitted*******
- (o) propose procedures for maintaining purity of the seed stock and conduct research in seed science and technology.

9. Omitted*****

10. Official List of varieties, hybrids or species of seed.— Punjab Seed Certification & Registration Department shall, maintain an official, regularly updated, list specifying:—

- (a) the crop varieties, hybrids or species enlisted for production in Punjab or any part thereof;
- (b) the minimum limits of germination, physical and genetic purity, and other quality standards as may be prescribed from time to time, to which seed of such enlisted varieties or hybrids shall conform; and
- (c) the mark and label to indicate that such seed conforms to the minimum limits of germination and purity standards and the particulars which such mark or label may contain.

11. Regulation of sale of seeds of plant varieties and species.— (1) No person shall sell, advertise or hold in stock for sale, import or export seed of any plant variety or hybrid not enlisted by Punjab Seed Certification & Registration Department or a variety or hybrid that has been de-listed or has been banned for cultivation in Punjab.

(2) No person shall sell, offer for sale, or advertise or hold in stock for sale, or barter or otherwise supply, any seed that is misbranded;

(3) No person shall, sell, offer for sale, or advertise or hold in stock for sale, or barter or otherwise supply or import or export or hold in stock for export any seed of any enlisted variety unless,—

- (a) such seed is identifiable as to its variety or hybrid or species;
- (b) such seed conforms to the minimum limits of germination and purity and other

quality standards as laid down under section 10;

(c) the container of such seed bears the mark and label containing correct particulars thereof in the prescribed manner; and

(d) any other requirement as may be prescribed has been complied with.

(4) No person shall sell, advertise or hold in stock for sale, seed of any plant variety or hybrid or species banned or not enlisted by the Punjab Seed Certification & Registration Government.

12. Omitted*****

13. Procedure for enlistment of varieties / hybrids / species .— (1) Any person who has developed a new variety/hybrid/species and intends to produce seed of such variety/hybrid/species, or stock for sale, or offer for distribution or otherwise supply seed, shall inform through a letter alongwith the prescribed information to Punjab Seed Certification & Registration Department.

(2) On receipt of a letter under sub-section (1), Punjab Seed Certification & Registration Department, shall either enlist the variety/hybrid/species or return the case for want of missing information/any other valid ground within seven working days. If the variety/hybrid/species is neither enlisted nor returned within three days, the variety/hybrid/species shall be deemed to be enlisted.

14. Period for which enlistment shall be effective.—

(1) The enlistment of a variety or hybrid or species shall be effective for a period, not exceeding five years unless it is re-enlisted as per procedure given under section 13.

(2) The certification of the registered varieties and species of seeds shall be effective for such period as may be prescribed.

15. Cancellation of enlistment .— If, at any time after enlistment under subsection (3) of section 13, Punjab Seed Certification & Registration Department is satisfied, either on a reference made to it in this behalf or otherwise, that—

(i) the enlistment granted by it has been obtained by misrepresentation or suppression of an essential fact; or

(ii) the person on whose information seed has been enlisted has, without reasonable cause, failed to comply with the conditions subject to which the enlistment has been granted or has contravened any of the provisions of this Act or the rules, or

(iii) The Director General Agriculture (Research) recommends, on the basis of not-upto-mark

field performance of an enlisted variety or hybrid or species, recommends that the such seed may be de-listed

then, without prejudice to any other penalty to which the person may be liable under this Act, Punjab Seed Certification & Registration Department may, after giving him an opportunity of showing cause, de-list such variety / hybrid / species.

16. Appeal.— (1) Any person aggrieved by a decision of Punjab Seed Certification & Registration Department under section 15 to de-list a variety/hybrid/species may, within thirty days from the date on which the decision of de-listing is communicated to him and on payment of such fee as may be prescribed, prefer an appeal to the Government of the Punjab or any other authority as it may determine from time to 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-off the appeal as expeditiously as possible.

(3) The order of the appellate authority under this section shall be final.

17. Seed Analyst.— Punjab Seed Certification & Registration Department may, by notification appoint any person to be a Seed Analyst to test the quality and purity of seed offered for sale the sample of which has been collected by Seed Inspector or submitted at the time of variety enlistment by the applicant.

18. Seed Certification Officer.— The Punjab Seed Certification and Registration Department] may, by notification in the official Gazette, appoint such person as it thinks fit to be a Seed Certification Officer for such area as may be specified in the notification.

(2) A Seed Certification Officer shall perform the duties of seed certification/any other duties assigned to him by Punjab Seed Certification & Registration Department and also supervise the work of the Seed Inspectors in the area for which he is appointed.

19. Seed Inspector.— Punjab Seed Certification & Registration Department may, by notification, appoint such persons as it thinks fit to be Seed Inspectors for such areas as may be specified in the notification.

20. Power of Seed Inspectors.— (1) A Seed Inspector may, within the area for which he is appointed, inspect and take samples of any seed in labelled containers purporting to contain seed of an enlisted variety or hybrid or species of seed from any person selling seed and send such samples for analysis to the nearest laboratory of Agriculture Department or any other accredited laboratory.

- (2) The Seed Inspector may—
- (a) enter and search at all times, with such assistance of law enforcement agency or district administration as he may consider necessary, any sale point 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 specified period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessors of seed, seize the stock of such seed;
 - (b) examine any record, register, document or other material object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of any offence punishable under this Act; and
 - (c) exercise such powers as may be necessary for carrying out the purposes of this Act or any rule.
- (4) The power conferred by this section includes power to break open any labelled container in which any seed of any enlisted variety or species may be kept.
- (5) Where the Seed Inspector takes any action under sub-section (1), he shall, as far as possible, call not less than two persons of the locality to be present at the time when such action is taken and take their signature on a memorandum to be prepared in the prescribed form and manner.
- (6) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall, so far as may be, apply to any search or seizure made 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.

21. Procedure to be followed by Seed Inspector.— (1) Whenever a Seed Inspector intends to take a sample from the seed of any crop or species for analysis, he shall—

- (a) give notice in writing of his intention to do so to the person from whom he intends to take sample; and
 - (b) except in special cases provided by rules, 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 variety or species 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 Testing Laboratory of 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.
- (3) Where a Seed Inspector makes an order under clause (a) of subsection (2) of section 20,
- (a) he shall use all dispatch in ascertaining whether or not the seed contravenes any of the specifications laid down under section 10, 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 thereunder;
 - (b) if the stock of the seed seized under that clause does not conform to the aforesaid specifications, he shall, as soon as may be, report the matter to a Magistrate and take his orders as to the custody thereof; and
 - (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.
- (4) Where a Seed Inspector seizes any record, register, documents or any material object under clause (b) of sub-section (2) of section 20, he shall, as soon as may be, report the matter to a Magistrate and take his orders as to the custody thereof.

22. Report of Seed Testing Laboratory.— (1) The Seed Testing Laboratory shall, as soon as may be after the receipt of the sample under section 21, analyse the sample 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) The production in any inquiry, trial or other proceedings under this Act of a report under the hand of a Seed Analyst in the form prescribed shall, until the contrary is proved, be sufficient to prove the facts stated therein.

(3) When any person is accused of an offence under this Act, the court may, if it considers necessary in the interest of justice and the accused deposits in the court a sum of money in accordance with the scale prescribed, summon as a witness the Seed Analyst who analysed the sample in respect of which such person is accused of having committed an offence, and, if such person is acquitted, any sum of money so deposited shall be refunded to him.

22A. Omitted*****

22B. Registration to do seed business. — (1) Any person may make application, on the form as may be prescribed, for registration of seed business in Pakistan.

(2) The application form, under sub-section. (1), shall accompany such fee as may be prescribed.

(3) The Ministry, dealing with subject-matter of seed, after making such enquiry as may be prescribed, shall grant registration to the applicant specified under sub-section (1).

(4) Every registration granted under this Act shall remain valid for five years from the date of issue of the registration unless earlier suspended or cancelled.

(5) Every holder of the registration desirous to renew the registration shall, before the expiry of the registration period, make an application for renewal to the Director General, Federal Seed Certification and Registration Department together with such fee as may be prescribed.

(6) On receipt of application under sub-section (5) and a renewal prescribed, the Director General, Federal Seed Certification and Registration Department, may renew the registration for another period of five years

(7) In case the application under sub-section (5) is made after the expiry of the registration, the registration may be renewed on payment of an additional fee of one thousand rupees for each month or part thereof, in addition to the fee for renewal of registration.

(8) The registration shall be deemed cancelled, if :

(a) the registration is not renewed within six months after the date of expiry of the registration;
or

(b) the holder of the registration fails to do business for at least three years; or

(c) the holder of the registration is found to be in violation of any provision of this Act.

22C. Registration of seed dealer (1) No person shall sell crop seeds at any place except under the terms and conditions of dealership license granted to him under this Act.

(2) Provisional dealership license will be granted for one year without precondition of prescribed training.

(3) Any person having received prescribed training from the Federal Seed Certification and Registration Department may, for regular registration and grant of license under this Act, apply to Provincial Government on prescribed form accompanied by such fee as may be prescribed.

(4) Punjab Seed Certification & Registration Department shall, after making such inquiry as may be necessary, grant registration to the applicant or otherwise decide the application with

three months after its filing.

(5) Every license issued under this Act shall unless earlier suspended or cancelled earlier, remain valid for three years from the date of its issue.

(6) Every holder of a licence desiring to renew the licence shall, before the expiry of licence, apply to the Punjab Seed Certification & Registration Department for renewal of the licence on payment of such fee as may be prescribed.

(7) On receipt of application and fee under sub-section (6), Punjab Seed Certification & Registration Department may renew the licence for another three years.

(8) Every seed dealer shall clearly display at his place of business the sale prices of different crop seeds held by him including the opening and closing stocks on a daily basis.

(9) The licence of any seed dealer shall be liable to be cancelled if he is found to be in violation of any provision of this Act.

22D. Omitted*****

22E. Restrictions. ___ *No person shall*

(a) conduct seed business in Pakistan unless such person is registered to do so under section 22B or 22C ;

(b) import, sell, stock or exhibit for sale, barter or otherwise supply any seed of any variety or hybrid or species which is not registered or enlisted under this Act for cultivation in Punjab; or

(c) import, sell, stock or exhibit for sale, barter or otherwise supply any seed of any variety or hybrid or species if misbranded.

22F. Establishment of seed testing laboratories. ___ Agriculture Department, Punjab may, by notification in the official Gazette, allow accredited seed laboratories in the public and private sectors to carryout analysis of seed of any kind or plant variety or hybrid or species under this Act in such manner as may be prescribed.

22G. Enlistment of genetically modified plant varieties. ___ Notwithstanding anything contained in this Act, no enlistment of genetically modified plant variety or hybrid or species shall be made, if the application for enlistment does not accompany

(a) an affidavit from the applicant declaring that such variety does not contain any gene or gene sequence involving terminator technology;

(b) a certificate from the Punjab Biosafety Committee established by the Punjab Government to the effect that the traits of genetically modified variety or hybrid or species have no adverse

effect on the environment, human, animal or plant life and health; and

(c) **Omitted*******

22H. Horticulture nurseries to be registered.— (1) No person shall conduct or carry on the business of horticulture nursery unless such nursery is registered with Punjab Seed Certification & Registration Department.

(2) Every application for registration under sub-section (1) shall be made in such form and contain such particulars and shall be accompanied by such fee as may be prescribed.

22I. Omitted*****

22J. Omitted*****

23. Offences and penalty. Whoever—

(a) contravenes any provision or any rule under this Act; or

(b) sells or exhibits for sale any seed of plant variety or hybrid deemed to be misbranded;
or

(c) sells or exhibits for sale any seed of plant variety or hybrid which is not enlisted plant variety or hybrid; or

(d) prevents a Seed Inspector from taking a sample or inspecting seed under this Act; or

(e) Prevents any official from exercising any power conferred on him by or under this Act, shall be punishable :

(i) for the first offence, with imprisonment for a term which may extend to three months or with fine not exceeding rupees two hundred thousand ; and

for every subsequent offence, with imprisonment for a term which may extend to six months or with fine not exceeding rupees six hundred thousand or both.

24. Power of court to order forfeitures.— If any person is convicted of an offence punishable under this Act in respect of any enlisted variety or hybrid or species, the court convicting him shall further direct that the seed shall be forfeited to the Agriculture Department, Punjab .

25. Cognizance of offence, etc.— (1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Agriculture Department or a person authorised by it in this

behalf by an order in writing.

26. Presumption as to order.— Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume within the meaning of the Evidence Act, 1872 (I of 1872), that such order was so made by that authority.

27. Indemnity.— No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules.

28. Delegation of powers.— The Punjab Government may, by notification in the official Gazette, direct that all or any of its powers under this Act or the rules shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by—

(a) an officer or authority subordinate to Provincial Government;

29. Power to make rules.— (1) The Punjab Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the functions of the Seed Testing Laboratory;

(b) **Omitted*******

(c) **Omitted*******

(d) **Omitted*******

(e) the form and manner in which and the fee on payment of which, an appeal may be preferred under section 16 and the procedure to be followed by the appellate authority in disposing of the appeal ;

(f) the qualifications and duties of a Seed Certification Officer;

(g) the qualifications and duties of a Seed Inspector;

(h) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Testing Laboratory and the manner of analysing such samples;

(i) the form of report of the result of the analysis under sub-section (1) of section 22 and the fees payable in respect thereof ;

(j) the powers and functions of a Seed Analyst; and

(k) any other matter which is to be or may be prescribed.