

THE SEED ACT, 1976

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THE SEED ACT, 1976
ACT No. XXIX OF 1976
[11th May, 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, Sindh, the '[Khyber Pakhtunkhwa] 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;

It is hereby enacted as follows:—

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Seed Act, 1976.

(2) It extends to the whole of Pakistan.

(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) “approved seed” means seed true to species as approved by the Federal Seed Certification and Registration Department;]

[(iia) “Authority” means the National Seed Development and Regulatory Authority constituted under this Act;]

*[(iii) “basic seed” means progeny of the pre-basic seed produced by any public sector or private sector organization and certified by the Federal Seed Certification and Registration Department;]

[(iiia) “Board” means the Board of Governors constituted under this Act;]

2[(iv)] “certified seed” means seed certified by the Federal Seed Certification and Registration Department;]

[(iva) “Chairperson” means the chairperson of the Authority;]

*[(v) “enlisted variety” means a variety enlisted by the Federal Seed Certification and Registration Department under Section 22A;]

*[(vi)] “Federal Seed Certification [Department] means the Federal Seed Certification [and Registration Department] established under section 5;

-(vii) “Fund” means the National Seed Development and Regulatory Authority Fund, created under this Act;]

'Subs. and ins. by the Act No. XXXVI of 2024, ss. 2-3.

?Subs., renumbered, and ins. by Act No. VII of 2015, s. 2.

(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;]

l(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;

*[(xa) “Member” means a member of the Authority;]

(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;

(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 registered in the manner required by or under this Act;

(viii) its label contains any reference to registration other than registration number;

(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;

‘ns. by Act No. VII of 2015, s. 2.

"Ins. by Act No. XXXVI of 2024, s. 3.

(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 labeled in accordance with the requirements of this Act or the rules made thereunder;]

*[(xiii)] “notified variety or species” means a variety or species which has been notified as such under section 10;

2[[(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)] “post-control” means a trial to check on varietal authenticity and purity of the certified seed;

*[(xvi)] “pre-basic seed” means seed of high genetic purity produced by a plant breeder];

iS)

(xvii)] “prescribed” means prescribed by rules '[or regulations] ;

(xviiia) “President” means the president of the Board;]

N

(xviii)] “Provincial Seed Council’ means a Provincial Seed Council established under section 9;

(xix)] “registered grower” means a person-or group of persons engaged in producing seed andregistered as such under this Act;

(xx)] “registered variety” means a variety registered by the ‘Federal Seed Certification Departmentunder section 22A]

(xxa) “regulations” means the regulations made under this Act;]

(xxi)] “released variety” means a registered variety having agricultural value for growing in a Province and approved by the Provincial Seed Council;

(xxii)] “rules” means rules made under this Act;

(xxiii) “seed” means any of the branded reproductive or vegetative propagating material of the plants of field crops, vegetable crops, fruits, spices, medicinal herbs, flowers, shrubs, forest trees, other plant species and mushroom spawn used for sowing or planting the genera or species prescribed by the Federal Government;]

*[(xxiv)] “Seed Analyst” means a Seed Analyst appointed under section 17;

‘Omitted and ins. by Act No. XXXVI of 2024, s. 3.

*Renumbered, ins. and subs. by Act No. VII of 2015, s. 2.

(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 section 18;

(xxvii) “seed dealer” means any person registered as seed dealer under this Act];

(xxviii)] “Seed Inspector” means a Seed inspector appointed under section 19;

(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 representing a crop known by a common name, such as, wheat, paddy and cotton belonging to one species sub-species or forma;![*]

'[(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 labeled seed” means seed of a 7[enlisted] variety or hybrid produced locally or imported and which conforms to standards as prescribed under the rules;]

'[(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 of the same species ![:and]

'l(xxxiv) “variety evaluation committee” means the committee constituted for evaluation of candidate crop varieties in the country as may be prescribed.]

°[3. Establishment of the National Seed Development and Regulatory Authority.—(1)
There shall be constituted an authority, to be known as the National Seed Development and Regulatory Authority, for carrying out such purposes and functions as may be entrusted to it under this Act or by rules and regulations made thereunder.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to purchase, procure, sell, exchange, hold, acquire, and dispose of property and interests therein, both movable and immovable, and may by its name sue or be sued.

'Ins., renumbered, omitted, subs. and added by Act No. VII of 2015, s. 2.
Subs. by Act No. XXXVI of 2024, ss. 3-4.

(3) The head office of the Authority shall be at Islamabad, or at such other place or places, as the Federal Government may by notification in the official Gazette, determine.]

113A. Appointment and term of office of the Chairperson and members.—(1) Authority shall comprise a Chairperson and such other members as may be appointed by the Prime Minister, from amongst the persons possessing such qualifications and on terms and conditions as may be prescribed:

Provided that until rules are made in this regard, the Chairperson and members of the Authority shall be appointed on such terms and conditions as the Prime Minister may determine.

(2) The Chairperson of the Authority shall be an eminent professional of known integrity and having minimum experience of ten years in the field of agriculture.

(3) The term of the office of the Chairperson and Members shall be three years, extendable for a further period of two years.

(4) Any person ceasing to be the Chairperson or member by reason of the expiry of the term of his office, or by resignation, shall be eligible for re-appointment.

(5) The Chairperson or any member may, at any time, resign from his office of the Authority, provided that such resignation shall not take effect until duly accepted by the Prime Minister.

3B. Meeting of the Authority.—(1) The Authority shall meet at least once each month on such date, time and place as may be fixed by the Chairperson.

(2) The Chairperson and, in his absence, the most senior member of the Authority shall preside over meetings of the Authority.

(3) The quorum for a meeting of the Authority shall be the Chairperson and simple majority of the members.

3C. Constitution of committees, bodies, etc.—The Authority may, from time to time, constitute such committees, facilities and bodies, and coopt such experts and consultants, as may be deemed appropriate, to carry out works and functions envisioned under this Act:

Provided that all committees, facilities and bodies, constituted by the Authority, or as the case may be, established under this Act, except the Board, shall work under the supervision and control of the Authority, in accordance with this Act.

3D. Board of Governors.—(1) There shall be a Board, to be known as the Board of Governors, under this Act.

(2) The Board shall consist of the following members, namely:—

(a) Federal Minister of National Food Security and Research = President

'Subs. by Act No. XXXVI of 2024, s. 5.

(b)
(c)

(d)

(e)

(f)
(g)

(h)

(i)

G)

Chairperson of the Authority Member

Secretary Ministry of National Food Security and Member
Research, Government of Pakistan, or his

representative not below the rank of Additional

Secretary or equivalent.

Secretary, Finance Division, Government of Member
Pakistan, or his representative not below the rank of
Additional Secretary or equivalent.

Representatives of Provincial Agriculture departments, Members
to be nominated by each Provincial Government

Chairman Pakistan Agricultural Research Council Member

one representative each to be nominated by the Seed Member
Association of Pakistan, Croplife Pakistan Association,
and Pakistan Hi-Tech Hybrid Seed Association

Four experts one from each province, at least one of Members
whom to be Vice-Chancellor of an Agriculture

University, having relevant experience in the

field of seed, to be nominated by the President,

on recommendation of the Chairperson of the

Authority from time to time.

Four progressive farmers, one from each province, to Members
be nominated by the President, on recommendation of
the Chairperson of the Authority from time to time.

such other members as may be appointed by the President, on the
recommendations of the Chairperson of the Authority, from time to time.

(3) In the absence of the Federal Minister of National Food Security and Research, any other member of Board, nominated by the President, shall preside over the meetings of the Board.

(4) The term of office of the members of the Board, other than ex-officio members, shall be three years, which may be extended for a further period of two years.

3E. Powers and functions of the Board.—(1) The Board shall be responsible for providing policy directions and general guidelines to the Authority, for effectively carrying out the purposes envisioned under this Act. In particular and without prejudice to the foregoing, the Board shall—

(a)

(b)

(c)

monitor and review the functioning of the Authority;

issue guidelines to the Authority, as per the applicable policy regime of the Federal Government;

conduct audit as well as annual performance review of the Authority, or any of

its officer but subject to Articles 169 and 170 of the Constitution in respect of maintenance and audit of accounts of the Authority;

(d)

(f)

(g)

(h)

institute appropriate accountability and oversight mechanisms to ensure effective discharge of Authority's functions under this Act;

approve budget of the Authority and ensure effective utilization thereof;

advise and recommend to the Federal Government on policy issues as well as other matters pertaining to the seed sector;

establish liaison between the respective governments as well as departments, bodies and instrumentalities thereof and the Authority; and

carry out other functions ancillary thereto, or connected therewith, for the purposes of this Act.

(2) The Board may, from time to time, constitute such committees and entrust such powers and functions thereto as the Board may deem appropriate, in the manner as may be prescribed.

(3) The Board may, upon direction of the President, through a written order, subject to any restriction specified therein, delegate any of its powers or functions to any member or Chairperson of the Authority.]

1[4. Powers and functions of the Authority.—(1) Subject to the provisions of this Act and the rules and regulations made thereunder, the Authority shall carry out, manage and supervise all works and functions envisioned under this Act. In particular and without prejudice to the generality of the foregoing, the Authority shall, inter-alia,—

(a)

(b)

(c)

(d)

(e)

(f)

recommend, formulate and implement policy for effective administration, management, development and growth of the seed sector, in consultation with Federal as well as Provincial Governments, and instrumentalities thereof;

develop and implement the requisite policy, legal, administrative, financial, regulatory or other frameworks for the effective performance of functions envisioned under this Act and institute appropriate control and accountability mechanisms for such purpose;

supervise seed sector from end-to-end, including, inter-alia, registration, production, warehousing, storage, breeding, certification, marketing, supply, harvesting, post-harvesting, import, export and internal trading thereof, etc.;

coordinate research and development activities or initiatives, in consultation with Federal as well as Provincial Governments and other research bodies and institutes;

synergize and optimize the seed sector of Pakistan, at public as well as private level;

supervise functions of, inter-alia, Federal Seed Certification and Registration Department, Plants Breeders' Rights Registry and variety evaluation committee, prescribed under this Act and applicable laws;

'Subs. by Act No. XXXVI of 2024, s. 6.

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exercise supervision over departments, committees and other such bodies constituted under this Act, in accordance with relevant law;

execute contracts or other legal instruments, transact with governmental and non-governmental entities and enter into other legal and corporate arrangements, directly or indirectly, with foreign as well as local bodies to promote, attract and protect investment in the seed sector;

proceed, in the manner as may be prescribed, against employees of the Authority involved in, inter-alia, corrupt practices, professional misconduct and in-efficiency;

approve, implement and regulate the standards of qualities and varieties of seed;

issue guidelines for administration of quality control, marketing, post-harvest management and storage modalities of seed;

regulate and monitor inter-provincial trade and transportation of seed;
advise the Federal Government on import and export of seed;

recommend to the Federal and the Provincial Governments, as well as entities and offices thereof, on any supplementary and incidental issue pertaining to seed;

take initiatives and policies with regards to agriculture sector, as relates to the usage and efficiency of seed;

pass, directly and indirectly, for reasons to be recorded in writing, appropriate observations, or other orders, including imposition of penalty, blacklisting, against any person or body that violates the provisions of this Act, or illegally participates or interferes in the seed sector;

create, sanction, merge, de-merge, or abolish posts and oversee the performance of its employees;

hear and decide appeals, under this Act; and

carry out all other works and functions connected therewith or ancillary thereto.

(2) The Authority may appoint, employ, remove and regulate such officers and other members of staff, or appoint such experts and consultants, from public as well as private sector, on initial recruitment, deputation, secondment, or otherwise as it may consider necessary for the performance of its functions under this Act, from time to time:

Provided that all employees of the Federal Seed Certification and Registration Department shall continue to be governed under the Civil Servants Act, 1973 (Act LXXI of 1973) or other service laws applicable to them.]

1T4A, Fund of the Authority.—(1) There shall be a fund, to be known as the Authority Fund, vested in the Authority for the purposes of carrying out all powers and functions under this Act.

Ins. by Act No. XXXVI of 2024, s. 7.

(2) The Authority Fund shall consist of, inter-alia,—

(a) grants made by the Federal Government;

(b) loans obtained by the Authority,

(c) monies, aid, grants, proceeds or sums received, or earned, by the Authority;
and

(d) all other sums, including, inter-alia, fees, charges and levies recovered or received by the Authority.

(3) The Authority Fund shall be kept in one or more accounts maintained by the Authority, in local or foreign currency, and shall be operated, utilized and regulated in such manner as may be prescribed:

Provided that the account having foreign currency, if any, shall be operated with the prior approval of the Finance Division, Government of Pakistan.]

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

6. Functions of Federal Seed Certification '[and Registration Department]'.—The Federal Seed Certification '[and Registration Department]' shall perform the following functions, namely:—

(a) controlling the quality of seeds;

(b) registering growers in such manner and subject to such conditions as may be prescribed;

(c) certification of seeds;

(d) field inspection of the crops of registered varieties and released varieties intended for sale as basic seed or certified seed;

(e) sampling and testing of seed lots intended for sale in order to ascertain their purity, viability, germination capacity and health status in the prescribed manner;

(f) issuing certificates in respect of seeds which meet the prescribed standards of particular category of seeds;

(g) carrying out post-control trials on pre-basic, basic and certified seeds;

(h) sampling and analysing seed lots delivered to the processing plants to establish a basis for the purchase of such lots;

(i) arranging training courses for [persons engaged in the seed business;]

'Subs. by Act No. VII of 2015, ss. 3-6.

Gj) providing technical and specialist advice and assistance to the '[Authority] in the performance of its functions [; and]

[(k) conduct pre-registration checking of varieties of both public and private sectors submitted for the purpose of—

(i) determining agronomic value regarding regional suitability for registration as a plant variety or hybrid evaluated by variety evaluation committee;

(ii) providing definitive botanical description of plant varieties; and

(ili) | providing information on genetic suitability and adaptability of varieties;

() register seed varieties after conducting pre-registration checking under clause (Kk);

(m) © publish a list of registered plant varieties;

(n) perform such other functions as the '[Authority] may entrust to it; and

(0) propose procedures for maintaining purity of the seed stock and conduct research in seed science and technology.]

9. Establishment of Provincial Seed Council.—As soon as may be after the commencement of this Act, each Provincial Government shall establish a Provincial Seed Council for the performance of such functions for the purposes of this Act as may be entrusted to it by the Federal Government, in consultation with the Provincial Government.

10. Power to notify varieties or species of seed.—The '[Authority] may, by notification in the official Gazette, specify:—

(a) the varieties or species of seed approved for production in a Province or any part thereof;

(b) the minimum limits of germination and purity standards to which such seed 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 1 Plant] varieties and species.— 2l(L)JINo person shall sell, offer for sale, or advertise or hold in stock for sale, or barter or otherwise supply, any seed of any notified variety or species unless,—

"subs. by Act No. XXXVI of 2024, ss. 8-9.

*Subs., added, omitted and numbered by Act No. VII of 2015, ss. 6-7.

(a) such seed is identifiable as to its variety or species;

(b) such seed conforms to the minimum limits of germination and purity 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.]

'[(2) No person shall sell, advertise or hold in stock for sale, seed of any plant variety or hybrid banned or not approved by the Federal Government or a Provincial Government.]

12. Appointment of registered growers.—The Federal Seed Certification '[and Registration Department] may, *[on an application made in the prescribed manner or] on the recommendation of a Provincial Seed Council, register any farmer or grower as a registered grower to produce seed in the prescribed manner.

13. Grant of certificate by Federal Certification '[and Registration Department].—(1) Any person intending to produce notified varieties or species of seed, or stock for sale, or offer for distribution or otherwise supply seed of a notified variety or species may, if he desires to have such seed certified or tested by the Federal Seed Certification '[and Registration Department], apply to the said '[and Registration Department] for the grant of a certificate for this purpose.

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

(3) On receipt of an application under sub-section (1), the Federal Certification '[and Registration Department], may after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the minimum prescribed standards, grant a certificate in such form and on such conditions as may be prescribed.

14. Period for which registration and certification shall be effective—(1) The registration of a grower for producing seeds shall be effective for such period, not exceeding five years, as may be prescribed.

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

15. Cancellation of certification.—If, at any time after certification under sub-section (3) of section 13, the Federal Seed Certification '[and Registration Department] is satisfied, either on a reference made to it in this behalf or otherwise, that—

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

(ii) 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,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the Federal Seed Certification '[and Registration Department] may, after giving the holder an opportunity of showing cause, cancel the certificate.

'Subs. and added by Act No. VII of 2015, ss. 7-8.
7Ins. by Act No. XXXVI of 2024, s. 10.

16. Appeal.—(1) Any person aggrieved by a decision of the Federal Seed Certification '[and Registration Department]' under section 15 to cancel a certificate may, within thirty days from the date on which the decision to cancel the certificate is communicated to him and on payment of such fee as may be prescribed, prefer an appeal *[before the Authority].

(2) On receipt of an appeal under sub-section (1), the *[Authority] shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) The order of the *[Authority] under this section shall be final.

17. Seed Analyst.—The Federal Seed Certification '[and Registration Department]' may, by notification in the official Gazette, appoint any person to be a Seed Analyst to test the quality and purity of seed produced at the seed farms before it is given out for commercial cultivation.

18. Seed Certification Officer—The Federal 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 same functions as are assigned to a Seed Inspector and also supervise the work of the Seed Inspectors in the area for which he is appointed.

19. Seed Inspector.—The Federal Seed Certification '[and Registration Department]' may, by notification in the official Gazette, 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 labeled containers purporting to contain seed of a notified variety or species of seed from any person producing, selling, delivering, stocking or distributing seed and send such samples for analysis to the nearest laboratory of the Federal Seed Certification '[and Registration Department]'.
(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 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 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.

'Subs., ins and omitted by Act No. VII of 2015, ss. 8-9.
Subs. by Act No. XXXVI of 2024, s. 11.

(4) The power conferred by this section includes power to break open any labeled container in which any seed of any notified variety or species may be kept and to break upon 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 premise, if he is present therein, refuses to open the door on being called upon to do so.

(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 sub-section (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

'Subs. by Act No. VII of 2015, s. 10.

(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.

122A. Registration or enlisting of plant variety or hybrid—(1) An application for registration of plant variety or hybrid shall be made in such form and be accompanied by such fee and shall contain such information as may be prescribed.

(2) Subject to the provisions of section 22E, the Federal Seed Certification and Registration Department may register or enlist, or refuse to register or enlist, a plant variety or hybrid as may be prescribed.

(3) The plant varieties or hybrids imported for general cultivation would be registered or enlisted by Federal Seed Certification and Registration Department on the basis of the results of multi- location trials for at least two crop season within Pakistan as may be prescribed.

(4) If at any time after registration of a plant variety or hybrid, the Federal Seed Certification and Registration Department is satisfied, either on a reference made to it by any person or organization in this behalf or otherwise, that the registration or enlisting granted by it has been obtained by misrepresentation or suppression of essential factor conditions of registration has been changed, then Federal Seed Certification and Registration Department may cancel registration or enlisting of the plant variety or hybrid in such manner as may be prescribed.

(5) For the purposes of this Act, a register of all registered or enlisted plant varieties or hybrids to be called National Register of Seeds shall be kept by Federal Seed Certification and Registration Department wherein all specifications, as may be prescribed, shall be maintained.

(6) The Federal Seed Certification and Registration Department shall, within such intervals and in such manner as it thinks appropriate, publish the national list of plant varieties or hybrids registered or enlisted during that interval.

Ins. by Act No. VII of 2015, s. 11.

22B. Registration to do seed business.— '[(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, any person may make an application to the competent authority, 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 '[Authority] 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 theregistration; 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 pre-condition of prescribedtraining.

(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) The Provincial Government shall, after making such inquiry as may be necessary, grant registration to the applicant or otherwise decide the application within three months after its filing.

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

'Subs. by Act No. XXXVI of 2024, s. 12

(6) Every holder of a licence desiring to renew the licence shall, before the expiry of licence, apply to the Provincial Government 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), the Provincial Government, on the recommendation of the Regional Director, Federal Seed Certification and 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 cropseeds held by him including the opening and closing stocks on a daily basis.

(9) The license 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. Registration of seed processing units.—(1) No person shall maintain a seed processing unit unless such unit is registered by the '[Authority]' under this Act.

(2) The '[Authority]' shall register seed processing unit if it meets the specifications prescribed in terms of infrastructure, equipment and qualified man power.

(3) Every application for registration shall be made in such form and manner and accompanied by such fee as may be prescribed.

(4) The '[Authority]' may, after making such inquiry and subject to such conditions as it thinks fit, grant a certificate for maintaining a seed processing unit in such form as may be prescribed.

(5) Every seed processing unit shall furnish periodic returns in such form and at such time as maybe prescribed.

(6) The registration shall be cancelled, if

(a) it has been obtained by misrepresentation as to a material particular relating to the specification in terms of infrastructure, equipment and qualified man power; or

(b) the registration holder is found to be in violation of any provision of this Act or rules made thereunder.

22E. Restrictions.— No person shall—

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

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

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

'Subs. by Act No. XXXVI of 2024, s. 13.

22F. Establishment of seed testing laboratories.—The "[Authority] 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 under this Act in such manner as may be prescribed.

22G. Registration of genetically modified plant varieties. Notwithstanding anything contained in this Act, no registration of genetically modified plant variety or hybrid shall be made, ifthe application for registration 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 National Biosafety Committee established by the Federal Government to the effect that the traits of genetically modified variety or hybrid shall have no adverse effect on the environment, human, animal or plant life and health; and

(c) field data of two crop season trial in respect of Biosafety and performance as prescribed.

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 the Federal Seed Certification and RegistrationDepartment in consultation with Provincial Government.

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

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22J. Variety Evaluation Committee.—The '[Authority] may, by notification in the official Gazette, constitute the Variety Evaluation Committee to evaluate candidate lines, cultivars and varieties of public and private sectors and imported seed material, for diseases and agronomic values of all fields and horticulture crops as prescribed '[:]]

'[Provided that the existing Variety Evaluation Committee shall continue to function, till it is reconstituted under this Act.]

?[23. Offences and penalty.—Whoever—

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

(b) imports, sells, holds in stocks or exhibits for sale or barter or otherwise supply any seed of any kind or plant variety or hybrid deemed to be misbranded; or

(c) imports, sells, holds in stocks or exhibits for sale or barter or otherwise supply any seed of any kind or plant variety or hybrid which is not a registered or enlisted plant variety or hybrid; or

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

'Subs. and omitted by Act No. XXXVI of 2024, ss. 13-15.

Subs. by Act No. VII of 2015, s. 12.

'T(e) prevent any person from exercising any power or perform any functions conferred on him by or under this Act or rules or regulations made thereunder;

shall be punishable,—

(i) with a minimum fine of five hundred thousand rupees, which may extend to two million rupees; and

(ii) imprisonment for a minimum term of three months for the first offence and up to a maximum of twenty four months for subsequent offences.]]

24. Power of court to order forfeiture—If any person is convicted of an offence punishable under this Act in respect of any notified '[or enlisted] variety or species of seed, the court convicting him shall further direct that the seed shall be forfeited to the [Authority].

124A. Appeal to the Authority—Any person aggrieved of an order passed by any department, committee or body constituted under this Act, other than the Authority, may within thirty days of the communication of the said order file an appeal before the Authority:

Provided that the Authority shall decide such appeal, after hearing all parties concerned, through a speaking order in the manner as may be prescribed.

24B. Seed Tribunals.—_{1) The Federal Government may, by notification in the official gazette, constitute on or more Seed Tribunals, at such places and with such territorial limitations, as the Federal Government may determine, from time to time.

(2) A Tribunal shall comprise the following:—

(a) a Chairperson, from amongst such persons who is or has been a Judge of a High Court, to be appointed by the Federal Government;

(b) an advocate who is qualified to become a Judge of a High Court, to be appointed by the Federal Government; and

(c) a member having at least a master's degree in agriculture sciences and possessing extensive experience in the seed sector, to be appointed by the Federal Government.

(3) The Chairperson and the members shall be subject to such terms and conditions and shall be entitled to such remuneration and privileges, as the Federal Government may determine.

(4) The Chairperson and the members shall be appointed for a term of five years, who shall not be eligible for re-appointment.

(5) The Chairperson and the members may, at any time, resign from his office of the Tribunal, provided that such resignation shall not take effect until duly accepted by the Federal Government.

24C. Powers and functions of the Tribunals.—(1) The primary responsibility of the Tribunals shall be to hear and decide the appeals against orders passed by the Authority, in accordance with law.

Ins. by the Act No. VII of 2015, s. 13.

?Subs. and ins. by Act No. XXXVI of 2024, ss. 16-18.

(2) The Tribunal shall have all powers of, inter-alia, discovery, inspection, summoning, examination, and re-examination of witnesses, as well as power to issue warrants of arrest and impose such penalties as may be prescribed.

(3) Any person aggrieved of an order passed by the Authority, under section 24A or otherwise, within thirty days of the communication of the said order, may file an appeal before the Tribunal, in such manner and on payment of such fee, as may be prescribed.

(4) The Tribunal may, on appeal, after giving a reasonable opportunity of hearing to all parties concerned, confirm, set-aside, vary or modify the order appealed against:

Provided that the Tribunal shall decide such appeals, as expeditiously as possible, but not later than ninety days from the first date of hearing.

(5) An appeal to the Supreme Court of Pakistan shall only lie against an order or judgement of the Tribunal, if the Supreme Court grants leave to appeal, after being satisfied that the case involves a substantial question of law of public importance.]

25. Cognizance of offence etc.—(1) No court inferior to that of a Magistrate of the first class '[, specifically designated by the respective Provincial Governments in that behalf,] shall try an offence punishable under this Act.

1[(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Federal Seed Certification Department or a person authorized by the Authority in this behalf by an order in writing.]

11(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall apply, mutatis mutandis, in respect of cases under this Act.]

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.

1128. Delegation of powers.—The Authority may, by a written order, delegate any of its powers and functions to any member, officer, or employee of the Authority, or to any department or agency working under its control or supervision, subject to such restrictions, if any, as may be specified in that order, in the manner as may be prescribed.]

128A. Audit.—(1) The Chairperson may appoint a reputable firm to carry out the annual performance audit of the Authority.

'Ins. and subs. by Act No. XXXVI of 2024, ss. 19-21.

(2) The Auditors appointed under sub-section (1) shall submit the audit report to the Chairperson and the Chairperson shall cause the same to be placed before the Board for approval.]

29. Power to make rules —(1) The Federal 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 |[,inter-alia,]—

(a)
(b)

(c)

(d)

(f)
(g)
(h)
(i)

G)
(k)

the functions of the Seed Testing Laboratory;

the requirements which shall be complied with by the registered growers or a person carrying on the business of seed production, processing '[,development, marketing,] or distribution ;

the form of application for the grant of a certificate under section 13, the particulars it shall contain, the fees which shall accompany it, the form of the certificate and the conditions subject to which the certificate may be granted;

the records to be maintained by a registered grower or a person carrying on the business referred to in such section (1) of section 13 and the particulars which such records shall contain;

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;

the qualifications and duties of a Seed Certification Officer;

the qualifications and duties of a Seed Inspector;

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 analyzing such samples;

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

the powers and functions of a Seed Analyst; and

any other matter which is to be or may be prescribed.

1130. Power to make regulations.—(1) The Authority may, with the approval of the Board, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, for effectively carrying out the purposes envisioned under this Act.]

‘Ins. by Act No. XXXVI of 2024, ss. 22-23.

1131. Savings.—All acts done, obligations and liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdictions or powers conferred, money earned or expended, donations made or grants received, orders issued, and all other actions taken under the Seed (Amendment) Ordinance, 2024 (Ordinance II of 2024) and before the commencement of Seed (Amendment) Act, 2024 (XXXVI of 2024), shall, upon commencement thereof, be deemed to have been validly done, incurred, acquired, appointed, authorized, conferred, earned, expended, made, received, issued and taken under this Act.]

Ins. by Act No. XXXVI of 2024, s. 24.