

THE SEED ACT, 1976
(XXIX of 1976)

CONTENTS

a F eS KN

o oe NN

- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.

Short title, extent and commencement
Definitions

Establishment of National Seed Council
Functions of the National Seed Council

Establishment of Federal Seed Certification and Registration
Department

Functions of Federal Seed Certification and Registration Department
Omitted

Omitted

Establishment of Provincial Seed Council

Power to notify varieties or species of seed

Regulation of sale of seeds of plant varieties and species
Appointment of registered growers

Grant of certificate by Federal Certification and Registration Department
Period for which registration and certification shall be effective
Cancellation of certification

Appeal

Seed Analyst

Seed Certification Officer

Seed Inspector

Power of Seed Inspectors

Procedure to be followed by Seed Inspector

Report of Seed Testing Laboratory

22A. Registration or enlisting of plant variety or hybrid

22B.
22C.
22D.
22E.
22F.
22G.
22H.

22i.

22J.

23.

24.

25.

26.

27.

28.

29.

Registration to do seed business

Registration of seed dealer

Registration of seed processing units

Restrictions

Establishment of seed testing laboratories

Registration of genetically modified plant varieties

Horticulture nurseries to be registered

Federal Seed Committee

Variety Evaluation Committee

Offences and penalty

Power of court to order forfeitures

Cognizance of offence, etc

Presumption as to order

Indemnity

Delegation of powers

Power to make rules

TEXT

'THE SEED ACT, 1976

(XXIX of 1976)

[18 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, 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;

It is hereby enacted as follows:—

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;]

'[(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;]

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

'This Act was published in the Gazette of Pakistan (Extraordinary), Part I, dated 18.5.1976, pages 286-294.

Substituted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(1).

'Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

“Substituted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(1).

5Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated

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

‘[(e) * * * * *]

‘l(vi)] “Federal Seed Certification Agency” means the Federal Seed Certification “[and Registration Department] established under section 5;

"[(vii) “Federal Seed Committee” means Federal Seed Committee constituted under section 221;

(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;

(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

Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.2(1).

"Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(6).

®Clause (e) omitted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(3).

°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

"Substituted for the word "Agency" by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.2(7).

"Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(8).

"Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(9).

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;

(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)] “National Seed Council” means the National Seed Council established under section 3;

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

“[(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;

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

“Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

“Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

“Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(10).

‘®Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

“Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

*®Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

“(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 and registered as such under this Act;

“(xx)” “registered variety” means a variety registered by the “[Federal Seed Certification Department under section 22A];

“(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;

“(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;

*Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

2°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

3°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

4°Substituted for the words “National Registration Agency under section 8” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(11).

5°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

6°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

7°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

8°Substituted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated

29.7.2015, pages 545-556, s.2(12).

27Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(13).

°Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

"[(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 labelled seed" means seed of a registered 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

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

3. Establishment of National Seed Council.- As soon as may be after the commencement of this Act, the Federal Government shall establish a National Seed Council under the Chairmanship of the Federal Minister-in-Charge "[the Ministry

Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(14).

\$Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

"Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(15).

3Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

"The word "and" omitted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(16).

inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(17).

inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated

29.7.2015, pages 545-556, s.2(18).

7Renumbered by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(2).

\$Replace the full stop with semi colon and the word “and” and new clause inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.2(19).

“Substituted for the words “of Agriculture” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.3.

concerned] for the performance of such functions as may be entrusted to it under this Act.

4. Functions of the National Seed Council.— The functions of the National Seed Council inter-alia shall be—

(i) to advise on policy for the development, operation and regulation of the Provincial seed industries;

(ii) to maintain a watch on the operation of the provisions of this Act;

(iii) | to guide in administering the seed quality control service;

(iv) to direct initiation of Provincial Seed Projects;

(v) to ensure and protect investment in the seed industry;

(vi) | to approve and sanction seed standards;

(vi) to regulate inter-Provincial seed movement;

(viii) to advise on import of seeds;

(ix) to coordinate multiplication and supply of seeds of approved varieties;

(x) to coordinate the arrangements for the maintenance of genetic potential; and

(xi) to assist in developing approved seed production farms

5. Establishment of Federal Seed Certification “[and Registration Department]”.— 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 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;

“Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.4.

“Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.4.

“Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.5.

“Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.5.

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(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;]

(j) providing technical and specialist advice and assistance to the National Seed Council in the performance of its functions “[;]

“(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

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

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

(m) publish a list of registered plant varieties;

(n) perform such other functions as the National Seed Council may entrust to it; and

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

“7. Establishment of National Registration Agency.—* * * * *

“[8. Functions of National Registration Agency.-* * * * *]

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

“Substituted for the words “seed Certification Officer; and” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.5.

“Substituted with full stop by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.5.

“Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated

29.7.2015, pages 545-556, s.5.

""Omitted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.6.

"Omitted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.6.

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 Federal Government 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 “[plant] varieties and species.— “[1] No 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,—

(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 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

“Substituted for the word “notified” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.7.

Existing provision numbered as “(1)” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.7.

®Substituted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.7.

®added by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.7.

Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

“Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

Federal Seed Certification “[and Registration Department], apply to the said Agency 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 may be 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.

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 to the Federal Government or any other authority as it may determine from time to time.

Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

®Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

8Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

(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. 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 labelled 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;

Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

‘Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

©Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.8.

"Substituted for the word “Agency” by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part 1, dated 29.7.2015, pages 545-556, s.9.

“Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.9.

(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.

"1(3) * * * * *

(4) The power conferred by this section includes power to break open any labelled 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 crop of any seed of any notified variety 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,

® Subsection (3) omitted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part dated 29.7.2015, pages 545-556, s.9

(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. 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 seasons within Pakistan as may be prescribed.

inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.11.

(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.

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 fee as may be 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 pre-condition 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) — 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.

(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 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. Registration of seed processing units.— (1) No person shall maintain a seed processing unit unless such unit is registered by the Federal Government under this Act.

(2) | The Federal Government shall register seed processing unit if it meets the specifications prescribed in terms of infrastructure, equipment and qualified manpower.

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

(4) | The Federal Government 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 may be 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.

22F. Establishment of seed testing laboratories.- The Federal Government may, by notification in the official Gazette, allow accredited seed laboratories in the public and private sectors to carryout analysis of seed of any king 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, if the 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 Registration Department in consultation with Provincial Government.

(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. Federal Seed Committee.- The Federal Government may, by notification in the official Gazette, constitute the Federal Seed Committee consisting of a Chairman and members representing the Federal Government and Provincial Agriculture Departments, Public and Private seed sectors, progressive farmers and any experts to perform such functions as may be prescribed.

22J. Variety Evaluation Committee. The Federal Government 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.]

“[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

(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 two hundred thousand rupees; and

(ii) for every subsequent offence, with imprisonment for a term which may extend to six months or with fine not exceeding six hundred thousand rupees 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 notified “[or enlisted] variety or species of seed, the court convicting him shall further direct that the seed shall be forfeited to the Federal Government.

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 Federal Seed Certification Agency 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 Federal Government may, by notification in the official Gazette, direct that all or any of its powers under this Act or the rules shall, in

®Substituted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.12.

“Inserted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated

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; or]

(b) an officer or authority subordinate to the Federal Government.

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—

(a) the functions of the Seed Testing Laboratory;

(b) the requirements which shall be complied with by the registered growers or a person carrying on the business of seed production, processing or distribution;

(c) 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;

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

(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.

"Substituted by the Seed (Amendment) Act, 2015; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 29.7.2015, pages 545-556, s.14.