

[ TO BE INTRODUCED IN THE NATIONAL ASSEMBLY ]

A

BILL

*to amend the Seed Act, 1976*

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

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

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Seed (Amendment) Act, 2009.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XXIX of 1976.**—In the Seed Act, 1976 (XXIX of 1976), hereinafter called the said Act, in section 2,—

(a) for clause (a) the following shall be substituted, namely:—

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

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

(b) for clause (b), the following shall be substituted, namely:—

“(b) “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;”;

(c) in clauses (c) and (d) for the word “Agency”, wherever occurring the words “and Registration Department shall be substituted;

(d) after clause (d), amended as aforesaid, the following new clauses shall be inserted, namely:—

(da) “Federal Seed Committee” means Federal Seed Committee constituted under section 22 I, -

- (db) “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;
- (dc) “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;
- (dd) “misbranded seed” means a seed if,—
- (i) it is a substitute for, or resembles in a manner likely to deceive, another plant variety 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 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 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
  - (xi) it is not labelled in accordance with the requirements of this Act or the rules made thereunder;
- (e) clause (e) shall be omitted;
- (f) after clause (i), the following new clause shall be inserted, namely:-
- “(ia) “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.”;
- (g) in clause (l) for the words and figure “National Registration Agency under section 8” the words and figure “Federal Seed Certification Department under section 22A” shall be substituted;
- (h) for clause (p) the following shall be substituted, namely:-
- “(p) “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.”;
- (i) after clause (r), the following new clause shall be inserted, namely:
- “(ra) “seed business” means any commercial operation involving production, processing, conditioning, packaging, distribution, import and export of seeds;
  - (rb) “seed dealer” means any person registered as seed dealer under this Act”;
- (j) after clause (s), the following new clause shall be inserted, namely:
- “(sa) “seed processing” means the process by which seeds and planting materials are dried, threshed, shelled, ginned or delinted (in cotton), cleaned, graded or treated.”;

- (k) in clause (t), the word "and" at the end shall be omitted and thereafter the following new clause shall be inserted, namely:-

"(ta) "truthfully labelled seed" means seed of a registered variety produced locally or imported and which conforms to standards as prescribed under the rules;"

- (l) in clause (u), for the full stop at the end the semicolon and word "; and" shall be substituted and thereafter the following new clause shall be added, namely:-

"(v) "Variety Evaluation Committee" means the committee constituted for the evaluation of candidate crop varieties in the country as may be prescribed."

3. **Amendment of section 5, Act XXIX of 1976.**---In the said Act, in section 5, for the word "Agency" the words "and Registration Department" shall be substituted.

4. **Amendment of section 6, Act XXIX of 1976.**--- In the said Act, in section 6,--

(a) in the marginal note for the word "Agency" the words "and Registration Department" shall be substituted;

(b) for the word "Agency" the words "and Registration Department" shall be substituted;

(c) in clause (i), for the words and semicolon "seed certification officers; and" the words and semicolon "persons engaged in the seed business;" shall be substituted; and

(d) in clause (j), for the full stop at the end, the semicolon and word "; and" shall be substituted and thereafter the following new clauses shall be added, namely:-

"(k) conduct pre-registration checking of varieties of both public and private sector submitted for the purpose of,--

(i) determining agronomic value regarding regional suitability for registration as a plant variety 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.”.

5. **Omission of sections 7 and 8, Act XXIX of 1976.** In the said Act, sections 7 and 8 shall be omitted.

6. **Amendment of section 11, Act XXIX of 1976** In the said Act, section 11 shall be renumbered as sub-section (1) of that section and sub-section renumbered as aforesaid.—

(a) for clause (d), the following shall be substituted, namely:

“(d) any other requirement as may be prescribed has been complied with; and

(b) after sub-section (1), renumbered as aforesaid, the following new sub-section shall be added, namely:-

“(2) No person shall sell, advertise or hold in stock for sale, seed of any plant variety banned by the Provincial or Federal Government.”

7. **Amendment of sections 12, 13, 15, 16, 17, 18 and 19, Act XXIX of 1976.** In the said Act, in sections 12, 13, 15, 16, 17, 18 and 19 for the word “Agency”, wherever occurring, the words “and Registration Department” shall be substituted.

8. **Amendment of section 20, Act XXIX of 1976.** In the said Act, in section 20,

(a) in sub-section (1) for the word “Agency” the words “and Registration Department” shall be substituted;

(b) in sub-section (2), in clause (a), after the word “assistance” the words “of law enforcement agency or district administration” shall be inserted; and

(c) sub-section (3) shall be omitted.

9. **Amendment of section 21, Act XXIX of 1976.**—In the said Act, in section 21, in sub-section (1), for the words “crop of any seed” the words “seed of any crop” shall be substituted.

10. **Insertion of new sections 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22I, 22J, Act XXIX 1976.** In the said Act, after section 28 the following new sections shall be added, namely:—

“22A. **Registration of plant variety.**—(1) An application for registration of plant variety 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 refuse to register, a plant variety as may be prescribed.

(3) The plant varieties imported for general cultivation would be registered by a Special Committee on the basis of the results of multi-location trials provided by the importer as prescribed.

(4) If at any time after registration of a plant variety, the Federal Seed Certification and Registration Department is satisfied, either on a reference made to it in this behalf or otherwise, that the registration 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 of the plant variety in such manner as may be prescribed.

(5) For the purposes of this Act, a register of all registered plant varieties 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 registered during that interval.

22B. **Registration to do seed business.**—(1) Any person may apply on the prescribed form for registration seed business in Pakistan.

(2) The application form shall accompany such fee as may be prescribed.

(3) The Ministry of Food, Agriculture and Livestock after making such enquiry as prescribed, shall grant registration to the applicant.

(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 such application and prescribed fee, the Director General, Federal Seed Certification and Registration Department, may renew the registration for another period of five years.

(7) In case the application 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 person fails to do business for at least three years; or
- (c) the person 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) Any person having received prescribed training from the Federal Seed Certification and Registration Department may apply to Provincial Government for registration and grant of license on prescribed form accompanied by such fee as may be prescribed.

(3) The Provincial Government shall after making such enquiry as may be necessary, grant registration to the applicant.

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

(5) Every holder of a license desiring to renew the license shall, before the expiry of license, apply for renewal of the license to the Provincial Government together with the prescribed fee.

(6) On receipt of such application and fee, the Provincial Government, on the recommendation of the Regional Director, Federal Seed Certification and Registration Department, may renew the license for another three years.

(7) 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.

(8) 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 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 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 Federal Government may, after making such inquiry and subject to such conditions as 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) the registration 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 person 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, sale, stocks or exhibit for sale, barter or otherwise supplies any seed of any variety which is not registered under this Act for cultivation in Pakistan; or
- (c) import, sale, stocks or exhibit for sale, barter or otherwise supplies any seed of any variety is misbranded.

22F. *Establishment of seed testing laboratories.* The Federal Government may, by notification in the official Gazette, establish one or more seed testing laboratories in the public sector or declare any existing seed testing laboratory as an accredited laboratory in the private sector to be a notified seed testing laboratory, where analysis of seed of any kind or plant variety may be carried out 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 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; and
- (b) a certificate from the National Biosafety Committee established by the Federal Government to the effect that the genetically modified variety shall have no adverse effect on the environment, human animal or plant life and health.

22 H. 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 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.

22 I. *Federal Seed Committee.*—The Federal Government may, by notification in the official Gazette, constitute the Federal Seed Committee consisting of a Chairman and eight members representing the Federal Government and Provincial Agriculture Departments 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 or varieties of public and private sector and imported seed material, for diseases and agronomic values of all fields and horticulture crops as prescribed.”.

11. **Substitution of section 23, Act XXIX of 1976.** In the said Act, for section 23 the following shall be substituted, namely:--

“23. *Offences and penalties.* Whoever-

- (a) contravenes any provision or any rule under this Act;
- (b) imports, sells, holds in stocks or exhibits for sale or barter; and or otherwise supplies any seed of any kind or plant variety deemed to be misbranded; or
- (c) imports, sells, holds in stock or exhibits for sale or barter; or otherwise supplies any seed of any kind or plant variety which is not a registered plant variety;
- (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 twenty five thousand rupees; and
  - (ii) for every subsequent offence with imprisonment for a term which may extend to six months or with fine not exceeding two hundred thousand rupees or both.

12. **Amendment of section 24, Act XXIX of 1976.**--In the said Act, in section 24, after the word “notified” the word “plant” shall be inserted.

13. **Amendment of section 28, Act XXIX of 1976.**--In the said Act, in section 28, for clause (a), the following shall be substituted, namely: --

- “(a) an officer or authority subordinate to Provincial Government: or”.

## STATEMENT OF OBJECTS AND REASONS

The existing Seed Act, 1976 is based on the establishment of requisite infrastructure in the public sector only, which under the changing scenario of the emerging seed industry was unable to meet the requirements of the private sector, consequently the availability of quality seed remained below the desired level. Moreover, the definitions given in the Act are not compatible with the advancement in the field of seed technology and trade; the National Seed Registration Department and Federal Seed Certification Department were merged in 1997 and renamed as "Federal Seed Certification and Registration Department". The penalties given in the Seed Act were not deterrent to curb the sale of substandard seed in the market. So it becomes imperative to amend existing Seed Act, 1976 to accommodate the future needs of the Seed Industry.

2. The following provisions have been proposed in the existing Seed Act, 1976 to make the seed legislation more effective under the changing scenario of WTO and to meet the requirement of emerging private seed sector;

- (a) renaming the department to meet legal proceedings in the court, and addition of more compatible definitions of various terms;
- (b) registration of private sector companies, seed dealers and seed processing units to settle the arising legal disputes;
- (c) Access to pre-basic seed to the private sector, provision for which did not exist before;
- (d) the training of private seed sector personnel, especially to work under WTO regime;
- (e) enhancement of penalties/fines for effective seed enforcement;
- (f) promotion of research in seed science and technology to strengthen seed industry and the research based regulatory mechanism;
- (g) restriction on sale of unapproved/banned varieties and effectively control various cheating practice through the provision of misbranding clause;
- (h) establishment of accredited seed testing laboratories in public as well as in private sector;
- (i) registration of plant variety and horticulture nurseries;
- (j) establishment of Federal Seed Committee and Variety Evaluation Committee.

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