

Government of India
Ministry of Agriculture
(DEPARTMENT OF AGRICULTURE & COOPERATION)
New Delhi, dated the 30th Dec. 1983

ORDER

GSR 932 (E) In exercise of the powers conferred by Section 3 of Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely:-

PRELIMINARY

1. Short title and extent

This order may be called the Seeds (Control) Order, 1983. It extends to the whole of India. It shall come into force on the 30th December of 1983.

2. Definitions

In this Order, unless the context otherwise requires:

- (a) "Act" means the Essential Commodities Act, 1955 (10 of 1955);
- (b) "Controller" means a person appointed as Controller of Seeds by the Central Government and includes any person empowered by the Central Government to exercise all or any functions of the Controller under this Order;
- (c) "Dealer" means a person carrying on the business of selling, exporting or importing seeds, and includes an agent of a dealer
- (d) "Export" means to take or cause to be taken out from any place in India to a place outside India.
- (e) "Form" means a form appended to this Order.
- (f) "Import" means to bring or cause to be brought to any place in India from outside India.
- (g) "Inspector" means an inspector of seeds appointed under Clause 12;
- (h) "Registering authority" means a licensing authority appointed under clause 11;
- (i) "Seeds" means the seed as defined in the Seed Act, 1966 (54 of 1966)
- (j) "State Government" in relation to a Union Territory means the Administrator hereto by whatever designation known.

DEALER IN SEEDS TO BE LICENSED

3. Dealer to obtain license

No person shall carry on the business of selling, exporting or importing seeds at any place except under and in accordance with the terms and conditions of license granted to him under this Order.

Notwithstanding any thing contained in sub-clause (1), the State Government may by notification in the official Gazette, exempt from the provision of that sub-clause such class of dealer in such areas and subject to such conditions as may be specified in the notification.

4. Application for license

Every person desiring to obtain a license for selling, exporting or importing of seeds shall make an application in duplicate in Form "A" together with a fee of Rs.50/- for license to licensing authority.

5. Grant and refusal of license

- 1) The licensing authority may, after making such enquiry as it thinks fit, grant a license in Form "B" to any person who applies for it under Clause 4. Provided that a license shall not be issued to a person:-
 - a. Whose earlier license granted under this Order is under suspension, during the period of such suspension;
 - b. Whose earlier license granted under this Order has been cancelled, within a period of one year from the date of cancellation;
 - c. Who has been convicted under the Essential Commodities Act, 1955(10 of 1955) or any order issued there under within three years preceding the date of application.
- 2) When the licensing authority refused to grant license to a person who applied for it under clause 4, he shall record his reasons for doing so.

6. Period of validity of license

Every license under this order, shall, unless previously suspended or cancelled, remain valid for three years from the date of its issue.

7. Renewal of license

- 1) Every holder of license desiring to renew the license, shall before the date of expiry of the license, make an application for renewal in duplicate, to the licensing authority in Form "C" together with a fee of rupees twenty for renewal. On receipt of such application, together with such fee, the licensing authority may renew the license.
- 2) If any application for renewal is not made before the expiry of the license, but is made within one month from the date of expiry of the license, the license may be renewed on payment of additional fee of rupees twenty-five, in addition to the fee for renewal of license.

8. Dealers to display stock and price list

Every dealer of seed shall display in his place of business:

- a) The opening and closing stocks, in daily basis, of different seeds held by him.
- b) A list indicating prices or rates of different seeds.

9. Dealers to give memorandum to purchaser

Every dealer shall give a cash or credit memorandum to a purchaser of seeds.

10. Power to distribute seeds

Where it is considered necessary to do so in public interest, the Controller may, by an order in writing direct any producer or dealer to sell or distribute any seed in such manner as may be specified therein.

ENFORCEMENT AUTHORITY

11. Appointment of licensing authority

The State Government may by notification in the official Gazette appoint such number of persons as it thinks necessary to be licensing authority and may also define in the notification the area within which each such licensing authority shall exercise his jurisdiction.

12. Appointment of Inspectors

The State Government may by notification in the official Gazette appoint such number of persons as it thinks necessary to be Inspector and may in such notification define the local area within which each such Inspector shall exercise his jurisdiction.

13. Inspection and punishment:

- 1) An Inspector may with a view to securing compliance with this order:
 - a. Require any dealer to give any information in his possession with respect to purchase, storage and sale of seeds by him;
 - b. Enter upon and search any premises where any seed is stored or exhibited for sale to ensure compliance with the provisions of this Order;
 - c. Draw samples of seeds meant for sale, export and seeds imported, and send the same in accordance with the procedure laid down in Schedule I, to a laboratory notified under the Seeds Act, 1966 (54 of 1966) to ensure that the sample conforms to standard of quality claimed.
 - d. Seize or detain any seed in respect of which he has reason to believe that contravention of this order has been committed or is being committed,
 - e. Seize any books of accounts or document relating to any seed in respect of which he has reason to believe that a contravention of this Order has been committed and is being committed.
 - f. Provided that the Inspector shall give receipt, in respect of the books of accounts or documents seized, to the person from whom they have been seized.
 - g. Provided further that the seized books of account or documents shall be returned to the person from whom the same had been seized after copies thereof or extracts there from as certified by such person have been taken.
- 2) Subject to the provision of paragraph (d) of sub-clause(1),the provision, of section 100 of the Code of Criminal Procedure,1973(2 of 1974)relating to search and seizure shall so far as may be, apply to searches and seizures under this clause.
- 3) Where any seed is seized by an Inspector under this clause, he shall forthwith report the fact of such seizure to a Magistrate where-upon the provision of section 457 and 458 of the Code of Criminal Procedure,1973(2 of 1974) shall, so far as may be ,apply to the custody and disposal of such seed.

- 4) Every person, if is so required by an Inspector, shall be bound to offer all necessary facilities to him for the purpose of enabling him to exercise his power under this clause.

14. Time limit for analysis

The laboratory to which a sample has been sent by an Inspector for analysis under this order shall analyze the said samples and send the analysis report to the concerned Inspector within 60 days from the date of receipt of the sample in the laboratory.

15. Suspension/Cancellation of license

The licensing authority may, after giving the holder of the license an opportunity of being heard, suspend or cancel the license on the following grounds, namely

- a. That the License had been obtained by misrepresentation as to a material particular; or
- b. That any of the provisions of this Order or any condition of license has been contravened.

16. Appeal

Any person aggrieved by an order-

- a. Refusing to grant, amend or renew the license for sale, export or import of seeds.
- b. Suspending or canceling any license, may within sixty days from the date of the order, appeal to such authority as the State Government may specify in this behalf, and the decision of such authority shall be final.

Provided that an application for appeal shall accompany an appeal fee of rupees fifty.

MISCELLANEOUS

17. Amendment of license

The licensing authority may, on receipt of a request in writing together with a fee of rupees ten from a dealer, amend the license of such dealer.

18. Maintenance of records and submission of returns etc

1. Every dealer shall maintain such books, accounts and record relating to his business as may be directed by the State Government.
2. Every dealer shall submit monthly return relating to his business for the proceeding month in Form "D" to the licensing authority by the 5th day of every month.

Sd/-

R. K. Srivastava,
Joint Secretary to the Govt. of India

FORM "A"

(See Clause 4)

FORM OF APPLICATION TO OBTAIN DEALER'S LICENSE

To,
The Registering Authority,
□□□□□□□□.. (Place)

State of / U. T. of

1. Full name and address of the applicant :
2. Name and postal address
3. Place of business (Please give exact address)
 - For sale
 - for storage
4. Is it a proprietary/ partnership/ Limited Company/Hindu undivided family concern? Give the name (s) and address (es) of the proprietor/partner/Manager/Karta.
5. In what capacity this application is made :
 - Proprietor

- Partner
- Manager
- Karta

6. Was the applicant ever convicted under the Essential Commodities Act, 1955 (10 of 1955) or any order issued there under during the last three years preceding the date of application? If so, give details.
7. Give the details of seeds to be handled.
8. Sr. No. Name of seed

I /We have deposited the license fee of rupees fifty vide challan No. _____ dated _____ in treasury/bank _____.

Declaration:

I/We declare that the information given above is true to the best of my/our knowledge and belief and no part thereof is false.

I /We have carefully read the terms and conditions of the license given in the form "B" appended to the Seeds (Control) Order, 1983, and agree to abide by them.

Signature of Applicant

Date _____
Place _____

Note: (1) Where the business of selling /exporting /importing seeds is intended to be carried on at more than one place, a separate license should be obtained for each place

For use in the office of Licensing Authority

Date of receipt : _____

Name and designation of officer receiving the application:

FORM "B"

(See Clause 5)

LICENSE TO CARRY ON THE BUSINESS OF A DEALER IN SEEDS

LICENSE No.: _____ Date: _____

Subject to the provision of the Seeds (Control) Order, 1983 and to the terms and conditions of the License Shri/ M/s. _____ is hereby granted license to sell, export, import and store for the said purposes of seeds.

2. The license shall carry on the aforesaid business at _____ (Place for storage and place of sale) _____ (Tehsil or District) _____.

Date:
Seal:
Licensing Authority
State of _____

Terms and conditions of license

1. The license shall be displayed at a prominent and conspicuous place in a part of the business premises open to the public.
2. The holder of the license shall comply with the provisions of the Seeds (Control) Order, 1983 and the notifications issued there under and for the time being in force.
3. This license comes into force with immediate effect and shall be valid unto _____ unless previously cancelled or suspended.

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Signature of Dealer

Name:-

Address:-

SCHEDULE I

(See Clause 13)

SEALING, FASTENING, DISPATCH AND ANALYSIS OF SAMPLES

Manner of taking samples

Samples of any seed for the purpose of analysis shall be taken in a clean dry container which shall be closed sufficiently tight to prevent leakage and entrance of moisture and shall be carefully sealed.

II. Sampling Intensity

Bulk sampling When sampling seeds lots are stored in bulk (heaps, bins, wagons, etc.) the following sampling intensity should be regarded as a minimum requirement for obtaining the "bulk sample".

- a. Up to 500 kilograms- at least 5 individual samples except in case of small lots up to 50 kilograms where a smaller number of samples is sufficient not less than, 3 samples needs be taken.
- b. b.501 to 3,000 kilogram- one individual samples for each 300 kilograms, but not less than 5 individual samples.
- c. 3,001 to 20,000 kilograms- one individual sample for each 500 kilogram not less than 10 individual samples.

For seed in bulk the individual samples should be distributed at random all over the bulk and the samples drawn from varying depths.

Bag sampling- For seed lots in bags or other containers the following sampling intensity should be regarded as a minimum requirement:

- d. Up to 5 containers- sample each container but always take at least 5 individual samples.
- e. From 6 to 30 containers- samples at least one in every three containers but never less than 5.
- f. 31 containers or more- samples at least in every 5 container but never less than 10.

Unless doubt exists about the homogeneity of a lot, all such primary samples should be combined to make a composite sample of the lot for submitting to the seed testing laboratory. Of the individual or primary samples are not sufficiently homogenous, they may be sent to the laboratory for a heterogeneity test.

III. Containers to be labeled and addressed- All containers containing samples for analysis shall be properly labeled and the parcels shall be properly addressed. The label on any sample of seed sent for analysis shall bear-

1. Serial number
2. Name of the sender with official designations, if any
3. Name of the person from whom the samples has been taken
4. Date and place of taking the sample;
5. Kind or variety of the seed for analysis
6. Nature and quantity of preservative, if any, added to the sample.

IV. Manner of Packing, Fastening and sealing the samples- All samples of seed sent for analysis shall be packed, fastened and sealed in the following manner-

1. The stopper shall first be securely fastened so as to prevent leakage of the container in transit.
2. The container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.
3. The paper cover shall be further secured by means of, strong twine or thread both above and across the container, and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be least four distinct and clear impressions of the seal of the sender, of which, one shall be at the top of packet one at the bottom and the other two on the body of the packet. The knots of the twine or thr4ad shall be covered by means of sealing wax bearing the impression of seal of the sender.