

Department of Agriculture & Co-operation

Seed Division- IV (QC)

Subordinate Legislation
Linked to the
Principal Act

Seed (Control) Order, 1983
under
Essential Commodities Act, 1955 (10 of 1955)

THE SEEDS (CONTROL) ORDER, 1983

New Delhi, dated the 30th Dec., 1983

ORDER

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

PRELIMINARY

1. Short title and extent:

- (i) This Order may be called the Seeds (Control) Order, 1983.
- (ii) It extends to the whole of India.

(iii) It shall come into force on the 30th December, 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 seeds as defined in the Seeds Act, 1966 (54 of 1966).
- (j) “State Government” in relation to a Union Territory means the Administrator thereof by whatever designation known.

DEALER IN SEEDS TO BE LICENSED

3. Dealer to obtain licence :

- (1) 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 licence granted to him under this order.

- (2) Notwithstanding anything contained in sub-clause (1), the State Government may, by notification in the Official Gazette, exempt from the provisions of that sub-clause such class of dealers in such areas and subject to such conditions as may be specified in the notification.

4. Application for licence :

Every person desiring to obtain a licence for selling, exporting or importing seeds shall make an application in duplicate in Form 'A' together with a fee of rupees fifty for licence to licensing authority.

5. Grant and refusal of licence :

- (1) The licensing authority may, after making such enquiry as it thinks fit, grant a licence in Form 'B' to any person who applies for it under clause 4:

Provided that a licence shall not be issued to a person-

- (a) whose earlier licence granted under this Order is under suspension, during the period of such suspension;
 - (b) whose earlier licence granted under this Order has been cancelled, within a period of one year from the date of such cancellation.
 - (c) who has been convicted under the Essential Commodities Act, 1955 (10 of 1955) or any order issued thereunder within three years preceding the date of application.
- (2) When the licensing authority refuses to grant licence to a person who applies for it under clause 4, he shall record his reasons for doing so.

6. Period of validity of licence :

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

7. Renewal of licence :

- (1) Every holder of licence desiring to renew the licence, shall, before the date of expiry of the licence, 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 licence.

- (2) If any application for renewal is not made before the expiry of the licence, but is made within one month from the date of expiry of the licence, the licence may be renewed on payment of additional fee of rupees twenty five, in addition to the fee for renewal of licence.

8. Dealers to display stock and price list :

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

- (a) the opening and closing stocks, on 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 that 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 inspectors 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 a 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 or is being committed.

Provided that the Inspector shall give a receipt, in respect of the books of accounts or documents seized, to the person from whom they have been seized.

Provided further that the seized books of accounts or documents shall be returned to the person from whom the same had been seized after copies thereof or extracts therefrom 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 provisions of sections 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 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 analyse 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 licence :

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

- (a) that the licence had been obtained by misrepresentation as to a material particular; or
- (b) that any of the provisions of this Order or any condition of licence has been contravened.

16. Appeal :

Any person aggrieved by an order-

- (a) refusing to grant, amend or renew the licence for sale, export or import of seeds;
- (b) suspending or cancelling any licence, may within sixty days from the date of the order, appeal of 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 licence :

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

18. Maintenance of records and submission of returns, etc. :

- (1) Every dealer shall maintain such books, accounts and records 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 preceding month in Form 'C' to the licensing authority by the 5th day of every month.

Sd/-

R.K. Srivastava

Joint Secretary to the Govt. of India

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FORM 'A'

(See clause 4)

FORM OF APPLICATION TO OBTAIN DEALER'S LICENCE

To

The Registering Authority,

_____ (Place)

State of/ U.T. of

1. Full name and address of the applicant:
 - (a) Name and postal address:
 - (b) Place of business (please give exact address):
 - (i) for sale

(ii) for storage

2. Is it a proprietary/partnership/Limited Company/Hindu undivided family concern? Give the Name(s) and address(es) of proprietor/partner/Manager/Karta.

3. In what capacity this application is made:
 - (i) Proprietor
 - (ii) Partner
 - (iii) Manager
 - (iv) Karta

4. Was the applicant ever convicted under the Essential Commodities Act, 1955 (10 of 1955), or any order issued thereunder during the last three years preceding the date of application? If so, give details.

5. Give the details of seeds to be handled.

S.No. Name of Seed

6. I/we have deposited the licence fee of rupees fifty vide challan No. _____ dated _____ in treasury/bank _____

7. Declaration:

- (a) 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.
- (b) I/we have carefully read the terms and conditions of the licence given in 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 licence should be obtained for each such place.

For use in the office of Licensing Authority

Date of receipt _____

Name and designation of officer receiving the application



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FORM 'B'

(See clause 5)

LICENCE TO CARRY ON THE BUSINESS OF A DEALER IN SEEDS

Licence No. _____

Date: _____

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

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

Date: _____

Seal:

Licensing Authority

State of _____

Terms and conditions of licence

- (i) The licence shall be displayed at a prominent and conspicuous place in a part of the business premises open to the public.
- (ii) The holder of the licence shall comply with the provisions of the Seeds (Control) Order, 1983 and the notifications issued thereunder and for the time being in force.
- (iii) This licence comes into force with immediate effect and shall be valid upto _____ unless previously cancelled or suspended.
- (iv) The holder of the licence shall from time to time report to the licensing authority any change in the premises where he carries on his business of sale, export, import or storage for the said purposes of seeds.
- (v) The licensee shall give every facility to the licensing authority or any other officer acting under his Authority for the purpose of inspecting his stock in any shop, depot or godown or other place/places used by him for the purpose of storage, sale or export of seeds.



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FORM 'C'

(See clause 7)

APPLICATION FOR RENEWAL OF LICENCE TO CARRY ON THE BUSINESS OF A

DEALER IN SEEDS

To

The Licensing Authority

_____ (Place)

State of/U.T. of

I/We hereby apply for renewal of the Licence to carry on the business of dealer in seeds under the name and style of Shri/M/s. _____ The licence, desired to be renewed, was granted by the Licensing Authority for the State of _____ and allotted Licence No. _____ on the _____ day of _____ 19

Signature of applicant(s)

Full name and address of the applicant(s) _____

Date and Place: _____

Certified that the Licence bearing No. _____ granted on _____ to carry on the business of a dealer in seeds at the premises situated _____ is hereby renewed upto _____, unless previously cancelled or suspended under the provisions of the Seeds (Control) Order, 1983.

Date: _____

Licensing Authority

Renewal No. _____

State of _____

Seal:



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FORM 'D'

(See clause 18)

1. Month and year:
2. Name and designation of Licensee:

(Quantity in Quintals)

Crop/ Variety of	Class of seed	Opening stock on the first day of the month	Quantity purchased during the month	Total quantity imported	Total	Total quantity sold	Total quantity exported	Closing stock on the last day of the month
1	2	3	4	5	6	7	8	9
					(3+4+5)			6-(7+8)

Signature of dealer

Name: _____

Address: _____



SCHEDULE I

(See clause 13)

Sealing, Fastening, Despatch and Analysis of Samples

I. 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 seed 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) upto 500 kilograms – at least 5 individual samples except in case of small lots upto 50 kilograms where a smaller number of samples is sufficient, not less than, 3 samples need be taken.
- (b) 501 to 3,000 kilograms – one individual sample for each 300 kilograms, but not less than 5 individual samples.
- (c) 3,001 to 20,000 kilograms – one individual sample for each 500 kilograms but 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) upto 5 containers – sample each container but always take at least 5 individual samples.
- (e) from 6 to 30 containers – sample at least one in every three containers but never less than 5.
- (f) 31 containers or more – sample at least one in every five containers 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. If the individual or primary samples are not sufficiently homogenous, they may be sent to the laboratory for a heterogeneity test.

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

- (a) serial number;
- (b) name of the sender with official designation, if any;
- (c) name of the person from whom the sample has been taken;
- (d) date and place of taking the sample;
- (e) kind or variety of the seed for analysis;
- (f) nature and quantity of preservative, if any, added to the sample.

IV. Manner of Packing, Fastening and Sealing the Samples – All samples of seeds sent for analysis shall be packed, fastened and sealed in the following manner:

- (a) The stopper shall first be securely fastened so as to prevent leakage of the containers in transit.
- (b) 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.
- (c) 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 at least four distinct and clear impressions of the seal of the sender, of which, one shall be at the top of the packet, one at the bottom and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

