

SEEDS (CONTROL) AMENDMENT ORDER, 1983

REGISTERED No. D. Cbe Gazette of andic ND. 497) EXTRAORDINARY PART 11—Section 3 Sib-section (i) PUBLISHED BY AUTHORITY 30, 1983/'a« 9, 1905 NEW DELHI, FRIDAY, DECEMBER 30, 1983!PAUSA 9. 190S PeparAe given to Part tb•t it mny be "e" • •epuru«e compandor 2. qPmq-rrt: (Ffi 30 83 932 (q) (1955 10) 3 1 955 19.83 (iii) 1983 t.FTr 1246 arf8ftq, 1 955 (1955 10) FF,r•: Nf« "ar«ra i; 2 THE GAZErrF. OF INDIA : EXTRAORDINARY [PART IL—SEC. 3G]l 'Isr«q" (g) 'IfrrerW' 12 (17) RTflfirQT" 11 (K) '*T"' 1966 (1966 54) > ; qrq-r: fäm, f*qfff fäg RTfüqrtf ?rÉrx (1) * sqf« eir 4 fMR (q) 1955 (1955 Fl 10) qr 3. 4. 5. 6. 7. 8. 9. (1) (2) RTfkT KRrfi7 *31T I fqfi7 . fqttiT, 3 12. 13. fl2vr (e) ffitqf«tt i 9 G 6 (19 e 6 5 4) xz:rrfr17 qr 1973 2) * 1973 457 • 458 (4) RünrfkT, 14. * fä•q t, ttT 16. 60 4 17. 18. THE GAZETTE OF INDIA • EXTRAORDINARY f*æft 10 ftTfiFf *a-r «*trr I 1955 10) z•rg «rft 24-22/82-g«ofio) 7. W) fzvur (1) [PART 11—SEC, 3(i)] 30) j (fâtau•r) 1983 (2) 1983 3ö-c fitTâ g-TiT, 8717/" 5 qrT t, err I xq-rfr•rq] 083 RTfa-o•tr 6 (W, {Fit THE GAZETTE OF INDIA : EXTRAORDINARY (eve 1 8 äfiq) Ili [PART II—SEC. 2 3 4 50 300 * 5 7 3001 20,000 frqT 3Fq 31 8 500 q-Tä 9 (3) 501, 3,000

3. Tii fq«r ftqr (F) 3ffq- aqzr I f«rti frt aqtz Vt7Ti, a-tera MINISTRY OF AGRICULTURE (I)eparouent of Agriculture & Cooperation) Act, 1955 (IO of 1955), the Central Government hereby makes the following order, namely .PRELIMINARY Short title and extent . (i) This Order may be called the Seeds (Control) Order, 1983. (ii) It extends to the whole of India. It shall come into force on the 30th December. 1983

2. Definitions .In this Order, unless the context otherwise re- qu:res, (a) "Act" moans the Essential Commodities Act, 1955 (10 of 1955). (b) (c) (d) (e) (f) (g) (h) (i) (j) "Controller" mearrs a person appointed as Controller of *eds by the Central Government and includes any person empowered by the Central (iovernment to exerci.* all or any functions of the Controller under this Order; "Dealer" means a person carrying on the business of selling, exporting or im- porting seeds, and includes an agent of a dealer; "Export" mems to take or cause to be taken out from any place in India to a place outside [ndia; "Form" means a form appended to this "Import" means to bring or cause to be brought to any place in India from out- side India. "Inspector" Incans an Inspector ot seeds appointed under clause 12; "Registering authority" means a licens- ing authority appointed under clause 11; "Seeds" means the seeds as denned in the Seeds Act, 1966 (54 of 1966). • 'State Government" in relation to a Union •rritory means the Administra- tor thereof by whatever designation known. New Delhi, G.S.R. 932(E) ferred by section ORDER the 30th December. 1983 . -In exeæise of the powers con- 3 of the Essential Commodities DEALER IN SEEDS TO BE LICENSED 3. Dealer to obtain licence (1) No person Ghall carry on the business of selling exporting or importing seeds at any place except under and in accord' ance with the terms and conditions of licence granted to him under this order. 8 THE GAZ.ETTE OF INDIA EXTRAORDINARY (PAR r —SEC. (2) N6tWithstanding anything contained in sub-claue (1), the State Government notification in the may, by Gazette, exempt from the provisions of that sub-c!mtsc such class of dealers in such areas and subject to such conditions as may bc specified in the 4. Application for licence . Every person desiring to obtain a licence for gelling, exporting or importing seeds shall make an application in duplicate in Form 'A' together with a fee of rupees fifty foc licence to licenGng authority

5. Grant and refusal ot' licence (I) The licensing authority rnay, after make ing 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 bc issued to a person-••• (a) whose carlier licence granted under this (Order is under suspension, dur- ing the period of such suspension: (b) whose earlier licence granted under this Order has been cancelled, with- in a OE one year from the date of such cancellation.(c) who has been convicted under the Essential Commodities Act, 1955 (JO of 1955) or anv order issued there- unch•r within threc years preceding the date application. (2) When the licensing authority refuses to grant licence to a person who applies for it under clauc,e 4, hc shall record his reasoms for doing so

6. Period of validity of licence Every licence under this Order, shall, unless previously suspended or cancelled, re.main valid tor three years from the date of its jssue

7. Renewal of licence (I) Every holder or licence desiring to re- new 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 an 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. 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 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 (I) An Inspector may have a view to securing compliance with this Order— (a) require any dealer to give any information in his possession with respect to purchase, storage of seeds, entry, import and search; (b) move premises where any seed is stored or exhibited for sale to ensure compliance with the provision of this Order; (c) draw samples of seeds intended 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 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 documents relating to any seed in respect of which he has reason to believe that the Order has been contravened or is being contravened. 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 from time to time be returned to the person from whom the same had been seized after the 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 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) Whenever any seed is seized by an Inspector under this clause, he shall forthwith report the fact of such seizure to a Magistrate whereupon the provisions of sections 457 and 459 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 deemed to furnish 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 Inspector concerned within 60 days from the date of receipt of the sample in the laboratory. 15. **Revocation or suspension of licence.** The licensing authority may, after giving the holder of the licence an opportunity of being heard, suspend or cancel licence on the following grounds, namely— (a) that the licence had been obtained by misrepresentation in material as to a particular; (b) that any of the provisions of this Order or 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 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 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) (2) Every dealer shall maintain such books, accounts and records relating to his business as may be directed by the State Government. 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. [No. 24-22182-sm R. K. SRIVASTAVA. Jt. secy. THE GAZETTE OF INDIA : EXTRAORDINARY EMBLEM FORM 'N (See clause, 4) FORM OF APPLICATION TO OBTAIN DEALERS' LICENCE To The Registering Authority, (Place) State of U.T. of 1. 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 Co-operative 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 (IO 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 Name of Seed S.No

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, them. [PART 11--Sec. and agree to abide by Signature of Applicant Date . Place . (1) Where the business of selling/export- Note : in 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. EMBLEM 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/Ms. 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 for storage and place for sale)- (Tehsil or District) Date : Seal : Licensing Authority State of Terms and conditions of licence : (i) (ii) (iii) 'The licence shall be displayed at a prominent and conspicuous place in a part of the business premises open to the public.'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. 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 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 or the purpose of storage, sale or export of seeds. FORM 'C' (See clause 7) APPLICATION FOR RENEWAL OF LICENCE TO CARRY ON THE BUSINESS OF A DEALER SEEDS It We hereby apply for renewal of the Licence IO carry on the business of dealer in seeds under the name and style of Shri/Ms. The licence, desired to be renewed, was granted by the Licensing Authority for the State of— and allotted Licence No. 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. Licensing Authority The Licensing Authority State of U.T. of 1. Month and Year . 2. Name and designation of Licensee: Class of seed Date : Renewal No. FORM 'D' (See clause 18) Opening stock on the first day of the month 3 Total 6 (3+4+5) State of (Quantity in Total quantity exported 8 purchased during the month 4 of Total quantity imported 5 11. Total quantity sold 7 Quintal) Closing stock on the last day of the month 9 SCHEDULE—I (See clause 13) Baling, Fasting, Dehydration and Analysis 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. Sampling Intensity : Bulk 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". 12 THE GAZETTE OF INDIA : EXTRAORDINARY (a) up-to 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 1000 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 individual samples. For seed in bulk the individual samples should be distributed at random all over the bulk and depths. the samples drawn from varying 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 one in every five containers but never less than 10. Unless doubt exists about the homogeneity of lot, all such primary samples should be combined to make a composite sample of the lot for submission to the seed testing laboratory. If the individual or primary samples are not sufficiently homogeneous, they may be sent to the laboratory for a heterogeneity test

11. 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, (f) nature and quantity of preservative, if any, added to the sample. 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 contents in transit. (b) The container shall then be completely wrapped in fairly strong paper. The ends of the paper shall be neatly folded in and secured 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. BY THE GOVERNOR OF INDIA, 10064 AND BY 1983