

# [AS PASSED BY 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 Balochistan, Khyber Pakhtunkhwa, Punjab 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, 2015

(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 as the said Act, in section 2,—

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

“(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;”;

(2) clauses (b), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), and (u) shall be renumbered as clauses (iii), (iv), (vi), (xii), (xiii), (xv), (xvi), (xvii), (xviii), (xx), (xix), (xxi), (xxii), (xxiii), (xxiv), (xxvi), (xxviii), (xxx) and (xxxiii) respectively.

(3) Clause (e) shall be omitted.

(4) for clause (iii), renumbered as aforesaid, the following shall be substituted, namely:—

“(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;”;

(5) in clause (iv), renumbered as aforesaid, for the word "Agency", the words "and Registration Department" shall be substituted;

(6) after clause (iv), renumbered and amended as aforesaid, the following new clauses shall be inserted, namely:--

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

(7) in clause (vi), renumbered as aforesaid, for the word "Agency", the words "and Registration Department" shall be substituted;

(8) after clause (vi), renumbered as aforesaid, the following new clauses shall be inserted, namely:--

"(vii) "Federal Seed Committee" means Federal Seed Committee constituted under section 22 I;

(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;

(9) after clause (ix), inserted as aforesaid, the following clauses shall be inserted, namely:--

"(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 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;
- (10) after clause (xiii), renumbered as aforesaid, the following new clauses shall be inserted, namely:--
- “(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;”;
- (11) in clause (xx), renumbered as aforesaid 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;

(12) for clause (xxiii), renumbered as aforesaid, the following shall be substituted, namely:-

“(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;”;

(13) after clause (XXIV), renumbered as aforesaid, the following new clause shall be inserted, namely:—

“(xxv) “seed business” means any commercial operation of seed involving production, processing, conditioning, packaging, distribution, import and export of seeds;

(14) After clause (xxvi), renumbered as aforesaid, the following new clause shall be inserted, namely:--

(xxvii) “seed dealer” means any person registered as seed dealer under this Act”;

(15) after clause (xxviii), renumbered as aforesaid, the following new clause shall be inserted, namely:—

“(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;”

(16) in clauses (xxx), renumbered as aforesaid, the word “and”, occurring at the end, shall be omitted;

(17) after clause (xxx), renumbered and amended as aforesaid, the following new clause shall be inserted, namely:--

“(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;”;

(18) after clause (xxxi), renumbered and inserted as aforesaid, the following new clause shall be inserted, namely:-

“(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;” and

- (19) in clause (xxxiii), renumbered as aforesaid, for full stop at the end a semicolon and word “; and” shall be substituted and thereafter the following new clause shall be added, namely:—

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

3. **Amendment of section 3, Act XXIX of 1976.** -- In the said Act, in section 3, for the words “of Agriculture” the words “the Ministry concerned” shall be substituted.

4. **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.

5. **Amendment of section 6, Act XXIX of 1976.**-- In the said Act, in section 6,-- in the marginal note for the word “Agency” the words “and Registration Department” shall be substituted.

- (1) in the marginal note, for the word “Agency”, the words “and Registration Department” shall be substituted;
- (2) for the word “Agency”, the words “and Registration Department” shall be substituted;
- (3) in clause (i), for the words and semicolon “seed Certification Officer; and”, the words and semicolon “persons engaged in the seed business;” shall be substituted; and
- (4) in clause (j), for full stop at the end, a semicolon and the 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 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.”.

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

**7. Amendment of section 11, Act XXIX of 1976**— In the said Act, in section 11,—

- (1) in the marginal note, for the word “notified”, the word “plant” shall be substituted; and
- (2) the existing provision shall be numbered as sub-section (1) of that section and after sub-section (1), numbered 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), numbered and amended 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 or hybrid banned or not approved by the Federal Government or a Provincial Government.”.

**8. 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.

**9. Amendment of section 20, Act XXIX of 1976.**-- In the said Act, in section 20,—

- (1) in sub-section (1) for the word “Agency”, the words “and Registration Department” shall be substituted;
- (2) in sub-section (2), in clause (a), after the word “assistance”, the words “of law enforcement agency or district administration” shall be inserted; and
- (3) sub-section (3) shall be omitted.

**10. 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 of any notified or enlisted variety”, the words “seed of any crop” shall be substituted.

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

**“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.

(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 renewal 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 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 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 carry out analysis of seed of any kind 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 trials in respect of Biosafety and performance as prescribed

**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 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.

**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 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.”

**12. 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; 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 stock 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.”.

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

**14. 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**

It has been observed that Seed Act, 1976 does not fulfill the requirements of "Modern Seed Industry". Over the years, the capacity of the public sector has been greatly impaired and the private sector is playing stronger and more vibrant role in the development of seed industry, the world over. The new innovations in hybrid technology and Genetically Modified Crops, (GMC's) have transformed the seed industry. The new "Seed Amendment Bill" has been drafted in view of the emerging realities which will provide level playing field to both, public as well as the private sector. The salient features of the "Draft Seed Amendment Bill" are enumerated below:

- a) The draft bill would clearly delineate the role of registered seed companies, seed dealers, processing units and fruit plant nurseries established in the private sector.
- b) It would also allow the private sector to produce basic seed for its multiplication and Certification.
- c) The Draft Bill would allow the private sector to establish accredited seed testing laboratories.
- d) The Draft Bill also authorizes the registration of Genetically Modified Crops (GMC's) subject to undertaking by the applicant that no terminator technology is involved in development of the seed variety. A certificate from National Bio-safety Committee (NBC) would be a pre-requisite for the approval of the plant variety. This would satiate the environmental concerns about the GMC's.
- e) The penalties provided in Seed Act, 1976 are very meager and have become ineffective in deterring violations. The Draft Bill enhances the penalties for effective deterrence against sale of sub-standard seed in the market.

**Sikandar Hayat Khan Bosan**

Minister for National Food Security & Research  
Minister-in-Charge