

NEPAL RECORDER

Year 12, No. 39

Kathmandu : December 20, 1988

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Ministry of Law and Justice

Nepal Rajapatra, Vol. 38, No. 41 (Extraordinary), Partik 10, 2045
(October 26, 1988).

Seeds Act, 1988

Preamble

Whereas it is expedient to make available in a well-organized manner standard seeds after producing, processing, and testing high-quality seeds in order to increase the production of various crops and thus ensure the interests and economic wellbeing of the public, now therefore, His Majesty King Birendra Bir Bikram Shah Dev has enacted this law on the advice and with the approval of the National Panchayat.

1. Short Title and Commencement

- 1.1 This law may be called the Seeds Act, 1988.
- 1.2 It shall come into force on such date as may be prescribed by His Majesty's Government by notification in the Nepal Rajapatra.

2. Definitions

- 2.1 Unless otherwise meant with reference to the subject or context, in this act,
 - 2.1.1 Seeds and seedlings mean embryonic plants, matured ovules with nutritious and protective cover, or seeds and seedlings reproduced through pollination or through botanical methods which can be used for scattering or sowing for the production of crops.
 - 2.1.2 Crops mean such crops as fruits, foodgrains, vegetables, cash crops and fodder crops.
 - 2.1.3 Agricultural operations mean the work of producing foodgrains, fruits, pulses, oilseeds, vegetables, cash crops and fodder.
 - 2.1.4 Board means the National Seeds Board formed under Section 3.

- 2.1.5 Laboratory means the Central Seeds Testing Laboratory established under Section 9; the term includes other laboratories under it.
- 2.1.6 Listed seeds mean the seeds prescribed under Section 11.
- 2.1.7 Containers mean boxes, tin-containers, bottles, bags, sacks, bhakaris, barrels or similar other containers used for storing seeds.
- 2.1.8 Breeder means any individual, institution or agency who has produced or selected and used any species of a crop for the first time.
- 2.1.9 Types mean the types of plants and saplings which can be identified separately or collectively as belonging to one or many close species or sub-species and used in agricultural operations.
- 2.1.10 Species means the species of any plant or sapling which can be used in agricultural operations and easily identified collectively through its fruit, seed, growth, yield, or similar other characteristic.
- 2.1.11 Code means particulars relating to seeds affixed on containers in a conspicuous manner.
- 2.1.12 Prescribed or as prescribed means prescribed or in the manner prescribed in the rules framed under this act.

3. Formation of National Seeds Board

- 3.1 A National Seeds Board shall be formed to formulate and implement policies relating to seeds and furnish necessary advice to His Majesty's Government on matters concerning seeds.
- 3.2 The Board shall consist of the following members:
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|-------|--|---|----------|
| 3.2.1 | Secretary,
Ministry of Agriculture | - | Chairman |
| 3.2.2 | Secretary,
Water Resources Committee of
the National Panchayat | - | Member |
| 3.2.3 | Director-General,
Department of Agriculture | - | Member |
| 3.2.4 | Chief, National Agricultural
Research and Services Center | - | Member |
| 3.2.5 | General Manager, Agricultural
Inputs Corporation | - | Member |

- 3.2.6 General Manager,
Agriculture Development Bank - Member
- 3.2.7 Chief, Seeds Department,
Agricultural Inputs Corporation - Member
- 3.2.8 Three scientists relating to
agricultural, livestock and forestry
science nominated by His
Majesty's Government - Members
- 3.2.9 Seeds Specialist,
Institute of Agriculture and
Animal Science,
Tribhuvan University - Member
- 3.2.10 Two seed entrepreneurs
nominated by His Majesty
Government - Members
- 3.2.11 A person designated by
His Majesty's Government - Member-
Secretary.
- 3.3 The term of the members nominated by His Majesty's
Government under Clauses 3.2.6 and 3.2.10 shall be of
three years, and they shall be eligible for reelection
after the expiry of their term.
- 3.4 Notwithstanding anything contained in Sub-Section 3.3,
His Majesty's Government may remove any member who has
been nominated under Clauses 3.2.9 and 3.2.10 at any
time before the expiry of his term.
- 3.5 If it so deems necessary, His Majesty's Government may
change the size or composition of the Board according to
need by notification in the Nepal Rajpatra.
- 3.6 Local or foreign experts may be invited by the Board,
if it so deems necessary, to participate in its meetings
in the capacity of observers.

Meetings and Decisions of the Board

- 4.1 Meetings of the Board shall be held at the time, place
and date prescribed by the Chairman.
- 4.2 Presence of at least fifty percent of the total number of
members of the Board shall be considered to have fulfilled
the quorum required for a meeting.
- 4.3 Meetings of the Board shall be presided over by the
Chairman, and, in his absence, by a member chosen by the
members present at the meeting from among themselves.

4.4 The opinion of the majority shall be binding at meetings of the Board. In the event of a tie, the chairman may exercise a casting vote.

4.5 Decisions of the Board shall be authenticated by the Member-Secretary.

4.6 Other working procedures of the meetings of the Board shall be as determined by the Board itself.

5. Functions, Duties and Powers of the Board

5.1 To give advice to His Majesty's Government on framing a national policy in regard to seeds.

5.2 To maintain coordination between the private and the government sectors in matters concerning production and distribution of seeds.

5.3 To encourage the private sector to make investments in the seeds industry.

5.4 To regulate or control the standard of seeds produced by seed industries operating in the private or government sectors.

5.5 To introduce, release, and register seeds of new species in the prescribed manner.

5.6 To test the speciality, uniformity, and stability of seeds of new species, and grant title of ownership to the breeder in the prescribed manner.

5.7 To determine the standard of seeds.

5.8 To endorse the standard of seeds determined by local or foreign agencies according to need.

5.9 To perform other necessary functions or operations relating to seeds.

6. Power to Form Sub-Committees

6.1 For the purpose of making available standard seeds by conducting the functions concerning the production, processing, and sales and distribution of seeds in an efficient manner, the Board may form sub-committees according to need.

6.2 The functions, duties, and powers, as well as the working procedure of meetings, of the sub-committees shall be as prescribed.

7. Establishment of Seeds Certification Agency

His Majesty's Government may establish a Seeds Certification Agency by notification in the Nepal Rajapatra for the purpose

8. Functions, Duties, and Powers of the Seeds Certification Agency

8.1 The functions, duties, and powers of the Seeds Certification Agency shall be as follows:

8.1.1 To prepare necessary preconditions relating to certification of seeds and present them before the Board.

8.1.2 To certify seeds according to the procedure, standard and criteria approved by the Board, and issue certificates according to need.

8.2 The other functions, duties, and powers of the Seeds Certification Agency, as well as the procedure to be adopted by it while certifying seeds, shall be as prescribed.

9. Establishment of Central Seeds Testing Laboratory

9.1 His Majesty's Government may establish a Central Seeds Testing Laboratory by notification in the Nepal Rajapatra to test seeds and perform other related functions.

9.2 Seeds Testing Laboratories may be established in different parts of the Kingdom of Nepal according to need under the supervision and control of the Laboratory established under Sub-Section 9.1.

9.3 His Majesty's Government may confer the power to test seeds under this act to any Seeds Testing Laboratory established in the non-governmental sector by prescribing necessary terms and conditions.

10. Functions, Duties, and Powers of the Laboratory

The functions, duties, and powers of the laboratory shall be as prescribed.

11. Power to List Types or Species of Seeds

In case it is deemed necessary to regulate and control the standard of any type or species of the seeds used in agricultural operations, His Majesty's Government may consult the Board and specify such types or species of seeds as listed seeds by notification in the Nepal Rajapatra. While doing so, it may also specify the type or species of seeds suitable for different regions.

12. Minimum Limits of Germination and Purity of Seeds to be Prescribed

12.1 His Majesty's Government may prescribe the following matters by consulting the Board:-

12.1.1 The minimum limit of germination and purity of any seed from among the listed seeds.

13. Restriction on the Sale and Distribution of Listed Seeds

- 13.1 No person shall sell, stock, handover, exchange, or otherwise make available to others for sale any of the following listed seeds:
- 13.1.1 Seeds whose type or species cannot be identified
 - 13.1.2 Seeds which do not conform to the minimum limits of germination and purity prescribed under Sub-Section 12.1.1.
 - 13.1.3 Seeds which have been kept in containers without codes containing particulars as mentioned in Sub-Section 12.1.2.
 - 13.1.4 Seeds which do not conform to other prescribed conditions.
- 13.2 Any listed type or species of a seed which has been determined as appropriate for any region may not be sold for use in regions other than the prescribed region.

14. Prohibition to Sell Seeds Treated With Toxic Medicines

Seeds which have been treated with toxic medicines shall not be sold for purposes other than agricultural operations and other prescribed purposes.

15. Approval to be Obtained to Import or Export Listed Seeds

- 15.1 Any person desirous of importing or exporting any type or species of listed seeds must submit an application to the prescribed authority along with prescribed particulars in order to obtain permission to do so.
- 15.2 On receipt of applications under Sub-Section 15.1, the prescribed authority may issue permission for the purpose.
- 15.3 Notwithstanding anything contained in Sub-Section 15.1, an industry established with the objective of importing or exporting seeds may import or export seeds after submitting to the prescribed authority the prescribed particulars of the seeds desired to be imported or exported.

16. Appointment of Seeds Inspector and Analyst

For the purpose of this act, His Majesty's Government may appoint Seeds Inspectors and Seeds Analysts according to need. In case no such Inspector or Analyst is appointed, His Majesty's Government may prescribe any other employee to perform their functions.

17. Functions, Duties, and Powers of Seeds Inspectors and Seeds Analysts

The functions, duties, and powers of the Seeds Inspectors and Seed Analysts shall be as prescribed.

18. Recognition to be Granted by His Majesty's Government

His Majesty's Government may, by consulting the Board and publishing a notification in the Nepal Rajapatra, grant recognition for the purpose of this act to any foreign or international agency testing and certifying seeds.

19. Penalties

19.1 Persons who sell or arrange for the sale of listed seeds in contravention of Section 13 shall be punished with a fine not exceeding Rs 3000.

19.2 Persons who sell or arrange for the sale of seeds which have been treated with toxic medicines in contravention of Section 14 shall be punished with a fine not exceeding Rs 2000, and the concerned seeds shall be confiscated.

19.3 Persons who import or export or who arrange for the import or export of listed seeds in contravention of Section 15 shall be punished with a fine not exceeding Rs 1000.

19.4 Persons who perform or direct others to perform any action other than those mentioned in the above Sub-Sections in contravention of this act and the rules framed hereunder shall be punished with a fine not exceeding Rs 500.

20. His Majesty's Government to be Plaintiff

His Majesty's Government shall be the plaintiff in suits filed under this act.

21. Investigations into and Filing of Suits

21.1 The Seeds Inspector shall conduct investigations into suits relating to offenses punishable under this act and after such investigations are complete, file a suit before the appropriate authority.

21.2 While investigating into and filing cases under Sub-Section 21.1, the Seeds Inspector may obtain the opinion of the Public Prosecutor. After a suit is filed, the Public Prosecutor shall conduct it, and file appeals.

22. Authority to Hear Cases

22.1 The prescribed authority shall have the power to hear cases under this act.

22.2 While hearing and disposing of cases under Sub-section 22.1, the prescribed authority shall follow the working procedure prescribed in the 1974 Special Courts Act.

23. Immunity for Actions Taken in Good Faith

The Seeds Inspector, the Seeds Analyst, or any other employee authorised to perform functions under this act shall not be held personally liable for any bonafide action taken by them in the course of fulfilling their duties under this act.

Provided that they shall be held liable for any action taken by them with the intention of causing unnecessary hardship, trouble or harassment to anyone.

24. Power to Frame Rules

His Majesty's Government may frame necessary rules in order to implement the objectives of the act.

Royal Seal Affixed on
Kartik 10, 2045
(October 26, 1988).
