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**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS**

NOTIFICATION

Dacca, the 19th July, 1977

No. 617-Pub. - The following Ordinance made by the President of the People's Republic of Bangladesh, on the 13th July, 1977, is hereby published for general information:-

THE SEEDS ORDINANCE, 1977

Ordinance No. XXXIII of 1977

AN

ORDINANCE

to provide for regulating the quality of certain seeds for sale and for matters connected therewith.

Whereas it is expedient to provide for regulating the quality of certain seeds for sale for matters connected therewith;

Now, therefore, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

- 1. Short title.** - This Ordinance may be called the Seeds Ordinance, 1977.
- 2. Definitions.** - In this Ordinance unless there is anything repugnant in the subject or context, -
 - (a) "agriculture" means food and fibre crop production and includes horticulture;
 - (b) "Board" means the National Seed Board constituted under sub-section (1) of section 3;

- (c) “Certification Agency” means a Seed Certification Agency established under section 8;
- (d) “container” means a box, bottle, tin, barrel, case, receptacle, sack, bag, wrapper or other thing on which any article or thing is placed or packed;
- (e) “export” means taking out of Bangladesh to a place outside Bangladesh;
- (f) “import” means bringing into Bangladesh from a place outside Bangladesh;
- (g) “kind” means one or more related species or sub-species or crop plants each individually or collectively known by one common name, such as, cabbage, paddy and wheat;
- (h) “notified kind or variety”, in relation to any seed, means any kind or variety thereof notified under section 5;
- (i) “prescribed” means prescribed by rules made under this Ordinance;
- (j) “Seeds” means any of the following classes of seeds used for sowing or planting -
 - (i) seeds of food crops including edible oil seeds and seeds of fruits and vegetables;
 - (ii) jute seeds;
 - (iii) cotton seeds;
 - (iv) seeds of cattle fodder;and includes seedlings, and tubers, bulbs, rhizomes, root cuttings, all types of grafts and other vegetatively propagated materials of food crops or cattle fodder;
- (k) “Seed Analyst” means a Seed Analyst appointed under section 12;
- (l) “Seed Inspector” means a Seed Inspector appointed under section 13;
- (m) “Seed Laboratory” means the Government Seed Laboratory established or, as the case may be, declared under section 4; and
- (n) “variety” means a sub-division of a kind identifiable by growth, yields, plant, fruit, seed or other characteristics.

3. National Seed Board. - (1) The Government shall, as soon as may be after the commencement of this Ordinance, constitute a Board to be called the National Seed Board to advise the Government on matters arising out of the

administration of this Ordinance and to carry out the other functions assigned to it by or under this Ordinance.

(2) The Board shall consist of the following members, namely:-

(a) the Secretary to the Government, Ministry of Agriculture (Agriculture Division), ex-officio, who shall also be the Chairman of the Board; and

(b) fifteen persons to be appointed by the Government.

(3) The members shall elect one person from amongst themselves to be the Secretary of the Board.

(4) The Government shall provide the Board with such clerical and other staff as may consider necessary.

(5) The Government shall, by notification in the official Gazette, publish the names or designations of all the members of the Board and thereupon the Board shall be deemed to be constituted.

(6) Members of the Board shall, subject to the provisions of sub-sections (7) and (8), hold office for a term of three years, and shall be eligible for reappointment.

(7) The Government may, at any time, terminate the appointment of a member of the Board without assigning any reason.

(8) When a member of the Board dies, resigns or otherwise ceases to be a member, the vacancy shall be filled by fresh appointment and any person so appointed shall hold office for the unexpired term of his predecessor.

(9) No person shall be, or shall continue to be, a member who -

(a) is or at any time has been convicted of an offence which, in the opinion of the Government,

is an offence involving moral turpitude; or

(b) is of unsound mind and stands so adjudged by a competent court; or

(c) is or has at any time been adjudged insolvent; or

(d) absents himself from three consecutive meetings of the Board without leave of absence from the Chairman.

(10) The Board may appoint one or more committees consisting wholly of members of the Board or wholly of other persons or partly of members of the

Board and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such committee or committees by the Board.

(11) The Board may, subject to the previous approval of the Government, make by-laws for regulating its own procedure and the procedure of a committee appointed by it under sub-section (10) and the conduct of all business to be transacted by it or a committee.

(12) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Board.

4. Government Seed Laboratory. - The Government may establish a seed Laboratory to be called the Government Seed Laboratory or declare, by notification in the official Gazette, any Seed Laboratory as the Government Seed Laboratory for the purposes of this Ordinance.

5. Power to specify kinds or varieties of seeds. - If the Government after consultation with the Board, is of opinion that it is necessary or expedient to regulate the quality of seed of any kind or variety to be sold and used for the purposes of agriculture, it may, by notification in the official Gazette, specify such kind or variety to be a notified kind or variety for the purposes of this Ordinance, and different kinds or varieties may be notified for different areas.

6. Powers to specify minimum limit of germination and purity, etc. - After consultation with the Board, the Government may, by notification in the official Gazette, specify -

(a) the minimum limits of germination and purity with respect to any seed of any notified kind or variety;

(b) the mark or label to indicate that such seed conforms at least to the minimum limits of germination and purity specified under clause (a) and the particulars which such mark or label may contain.

7. Regulation of sale of seeds of notified kinds or varieties. - No agency or certified seed grower or certified seller of seed shall carry on the business of

selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety, unless -

- (a) such seed is identifiable as to its kind or variety;
- (b) such seed conforms at least to the minimum limits of germination and purity and the container of such seed bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified under clauses (a) and (b) of section 6; and
- (c) he complies with such other requirements as may be prescribed.

8. Seed Certification Agency. - The Government may, by notification in the official Gazette, establish a Certification Agency to be called the Seed Certification Agency to carry out the functions entrusted to it by or under this Ordinance.

9. Grant of certificate by the Certification Agency. - (1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the Certification Agency, apply to the Certification Agency for grant of a certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the Certification Agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms at least to the minimum limits of germination and purity specified for that seed under clause (a) of section 6, grant a certificate in such form and on such conditions as may be prescribed.

10. Revocation of certificate. - If the Certification Agency is satisfied, either on a reference made to it in this behalf or otherwise, that -

- (a) the certificate granted by it under section 9 has been obtained by misrepresentation as to any essential fact, or
- (b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been

granted or has contravened any of the provisions of this Ordinance or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Ordinance, the Certification Agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

11. Appeal. - (1) Any person aggrieved by a decision of the Certification Agency under section 9 or section 10 may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the Government in this behalf:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard dispose of the appeal as expeditiously as possible.

(3) Every order of the appellate authority under this section shall be final.

12. Seed Analyst. - The Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analyst and define the areas within which they shall exercise jurisdiction.

13. Seed Inspectors. - (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860) and shall be officially subordinate to such authority as the Government may specify in this behalf.

14. Powers of Seed Inspectors. - (1) The Seed Inspector may -

- (a) take samples of any seed of any notified kind or variety from -
 - (i) any person selling such seed; or
 - (ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or
 - (iii) a purchaser or a consignee after delivery of such seed to him;
- (b) send such sample for analysis to the Seed Analyst for the area within which such sample has been taken;
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Ordinance or any rule made thereunder.

(2) Where any sample of any seed of any notified kind or variety is taken under clause (a) of sub-section (1), its cost, calculated at the rate at which such seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(3) The power conferred by this section includes power to break open any container in which any seed of any notified kind or variety may be contained or to break open the door of any premises where any such seed may be kept for sale:

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called open to do so.

(4) Where the Seed Inspector takes any action under clause (a) of sub-section (1), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

(5) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall, so far as may be, apply to any search or seizure made under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

15. Procedure to be followed by Seed Inspectors. - (1) Whenever a Seed Inspector intends to take sample of any seed of any notified kind or variety for analysis, he shall -

- (a) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;

- (b) except in special cases provided by rules made under this Ordinance, take three representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.
- (2) When samples of any seed of any notified kind or variety are taken under sub-section (1), the Seed Inspector shall -
- (a) deliver one sample to the person from whom it has been taken;
 - (b) send in the prescribed manner another sample for analysis to the Seed Analyst for the area within which such sample has been taken; and
 - (c) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Seed Laboratory under sub-section (2) of section 16, as the case may be.
- (3) If the person from whom the samples have been taken refuses to accept one of the samples, the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.
- (4) Where a Seed Inspector takes any action under clause (c) of sub-section (1) of section 14 -
- (a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 7 and if it is ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the seed seized;
 - (b) if he seized the stock of the seed, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;
 - (c) without prejudice to the institution of any prosecution, if the alleged offence is such that, the defect may be removed by the possessor of the seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed any record, register, document or any other material object under clause (d) of sub-section (1) of section 14, he shall, as soon as may be, inform a Magistrate and take his orders to the custody thereof.

16. Report of Seed Analyst. - (1) The Seed Analyst shall, as soon as may be, after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

(2) After the institution of a prosecution under this Ordinance the accused may, on payment of the prescribed fee, make an application to the court for sending any of the samples mentioned in clause (a) or clause (c) of sub-section (2) of section 15 to the Seed Laboratory for its report, and on receipt of the application, the court shall first ascertain that the mark and the seal or fastening as provided in clause (b) of sub-section (1) of section 15 are intact and may then despatch the sample under its own seal to the Seed Laboratory which shall thereupon send its report to the court in the prescribed form within one month from the date of receipt of the samples, specifying the result of the analysis.

(3) The report sent by the Seed Laboratory under sub-section (2), shall supersede the report given by the Seed Analyst under sub-section (1).

(4) Where the report sent by the Seed Laboratory is produced in any proceedings, it shall not be necessary to produce in such proceedings any sample or part thereof taken for analysis.

17. Import and export of seeds. - No person shall export or import or cause to be exported or imported any seed of any notified kind or variety unless it conforms at least to the minimum limits of germination and purity and the container of such seeds bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified for that seed under section 6.

18. Recognition of Seed Certification Agencies of foreign countries. - On the recommendation of the Board, the Government may, by notification in the official Gazette, recognise any seed certification agency established in any foreign country for the purposes of this Ordinance.

19. Penalty. - If any person contravenes any provision of this Ordinance or any rule made thereunder, or prevents a Seed Inspector from taking sample under this Ordinance or prevents him from exercising any other power conferred on him by or under this Ordinance, he shall, on conviction, be punishable -

(a) for the first offence, with fine which may extend to Taka five hundred; and

(b) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term not more than thirty days and fine which may extend to Taka one thousand.

20. Forfeiture of property. - When any person has been convicted under this Ordinance for the contravention of any of the provisions of this Ordinance or the rules made thereunder, the seed in respect of which the contravention has been committed may, if the court so orders, be forfeited to the Government.

21. Offence by companies. - (1) When an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Ordinance if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - *For the purposes of this section, -*

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means partner in the firm.

22. Protection of action taken in good faith. - No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Ordinance.

23. Power to make rules. - (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -

- (a) the functions of the Board and the travelling and daily allowances payable to members of the Board and of the committee;
- (b) the functions of the Seed Laboratory;
- (c) the functions of the Certification Agency;
- (d) the manner of marking or labelling the container of seed of any notified kind or variety;
- (e) the requirements which may be complied with by a person carrying on the business referred to in section 7;
- (f) the form of application for the grant of a certificate under section 9, the particulars it may contain, the fees which shall accompany it, the form of certificate and the conditions subject to which the certificate may be granted;
- (g) the form and manner in which and the fee on payment of which an appeal may be preferred under section 11 and the procedure to be followed by the appellate authority in disposing of the appeal;
- (h) the qualifications and duties of Seed Analysts and Seed Inspectors;
- (i) the manner in which samples may be taken by the Seed Inspectors, the procedure for sending such samples to the Seed Analysts or the Seed Laboratory and the manner of analysing such samples;
- (j) the form of report of the result of the analysis, and the fees payable in respect of such report;

(k) the records to be maintained by a person carrying on the business referred to in section 7 and the particulars which such records shall contain; and

(l) any other matter which is to be or may be prescribed.

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Dacca,
The 13th July, 1977.

ZIAUR RAHMAN, BU, psc
MAJOR GENERAL,
President.

A. K. TALUKDAR
Deputy Secretary.

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