
VEGETABLE SEEDS ACT, SVT. 2009

(Act No. XII of Svt. 2009)

**THE JAMMU AND KASHMIR VEGETABLE SEEDS ACT,
SVT. 2009 (1952 A.D.)**

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*[Received the assent of Shree Yuvraj on 8th July, 1951, and published
in the Government Gazette dated 24th Assuj, 2009].*

**An Act to provide for effective control of the production of, and
trade in, vegetable seeds.**

Whereas it is expedient to make provisions for effective control of the production of, and trade in, vegetable seeds in the State ; It is hereby enacted as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Vegetable Seeds Act, Svt. 2009.

(2) It shall extend to the whole of the Jammu and Kashmir State.

(3) It shall come into force in the Kashmir Province from the date it is published in the Government Gazette and in any other part of the State from such date as the Government may, by notification appoint in this behalf and different dates may be appointed for different areas.

2. *Definitions.*— In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Director of Agriculture” means Director of Agriculture, Jammu and Kashmir State ;
- (b) “export” means taking out from the area of the State in which this Act is in force to any place outside the area ;
- (c) “foreign matter” means foreign seeds and any matter other than the vegetable seeds ;
- (d) “foreign seeds” means seeds not of the type, variety and kind of the vegetable seed in which such seeds are contained ;
- (e) “prescribed” means prescribed by rules made under this Act ;

- (f) “registered seed dealer” means a seed dealer registered by the Director of Agriculture in the prescribed manner ;
- (g) “registered seed farm” means a seed farm registered by the Director of Agriculture in the prescribed manner ;
- (h) “registered seed grower” means a seed grower registered by the Director of Agriculture in the prescribed manner ;
- (i) “seed dealer” means a person engaged in or carrying out trade in vegetable seeds ;
- (j) “seed farm” means an area of agricultural land set apart and used for production of vegetable seeds ;
- (k) “seed grower” means a person who is engaged in the growth or production of vegetable seeds ; and
- (l) “standard quality” means the quality prescribed for vegetable seeds to possess in respect of their viability, germination percentage, length of germination period, performance weight of given number of seeds, extent of their being free from foreign matter and being disease free and free from foreign seed.

3. *Regulation of sowing of vegetable seeds of standard quality in areas in which Act is in force.*—In an area in which this Act is in force, the Government may regulate the cultivation and production of vegetable seeds of standard quality and for this purpose make arrangements for the registration of seed growers and seed farms in the manner prescribed by rules made under this Act, and in such area—

- (1) no person shall keep or maintain a registered seed farm unless he is a registered seed grower ;
- (2) no registered seed grower shall sow in a registered seed farm vegetable seeds which are not of the type, variety and kind permitted by the Director of Agriculture for such farms or class of farms ;
- (3) no registered seed grower shall sow in a registered seed farm vegetable seeds unless he has produced before the Director of Agriculture proof of source of procurement of the seed ;

- (4) no registered seed grower shall sow vegetable seeds in a farm or land other than a registered seed farm ; and
- (5) no person shall sow vegetable seed or raise vegetable crops for production of vegetable seed of the varieties and types mentioned in column (i) of the table given below in a land or in an area within the perpendicular distance from the nearest boundary line of registered farms mentioned in column (ii) of the said table.

VARIETIES	DISTANCE
(i) All varieties and types of cabbage, savoy cauliflower, knol-khol, brussel sprout, broccolikale, mangold, sugar-beet, garden beat, sag.	One thousand yards
(ii) All varieties and types of carrot (including wild carrot), parsnip, swedes, manjels, turnip, turnip rape, radish, spinach, cress.	Four hundred yards
(iii) All varieties and types of lettuce, onion, leek, tomatoes, capsicum, chillies, brinjals, parsley, ladyfingers.	Fifty yards

4. *Regulation of stocking, sale and export of vegetable seeds of standard quality in areas in which Act is in force.*—(1) In areas in which this Act is in force, the Government shall regulate stocking, sale and export of vegetable seeds of standard quality produced in a registered seed farm and for this purpose make arrangement for the registration of seed dealers in the manner prescribed by rules made under this Act and in such areas—

- (i) no person who is not registered seed grower or registered seed dealer shall export vegetable seeds and no person who is not registered seed grower or registered seed dealer shall stock or sell vegetable seeds produced in a registered seed farm ;
- (ii) no registered seed grower or registered seed dealer shall sell or export vegetable seeds unless the consignment for sale or export is accompanied by a certificate prescribed in this behalf and in the case of export, an export permit prescribed in this behalf

and issued by the Director of Agriculture or any person authorised by him in this behalf; and

- (iii) no registered dealer shall stock, purchase, sell or export vegetable seeds which are not produced in a registered seed farm and are not of standard quality.

(2) Notwithstanding anything contained in this Act, the Director of Agriculture may appoint employees of the Agriculture Department as registered seed dealers in those parts of the Jammu and Kashmir State in which this Act is not in force, for selling locally vegetable seeds of registered seed farms, in order to meet the requirements of local population.

5. Registered seed grower to follow prescribed method of cultivation.—A registered seed grower shall follow the methods of cultivation of vegetable crops for production of vegetable seeds of standard quality as may be prescribed by rules under this Act. In making rules under this section the Government will be advised by a Committee consisting of the Director of Agriculture and four members, three elected by registered seed growers and one by registered seed dealers and the Director of Agriculture shall be the Chairman of the Committee.

6. Power to destroy or dispose of vegetable plants, crop or seeds not of standard quality in a registered seed farm.—If the Director of Agriculture is of the opinion that any vegetable plant or crop in the registered seed farm is not suitable for production of vegetable seed of standard quality or that vegetable seeds produced or stocked with a registered seed grower or the registered seed dealer are not true to the type, variety or kind prescribed in this behalf or are not of the standard quality, he may order the destruction or disposal of such vegetable plants or crop or the destruction of such vegetable plants, crops or seeds and the registered seed grower and the registered seed dealer to whom such order is issued shall comply with it within the period specified in the order. If the registered seed grower or the registered seed dealer fails to destroy or dispose of the vegetable plants, crop or vegetable seeds, as the case may be within the specified period, the Director of Agriculture on his authorised representative shall get such plants, crops or seed seized and disposed of or destroyed, as the case may be, and shall recover the cost thus incurred from such registered seed grower or the registered seed dealers as arrears of land revenue.

7. Power to dispose of vegetable or vegetable seed crop harmful to registered seed farm.—If the Director of Agriculture is of the opinion that any vegetable or vegetable seed crop in an area or farm used or engaged

for production of vegetable or vegetable seeds and not registered under this Act is harmful for production of vegetable seeds in a registered seed farm, he may order the disposal of such vegetable in vegetable seed crop in a manner laid down by him in the order and the owner or occupier of such area of farm to whom the order is addressed shall comply with such order within the period specified in the order. If such owner or occupier fails to dispose of the vegetable or vegetable seed crop within specified period, the Director of Agriculture or his authorised representative shall get such vegetable or vegetable seed crop seized and disposed of and recover the cost thus incurred from such owner or occupier as arrears of land revenue.

8. *Supervision, inspection, etc. of vegetable seeds and crop by Director of Agriculture.*—The Director of Agriculture or any officer authorised by him in this behalf may supervise, inspect and control the harvesting and thrashing of vegetable seed crops and winnowing, cleaning, testing, storing, labelling and disposal of vegetable seeds raised at registered seed farms.

9. *Power of the officers of Agriculture Department to enter upon land or premises and seize vegetable seeds of a registered seed dealer which are not of standard quality.*—(1) An officer of the Agriculture Department not below the rank and grade of Seed Supervisor or Agriculture Overseer may, for the more effective, enforcement of the provisions of this Act, enter upon any land, building, vessel or vehicle in which vegetable seeds are grown, kept or stored and which is situate in the area in which this Act is in force.

(2) An officer of the Agriculture Department not below the rank and grade of Seed Supervisor or Agriculture Overseer may enter upon any land or premises owned or occupied by a vegetable seed dealer and which is situated in the area in which this Act is in force, to inspect the seeds stocked, sold or about to be exported by him or for the purpose of ascertaining that the provisions of this Act or rules made thereunder have been followed.

10. *Prices to be fixed by Government.*—The Government shall fix, from time to time, the purchase and sale prices of vegetable seed raised at a registered seed farm.

11. *Penalties.*—Any person contravening the provisions contained in sections 3 and 4 or any person abetting a breach of such provisions and any person purchasing or selling vegetable seeds raised at a registered

seed farm for prices other than those fixed by the Government under section 10 shall be liable to punishment with a fine which may extend to one thousand rupees.

12. *Procedure.*—(1) No prosecution for an offence under this Act shall be instituted except on a complaint in writing made by the Director of Agriculture in this behalf.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1989, an offence under this Act shall not be tried by a Court with powers less than those of a ¹[Judicial Magistrate] of the first class.

13. *Bar of suit or other legal proceedings.*—No suit, prosecution or any other legal proceeding shall lie against a public servant in respect of anything in good faith done or intended to be done under this Act.

14. *Power to make rules.*—(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, rules under this section may provide for—

- (a) registration of seed farms, seed growers and seed dealers ;
- (b) description of vegetable seeds of standard quality ;
- (c) description of type, variety and kind of land to be used for sowing and production of vegetable seeds and type, variety and kind of vegetable seeds to be sown in particular lands ;
- (d) manner in which vegetable seeds of standard quality and of the prescribed type, variety and kind are to be procured by registered growers and the way in which such seeds are to be produced before the Director of Agriculture to satisfy him that these are of standard quality or of prescribed type, variety or kind ;
- (e) manner in which registered seed growers and registered seed dealers shall maintain account of vegetable crop area production, stock, disposal, purchase and sale of such seed, form of register to be maintained for the purpose of inspection of such register by the officers of the Department of Agriculture ;

1. Substituted by XL of 1996 for “Magistrate”.

- (f) manner in which each type, variety and kind of vegetable crop whether in nursery beds or in permanent beds of a registered seed farm shall be labelled at the edge of the bed ;
- ¹[(g) manner in which certificate and export permit under clause (ii) of section 4 are to be issued ; the contents of such certificate or export permit and registration thereof in the office of Director of Agriculture and levy, annulment or alteration of the certificate fee and the mode of its collection ;]
- (h) method of cultivation of vegetable crops for production of vegetable seeds of standard quality under section 5 ;
- (i) manner in which member of Committee under section 5 shall be elected ;
- (j) manner in which plants, crops or seeds may be destroyed under section 6 ;
- (k) manner in which harvesting and threshing of vegetable seed crops and winnowing, cleaning, testing, storing, labelling and disposal of vegetable seeds raised at registered seed farms will be done ; and
- (l) matters required generally for carrying out the purposes of this Act.

(3) All rules made under this Act shall be subject to the conditions of previous publication.

(4) In making any rules under this section the Government may provide that a breach of the rule shall, when no other penalty is provided by this Act, be punishable with fine which may extend to one hundred rupees.

1. Clause (g) of section 14(2) substituted by Act XVI of 1957.