

**AGRICULTURE, ANIMAL HUSBANDRY, DAIRY
DEVELOPMENT AND FISHERIES DEPARTMENT**

Mantralaya, Mumbai 400 032, dated the 7th May, 2010

NOTIFICATION

MAHARASHTRA COTTON SEEDS (REGULATION OF SUPPLY, DISTRIBUTION, SALE AND FIXATION OF SALE PRICE) ACT, 2009.

No. Biyane. 2009/CR. 4/1A.—The following draft of rules which the Government of Maharashtra proposes to make, in exercise of the powers conferred by sub-section (1) of section 22 read with sub-section (2) of section 4, sub-section (3) of section 5, sub-section (3) of section 7, sub-sections (1), (2) and (4) of section 11, clause (j) of sub-section (2) of section 12, sub-section (1) of section 18 and section 20 of the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Act, 2009 (Mah. XIX of 2009); and of all other powers enabling it in that behalf, is hereby published as required by that section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after 21st May 2010.

2. Any objections or suggestions, which may be received by the Director (Inputs and Quality Control), Agricultural Commissionerate, Central Building, Pune 411 001 from any person with respect to the said draft before the aforesaid date, will be considered by the Government.

DRAFT RULES

1. *Short Title.*—These rules may be called the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Rules, 2010.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) "Act " means the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Act, 2009 (Mah. XIX of 2009);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act .

(2) The words and expressions used but not defined herein shall have meanings respectively assigned to them in the Act.

3. *Requirements of Labeling Packages.*—(1) Every person, whom a licence has been granted under section 11 of the Act, shall sell cotton-seeds in accordance with the requirements of this rule.

(2) The label on each package containing cotton seeds shall display the minimum limits of physical purity, germination, genetic purity, standards of Bt protein and seed health etc. as specified in the notification issued under section 4 (1)(ii) of the Act and expected performance of the seed in given conditions, applicable terms and conditions as approved by the Genetic Engineering Approval Committee constituted under the Environment (Protection) Act, 1986 (29 of 1986) for commercial release.

(3) The label containing the above mentioned particulars shall appear on each container of cotton seed or on a tag attached to the container, on conspicuous place and on every non-transparent covering in which that container is packed and shall be legible.

(4) Whereby provisions of these rules, any particulars are required to be displayed on a label on the container, such particulars may, instead of being displayed on label be etched, painted or otherwise indelibly marked on the container.

(5) The mark or label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the seed contained in the container.

(6) The mark or label shall not contain any reference to the Act or any of these rules or any comment on, or reference to, or explanation of any particulars or declaration required by the Act or any of these rules which, directly or by implication contradicts, qualifies or modifies such particulars or declaration.

(7) Nothing shall appear on the mark or label or in any advertisement pertaining to any variety of cotton seed which shall deny responsibility for the statement required by or under the Act to appear on such mark, label or advertisement.

(8) In case of unopened original container of the cotton seed, the person whose name appears on the mark or label shall be responsible for the accuracy of the information required to appear on the mark or label within the validity period of germination.

4. *Application for grant of licence.*—(1) Every person desirous of conducting the business of sale in cotton seed shall make an application to the Controller for grant of licence, in duplicate, in Form A together with a fee of Rupees Five Hundred.

(2) The applicant shall produce, along with the application, all the necessary documents as specified by the controller, from time to time.

5. *Grant of licence.*—(1) The Controller may, after making such inquiry as it deems fit, either grant the licence to the applicant in Form B or for reasons to be recorded in writing reject the application and after giving opportunity being heard :

Provided that, a licence shall not be issued to a person:—

(a) Whose earlier licence granted under this Act has been cancelled, within a period of one year from the date of such cancellation ; or

(b) Who has been convicted under the Seeds Act, 1966 or the Environment (Protection) Act, 1986, within a period of three years preceding the date of application.

6. *Period of validity of licence.*—Every licence under this Act, shall, unless suspended or cancelled, remain valid for a maximum period of three years from the date of its issue or for the period deemed to be necessary in the opinion of the Controller, whichever is less.

7. *Renewal of licence.*—(1) Every holder of licence desiring to renew the same shall, before the date of expiry of the licence, make an application for renewal in duplicate to the Controller in Form C, together with a fee of Rupees Five Hundred, for renewal.

(2) The applicant shall produce all the necessary documents as specified by the Controller, from time to time.

(3) On receipt of such application for renewal of licence, the Controller may renew the same in Form D or for reasons to be recorded in writing, and may after giving an opportunity of being heard, may refuse to renew the same.

(4) If any application for renewal is not made before the date of expiry of the licence, but is made within thirty days from the date of expiry of the same, then the licence may be renewed on payment of late fee of Rupees One Hundred in addition to the fee for renewal of licence.

8. *Amendment of licence.*—The Controller may amend the licence on receipt of an application in writing therefore together with a fee of Rupees One Hundred. However, if the Controller refuses to amend the licence he shall, do so after giving the applicant an opportunity of being heard and after recording reasons for the same.

9. *Suspension or Cancellation of Licence.*—(1) The Controller may suspend or cancel licence granted under rule 5 on one or more of the following grounds, namely:—

(a) that the holder has violated any of the terms and conditions of the Licence; or

(b) that the licence has been obtained by misrepresentation of essential facts; or material particular,

(c) that the seed variety is not performing in accordance with the information provided by the producer or has become obsolete or has outlived its utility;

(d) to protect human beings, animal and plant life and health to avoid or serious prejudice to the environment;

(e) on written request of licence holder.

(2) No order of suspension or cancellation of licence under this rule shall be made unless the licence holder has been given a reasonable opportunity of being heard.

10. *Terms and conditions of licence.*—The Controller shall grant licence to a person desirous of carrying on sale of cotton seeds on the conditions that he shall,—

(a) maintain such books, accounts and records relating to his business as may be specified, from time to time, by the Controller;

(b) submit monthly statement relating to his business of sale of cotton seeds for preceding month in Form E to the Controller by 10th of every month;

(c) furnish such information to the Controller as and when asked for by him;

(d) display in his place of business, the opening and closing stocks, on daily basis, of different varieties of cotton seeds held by and a list indicating prices or rates of unit size for different varieties of cotton seed;

(e) give a cash or credit memorandum in Form F to the purchaser of cotton seed;

(f) not sell, keep for sale, offer to sell, barter or otherwise supply any cotton seed, after the validity date recorded on the container;

(g) alter, obliterate or deface any particulars make or label attached to the container of any cotton seed;

(h) keep over a period of three years a complete record of each lot sold, except that any seed sample may be discarded one year after the entire lot represented by such sample has been disposed of the sample of seed kept as part of the complete record shall be as large as the size specified for submitted sample. This sample, if required to be tested, shall be tested only for determining the purity thereof.

11. *Manner of sampling, sealing, fastening and dispatch of cotton seed samples.*—(1) Samples of any variety of cotton seed for the purpose of analysis shall be taken in a clean dry container which shall be carefully and tightly sealed so as to prevent leakage and entrance of moisture.

(2) Cotton seed sampling intensity shall be as follows :—

(a) *Bulk sampling.*—When sampling from cotton seed lots stored in bulk (heaps, bins, wagons, etc.) the following sampling intensity should be regarded as a minimum requirement for obtaining the 'bulk sample', namely :—

(i) upto 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 individual samples need to be taken ;

(ii) from 501 to 3000 kilograms : One individual samples for each 300 kilogram but not less than 5 individual samples need to be taken.

(iii) from 3001 to 20000 kilograms : One individual sample for each 500 kilogram, but not less than 10 individual samples need to be taken.

For cotton seed in bulk, the individual samples shall be distributed at random all over the bulk and the samples shall be drawn from varying depths.

(b) *Bag sampling.*— For cotton seed lots in bags or others containers, the following sampling intensity should be regarded as minimum requirement, namely :—

(i) upto 5 containers : Samples from each container ;

(ii) from 6 to 30 containers : Samples from at least one in every three containers but never less than 5;

(iii) from 31 containers or more : Samples from at least one in every five containers but never less than 10.

(3) Unless doubt exists about the homogeneity of lot, all such primary samples should be combined to make a composite sample of the lot for submitting to the seed-testing laboratory. If the individual primary samples are not sufficiently homogeneous, they may be sent to the laboratory for a heterogeneity test.

(4) The size of submitted part of sample shall be 250 grams for non-transgenic varieties and 25 grams for transgenic varieties.

(5) All containers containing samples for analysis shall be properly labelled and the parcels shall be properly addressed. The label of any sample of cotton seed for analysis shall bear,—

- (i) serial number ;
- (ii) code No. of sample ;
- (iii) name of sender with official designation and address (taluka, district) ;
- (iv) date and place of taking the sample (with detail address) ;
- (v) variety of cotton seed for analysis (whether transgenic or non-transgenic).

(6) An information slip shall be placed between container and wrapper, with the following details, namely:—

- (i) serial number ;
- (ii) code No. of sample ;
- (iii) name of sender with official designation and address (taluka, district) ;
- (iv) date and place of taking the sample ;
- (v) variety of cotton seed for analysis (whether transgenic or non-transgenic) ;
- (vi) size of seed lot ;
- (vii) packing material used.

(7) All samples of cotton seed sent for analysis shall be packed, fastened and sealed in the following manner, namely:—

- (i) the stopper shall first be securely fastened so as to prevent leakage of the containers in transit ;
- (ii) the container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gums or other adhesive ;

(iii) 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 seal of the sender, of which, one shall be at the top of the packet, one at the bottom and the two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impressions of the seal of the sender.

12. *Procedure for filing and dealing with Complaints of farmers.*—

(1) Complainant may lodge a complaint in writing in Form 'G' to the Seed Inspector about the poor germination, susceptibility to pests and diseases against the claims of seed producers, genetic impurity, non-adaptability to the region, failure of cotton crop due to spurious or sub-standard quality of cotton seeds supplied to him. The farmer shall submit a copy of Bill regarding purchase of seed, seed containers alongwith the marks or labels if any, alongwith the complaint.

(2) The complaint in case of poor germination shall be filed with the seed inspector within twenty days after sowing, complaint for susceptibility to pests and diseases against the claims of seed producers shall be filed immediately after noticing the incidence, complaint in case of genetic impurity shall be filed within fifteen days from the date fifty per cent. of flowering or at appropriate stage and complaint in case of non-adaptability, the complaint shall be filed at appropriate stage of crop.

(3) After receipt of such complaint, the Seed Inspector shall,—

(a) take a sample of cotton seeds from the complainant, if available, or shall take samples from the same lot from market and send the same to the Seed Analyst for detailed analysis as per provisions of the Act;

(b) inspect the field of the complainant and record the necessary data.

(4) The Seed Inspector shall after such inspections prepare a preliminary inspection report in Form H and forward the same to the District Level Investigation Committee for conducting a detailed investigation.

(5) To assist the Controller in discharging its functions, there shall be a Investigation Committee for assessment and evaluation of crop losses sustained by the farmers due to poor germination, susceptibility to pests

and diseases, genetic impurity or non-adaptability of cotton seed. The committee shall consists of the following members:—

- | | |
|--|------------------|
| (i) District Superintending Agriculture Officer of concerned District | Chairman |
| (ii) Agriculture Development Officer of concerned District | Member |
| (iii) Scientist dealing with cotton crop from State Agriculture University | Member |
| (iv) Taluka Agriculture Officer of concern Taluka | Member |
| (v) District Quality Control Inspector of concerned District | Member-Secretary |

(6) The Investigation Committee shall visit, within seven days after receipt of the preliminary investigation report of the Seed Inspector, the concerned field of the complainant for detail investigation. The representative of the seed producer and the complainant farmer shall be invited at the time of field inspection.

(7) The Investigation Committee shall prepare a detail report of its findings in Form 'T' and forward the same to the Controller for consideration. The Investigation Committee while estimating the loss of the farmer shall consider the following factors, namely:—

(i) in a case of poor germination due to defect in the seed and not because of poor soil condition on moisture stress and improper package of practices etc. the loss shall be calculated considering cost of the seed and cost of cultivation per hectare as decided by the concern Agriculture University;

(ii) in case of failure of required degree of resistance for pests and diseases as per variety specific claim made by the seed producer, the loss shall be calculated considering additional expenditure incurred on plant protection measures and estimated crop losses due to failure of resistance to pests or diseases ;

(iii) in case of genetic impurity or non-adaptability, the loss shall be calculated considering the cost difference in yield of the crop in question and that normal yield of cotton crop in the locality.

(8) The Controller shall, after taking into consideration of the report of the Investigation Committee, issue an order to seed producer to pay compensation to the affected farmer.

(9) The Seed producer shall pay to the farmer the compensation awarded by the Controller within a period of thirty days from the date of receipt of the order of compensation. In case of delayed payment 24 per cent. interest shall be levied and wherever no payment is made, penalty shall be imposed as decided by the Controller.

13. *Appeal.*—The farmer or seed producer aggrieved by a decision of the Controller may appeal to the Commissioner, Agriculture, Maharashtra State within thirty days from the date on which the decision of the award of compensation is communicated to him alongwith a fee of Rs.100 (Rs. One Hundred only) and the decision of the appellate authority shall be final.

FORM 'A'
(See rule 4)

Form of application to obtain Licence

To
The Controller

.....

1. Full name and address of the applicant :
 - (a) Name and Postal Address:
 - (b) Place of Business;
 - (i) Sale
 - (ii) Storage;
2. Is it a proprietary/partnership/limited Company/Hindu 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 Seeds Act, 1966, the Environmental (Protection) Act, 1986 or the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Act, 2009, during the last three years preceding the date of application? If so give details:
5. Give the details of cotton seeds to be handled;

S.No.	Name of Variety
-------	-----------------
6. I/ We have remitted the registration fee of rupees five hundred vide Challan No.....datedin 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 Form 'C'

Appended to the Government of Maharashtra Cotton Seeds
(Regulation of supply,
distribution, sale and fixation of sale price) Rule, 2010, and agree to
abide by them.

(c) I/We declare that not seed Licence /Licence granted earlier to me/
us has been cancelled/suspended.

Place:

Date:

Signature of Applicant.



FORM 'B'

(See rule 5)

LICENCE TO CARRY ON THE BUSINESS OF SALE OF COTTON SEEDS

Licence No. :

Date of Issue :

Valid upto :

Subject to the provisions of the rule 9 of the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Rules, 2010 and to the terms and conditions of this Licence, M/S. is hereby granted licence to sell and store for the said purpose of seeds in the State of Maharashtra.

The holder of this Licence shall carry on the aforesaid business at;

SALE at

STORAGE at

Details of Cotton Seeds to be Handled

Sr. No.	Name of Cotton Variety	
	Notified	Non notified

TERMS AND CONDITIONS OF LICENCE :—

1. The Licence shall be displayed at a prominent and conspicuous place in a part of the business open to the public.

2. The holder of the Licence shall comply with provisions of the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Act, 2009 and the Maharashtra Cotton Seeds (Regulation of supply, distribution, sale and fixation of sale price) Rules, 2010, and the notifications issued thereunder .

Period of validity is mentioned in the licence.

3. The holder of the Certificate of Registration shall, from time to time, report to the Controller any change in the places where he carries on the business of sale or storage of cotton seeds.

4. The holder of the Licence shall give every facility to the Controller for the purpose of inspecting his stock in any shop, depot or godowns or other/ places used by him for the purpose of storage of cotton seeds.

5. The terms and conditions specified in approval letter of the Genetical Engineering Approval Committee, if any shall apply .

Controller

FORM 'C'

[See rule 7(1)]

Form of Application to Renew Licence

To,

The Controller,

.....

I/We hereby apply for renewal of the Licence to carry on the business of cotton seeds under the name and style of Shri/Ms. The licence, desired to be renewed, was granted by the Controller..... and allotted Licence No.on the..... day of

I/We have remitted the renewal fee of rupees five hundred *vide* Challan No. dated in Treasury / Bank

Date:

Place:

Signature of Applicant(s)

Full name and address of the Applicant(s)



FORM 'D'

[See rule 7(3)]

**Certificate of Renewal of Licence to Carry on the
Business of sale of cotton seeds**

It is certified that the licence bearing no granted on to carry on the business of sale of cotton seeds by M/s. is hereby renewed upto unless previously cancelled or suspended under the provisions of the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Rules, 2010.

The holder of this Licence shall carry on the aforesaid business at;
SALE **STORAGE**

Details of Cotton Seeds to be Handled

	Name of Cotton Variety	
	Notified	Non notified

TERMS AND CONDITIONS OF LICENCE :—

1. The licence shall be displayed at a prominent and conspicuous place in a part of the business open to the public
2. The holder of the Licence shall comply with provisions of Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of sale price) Act, 2009, Government of Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Rules, 2009 and the notifications issued there under.
3. The holder of the Certificate of Registration shall from time to time report to the Registering authority any change in the places where he carries business of sale or storage for the said purposes of cotton seeds.
4. The holder of the Licence shall give every facility to the Registering authority for the purpose of inspecting his stock in any shop, depot or godowns or other/ places used by him for the purpose of storage of cotton seeds.
5. The terms and conditions specified in approval letter of the Genetic Engineering Approval Committee, if any, shall apply.

Registering Authority.

FORM 'E'

(See rule 10)

Monthly Statement of Sale and Purchase of Cotton Seeds

Month and Year :

Name of holder of licence :

Licence No. :

Valid upto :

Quantity in Quintals

Variety of cotton seed (trans-genic/non-transgenic)	Class of seed	Opening stock on the first day of the month	Quantity purchased during the month with date-wise invoices and nos.	Total quantity imported with date-wise invoices and nos.	Total	Total quantity sold	Total quantity exported	Total quantity returned	Closing stock on the last day of the month
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
					3				6-
					+				(7+8+9)
					4				
					+				
					5				

Signature of licence holder

Name :

Address :

Acknowledgement of Controller :

FORM 'F'

[See rule 10 (e)]

CASH CREDIT MEMORANDUM TO BE ISSUED BY THE LICENCE HOLDER TO THE PURCHASER OF COTTON SEEDS

Sr. No. ST/CST/VAT No.

Licence No. DATE

Cash/Credit Memorandum

Name and Address of Seller

Name and Address of Purchaser

Sr. No.	Name of kind and variety	Number of bags or container	Unit Weight	Lot Number	Quantity	Rate	Amount
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

1.

2.

Total

ST / CST/VAT @

G. Total

Signature of Purchaser

Signature of seller

FORM 'G'

[See rule 12 (1)]

Complaint of farmer

To,

The Seed Inspector,

Sir,

I,..... S/O..... resident of village
Taluka District....., have purchased cotton seed of
variety..... having Lot No. of
Company from..... Dealer.

I have sowed in an area of Ha. of land located at Survey
No. Village Taluka, District

It is noticed on (date)..... that the said crop was found poor
germination/affected with pest and diseases/not true to type/
non-adoptable on an area of Ha.

It is requested to inspect my field to assess the crop losses and to
arrange for compensation suitably.

Encl: Copy of cash memorandum

Signature of Complainant

Labels

Used packing material

FORM 'H'

[See rule 12(4)]

Preliminary Inspection Report of Seed Inspector on complaint

Date of receipt of complaint :

Date of inspection :

(a) Details of complainant :

(1) Name of farmer :

(2) Village :

(3) Taluka :

(4) District :

(b) Details of seed purchased :

(1) Kind and Variety/hybrid :

(2) Lot Number :

(3) Certification Status of Seed :

(4) Name of company :

(5) Name of dealer and address :

(6) Quantity/No. of complainers purchased :

(7) Cash memo :

(8) Information on label (germination percentage, validity of seed)

(c) Details of sowing :

(1) Date of sowing :

(2) Area sown :

(3) No. of seed sown per hill :

(4) Depth of sowing :

(5) Stage of the crop :

(d) Observation :

(i) In case of poor germination,—

(1) Rainfall pattern (enclose rainfall data)

(2) Soil condition :

(3) Germination count/sqm :

(4) Condition of seed sown (rotten/damaged/sprouted/not emerged)

(5) Germination % in adjacent fields :

(6) Germination % of seed of same lot in other's fields :

(7) Package of practices adopted :

(ii) In case of genetic impurity,—

- (1) Rainfall pattern (enclose rainfall data)
- (2) Soil type and soil condition :
- (3) Genetic purity % based on field count :
- (4) % variation in genetic impurity :
- (5) Genetic impurity % in adjacent fields :
- (6) Genetic impurity % of seed of same lot in other's fields :
- (7) Package of practices adopted :
- (8) Expected yield Normal yield Difference in yield.

(iii) in case of susceptibility of pests and diseases and non-adaptability,—

- (1) Rainfall pattern (enclose rainfall data) :
- (2) Soil condition :
- (3) % pest/disease incidence based on field count :
- (4) % pest/disease incidence in adjacent fields :
- (5) % pest/disease of same lot in other's fields :
- (6) Adopted package of practices/recommendations of seed producer :
- (7) Expected yield Normal yield Difference in yield :
- (8) Extra cost incurred towards Plant Protection measures :

Signature of seed inspector

Complaint No. :

Date of inspection :

Remarks :

Signature of producer or representative of seed company :

Signature of complainant

FORM 'I'

[See rule 12 (7)]

Report of Investigation Committee on complaint of farmer

Complaint No. dated

Whereas a complaint is received from Shri..... against the kind and variety / hybrid ... of M/s..... seed company from whom or through his authorized dealer M/s..... he has purchased a quantity of for Rs..... vide bill No. dt..... within the prescribed time limit ofdays.

Based on the complaint of Shri..... the Seed Inspector has inspected the field of said variety is sown/grown in survey No. of Village Taluka.....District.....on..... and reported that there is poor germination/susceptibility to pest and diseases/genetic impurity/non- adaptability in spite of adopting package of practices as recommended by seed producer/company under optimum soil moisture. On receipt of inspection report from the Seed Inspector, a District Level Investigation Committee comprising ofhas visited the complainant's field alongwith the producer or representative Shri.....

onand confirmed as below :

The case of poor germination / susceptibility to pests/diseases/genetic impurity/non-adaptability is observed to an extent of....., causing crop loss of kgs./hector based on mandal average yield and the total crop loss is estimated as..... Kgs. forhectors valued at Rs.....

Chairman,
Investigation Committee.

Member,
Investigation Committee.

By order and in the name of the Governor of Maharashtra,

inspec

W. M. TURUKMANE,
Deputy Secretary to Government.