

Dr. Kalyan B. Goswami
Executive Director



Ref. NSAI/2017/061

Date: 21.06.2017

Shri Himanshu Kumar Rai
Director Agriculture
Department of Agriculture
Bihar, Patna

Dear Sir,

Subject: Prohibition on sale of research variety seeds imposed by the Agriculture Department Bihar

Reference: Circular No. 2408 dated 09.06.2017

Greetings from National Seed Association of India (NSAI) , the apex organization of the Indian Seed Industry !!

With reference to the reference attached, we have come to know that Bihar Agriculture Department has restricted the sale of Research Varieties in the state of Bihar and only notified and certified seeds are allowed to sale in the market. In this connection, we would like to bring certain relevant provisions of the Seeds Act, 1966, Seed Rules, 1968 and Seeds (Control) Order, 1983 to your kind notice.

We would like to bring to your kind attention that, under **Section 5 of the Seeds Act, 1966, notification of a kind or variety is optional and not compulsory.** Under **Section 9 of Seeds Act, 1966,** only notified kind or variety is eligible for seed certification by the Certification Agency. However, **seed certification is also voluntary and not compulsory.** Therefore, what is optional under the Statute cannot be made compulsory by an executive order. Section 9 lays down that “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 for the grant of a certificate for the purpose**”.(emphasis supplied)

As per clause (b) & (c) of section 7 of the Seeds Act, 1966 read with section 6 of the Seeds Act and **clause 8A of the Seeds (Control) Order, 1983,** the seed, put on the market for sale, should:

- conform to the minimum limits of germination and purity specified under clause (a) of section 6 of the Seeds Act;
- and the container of such seed should bear in the prescribed manner the mark or label containing the correct particulars thereof, specified under clause (b) of section 6.

Clause 8A of Seeds Control Order, 1983 lays down that “*Dealers to ensure certain standards in respect of seeds – every dealer of seeds in notified kind or variety or **other than notified kind or variety of seeds shall ensure that the standards of quantity of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under section 6 of***”

the seeds Act 1966 954 of 1966) any other additional standards relating to size color and content of label as may be specified.”(Emphasis supplied)

From the clause 8A of the Seeds (Control) Order, it is clear that the Central Government has no restriction, as envisaged in the Circular referred above, and allows the sale of seeds of various varieties other than notified kind / variety like Research Varieties, labeled, as per section 6 of the Seeds Act. It is submitted that the Circular, referred above, undermines the provisions of clause 8A.

With this background, we may submit that Seeds Act and Seeds (Control) Order are not restrictive in nature but have enabling provisions to ensure availability of quality seeds of various crops to the farmers and, at the same time, the two statutes provide for establishing robust regulatory mechanism at the state level by the respective State Governments.


It is once again submitted that the provisions of the Seeds Act and Seed (Control) Order 1983 allow development, production and marketing of new varieties, meeting the labeling requirement, as laid down under Section 6 of the Seeds Act, 1966.

The Government is empowered to regulate the seed quality by fixing the quality parameters as per Section 6 of the Seeds Act. There are notified Seed Inspectors and Seed Analysts who are empowered to draw samples from the seeds marketed by the private sector or public sector across the shops of the seed dealers throughout Bihar to regulate the quality and ensure only seeds with standard quality parameters are sold to the farmers under section 14 of the Seeds Act or clause 13 of the Seeds (Control) Order.

In view of the above, we request you to withdraw the above Circular and issue suitable instructions to the quality regulation wing of the Agriculture Department in Bihar.

Thanking you,

Yours sincerely



Kalyan B Goswami