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nsa National Seed Association of India
(Registered under the Societies Registration Act.)

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August 05, 2022

Shri Ashwani Kumar,
Joint Secretary (Seeds),
Department of Agriculture, & Farmers' Welfare
Ministry of Agriculture & Farmers Welfare
Govt. of India, Krishi Bhawan,
New Delhi – 110001

Subject: Proposed amendments in the Section 19 of the Seeds Act, 1966 (Offences and Penalties)

Dear Sir,

We are thankful to you for inviting us for the meeting to review the proposed amendment in the Section 19 of the Seeds Act, 1966 with respect to the penalties against various offences. Following proposal has been suggested by the DAFW in the meeting

Section	Existing	Proposed
19	If any person- (a) contravenes any provision of this Act or any rule made thereunder; or (b) prevents a Seed Inspector from taking sample under this Act; or (c) prevents a Seed Inspector from exercising any other power conferred on him by or under this Act; he shall, on conviction, be punishable- (i) for the first offence with fine which may extend to five hundred rupees, and (ii) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.	If any person- (a) contravenes any provision of this Act or any rule made thereunder; or (b) prevents a Seed Inspector from taking sample under this Act; or (c) prevents a Seed Inspector from exercising any other power conferred on him by or under this Act; he shall, on conviction, be punishable- (i) for the first offence with fine which may extend to one lakh rupees to two lakh rupees, (ii) for the second offence with fine which may extend to two and half lakh rupees to five lakh rupees, and (iii) in the event of such person having been previously convicted of an offence under this section for the third time, with imprisonment for a term which may extend to six months, or with fine which may extend to ten lakh rupees, or with both.

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In this context, it is mentioned that this is a very important and crucial issue and the future of seed industry and seed business will be dependent on it. Further, for this meeting we received the notice only one day ahead and the detailed structured agenda for the meeting was not available with us before the meeting. Therefore, we could not obtain the views of the members of the industry for presenting the same in the meeting.

As seed industry is seriously affected by the present system of seed law enforcement where no proper stock verification, sampling and testing is done due to lack of procedural knowledge of the Seed Inspector and lack of sufficient testing infrastructural facilities in State STLs. Because, of this many times inconsistent, non-reproducible and non-repetitive results for the same sample are obtained. Hence, any change in existing offences and penalty provision of Seeds Act without proper consultation with the seed industry stakeholders and in-depth deliberation on each point, will jeopardize the future seed business in the country.

The proposed penalty provisions presented in the meeting are on very harsh and would be detrimental for the smooth seed business. While we appreciate the need for supply of quality seeds to the farmers and the need to have check and control over unscrupulous seed companies, such harsh provisions for penalties will disincentivize and discourage seed companies in their seed business which may also result in shortage of quality seeds for the farmers. Moreover, such harsh provisions goes against the vision of the Government for "ease of doing business" for the companies.

On this important issue, NSAI is doing internal discussion with all its members and preparing a detailed proposal with full justification which may require some time and we will be able to submit our proposal in the next week.

It is therefore requested that the proposal for amendment of Section 19 of Seeds Act,1966 may be considered only after deliberating on the NSAI proposal as well as other stakeholders.

Yours faithfully,

R K Trivedi