

CONTROL OF FAKE/SPURIOUS SEEDS IN TELANGANA

Standard Operating Procedures

1. Task Force teams for control of spurious seeds and unapproved HT cotton are constituted involving officials of Department of Agriculture, Seed Certification, Seeds Corporation and Department of Police.
2. **TASK FORCE TEAMS:** Two to Five Task Force teams are constituted in all the districts.
3. **QUALITY SEED:** The seed possessing minimum quality standards i.e. germination, seed moisture content, physical purity and genetic purity etc.
4. **HOW TO ENSURE SEED QUALITY:** Quality Seed is the foundation for productive agriculture. It must be produced, processed and packed properly for better yield and higher income for the farmers. The seed quality assurance involves rigorous monitoring of quality at various stages viz., production, processing, testing, storage, transit, distribution and marketing.
5. **SEED PRODUCTION:** In our country, three generations system of seed multiplication namely breeder seed (Golden yellow tag), foundation seed (White tag) and certified seeds (Azure blue tag) / labelled seed (Opal green) are followed to provides adequate safeguards for quality assurance in the seed multiplication. It flows from the breeder to the farmer through these generations.

Breeder Seed → Foundation Seed → Certified Seed/Labelled Seed

(Breeder seed is source for foundation seed and foundation seed is source for certified or labelled seed)

6. **CERTIFIED SEEDS/ LABELLED SEEDS:** The certified seeds/labelled seeds are sold to the farmers for commercial cultivation.
 - Certified Seeds (CS) are marketed with **Azure blue** tags (certified by certification authority)
 - Labelled seeds (LS) are marketed with **Opal green** label (Not certified by certification agency but quality declared by seed producers)

7. FAKE / SPURIOUS /SUB STANDARD SEEDS:

- Not produced as per the standard seed production procedures
- Not having field history and records
- Not meeting the seed standards like germination, purity, moisture etc
- Duplication and misbranding of popular varieties
- Cross purchases from seed growers of reputed companies
- Not possessing authentic tags / labels
- Selling of GRAIN as SEED
- Every container (i.e. bag, pouch, box, tin etc.) of seeds should be properly labelled
- The seed producer (public/private companies) is responsible for the information on the Label as per the law

8. HT cotton Seeds: These are the cotton seeds containing unapproved herbicide tolerant gene in general referred as BG-III, which are not approved by the Govt. of India for cultivation. The production and sale of such seeds is illegal in our country. The all cotton seed producing and selling producers/dealers have to state that there cotton seeds are free of HT gene.

9. PROCEDURE FOR INSPECTION OF THE PREMISES OF SEED PROCESSING PLANTS, SEED STORAGE GODOWNS (Including COLD STORAGE) AND DEALER POINTS

A. Inspection

- Verification of licence issued in form B or form C (renewal)
- Verify the authorisation certificate issued by the Seed Certification Authority
- Verification of the stock registers maintained for whole sale and retail seed stocks along with in-voices and delivery challans and stock entries
- Verify the actual stock with book balance (crop and variety wise)
- Verify the records of expired seed stock if any
- Verify the stock position depicted on stock board for whole sale and retail purposes

- Verify the cash/credit bills in the prescribed format and availability of crop and variety, lot no, and signature of seller and purchaser
- Prepare the inspection report duly recording the **rectifiable** and **non-rectifiable** contraventions
- Draw the samples as per the prescribed procedures by the concerned MAO and send the samples to the notified Seed Testing Laboratory.

B. The Task Force Teams may take action as follows

- Enter and search of all the points premises where the seed is stored , being sold, offer for sale to ensure compliance to the provisions of seed laws
- Examine records/registers/documents or any other materials connected
- May seize/detain the seed, if he/she has reasons to believe that the violation is committed as per Seeds Act,1966.

C. While Drawing Seed Sample: Whenever team intends to take sample of any seed of any crop or variety for analysis, he/she shall –

- Issue notice in prescribed format while taking the sample and draw the samples as per the prescribed procedures.

10. INSPECTION POINTS/PLACES

A. Seed Processing Plants:

- Check for authorisation of seed processing plant
- Check for Crop, Variety and Class wise identity of the seed lots
- Check for Lot numbers, No. of containers & Quantity
- Check for Quantity Unprocessed Seed, Cleaned Seed and Packed Seed
- Check for entry of seed lots in Stock registers with Grower Name & Address
- Check for Processing, Sampling, Guard samples, Seed Testing Reports from either in house or by notified lab etc.
- Check for packing, tags/labels used, unused and balance, if any

B. Seed Storage godowns / cold storages / Stock Points:

- Check for authorisation of the Seed storage godown
- Check for Crop, Variety, Class
- Check for Lot Numbers, No of containers & Quantity of seed crop & class wise
- Verify entry of seed lots in the stock registers with grower name & address
- Check for Quantity Unprocessed Seed, Cleaned Seed and Packed Seed as per the stock register

C. Seed dealer/ Distributer:

- Verify the Seed License and its validity
- Verify the form-II or release order for sale of seed
- Check for Name board, Stock board, Price list, etc.
- Verify the bills, delivery challans & invoices
- Verify the ground balance with the book balance
- Check if any expiry seed stock are noticed during the course of inspection and records

D. Transport Agencies**Verify..**

- Details of seed stocks with Way bills
- Interstate seed movement details if any

11. OFFENCES:

(A) The minor offences like procedural lapses, clerical mistakes, non-compliance to the time schedule etc., which do not have any linkage to the supply of inferior quality seed or non-compliance to labelling requirements, are categorized as rectifiable offences.

Sl. No.	Rectifiable contraventions	Contraventions of	Applicable action Section / Clause
1	Non-display of license at a conspicuous place	Terms and conditions no: I of Form – B	Issuance of Notice
2	Non-maintenance of book of accounts in the prescribed format	Clause 18 (1) of Seeds (Control) Order, 1983	Issuance of Notice
3	Issuance of credit/ cash bill in incomplete shape	Clause 9 of Seeds (Control) Order, 1983	Issuance of Notice
4	Non-display of stock and price list	Clause 8 of Seeds (Control) Order, 1983	Issuance of Notice
5	Maintaining bill book and register without seed inspectors attestation	Instructions issued from time to time	Issuance of Notice
6	Non-seeking deletion of premises from license, which is not in use	Terms and conditions no: (iv) of Form – B	Issuance of Notice
7	Non furnishing of Form – D, Seeds (Control) Order, 1983	Clause 18 (2) of Seeds (Control) Order, 1983	Issuance of Notice
8	Non – production of invoices as per Seeds (Control) Order, 1983	Clause 13 (a) Of Seeds (Control) Order, 1983	Detention
9	Non - production of certificate of source	Clause 13 (1) (a) Of Seeds (Control) Order, 1983	Detention
10	Non – furnishing of required information	Clause 13 (1) (a) Of Seeds (Control) Order, 1983	Detention
11	Conduct of business after expiry of license within grace period	Clause 7 Of Seeds (Control) Order, 1983	Detention
12	Selling of seed in damaged torn out container Seeds (Control) Order, 1983	Section 7 of Seeds Act, 1996, Clause 8 A of Seeds (Control) Order, 1983	Detention
13	Stocking of seed without possessing certificate of source	Instructions issued from time to time	Detention
14	Non-incorporation of premises in use for sale and storage, in license	Terms and conditions no: (iv) of Form - B	Detention

(B) The offenses of higher magnitude which have already caused damage to the interest of farmers or may cause similar damage to the productivity of that particular crop due to inferior quality seed are categorized as non-rectifiable irregularities:

Sl. No.	Non Rectifiable contraventions	Contraventions of	Applicable action Section/Clause
1	Selling of spurious (genetically impure) / substandard seed	Section of Seeds of Act, Clause 8 A of Seeds (Control) Order, 1983	Seizure
2	Selling of expired seed (check validity & revalidation)	Section of Seeds of Act, Clause 8 A of Seeds (Control) Order, 1983	Seizure
3	Selling of seed without license	Clause 3 (1) of Seeds (Control) Order, 1983	Seizure
4	Selling of illegal Bt cotton seed/ HT cotton seed	Rule 7,8,9 & 10 of Rules for the manufacture, use / import / export and storage of hazardous microorganism / genetically engineered organisms or cells, 1989	Seizure
5	Selling of Bt cotton seed without complying to GEAC terms and conditions for commercial release/ HT cotton seed	Rule 13 of Rules for the manufacture, use / import / export and storage of hazardous microorganism / genetically engineered organisms or cells, 1989	Seizure
6	Business of fly-by-night operators	Clause 3 (1) of Seeds (Control) Order, 1983	Seizure

THE AREAS WHERE THE AGRICULTURE DEPARTMENT AND THE POLICE DEPARTMENT SHALL TAKE ACTION FOR CONTROLLING SPURIOUS SEEDS

Sl. No.	Nature of Offence	Action that can be taken by Agriculture Department		Action that can be taken by the Police Department (on complaint)		Cognizable Non cognizable	On whose complaint the police to register the case
		Contravention	Punishment	Contravention	Punishment		
1	Selling of substandard seed of any crop i.e., less standard than prescribed like a. Less Genetic Purity b. Less Physical Purity c. Less Germination	Section 7 of Seeds Act, Clause 8 A of Seeds (Control) Order, 1983	Section 19 of Seeds Act, 1966 First Offence: Rs.500/- fine	Clause 8 A of Seeds (Control) Order, 1983	Section 7 of Essential Commodities Act 1955	Cognizable	On the complaint of concerned Seed Inspector, i.e., Mandal Agricultural Officer / Assistant Director of Agriculture, two Separate cases can be filed but ultimately two cases will be tried together by one court like case under section 138 N. Act and case filed by Police under Section 420 IPC
2	Selling of date expired seed	Section 7 of Seeds Act, Clause 8 A of Seeds (Control) Order, 1983	Section 19 of Seeds Act, 1966 First Proceedings under EC Act 1955Rs.500/- fine	Dealer is selling expired stock having known that it is expired, hence it is cheating activity. (PC 420 and Section 7 of EC Act 1955. (bailable) Upto 7 years imprisonment)		Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture or anyone could move criminal law into motion, 2002 (2) ALT (Cri) P.198.
3	Selling of any / all types of Seed without license	Clause 3 (1) of Seeds (Control) Order 1983	6A Proceedings Under EC Act 1955	Clause 3(1) Seeds (Control) Order, 1983	Section 7 of Essential Commodities Act 1955	Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture (R) on the Complaint of anyone or suo-moto.
4	Selling of seed by Companies / dealers with incorrect labelling	Section 6(b) and 7 (c) of 1966	Section 19 of Seeds Act 1966	IPC 487 (punishment with imprisonment for 3 years, (bailable) IPC 420 (B) section 7EC Act 1955		Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture (R)

5	Misrepresentation / misleading statements on Label with exaggerative Claims of yield etc.	Rule 10 of Seed Rules 1968	Section 19 of Seeds Act. 1966	IPC 420, IPC 487, IPC 120 (B) Section 7 of EC Act 1955	Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director (R)
6	Labelling of imaginary names of product without there being such authorized name and such variety of seed containing unauthorized seed	-	-	Punishable under Sections 420, 488, 471, 487 of IPC	Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture (R) on the complaint of anyone or suo-moto
7	Selling of loose seed, torn out containers in case of Cotton Seeds	Section 7 of Seeds Act 1966	Section 19 of Seeds Act. 1966	Contravention of Rule EP Rules 1989, Punishable Under Section 15 (1) of Environmental Protection Act 1986 Punishable with five years imprisonment	Cognizable as per Schedule II of Cr. P.C.	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture (R)
8	Business of fly-by-night Operators	Directors order by District Collector or recommendation of JD Agriculture district		IPC 420, IPC 487, IPC 120 (B) Section 7 of EC Act 1955 and 468 IPC	Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant (R) Director of Agriculture or on the complaint of anyone or suo-moto.
9	Storing or offering to sale of selling or transporting illegal Bt Cotton Seed	Rule 7 of EP Rules 1989	Section 15 (1) Environment Protection Act. 1986	IPC 420, IPC 487, 120 (B) & IPC 468 Police need to register the case on the complaint of the seed inspector and remand the accused based on such complaint.	Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture (R)
10	Diversion of subsidy seed for other purposes.	-	-	409 IPC	Cognizable	On the complaint of concerned Seed Inspectors i.e., Mandal Agricultural Officer / Assistant Director Agriculture or on the complaint or anyone or suo-moto.

SPECIFICATION FOR SEED TAG (For Certified Seeds)

Length : 15 cm

Breadth : 7.5 cm

Quality: It shall be made of durable material such as thick paper, paper with cloth lining, wax coated paper, plastic coated paper etc.

Colour: Both sides shall be white for Foundation class, Azure blue for Certified class and Opal green label for Truthfully Labelled seed.

Contents and Layout

TAG No.....	CA's	CERTIFIED SEED
KIND.....	EMBLEM	Class of seed.....
		Certificate No.....
		Date of issue of
Variety.....	Name &	Certificate.....
	Address of	Date of test.....
Lot	Certification	
No.....	Agency	
"Use of the seed after expiry of the validity period by any person is entirely at his risk and the holder of the certificate shall not be responsible for any damage to the buyer of seed. No one should purchase the seed if seal or the certification tag has been tempered with"		Certificate valid up to.....
		(Provided seed is stored under cool and dry environment)
		Validity of certificate further extended upto
Name and Full Address of the Seed Producer.....		

N B: If tag is to be affixed on a smaller container then the size of the tag may be reduced proportionately. However, length and breadth ratio and contents would remain the same.

SPECIFICATION FOR SEED LABEL (For labelled Seeds)

1. The length and breadth of the label should be 15 cm x 10 cm
2. The contents of the label should be as follows;
 - i. Label No.....
 - ii. Crop:
 - iii. Variety:.....
 - iv. Lot No.
 - v. Date, Month & Year of test.....
 - vi. Valid up to.....
 - vii. Germination (min):...
 - viii. Physical purity (min).....
 - ix. Genetic Purity (in case of variety) (min).....
 - x. Weight
- x a. Recommended for cultivation – name of the states or union territories and season
- x b. Adaptability of the variety- Areas
 - xi. Name of the chemical used for seed treatment, if seed is treated
 - xii. Name and address of the person who offers for sale, sells or otherwise supplies the seed