

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্যাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, সেপ্টেম্বর ১৩, ২০২১

Government of the People's Republic of Bangladesh
Ministry of Agriculture

NOTIFICATION

Dated : 08 September, 2021.

S.R.O. No.295-Law/2021.—The Government, in accordance with the serial no. 5 and 8 of the item no. 29B of the Schedule I (Allocation of Business among the different Ministries and Divisions) of the Rules of Business, 1996, is pleased to publish the following English Text of the Act (Act No. VI of 2018) to be called the Authentic English Text of the Act:

**The Seeds Act, 2018
Act No. VI of 2018**

An Act to repeal and re-enact the Seeds Ordinance, 1977 by updating the provisions with modifications thereof

WHEREAS all the Ordinances promulgated by Martial Law Proclamation during the period from 15 August, 1975 to 9 April 1979, have ceased to have effect due to omission of paragraph 3A and 18 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011), and the Constitution (Fifth Amendment) Act, 1979 (Act No. I of 1979) validating the Martial Law being declared void in the judgement pronounced by the Appellate Division of the Supreme Court of Bangladesh declaring the Martial Law unconstitutional in civil petition for Leave to Appeal No- 1044-1045/2009; and

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WHEREAS some of those Ordinances are kept in force by the Act No. VI of 2013; and

WHEREAS the Government has decided to make new laws in Bangla by way of amendment and modification of such Ordinances as may be considered necessary after reviewing the necessity and relevancy of such Ordinances and soliciting opinions thereon from all stakeholders and relevant Ministries or Divisions; and

WHEREAS it is necessary to provide for regulating the production, sale, storage, import, export, barter of seeds of a crop or variety, or matters connected with supply thereof by other ways and to determine its standard; and

WHEREAS in the light of the above mentioned decision of the Government, it is necessary and expedient to repeal and re-enact the Seeds Ordinance, 1977 (Ordinance No. XXXIII of 1977) by updating the provisions with modifications thereof;

THEREFORE, it is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be called the Seeds Act, 2018.

(2) It shall come into force at once.

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

- (2) “**Ordinance**” means the Seeds Ordinance, 1977 (Ordinance No. XXXIII of 1977);
- (2) “**agriculture**” means the production of food and fibre crops, and also includes horticulture production;
- (3) “**variety**” means a sub-division of a kind identifiable by growth, yield, plant, fruit, seed or any other characteristics;
- (4) “**container**” means any bag, barrel, bottle, box, cage, packet, sack, tin, pot, receptacle, wrapper, basket, pitcher, kola (large pottery made of clay), tukri (basket for carrying goods on head), pati (small basket) other receptacle or pot in which any article or thing is placed or packed;
- (5) “**prescribed**” means prescribed by rules;

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- (6) “**Registration Certificate**” means any Certificate of Registration issued by the Board according to section 8;
 - (7) “**notified crop or variety**” means the crops or varieties specified under sub-section (2) of section 7;
 - (8) “**crops**” means one or more related species or sub-species of crops each of which individually or collectively known by a common name, such as rice, wheat, potato, corn, etc.;
 - (9) “**person**” includes any person, institution, company, association, partnership business, firm or any other organisation;
 - (10) “**Board**” means the National Seed Board constituted under section 3;
 - (11) “**rules**” means rules made under this Act;
 - (12) “**seed**” means, except those used for drugs and narcotics, any alive embryo or breeding unit (propagator) capable of reproducing and generating plant of any of the following, such as—
 - (a) food grains, pulses and oil seeds, seeds of fruits and vegetables;
 - (b) seeds of fibre crops;
 - (c) seeds of flower and ornamental plants;
 - (d) seeds of forage crops, including seedlings, tubers, bulbs, rhizomes, root cutting, all type of grafts and other vegetatively propagated materials;
 - (13) “**Seed Dealer**” means any person involved in production of seeds or carrying on business of selling, storing, importing, exporting, bartering or otherwise supplying any seed of any crop or variety for agricultural purpose, but does not include the farmer producing or stocking seeds for his own use and for sale in the local hat-bazar by himself or through any other person;
 - (14) “**Seed Inspector**” means any person appointed under section 18;
 - (15) “**Seed Laboratory**” means any official Seed Testing Laboratory established or, as the case may be, declared as such under section 12;

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- (16) “**Seed Certification Agency**” means the Seed Certification Agency established under section 13;
- (17) “**Seed Analyst**” means any person appointed under section 21; and
- (18) “**Secretary**” means the Secretary to the Board.

3. National Seed Board.—(1) The Government shall constitute a Board to be called the National Seed Board consisting of Members specified in sub-section (2) to advise the Government on matters of proper implementation and proper application of this Act and to carry out other functions assigned to it under this Act.

- (2) The Board shall consist of the following Members, namely:—
- (a) Secretary, Ministry of Agriculture, who shall also be its Chairman;
 - (b) Chairman, Bangladesh Agriculture Development Corporation;
 - (c) Executive Chairman, Bangladesh Agriculture Research Council;
 - (d) Director General, Department of Agriculture Extension;
 - (e) a representative not below the rank of a Joint-Secretary, to be nominated by the Finance Department;
 - (f) Member Director (Seeds and Horticulture), Bangladesh Agriculture Development Corporation;
 - (g) Director General, Bangladesh Agriculture Research Institute;
 - (h) Director General, Bangladesh Rice Research Institute;
 - (i) Director General, Bangladesh Jute Research Institute;
 - (j) Director General, Bangladesh Institute of Nuclear Agriculture;
 - (k) Director General, Bangladesh Sugar Crop Research Institute;
 - (l) Director General, National Institute of Biotechnology;
 - (m) Executive Director, Cotton Development Board;
 - (n) Director, Seed Certification Agency;
 - (o) Director, Soil Resource Development Institute;
 - (p) Director, Plant Quarantine Wing, Department of Agricultural Extension;

- (q) a Professor of Bangladesh Agriculture University, to be nominated by the Vice-Chancellor, with experience in matters related to seeds;
- (r) a seed expert, to be nominated by the Government;
- (s) a representative of seed company, to be nominated by the Government;
- (t) two representatives of farmers experienced in agriculture, to be nominated by the Government;
- (u) a representative, to be nominated by the Bangladesh Society of Seed Technology;
- (v) a representative, to be nominated by the Bangladesh Plant Breeding and Genetics Association;
- (w) a representative, to be nominated by the Bangladesh Seed Association; and
- (x) Director General, Seed wing, Ministry of Agriculture, who shall also be its Secretary.

(3) The Seed Wing, Ministry of Agriculture, shall perform the secretarial duties of the Board.

(4) The Members nominated under clauses (q), (r), (s), (t), (u), (v) and (w) of sub-section (2) shall hold office for a period of 3 (three) years from the date of their nomination:

Provided that the Government may, if necessary, at any time, terminate any Member so nominated from his membership before the expiry of such period without showing any cause.

(5) The Members nominated under clauses (q), (r), (s), (t), (u), (v) and (w) of sub-section (2) may resign their membership, at any time, by writing under their hand addressed to the Chairman.

- (6) The membership of any member nominated shall be terminated, if he—
 - (a) absents himself from 3 (three) consecutive meetings of the Board without the permission of the Chairman;
 - (b) is declared to be of unsound mind by a competent court;
 - (c) is declared insolvent by a competent court or has not been released from such liability; or
 - (d) has been convicted of a criminal offence involving moral turpitude.

4. Meetings of the Board.—(1) Subject to the other provisions of this section, the Board shall, with the prior approval of the Government, determine the procedure of its meetings.

(2) The meetings of the Board shall be convened by the Secretary with the consent of the Chairman, and be held on such dates, times and places as may be determined by the Chairman.

(3) At least one meeting of the Board shall be held in each 6 (six) months, but in case of emergency, the meetings of the Board may be convened by a short notice.

(4) The Chairman shall preside over all meetings of the Board.

(5) To constitute a quorum at a meeting of the Board, the presence of at least 14 (fourteen) Members shall be required, but no quorum shall be required in the case of an adjourned meeting.

(6) At the meetings of the Board, each Member present shall have one vote, and in the case of equality of votes, the person presiding over shall have a second or a casting vote.

(7) The Board may invite any expert who is a representative of a concerned institution or any person capable to keep special contribution at the meeting, and the person may give a participatory opinion in the discussion of the meeting, but shall have no voting power.

(8) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

5. Duties of the Secretary.—The Secretary shall—

- (a) implement the decision of the Board; and
- (b) perform all other duties assigned by the Board, from time to time.

6. Constitution of the Committee.—(1) The Board may, subject to the prior approval of the Government, appoint one or more committees consisting wholly of the Members of the Board, or partly of the Members of the Board and partly of other expert persons or wholly of expert persons, as it thinks fit, for assisting it in discharging its functions.

(2) The numbers of Members, duties and the terms of reference of the committees of the Board constituted under sub-section (1), shall be determined by the Board.

7. Power to regulate the seed varieties and seed quality.—(1) The Government shall regulate the standard quality of seed of any kind or variety to be used and sold for the purpose of agriculture.

(2) If the Government, after consultation with the Board, is of opinion that it is necessary or expedient to regulate the sale, distribution, barter, import and export or otherwise supplying seed of any crop or variety, it may, by notification, in the official Gazette, determine such crop or variety to be notified crop or variety and different crops or varieties may be notified for different areas.

(3) Any new variety of notified crops developed by any government institution or individual shall be released with the approval of the Board upon recommendation of the committee constituted thereby and be registered by the Board.

(4) New varieties of non-notified crops imported or locally developed by any government institution or individual shall be registered in the prescribed manner with its characteristics.

(5) If any seed of a crop or variety is found harmful or likely to be harmful to agriculture, the Board may, by order, prohibit the sale, distribution, barter, import or otherwise supplying of that crop or variety and may take any other action.

Explanation.—“Non-notified crop” includes the seeds of a crop or variety not included in the notified crops or varieties.

8. Registration of Seed Dealer.—(1) No Seed Dealer shall carry on a business as Seed Dealer without having a Registration Certificate.

(2) If any person desires to carry on business as a Seed Dealer, he shall make an application on payment of fees for registration to the Board in such manner as may be prescribed.

(3) On receipt of the application under sub-section (2), the Board shall verify the information mentioned in the application and issue a Certificate of Registration as a Seed Dealer.

9. Classification of seeds.—The Government may, in consultation with the Board, classify seeds on the basis of its source, in such manner as may be prescribed.

10. Specification of necessary standard of the seed quality, etc.—The Government may, after consultation with the Board, by notification in the official Gazette, specify the following matters for the purpose of ensuring the quality of seeds, namely:-

- (a) the required criteria for germination rate, purity rate, seed moisture and other related factors or characteristics of seeds of any crop or variety; and
- (b) label or mark with reference to the standard mentioned in clause (a).

11. Control of sale of seeds of notified crops.—No Seed Dealer shall, himself or by any representative on behalf of him, sell, keep or offer to sell, barter, import, export or carry on any business of otherwise supplying any seed of a notified crop or variety, unless-

- (a) such crop or variety is registered by the Board;
- (b) such seed is identifiable as to its crop or variety;
- (c) it conforms to the standard mentioned in clause (a) of section 10;
- (d) the seed container is sealed, and the standard label or mark specified under clause (b) of section 10 is attached thereon; or
- (e) it complies with the terms and conditions of the Registration Certificate.

12. Seed Laboratory.—(1) The Government Seed Laboratory established under the Ordinance shall continue and conduct its activities as if it had been established under this Act.

(2) For carrying out the purposes of this Act, the Government may, if necessary, establish a Government Seed Laboratory at anywhere.

(3) The Government may, by notification in the official Gazette, declare any Seed Laboratory as a Government Seed Laboratory, if necessary.

13. Seed Certification Agency.—(1) The Seed Certification Agency, Regional Seed Certification Agency, District or Branch Seed Certification Agency established under the Ordinance shall continue as if it had been established under this Act.

(2) Among other things, the functions of the Seed Certification Agency shall be as follows, namely:—

- (a) to advise the seed producers on production, processing and quality control of seeds;
- (b) to advise the Board about de-notification of any crop or variety for their release or registration due to being low-yielding or its susceptibility to diseases and insects;
- (c) to carry out seed testing and inspection for the purpose of quality control of marketed seeds;
- (d) to collect samples of labeled or marked seeds and check their declared standards through appropriate test;
- (e) to collect data and information on production, processing and quality control of seeds;
- (f) to certify breeder, foundation and certified seeds of notified crops;
- (g) to certify the seeds of government and non-government institution;
- (h) to co-ordinate evaluation and release mechanism of notified crops;
- (i) to provide assistance to government and non-government institutions for increasing the use of developed seeds among farmers; and
- (j) to enforce the proper application of the provisions this Act and take legal action against the persons violating those.

14. Issuance of certificate by the Seed Certification Agency.—(1) If any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of a crop or variety, desires to have such seed certified by the Certification Agency, he has to make an application, on payment of fees, to the Seed Certification Agency for the issuance of a certificate in such manner as may be prescribed.

(2) On receipt of any such application for the issuance of certificate, the Certification Agency may, after scrutiny if satisfied that the seed to which the application relates conforms to the standard of sub-section (1) of section 10, issue a certificate on such terms and conditions as may be prescribed and, if the standard is not conformed, reject the application for reasons to be recorded in writing.

15. Revocation of certificate.—If any person—

- (1) obtains a certificate under section 14 by providing incorrect, false or misleading information,
- (2) fails to comply with the conditions of certificate specified therein, or
- (3) contravens any of the provisions of this Acts or rules,

the Seed Certification Agency shall, without prejudice to the power of taking legal proceedings under this Act, revoke the certificate after giving the person a reasonable opportunity of showing cause in the prescribed manner.

16. Appeal.—(1) If any person is aggrieved at a decision made by the Seed Certification Agency under section 15, he may, within 30 (thirty) working days from the date of such decision, prefer an appeal to such authority as may be specified by the Government in this behalf, and the appeal shall be disposed of in such manner as may be prescribed:

Provided that if the appellate authority is satisfied that the appellant had sufficient reason not to file the appeal in time, it may extend the period for further 30 (thirty) working days.

(2) On receipt of an appeal under sub-section (1), it shall be disposed of within 30 (thirty) working days and the decision of the appeal shall be deemed to be final.

17. Recognition of certificate issued by foreign Seed Certification Agencies of foreign countries.—For carrying out the purposes of this Act, on the recommendation of the Board, the Government may, by notification in the official Gazette, subject to fulfilment of such terms and conditions as may be prescribed, recognise any certificate issued by the Seed Certification Agency established in any foreign country.

18. Seed Inspector.—The Government may, by notification in the official Gazette, appoint such persons having the prescribed qualifications, to be Seed Inspectors and specify the areas within which they shall exercise jurisdiction.

19. Powers and duties of a Seed Inspector.—(1) The Seed Inspector may take samples of any seed of a crop or variety from the following persons, namely:—

- (a) any person or organisation selling seeds;
- (b) any person or organisation who is in the course of conveying, delivering or preparing to deliver seeds to a purchaser or a consignee; or
- (c) any purchaser or consignee of seeds.

(2) The Seed Inspector shall send samples collected under sub-section (1) to the Seed Analyst of relevant areas for test.

(3) The Seed Inspector may inspect any container of seed stored for sale in house or shop:

Provided that, if the owner or occupier of that house or shop prevents to open or unlock the door, the Seed Inspector may break open the door of that house or shop for open such seed container in presence of at least 2 (two) witnesses.

(4) While inspecting the seed, if the Seed Inspector has reason to believe that the seed stored for processing or marketing are adulterated, or pest and disease affected or not in suitable quality for yielding crop, he may seize, use and dispose of such seed in such manner as may be prescribed.

(5) For carrying out the purposes of this Act, the Seed Inspector may exercise all other necessary powers.

20. Procedure to be followed by Seed Inspector.—(1) If any Seed Inspector intends to collect samples of seed of a crop or variety for analysis, he shall—

(a) give notice in writing of such intention to the person from whom to collect sample; and

(b) collect 3 (three) representative samples in the prescribed manner marked and sealed or fasten up each sample in accordance with the nature of seed.

(2) After taking the samples of seed under sub-section (1), the Seed Inspector in the prescribed manner shall—

(a) deliver one of the collected samples to the person from whom it has been collected;

(b) send one of the samples to the Seed Analyst of relevant areas; and

(c) retain the remaining samples for producing it in any legal proceedings or for analysing by the Seed Laboratory under sub-section (2) of section 22.

(3) If the person, from whom the samples have been collected according to clause (a) of sub-section (2), refuses to accept such samples the Seed Inspector shall notify the Seed Analyst of such refusal in writing.

(4) After being notified according to sub-section (3), the Seed Analyst shall divide the samples sent according to clause (b) of sub-section (2) into 2 (two) parts and shall seal one of those parts and send it to the Seed Inspector either after receipt of samples or when he sends his report to the Seed Inspector, and the Seed Inspector shall preserve it, if required, for the production in any legal proceedings.

21. Seed Analyst.—For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, appoint such persons having the prescribed qualifications, to be the Seed Analyst and specify the areas within which they shall exercise their jurisdictions.

22. Report of Seed Analyst.—(1) The Seed Analyst shall, as soon as may be, on receipt of the samples under clause (b) of sub-section (2) of section 20, analyse the samples at the Seed Laboratory and send, in such form as may be prescribed, one copy of the report of result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample had been taken.

(2) Notwithstanding the provisions of sub-section (1), after institution of a prosecution under this Act, the accused may, on payment of prescribed fee, make an application to the court for sending any of the samples mentioned in clause (a) or clause (b) of sub-section (2) of section 20 to the Seed Laboratory for its report and, upon receipt of the application, the court shall first ascertain that the mark and the seal or fastening as mentioned in clause (b) of sub-section (1) of section 20 are intact and may dispatch the samples under its own seal to the Laboratory.

(3) The Seed Analyst shall thereupon send its report to the court in such form as may be prescribed, within 30 (thirty) days from the date of receipt of the sample, specifying the result of the analysis.

(4) The report given by the Seed Analyst under sub-section (3) shall prevail over the report given by the Seed Analyst under sub-section (1).

23. Import and export of seeds.—(1) No person shall export or import or cause to be exported or imported any seed of any crop or variety unless it conforms to the standard of seeds quality, and the container of such seeds bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified for that seed under section 10.

(2) Subject to being consistent with the standard of seed quality under section 10, seeds may be imported in such manner and quantity as may be prescribed for the purpose of research and adaptability testing.

(3) Subject to the prescribed standard mentioned in clause (b) of section 10, there shall be no restriction on import of seeds of non-notified crops.

(4) In the case of import and export of seeds under this Act, the Import Policy Order, Export Policy and Plant Quarantine Act, 2011 (Act No. V of 2011) and rules made thereunder shall be applicable.

24. Offences and punishments.—(1) If any person prevents or precludes in other way any Seed Inspector from discharging his duties under this Act, or violates any terms and conditions of selling of seeds of notified crops determined by the Government, such act shall be an offence.

(2) If any person commits any offence under sub-section (1), he shall be punished with simple imprisonment for a term which may extend to 90 (ninety) days, or with fine not exceeding Taka 50,000 (fifty thousand), or with both.

25. Punishment for abetment of offences.—If any person abets any other person to commit an offence under this Act, such act shall be an offence, and therefore the abetor shall be punished with the same penalty provided for the person who has committed the offence.

26. Punishment for repetition of the same offence.—If any person previously convicted of any offence mentioned in this Act, further commits the same offence, he shall be punished with double of the maximum penalty provided for the offence.

27. Cognizance of offences.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898), no court shall take cognizance of any offence under this Act without any complaint made by the Seed Inspector in writing in such manner as may be prescribed.

28. Application of the Mobile Court Act, 2009.—Notwithstanding anything contained contrary in any other provisions of this Act, the offences committed under this Act shall be tried under the Mobile Court Act, 2009 (Act No. LIX of 2009), subject to inclusion thereof into the Schedule of that Act.

29. Offences committed by a company.—(1) If any offence under this Act is committed by any company, the owner, director, manager, secretary or any other officer of the company who was in charge of the director of the company at the time of commission of such offence shall be deemed to have committed the offence, unless he proves that the offence was committed beyond his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purpose of this section—

- (a) “company” means any body corporate and also includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner of the firm.

30. Cognizability of offences.—The offences committed under this Act shall be non-cognizable and bailable.

31. Power to make rules.—For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

32. Repeal and savings.—(1) Upon the commencement of this Act, the Seeds Ordinance, 1977 (Ordinance No. XXXII of 1977), hereinafter referred to as the said Ordinance, shall stand repealed.

(2) Notwithstanding such repeal under sub-section (1),—

- (a) any act done and measures taken or proceedings initiated under the said Ordinance, shall be deemed to have been done, taken or initiated under this Act; and
- (b) any rules made, notifications issued, order given, certification and certificate issued under the said Ordinance shall, if remains in force immediately before such repeal, be deemed to have been made, issued, given and issued under this Act, subject to not being inconsistent with any provision of this Act.

By order of the President

Md. Mesbahul Islam

Senior Secretary.