

The Seeds Act, 2045 (1988)

Date of the Royal Seal and the Publication
2045-7-10 B.S. (26 Oct 1988 A.D.)

Act No. 15 of the year 2045 (1988)

An Act Made to Make Provisions Relating to Seeds

Preamble. Whereas, it is expedient to maintain the convenience and economic interest of the general public by providing the Seeds of quality-standards in a well planned manner upon producing, processing and testing the Seeds of high quality-standards to have the production of different crops increased.

Now, therefore, His Majesty King Birendra Bir Bikram Shah Dev has, on the advice and with consent of the National Panchayat, enacted this act.

1. Short Title and Commencement:

- 1.1 This Act may be called “The Seeds Act, 2045 (1988)”
- 1.2 This Act shall come into force in such areas on such dates as may be appointed by His Majesty's Government by a notification published in the Nepal Gazette*.

2. Definitions:

- 2.1 Unless the subject or context otherwise requires, in this Act-
 - 2.1.1 “Seeds” means a matured ovule having embryonic plant, food substance and protective cover or seeds or germ which can be used in sowing or planting to produce crops by reproducing in a sexual or asexual mode.

As per the notice published in the Nepal Gazette of 2046-4-30 B.S. (14 Aug. 1989 A.D.), it has been appointed that the Act shall come into force in Kathmandu, Bhaktapur and Lalitpur Districts from 1 Bhadra 2046 B.S. (17 Aug. 1989 A.D.)*.

- 2.1.2 “Crops means crops such as fruits, cereals, vegetables, cash crops and grass crops.
- 2.1.3 “Agricultural Activity” means the activity of producing cereals, fruits, legumes, oil crops, vegetables, cash crops and grass.
- 2.1.4 Board” means the National Seeds Board constituted pursuant to Section 3.
- 2.1.5 “Laboratory” means the Central Seeds Testing Laboratory established pursuant to Section 9, and this term also includes other laboratories under this Laboratory.
- 2.1.6 “Notified Seeds” means the seeds prescribed pursuant to Section 11.
- 2.1.7 “Container” means a box, tin can, bottle, bag, jute-bag, bin, barrel or similar other container used to store the seeds.
- 2.1.8 “Breeder” means a person, organization or body which brings into use any variety of the crops by producing or selecting it for the first time.
- 2.1.9 “Kind” means the kind of the plants of one or several close species or sub-species which is identifiable individually or collectively and usable in the Agricultural Activity.

- 2.1.10 “Variety” means the variety of the plants that can be used in the Agricultural Activity and easily identified collectively by way of fruits, seeds, growth, yield or similar other characteristics.
- 2.1.11 “Label” means a description relating to the Seeds affixed on the Container in a visible manner.
- 2.1.12 “Prescribed” or “As Prescribed” means prescribed or as prescribed in the Rules framed under this Act.

3. Constitution of National Seeds Board:

- 3.1 There shall be constituted a National Seeds Board to formulate and implement policies relating to the Seeds and to give necessary advice to His Majesty's Government on the matters pertaining to the Seeds.
- 3.2 The Board shall comprise the following members:
 - 3.2.1 Secretary, Ministry of Agriculture-Chairman
 - 3.2.2 Deleted by the notice of His Majesty's Government, Agriculture Ministry, published in the Nepal Gazette dated 2047-5-4 B.S. (20 Aug, 1990 A.D.).
 - 3.2.3 Director General, Department of Agricultural - Member
 - 3.2.4 Chief, National Agricultural Research and Service Centre -Member
 - 3.2.5 General Manager, Agricultural Inputs Corporation - Member
 - 3.2.6 General Manager, Agricultural Development Bank - Member
 - 3.2.7 Chief, Seeds Department, Agricultural Inputs Corporation Member
 - 3.2.8 Three Scientist related with agriculture, veterinary and forest science, nominated by His Majesty's Government - Member
 - 3.2.9 Seeds Expert, Agriculture and Veterinary Science Institute, Tribhuvan University - Member
 - 3.2.10 Two Seeds Entrepreneurs nominated by His Majesty's Government - Member
 - 3.2.11 Person designated by His Majesty's Government Member- Secretary
- 3.3 The term of office of the Members nominated by His Majesty's Government pursuant to sub sections 3.2.8 and 3.2.10 shall be three years, and they may be re-nominated after the expiry of their term of office.
- 3.4 Notwithstanding anything contained in sub-section 3.3, His Majesty's Government may remove any member nominated pursuant to sub-sections 3.2.8 and 3.2.10 prior to the expiry of his term of office.
- 3.5 His Majesty's Government may, by publishing a notification in the Nepal Gazette, make necessary addition or subtraction or alteration in the membership of the Board, if it deems necessary.
- 3.6 The Board may, if it deems necessary, invite any native or foreign expert or adviser to take part in a meeting of the Board as an observer.

4. Meeting and Decision of the Board:

- 4.1 The meeting of the Board shall be held on such date, in such time and place as appointed by the Chairman of the Board
- 4.2 If fifty percent Members of the total number of Members of the Board are present at a meeting of the Board, it shall be deemed to constitute a quorum for the meeting.
- 4.3 The meeting of the Board shall be chaired by the chairman of the Board and in the event of his absence, it shall be chaired by a Member selected by the Member's present at the meeting from amongst themselves.

- 4.4 The opinion of the majority shall prevail at the meeting of the Board, and in the event of ties, the Chairman shall exercise the casting vote
- 4.5 The decision of the Board shall be authenticated by the Member-Secretary.
- 4.6 Other procedures relating to the meetings of the Board shall be as determined by the Board itself.

5. Functions, Duties and Powers of the Board:

- 5.1 To provide advice to His Majesty's Government to formulate the national policy relating to the Seeds
- 5.2 To maintain co-ordination between the private and government sectors in the activity of the production and distribution of the Seeds.
- 5.3 To encourage the private sector to make investment in the Seeds industry.
- 5.4 To regulate or control or cause to be regulated or controlled, the quality-standards of the Seeds to be produced by the Seeds Industries operated in the private or Government sector.
- 5.5 To approve, release and register the Seeds of new variety as prescribed.
- 5.6 To test the specialty, uniformity and permanency of the Seeds of new Variety and grant the right of ownership to the Breeder as prescribed.
- 5.7 To determine the quality-standards of the Seeds.
- 5.8 To approve the quality-standards of the Seeds determined by native or foreign bodies as per necessity.
- 5.9 To carry out other necessary activities relating to the Seeds.

6. Power to Constitute Sub-Committees:

- 6.1 The Board may, as per necessity, constitute different sub-committees for the purpose of making available the qualitative Seeds by smoothly carrying out the act of production, processing and sale and distribution of the Seeds.
- 6.2 The functions, duties and powers as well as procedures relating to the meetings of the sub-committees shall be as prescribed.

7. Establishment of Seeds Authentication Body:

His Majesty's Government may, by publishing a notification in the Nepal Gazette, establish a Seeds Authentication Body to carry out the functions relating to the authentication of the Seeds.

8. Functions, Duties and Powers of Seeds Authentication Body:

- 8.1 The functions, duties and powers of the Seeds Authentication Body shall be as follows:-
 - 8.1.1 To prepare necessary prerequisites relating to the authentication of the Seeds and submit them to the Board.
 - 8.1.2 To authenticate the Seeds in consonance with the mode, level and parameter approved by the Board and grant the certificate as per necessity.
- 8.2 Other functions, duties and powers of the Seeds Authentication Body and the procedures required to be followed by such Body while authenticating the Seeds shall be as prescribed.

9. Establishment of Central Seeds Testing Laboratory:

- 9.1 His Majesty's Government may, by publishing a notification in the Nepal Gazette, establish a Central Seeds Testing Laboratory to carry out the testing of the Seeds and other acts pertaining thereto.

- 9.2 Seeds Testing Laboratories may, as per necessity, be established in different places of the Kingdom of Nepal, subject to the control and supervision of the Laboratory established under sub-section 9.1
- 9.3 His Majesty's Government may, prescribing the necessary conditions, confer powers even to a Seeds Testing Laboratory established in the non-government sector to test the Seeds under this Act.

10. Functions, Duties and Power of Laboratory:

The functions, duties and powers of the Laboratory shall be as prescribed.

11. Powers to Notify the Kind or Variety of the Seeds:

If His Majesty's Government deems it necessary to regulate and control the quality standards for any Kind or Variety of the Seeds to be used for the Agricultural Activity, it may, in consultation with the Board, prescribe the Seeds of such Kind or Variety as the Notified Seeds, by publishing a notification in the Nepal Gazette, and while so prescribing it may also prescribe the Kind or Variety of the Seeds appropriate for different regions.

12. To Prescribe Minimum Level of Germination and Purity of Seeds:

12.1 His Majesty's Government may, in consultation with the Board, prescribe the following matters by publishing a notification in the Nepal Gazette.

12.1.1 Minimum level of germination and purity in regard to any Seeds out of the Notified Seeds, and

12.1.2 Other, description to be mentioned on the Label.

13. Restriction on the Sale and Distribution of the Notified Seeds:

13.1 No person shall sell the notified Seeds, keep them for sale, give, exchange or provide them to anyone in any other manner if:

13.1.1 The Kind or Variety thereof is unidentifiable

13.1.2 They are not in conformity with the minimum level of germination and purity prescribed pursuant to sub-section 12.1.2,

13.1.3 They are kept in a Container on which the Label containing the details prescribed pursuant to sub-section 12.1.2 is not affixed, and

13.1.4 They are not in conformity with other terms as prescribed

13.2 The Seeds of the notified Kind or Variety determined to be appropriate for a specific area shall not be Sold, or caused to be Sold, for the areas other than the prescribed area.

14. Prohibition on Sale of Seeds Treated With Pesticides:

The Seeds treated with pesticides shall not be sold for other purpose except for the Agricultural Activities and for the purpose as prescribed.

15. To Obtain Permit to Export or Import the Notified Seeds:

15.1 Any person desiring to export or import the Notified Seeds of any Kind or Variety shall have to submit an application, accompanied by the details as prescribed, to the prescribed authority for a permit to export or import the same.

15.2 Upon receiving an application pursuant to sub-section 15.1, an industry established with an objective of exporting or importing the Seeds may export or import the Notified Seeds by giving such details of the Notified Seeds intended to be exported or imported as prescribed to the prescribed authority.

- 16. Appointment of Seeds Inspector and Analyst.**
His Majesty's Government may, for the purpose of this Act, appoint Seeds Inspectors and Seeds Analysts as per necessity, In cases where Seeds Inspectors or Seeds Analysts have not been so appointed, His Majesty's Government may designate any other employee to carry out the functions of such Inspectors or Analysts.
- 17. Functions, Duties and Powers of the Seeds Inspector and Analyst:**
The functions, duties and powers of the Seeds Inspector and Seeds Analyst shall be as prescribed.
- 18. Recognition by His Majesty's Government:**
His Majesty's Government may, in consultation with the Board and by publishing a notification in the Nepal Gazette, grant recognition to a foreign or international organization examining or authenticating the Seeds, for the purpose of the Act.
- 19. Punishment:**
- 19.1 Any person who sells or causes to be sold the Notified Seeds in contravention of Section 13 shall be punished with a fine of up to three thousand rupees.
- 19.2 Any person who sells or causes to be sold the Seeds treated with pesticides in contravention of Section 14 shall be punished with a fine of up to two thousand rupees and such seeds shall also be seized.
- 19.3 Any person who exports or imports, or causes to be exported or imported, the Notified Seeds in contravention of Section 15 shall be punished with a fine of up to one thousand rupees.
- 19.4 Any person who carries out or causes to be carried out, any activity in contravention of this Act and the Regulation framed hereunder save the activity set forth in the above sub-sections shall be punished with a fine of up to five hundred rupees.
- 20. State Case:**
Cases under the Act shall be state cases of His Majesty's Government.
- 21. Investigation and Institution of Cases.**
- 21.1 The Seeds Inspectors shall investigate the cases relating to the offences punishable pursuant to this Act and, shall after the completion of such investigation institute the cases to the authority empowered to hear the case.
- 21.2 While investigating and instituting the case pursuant to sub-section 12.1, the Seeds Inspector may consult the Government Attorney, after the institution of the case, the Government Attorney shall carry out the pleading, dealing with and appealing in the case.
- 22. Power to Hear Cases:**
- 22.1 The authority as prescribed shall have the power to hear the case under this Act.
- 22.2 In hearing and settling the case pursuant to sub-section 22.1, the prescribed authority shall follow the procedures as referred to in the Special Court Act, 2031 (19674).
- 23. Saving of Actions Carried Out in Good Faith:**
Seeds Inspector or Seeds Analyst or any employee authorized to act under this Act shall not be personally liable for any act and action carried out in good faith in the course of discharging his functions pursuant to this Act.

Provided that the concerned person shall be liable for any act carried out by him with an intent of causing unnecessary harm, harassment or trouble to anyone.

1. **Power to Frame Rules:**

His Majesty's Government may frame necessary Rules in order to carry out the objectives of this Act.

