

Translation Copy of Seeds Act, 2045 B.S. (1988 A.D.) from the booklet published by the **Seed Quality Control Centre (SQCC)**, Hariharvawan, Lalitpur, Nepal and as assigned by SQCC.

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Signature:

Date: 12 June, 2014

Certificate Number of the Notary Public: 2273

Expiry of the term of Notary Public: 10 June 2016

Seal of the Notary Public:

Seeds Act, 2045 B.S. (1988 A.D.)

Date of authentication and Publication:

2045/7/10/4 (26 October, 1988)

Amending Act:

1. Seeds (First Amendment) Act, 2064 BS (2008 AD)

2064.10.10.5 (24 January 2008)

Act No. 15 of the year 2045B.S. (1988 A.D.)

An Act made to make provisions relating to Seeds

Preamble: Whereas, it is desirable to maintain the convenience and economic interest of the general public by providing the Seeds of quality-standards in a well managed way through producing, processing and testing the Seeds of high quality-standards in order to have the production of different crops increased.

Now, for that reason, His Majesty King Birendra Bir Bikram Shah Dev enacted this Act on the advice and with consent of the *Rastriya Panchayat*.

1. Short Title and Commencement:

1.1 This Act may be called as “Seeds Act, 2045 B.S. (1988 A.D.)”

1.2 This Act shall come into force ^Ø in such areas on such dates as may be set by Government of Nepal 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.

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 food grains cereals/ pulses, fruit, oil seeds, vegetables, cash crops and grasses.

2.1.4 “Board” means the National Seeds Board constituted pursuant to Section 3.

2.1.5 “Laboratory” means Seed Testing Laboratory established pursuant to Section 9.

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 seeds.

□ As per the notice dated 2046/4/10 BS (14 August 1989) published in Nepal Gazette, this Act is set to be effective in Kathmandu, Bhaktapur and Lalitpur Districts from 1st of Bhadra 2046 BS (17 August 1989).

As per the notice dated 2061/10/1 BS (14 January 2005) published in Nepal Gazette, this Act is set to be effective in Taplejung, Paanchthar, Ilam, Jhapa, Dhankuta, Morang, Sunsari, Saptari, Silara, Dhanusha, Sarlahi, Mohattari, Rautahat, Bara, Parsa, Makawanpur, Chitwan, Nuwakot, Kaski, Nawalparasi, Rupandehi, Kapilbastu, Daang, Baanke, Bardiya, Kailali, Baitadi, Darchula, Dadeldhura and Kanchanpur Districts from 1st of Magh 2061 BS (14 January 2005)

As per the notice dated 2061/4/14 BS (29 July 2013) published in Nepal Gazette, this Act is set to be effective in Udayapur, Bhojpur, Okhaldhunga, Solukhumbu, Sankhuwasabha, Tehrathum, Khotang, Dhading, Rasuwa, Kavrepalanchowk, Sindhupalchowk, Dolakha, Ramechhap, Sindhuli, Gorkha, Lamjung, Syangja, Palpa, Gulmi, Arghakhachi, Parbat, Baglung, Myagdi, Mnustang, Manang, Surkhet, Rolpa, Salyan, Pyuthan, Rukum, Dailekh, Jumla, Humla, Mugu, Jajarkot, Dolpa, Kalikot, Doti, Accham, Bajhang, and Bajura Districts from 14th of Sharawan 2070 BS (29 July 2013)

- 2.1.8 “Breeder” means a person, organization or body which brings into use any variety of a crop by breeding[◇] or selecting it for the first time.
- 2.1.9 “Type” means all close species or sub-species of any plant that is identified or identifiable by the same general name.
- 2.1.10 “Variety” means a group of plants with similar genotypic characters ranking lowest in botanical classification, distinguished from other plant groups in at least one character and its character remain unchanged during propagation.
- 2.1.11 “Label” means a description relating to seeds (label)[□] affixed on the Container in a legible 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 National Seeds Board shall be constituted to formulate and implement policies relating to seeds and give necessary advice to Government of Nepal on the matters relating to the seeds.

[◇]3.2 There will be following chairperson and members in the Board:

- 3.2.1 Secretary, Ministry of Agriculture and Co-operatives -**Chairperson**
- 3.2.2 Director General, Department of Agriculture - **Member**
- 3.2.3 Executive Director, Nepal Agricultural Research Council - **Member**
- 3.2.4 Managing Director, Agricultural Inputs Company Ltd. - **Member**
- 3.2.5 General Manager, Agricultural Development Bank - **Member**
- 3.2.6 Managing Director, National Seed Organization Ltd. - **Member**
- 3.2.7 Three Scientists including woman related to Olericulture, Agronomy and Pasture nominated by Government of Nepal.
- **Member**

[◇] Amended by the First Amendment.

[□] Inserted by the First Amendment.

[◇] Amended by the First Amendment.

- 3.2.8 Seed Expert (At least Associate professor), Institute of Agriculture and Animal Science, Tribhuvan University. **- Member**
- 3.2.9 Two Seed Entrepreneurs including one woman nominated by the Government of Nepal **- Member**
- 3.2.10 Two Seed producer and farmer including one woman nominated by the Government of Nepal **- Member**
- 3.2.11 Chief, Seed Quality Control Centre **-Member Secretary**

- ◇3.3 The tenure of nominated Members pursuant to Sub-sections 3.2.7, 3.2.9 and 3.2.10 shall be two years.
- 3.4 Notwithstanding anything contained in Sub-section 3.3, the Government of Nepal may remove any member nominated pursuant to Sub-sections 3.2.7, 3.2.9 and 3.2.10 prior to the expiry of his/her term of office.
- 3.5 If it deems necessary, the Government of Nepal may make necessary addition or deletion or alteration in the membership of the Board by publishing a notice in the Nepal Gazette.
- 3.6 If it deems necessary, the Board may 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 Board meeting shall be held on a date, time and place as asked by the Chairperson.
- 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 have met a quorum for the meeting.
- 4.3 The meeting of the Board shall be presided by the chairperson and in the event of his absence; it shall be chaired by a Member selected by the Member's present at the meeting.
- 4.4 The opinion of the majority shall prevail at the meeting of the Board, and in the event of ties, the Chairperson shall exercise the casting vote

◇ Amended by the First Amendment.

- 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 taken place as determined by the Board itself.

5. Functions, Duties and Powers of the Board:

- 5.1 To provide advice to the Government of Nepal to formulate national policy on Seeds
- 5.2 To maintain co-ordination between private and government sectors in production and distribution of the seeds
- 5.3 To encourage the private sector to invest in the seed industry.
- ◇5.4 To regulate or control, cause to regulate or control the quality-standards of the seeds to be produced within Nepal or imported from abroad.
- 5.5 To approve, release and register the seeds of new variety as prescribed.
- 5.6 To test the distinctness, uniformity and stability 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 seeds.
- 5.8 To approve the quality-standards of Seeds determined by native or foreign bodies as per the necessity.
- 5.8a To give advice to the Government of Nepal on service charges relating to Seeds,
- 5.8b To give advice to the Government of Nepal on the notification of the type and variety of crops.
- 5.8c To cancel the license of a person who has operated laboratory without renewal.
- 5.8d To take examination of Crop Inspector, Seed Sampler and Seed Analyst for license to work.
- 5.9 To carry out other necessary activities relating to seeds.

◇ Amended by the First Amendment.

□ Inserted by the First Amendment.

□ Inserted by the First Amendment.

□ Inserted by the First Amendment.

□ Inserted by the First Amendment.

6. Power to Constitute Sub-Committees:

- 6.1 The Board may, as per necessity, constitute different subcommittees for the purpose of making available good quality seeds by smoothly carrying out the act of production, processing and sale and distribution of 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 Quality Control Centre:** Government of Nepal may, by publishing a Notification in the Nepal Gazette, establish a Seeds Quality Control Centre in order to control, examine and authenticate the quality of seeds."

8. Functions, Duties and Powers of Seeds Quality Control Centre:

- 8.1 The functions, duties and powers of the Seeds Quality Control Centre[€] shall be as follows:-
- 8.1.1 To prepare necessary prerequisites in relation to quality control[♦] and authentication of the seeds and submit them to the Board.
- 8.1.2 To certify seeds in consonance with the mode, level and parameter approved by the Board and grant certificate as per necessity.
- 8.1.3 To monitor the activities of the person or organization, who has obtained the license pursuant to Sub-section 9.4, whether the terms and conditions have been complied with or not.
- 8.2 Other functions, duties and powers of the Seeds Quality Control Centre[•] and the procedures required to be followed by such centre during quality control and certification of[•] the seeds shall be as prescribed.

◇ Amended by the First Amendment.

□ Amended by the First Amendment.

□ Inserted by the First Amendment.

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9. Establishment of Seed Testing Laboratory:

- 9.1 Government of Nepal 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 As per necessity, Seeds Testing Laboratories may be established in different places of Nepal,* subject to the control and supervision of the Laboratory established under Sub-section 9.1.
- ∞9.3 Any person or organization who intends to establish and operate laboratory in private sector, has to make an application to the Board in a prescribed format with prescribed fees.
- *9.4 If the application obtained pursuant to Section 9.3 is found appropriate upon the evaluation the Board may provide license to establish and operate laboratory under the prescribed terms and conditions.
- *9.5 Notwithstanding anything contained in this Section, Seed Testing Laboratories established in private sector prior to this Act, shall take license in accordance with this Act within one year from commencement of this Act.

10. Functions, Duties and Powers of Laboratory: The functions, duties and powers of the Laboratory shall be as prescribed.

∅10A. Renewal:

- 10A.1** The license of the laboratory which is established pursuant to this Act shall be renewed every year.
- 10A.2** If a laboratory, which is established pursuant to this Act, fails to renew its license on time as prescribed in Sub-section 10A.1, the license shall ipso facto be cancelled and the Board may cause to close such laboratory.

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- deleted from the First Amendment
□ Amended by the First Amendment
□ Amended by the First Amendment
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□ Inserted by the First Amendment.
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11. Power to Notify the Type of seeds or Variety: If the Government of Nepal deems it necessary to regulate and control the quality for any type of seeds or variety to be used for agricultural purpose, it may, in consultation with the Board, prescribe the seeds of such type or variety as the Notified Seeds, by publishing a notice in the Nepal Gazette, and while prescribing it may also prescribe the type of seeds or variety appropriate for different regions.

∅11A. License to be obtained:

11A.1 If any person or organization is interested to sell and distribute seeds s/he has to submit an application to the prescribed Officer along with prescribed fees in a prescribed format and obtain the license as prescribed.

11A.2 If the sales and distribution of seeds has been done without taking license pursuant to Subsection 11A.1, Crop inspector shall seize such seeds.

11B. Unnotified seeds shall not be sold and distributed:

11B.1 Except for the purpose of agricultural research, nobody shall sell and distribute seeds which are not notified pursuant this Act.

11B.2 if anybody is found selling seeds which are not notified as pursuant to Sub-section 11B.1, Crop inspector shall seize such seeds.

***12. May prescribe minimum quality standard of seeds:** The Government of Nepal may, in consultation with the Board, and by publishing a notice in the Nepal Gazette, prescribe the minimum quality standard of any seed out of the Notified Seeds.

13. Sale and Distribution of Notified Seeds:

□ Inserted by the First Amendment
□ Amended by the First Amendment

13.1 Any person or organization who sells and distributes the Notified Seeds shall mention the following descriptions in the container of the seed:

13.1.1 The type of seeds and Variety,

13.1.2 The minimum quality standard prescribed pursuant to Section 12,

13.1.3 Description thereof, if treatment has been done by using a chemical substance,

13.1.4 Other necessary matters as prescribed.

13.2 Notwithstanding anything contained in Sub-section 13.1, the type of notified seeds and variety which has been recommended by breeder for a specific region shall not be sold or caused to sell outside that region.

⊗**14.**

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

15.1 Any person interested to export or import the type or variety of Notified Seeds shall have to submit an application, accompanied by *the fees and the details as prescribed, to the designated authority for export or import permit.

15.2 The designated authority may provide approval upon receiving an application pursuant to Sub-section 15.1.

15.3 Notwithstanding anything contained in Sub-section 15.1, an industry established with an objective of exporting or importing seeds may export or import the Notified Seeds by giving prescribed details of the Notified Seeds intended to export or import to the designated authority.

∅**15A. Powers to restrict the export or import:** The Government of Nepal may restrict the import of the seeds of a specific Variety which may damage or affect adversely the agricultural activities in

□ repealed by the First Amendment
□ Amended by the First Amendment
□ Inserted by the First Amendment

Nepal or the export of seeds of a specific notified variety that should not be exported on the basis of risk analysis by publishing a notice in the Nepal Gazette.

***16. Provisions relating to the Crop Inspector, Seed Sampler and Seed**

Analyst:

- 16.1** The Government of Nepal as per necessity may appoint any Crop Inspectors, Seed Sampler and Seed Analyst who has qualification as prescribed.
- 16.2** In cases, when Crop Inspectors, Seed Samplers and Seed Analysts have not been appointed, the Government of Nepal may designate any civil employee meeting required qualification, to carry out the functions of Crop Inspector, Seed Sampler or Analysts.
- 16.3** Except otherwise provided in Sub-section 16.1 and 16.2, nobody should inspect crops, collect seed samples and analyze seeds.
- 16.4** A person who intends to obtain a license pursuant to Sub-section 16.3 and has the qualification as prescribed has to pass the examination to be taken by the Board.
- 16.5** A person who has passed the examination pursuant to Subsection 16.4 has to submit an application in a prescribed format and along with the prescribed fees to the Board for a license to carry out the business of Crop Inspector, Seed Sampler or Seed Analyst.
- 16.6** If an application is submitted pursuant to Sub-section 16.5, the Board shall issue a license in a prescribed format with prescribed conditions upon receiving the prescribed fees and the license issued in such a way shall be valid for a period of two years.
- 16.7** The license issued pursuant to Sub-section 16.6 shall be renewed as prescribed.
- 16.8** In case the license is not renewed pursuant to Sub-section 16.7, such license shall ipso facto be cancelled.

□ Amended by the First Amendment

16.9 Other procedures relating to the examination pursuant to Sub-section 16.4 shall be as prescribed.

***17. Functions, Duties and Powers of Crop Inspectors, Seed Samplers or Seed Analysts:** The functions, duties and powers of the Crop Inspectors, Seed Samplers or Seed Analysts shall be as prescribed.

17A. Service Charges may be levied:

17A.1 The Government of Nepal may collect service charges for providing services pursuant to this Act, as prescribed by publishing a notice in the Nepal Gazette.

17A.2 A person or organization may collect service charges pursuant to this Act as approved by the Board.

18. Recognition by Government of Nepal: Government of Nepal may grant recognition to a domestic or foreign or international organization[∅] which tests or certifies seeds or tests a variety for the purpose of the Act in consultation with the Board and by publishing a notice in the Nepal Gazette.

[∅]**18A. Ownership to be maintained:** The ownership of the seeds of local varieties of crops which are traditionally in use in Nepal shall be maintained as prescribed.

***19. Punishments:**

19.1 Any person who operates laboratory without obtaining the license pursuant to Section 9 shall be fined Fifty Thousand Rupees.

∅ Amended by the First Amendment
∅ Inserted by the First Amendment
∅ Inserted by the First Amendment
∅ Amended by the First Amendment

- 19.2 Any person who sells or distributes or causes for the same in contravention of Section 11A and 11B shall be fined from Ten Thousand Rupees to Twenty Thousand Rupees.
- 19.3 Any person who sells/ distributes or causes for the same without mentioning the descriptions as referred to in Section 13 shall be fined from Ten Thousand rupees to Fifteen Thousand Rupees.
- 19.4 Any person who carries out an act in contravention of Section 16.3 shall be fined Twenty Five Thousand Rupees.
- 19.5 Any person or organization performing activities other than those mentioned in Sub-section 19.1, 19.2, 19.3, and 19.4 in contravention of this Act and the Rules framed hereunder shall be fined from Ten Thousand Rupees to Twenty Thousand Rupees.

20. Government to be plaintiff: The Government of Nepal shall be the plaintiff in the cases under this Act.

21. Investigation and Lodging of Cases.

- 21.1 The Seed Sampler* shall investigate the cases relating to the offences punishable pursuant to this Act and after the completion of such investigation shall lodge the case before the Adjudicating Authority empowered to hear the case.
- 21.2 While investigating and instituting the case pursuant to Subsection 21.1, the Seed Sampler* may seek opinion of the Government Attorney. After the lodging of the case, the Appellate Government Attorney shall carry out the pleading 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.

□ Amended by the First Amendment
□ Amended by the First Amendment

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, 2059 (2003).

23. Saving of Actions Carried Out in Good Faith: *Crop Inspectors or Seed Samplers or Seed Analysts 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/her functions pursuant to this Act.

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

24. Power to Frame Rules: The Government of Nepal may frame necessary Rules in order to carry out the objectives of this Act.

Transformations:

1. Words altered by Special Court Act, 2059 B.S. (2002 A.D.):
The words "Special Court Act, 2059 B.S. (2002 A.D.)" has been converted in place of "Special Court Act, 2031B.S. (1973 A.D.)"
2. Words altered by Some Nepal Acts Amendment Act, 2063 B.S. (2006 A.D.):

□ Amended by the First Amendment

The words "Government of Nepal" has been converted in place of "His Majesty's Government".