

East Punjab Improved Seeds and Seedlings Act, 1949
East Punjab Act 19 of 1949

hl276

Received the assent of His Excellency the Governor on the 24th October, 1949, and was first published in the East Punjab Government Gazette Extraordinary, dated the 29th October, 1949.

LEGISLATIVE HISTORY 6

- Amended by Adaptation of Laws Order, 1950.
- Amended by Punjab Act 24 of 1950.
- Amended by Adaptation of Laws (Third Amendment) Order, 1951.
- Amended by Punjab Act 18 of 1956.
- Extended to Pepsu territory by Punjab Act 5 of 1959.

An Act to provide for the use of pure and certified seeds and seedlings of the improved varieties of crops recommended by the Department of Agriculture in the **[Haryana]**.

It is hereby enacted as follows :-

- 1. Short title, extent and date of commencement.** - (1) This Act may be called the East Punjab Improved Seeds and Seedlings Act, 1949.
(2) It shall extend to the whole of the [State] of [Punjab].
(3) It shall come into force on such date or dates and in such areas as the [State] Government may, by notification, appoint in this behalf, and different dates may be appointed for different areas.

Object & Reasons6

Statement of Objects and Reasons. - As a result of research work carried out by the Department of Agriculture, a number of improved varieties of crops have been evolved which give higher yield of better quality than the varieties grown generally by the farmers. By growing these varieties by all the farmers this country can become self-sufficient in food, and efforts have, therefore, been made in the past by carrying out extensive propaganda to get these varieties introduced on a large scale. Owing to the apathy on the part of some cultivators, it has not been possible to make headway to the desired extent in the case of some varieties. The growing of inferior varieties of crops by the recalcitrant section of agriculturists not only results in low yield and poor quality of produce but also brings about deterioration of the improved varieties by mixing which greatly thwarts the progress of the agricultural development. It is now high time to adopt such measures which will bring about increased production without much additional cost to the cultivators by forcing the backward section of the cultivators which is rather slow to accept agricultural improvements.
Published vide East Punjab Government Extraordinary, dated the 23rd March, 1949

- 2. Interpretation.** - In this Act, unless there is anything repugnant in the subject or context, -

- (i) "Improved Seed" means the seed approved by the Department of Agriculture;
- (ii) "Seedlings" means the plants raised from improved seed;
- (iii) "Occupier" means the person having for the time being the right to occupation of any land as defined in the Punjab Tenancy Act (XVI of 1877) and includes any person in actual occupation of such land or his agent;
- (iv) "Authorised Agent" means an agent authorised to sell improved seeds and seedlings only on behalf of the Department of Agriculture.
- [(v)] An improved seed or seedling is said to be 'true to type' if the quality or purity thereof does not fall below the prescribed standard or its constituents conform to the prescribed limits of variability.
- (vi) "Seeds" includes seeds of European vegetables and flowers acclimatised to grow under indigenous conditions.

3. Power to declare seeds or seedlings of approved varieties of crops and to specify the area and period, and restrict movement. - In such areas to which this Act is applied -

- (a) improved seeds or seedlings only shall be used by each and every occupier;
- (b) the movement of improved seeds or seedlings from one area to another may be prohibited or restricted.

4. Provision of seeds and seedlings by Agricultural Department. - (1)

For the purposes of this Act improved seeds and seedlings shall be made available for sale by the Department of Agriculture, through its authorised agents, who shall stock for sale only improved seeds or seedlings.

(2) An authorised agent shall not withhold from sale improved seeds or seedlings to any occupier.

[4A. Controlled areas. - The State Government may, for the purposes of producing and marketing improved seeds of vegetables and flowers,

- (i) by a notice in the Official Gazette declare any local area within the State to be a controlled area; and
- (iii) impose, by rules to be made in this behalf, such restrictions and conditions, within the controlled area, on the growing, selling and transporting of 'true to type' vegetable and flowers seeds, as may be deemed necessary for the purposes of ensuring the use, sale and transport of only improved seeds and such control shall include the power to destroy any crop grown from any other seed.

Explanation. - 'Growing' includes the entire process from the commencement of sowing till the harvest is lifted from the field and disposed of to the authorised agents of Government.]

[5. Power of the Agriculture or Revenue Department Officers to enter, enquire and search. - (1) Any officer of the Agriculture or of the Revenue Department, not below the rank of Agricultural Assistant or Naib-Tehsildar, as the case may be, may enter upon any land situated in the area to which this Act extends, for the purpose of ascertaining whether improved seeds or seedlings have been grown in the land or not.

(2) Any officer of the Agriculture or of the Revenue Department, not below the rank of Agricultural Assistant or Naib-Tehsildar, as the case may be, may enter upon any land or premises owned, or occupied by an authorized agent, to inspect the seed sold by him, or to enquire if he is withholding any seed from sale to any occupier, or to search, as far as may be necessary for that purpose, the aforesaid land or premises.]

6. Penalties. - (1) If any occupier of land within the area to which this Act applies is found growing a variety of any crop other than a variety approved by the Department of Agriculture, he shall be liable to punishment with a fine which may extend to Rs. 100.

(2) If an authorised agent withholds from sale or wilfully refuses to sell improved seeds or seedlings, he shall be punishable with fine which may extend to Rs. 5000.

(3) Any abetment of a breach of the provisions of this Act shall be punishable with fine which may extend to Rs. 100.

(4) No prosecution for any offence under this Act shall be instituted except on a complaint in writing made by the [Deputy Commissioner within whose jurisdiction the land is situated], or by an officer specially authorised by him in this behalf.

7. Bar of suit or other legal proceedings. - No suit, prosecution or legal proceedings shall lie against any public servant in respect of anything in good faith done or intended to be done under this Act.

8. Power of Government to make rules. - The [State] Government may from time to time make rules for the purpose of carrying into effect the provisions of this Act.

9. Repeal of East Punjab Ordinance No. V of 1949. - The East Punjab Improved Seeds and Seedlings Ordinance, 1949, is hereby repealed, but it shall not affect the previous operation of the said Ordinance and any order made, action taken or thing done in exercise of the powers conferred by or under the said Ordinance, shall, for all purposes, be deemed to have been made, taken or done in the exercise of the powers conferred by this Act.