

The Punjab Seed and Agriculture Produce Traceability Bill, 2021.

Chapter - I

A BILL to provide for the establishment of a Traceability Authority for traceability of Seeds and Agriculture Produce and to provide for compensation to farmers in case of failure of seeds to provide performance under given conditions and to provide for matters connected therewith or incidental thereto.

BE, it enacted by the legislature of the State of Punjab in Seventy First Year of Republic of India as follows:

1. This Bill may be called Punjab Seed and Agriculture Produce Traceability Bill, 2021;
2. It extends to the whole of the State of Punjab.
3. **Definitions:**
 - a) "Agriculture" includes Horticulture, Apiculture, Medicinal Plants and Agro-forestry;
 - b) "Agriculture Produce" means all produce, whether processable or not, of Agriculture Horticulture, Apiculture, Medicinal Plants and Agro-forestry.
 - c) "Appellate Authority" means Appellate Authority notified under Section 21 of this Act;

- d) "Branded Seed" means any seed produced by a company, a cooperative society, Farmers Producer Organization, Seed Grower or a Farmer and put in a package or any other container and labeled or marked in a manner indicating that such seed is of a specific variety whether notified under section 5 of The Seed Act 1966 or not;
- e) "Certification Agency" means the Punjab State Seed Certification Authority or any other such agency as may be notified by the State Government;
- f) "Commission" means the Commission constituted under Section 3 of the Punjab State Farmers' and Farm Workers Commission Act, 2017.
- g) "Committee" means a Committee constituted under section 7 of this Act;
- h) "Government" means the Government of the State of Punjab in the Department of Agriculture and Farmers' Welfare;
- i) "Notified variety", in relation to seed, means a variety thereof notified under section 5 of the Seeds Act, 1966;
- j) "Prescribed" means prescribed by rules made under this Act;
- k) "Schedule" means the Schedule appended to the rules framed under this Act;
- l) "Seed" means any type of living embryo or propagule, including seedlings, saplings, tubers, mini-tubers, bulbs, rhizomes, roots, cuttings, all types of grafts, tissue culture plantlets, synthetic seeds and other vegetatively propagated material, capable of regeneration and giving rise to a plant of agriculture which is true to such type.;
- m) "Seed grower" means a Farmer Producer Organization (FPOs) or Cooperative Society or Company or an individual grower of seeds;
- n) "Traceability Authority" means Punjab Seed Certification Authority constituted under

section 8 of the seed Act 1966.

- o) "Traceability" means a system in which production of seeds and agricultural produce can be traced in the entire value-chain from the producer to the consumer through a unique code generated electronically through the use of Information Technology.
 - p) "Traceability Mark" means a mark of such nature as may be specified by the Traceability Authority having a unique Code. `
 - q) "Variety" means a sub-division of a kind identifiable by growth, yield, plant, fruit, seed or other characteristics.
- 4. The Punjab State Seed Certification Authority constituted under section 8 of the Seed Act 1966 shall perform the function of Traceability Authority under this Act.
 - 5. The Government may add or delete any kind or variety of seed notified by the Central Government under Section 6 of the Seeds Act, 1966 or branded seed in the schedule by issuing a notification in this regard.
 - 6. The Traceability Authority shall ensure full traceability through a traceability mark of the following seeds originated in the state of Punjab, namely: -
 - a) Certified under section 9 of The Seed Act 1966,
 - b) Seed notified by Central Government under section 6 of The Seed Act 1966 and added to the Schedule.
 - c) Any Branded seed added to the schedule.
 - 7. (1) The State Government shall, as soon as, after commencement of this Act, constitute a committee, consisting of a chairman and such other members on such term and conditions to advice the State Government on such matters arising out of the administration of this Act and matters related thereto and to carry out such other

functions as may be prescribed.

(2) The Committee constituted under sub-section (1) may appoint sub-committees consisting of such members and for the purpose of discharging such of its functions as may be prescribed.

8. Any person carrying on the business of selling, keeping for sale, offering to sell, bartering or otherwise supplying any certified seed or seed mentioned in the schedule to the Act himself or by any other person on his behalf shall not sell such seed unless it has Traceability Mark issued by the Traceability Authority.

Provided that Traceability mark shall not be required for any certified seed originated in another state.

9. (1) Any seed grower/ producer involved in the production, multiplication of seed, sale of seed shall apply to the Traceability Authority online for the grant of certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars and shall be accompanied by such fees, as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the Traceability Authority may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates has been added in the schedule to this Act or fit to be certified under Section 9 of the Seeds Act, 1966, grant a certificate in such form and subject to such conditions, as may be prescribed.

10. If the Traceability Authority is satisfied, either on a reference made to it in this

behalf or otherwise that

- 1) The certificate granted by it under section 9 has been obtained by misrepresentation as to an essential fact; or
- 2) The holder of the Certificate has without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made there under, then without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the Traceability Authority may, after giving the holder of the certificate an opportunity of showing cause, revoke the Certificate.

11. The Traceability Authority may, appoint such officers or employees, as it may consider necessary for carrying out the provisions of this Act, on such terms and conditions of service, as may be prescribed.

12. The funds of the Traceability Authority-

- 1) There shall be constituted a fund to be called the Punjab Traceability Authority Fund and to this shall be credited thereto any grants made to the Authority by the State Government and all sums received by the Traceability Authority in the form of fee, penalties etc. or from such other sources as may be decided upon by the State Government.
- 2) All expenditure including salary of the employees, allowances and expenses of the Traceability Authority in the discharge of its functions under this Act and expenses on objects and for purposes authorized by this Act shall be

defrayed out of the fund, which shall be operated in such manner as may be prescribed.

- 3) All money lying in the credit of the fund, shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Act 2 of 1934) or the same may also be invested in securities of Central Government, State Government or a Public Sector Undertaking.
- 4) The Traceability Authority shall maintain proper accounts and other relevant records and prepare an annual statement of account in such form as may be prescribed.
- 5) The accounts of the Traceability Authority shall be audited annually by such an agency on payment of such amount, as may be specified by prescribed.

13. Penalty:

1. If any seed grower contravenes any of the provisions of this Act or any rule made there under he shall be liable: -
 - a. To pay for the first offence with fine which may extend to fifty thousand rupees

and
 - b. In the event of such person having been previously convicted of an offence under this section, to undergo imprisonment for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.
2. Traceability Authority shall cancel the certificate and blacklist the person restricting him for dealing with any kind of seed production for a minimum period of three

years.

3. If any person carrying on the business of selling seeds contravenes any provision of this Act or any rule made thereunder, he shall be liable to pay fine which may extend to fifty thousand rupees.

14. **Forfeiture of seed:** When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made there under, the seed in respect of which the contravention has been committed shall be forfeited and destroyed.

15. **Protection of Action Taken in Good Faith:** No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the State Government for anything which is done in good faith or intended to be done in good faith under this Act or the rules made there under.

16. A farmer shall be deemed to be entitled to save, use, sow, re-sow, exchange, share or sell his farm produce including seed added to the schedule; provided that the farmer shall not be entitled to sell branded seed covered under this Act.

Chapter II

17. (1) **Compensation to farmers:** Where any seed under this Act has been sold to a farmer or a group of farmers or any organization of farmers, the producer/ grower of such seed shall disclose to the farmer or the group of farmers or the organization of farmers, as the case may be, the expected performance under given conditions, and if such seed fails to provide such performance under such given conditions, the farmer or the group of farmers or the organization of farmers, as the case may be, may claim compensation in the prescribed manner before the Commission and the Commission, after giving notice to producer/ grower of seed and after providing him an opportunity to file opposition in the prescribed manner and after hearing the parties, may direct the grower of the variety to pay such compensation as it deems fit, to the farmer or the group of farmers or the organization of farmers, as the case may be.

(2) The Commission shall adopt such procedure to hear and decide application as may be prescribed.

18. The compensation granted under section 17 shall be recoverable as an arrear of land revenue.

Chapter III

19. (1) Any producer/ grower of agriculture produce involved in the sale of such produce may apply to the Traceability Authority online for the grant of certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars and shall be accompanied by such fees, as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the Traceability Authority may, after such enquiry as it thinks fit, grant a certificate in such form and subject to such conditions, as may be prescribed.

20. (1) If the Traceability Authority is satisfied, either on a reference made to it in this behalf or otherwise that

(2) The certificate granted by it under section 19 has been obtained by misrepresentation as to an essential fact; or

(3) The holder of the Certificate has without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made there under, then without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the Traceability Authority may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

21. Appeal:

- 1) The state government shall notify a person, or body to act as the Appellate Authority for the purpose of hearing appeals against the decisions of the Traceability Authority and the Commission.
 - 2) Any person aggrieved by a decision of Traceability Authority under section 9, 10, 19 and 20 or decision of Commission under section 17 of this Act, may within thirty days from the date on which the decision is communicated to him on payment of such fees, as may be prescribed, prefer an appeal to the Appellate Authority notified under sub-section (1).
Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days, If it is satisfied that the appellant was prevented by a sufficient cause from presenting the appeal within the said period of thirty days.
 - 3) On receipt of an appeal under sub section (1), the Appellate Authority shall after giving the appellant an opportunity of being heard, pass such order as it thinks fit.
 - 4) Every order of the Appellate Authority under this section shall be final.
22. **Review of Order:** The Appellate Authority may suo moto or on an application of a person may review any order passed by him within six months of the date of order after giving person affected thereby an opportunity of being heard, provided that officer acting as Appellate Authority cannot review the order of his predecessor without prior approval of the Government.
23. The Traceability Authority shall ensure full traceability of seed/ Agriculture produce through a traceability mark on its own or through an agency as may be prescribed.
24. **General provision** for penalty of other offences: - Any person who contravenes any provision of this Act or any Rule or order made there under shall, if no other penalty is

provided for such contravention by this Act, be punishable with fine which may extend to fifty thousand rupees.

25. Cognizance and trial of offence. —

a. No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government or a person authorized in this behalf by the State Government.

b. No court inferior to that of a metropolitan magistrate or a judicial magistrate of the first class shall try any offence under this Act.

Provided that the State Government may by notification in the official gazette and after consultation with the High Court, notify any special Court constituted under The Insecticide Act, 1968 to be the Court for the purpose of this Act.

26. Power to make rules:

a. The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

b. In particular and without prejudice to the generality of the foregoing power, such rules may provide, for all or any of the following matters, namely: -

i. the functions of the committee referred in section 7 of this Act; and

ii. any other matter, which is to be or may be prescribed, under this Act.

c. Every rule made under this section, shall be laid, as soon as may be, after it is made, before the house of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which, it is so laid or the successive sessions as aforesaid, the house agrees in making any modification

in the rules or the house agrees that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

27. **Power to remove difficulties:** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as appears to the Government to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made under this section, after the expiry of a period of three years from the date of commencement of this Act.