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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 8th November, 2024

No. F. 9(21)/2024-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on 7th November, 2024 and is hereby published for general information:—

ACT NO. XXXVI OF 2024

AN

ACT

further to amend the Seed Act, 1976

WHEREAS it is expedient further to amend the Seed Act, 1976 (Act No. XXIX of 1976), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Price: Rs. 20.00

[8952(2024)/Ex. Gaz.].

1. **Short title and commencement.**— (1) This Act shall be called the Seed (Amendment) Act, 2024.

(2) It shall come into force at once.

2. **Amendment of preamble, Act XXIX of 1976.** — In the Seed Act, 1976 (XXIX of 1976), hereinafter called as the said Act, in the preamble,—

(a) for the expression, "North West Frontier Province", the words "Khyber Pakhtunkhwa" shall be substituted; and

(b) for the word "Balochistan", the word "Balochistan" shall be substituted.

3. **Amendment of section 2, Act XXIX of 1976.**— In the Act, in section 2,—

(a) after clause (ii), the following new clause shall be inserted, namely:—

(iia) "Authority" means the National Seed Development and Regulatory Authority constituted under this Act;";

(b) after clause (iii), the following new clause shall be inserted, namely:—

"(iiia) "Board" means the Board of Governors constituted under this Act;"

(c) after clause (iv), the following new clause shall be inserted, namely:

"(iva) "Chairperson" means the chairperson of the Authority;

(d) in clause (vi), for the word "Agency", the word "Department" shall be substituted;";

(e) for clause (vii), the following shall be substituted, namely:—

"(vii) "Fund" means the National Seed Development and Regulatory Authority Fund, created under this Act;";

(f) after clause (x), the following new clause shall be inserted, namely:—

"(xa) "Member" means a member of the Authority;";

(g) clause (xii) shall be omitted;

(h) in clause (xvii), after the word "rules", the wards "or regulations" shall be inserted; and

(i) after clause (xvii), as amended aforesaid, the following new clause shall be inserted, namely:—

"(xviia) "President" means the president of the Board;";

(j) after clause (xx), the following new clause shall be inserted, namely:—

"(xxa) "regulations" means the regulations made under this Act;" and

(k) in clause (xxxii), for the word "registered", the word "enlisted" shall be substituted.".

4. **Substitution of section 3, Act XXIX of 1976.**—In the said Act, for section 3, the following shall be substituted, namely:—

"(3) **Establishment of the National Seed Development and Regulatory Authority.**—(1) There shall be constituted an authority, to be known as the National Seed Development and Regulatory Authority, for carrying out such purposes and functions as may be entrusted to it under this Act or by rules and regulations made thereunder.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to purchase, procure, sell, exchange, hold, acquire, and dispose of property and interests therein, both movable and immovable, and may by its name sue or be sued.

(3) The head office of the Authority shall be at Islamabad, or at such other place or places, as the Federal Government may by notification in the official Gazette, defermine.",

5. **Insertion of section 3A, 3B, 3C, 3D and 3E, Act XXIX of 1976.**— In the said Act, after section 3, substituted as aforesaid, the following new sections shall be inserted, namely:

"3A. **Appointment and term of office of the Chairperson and members.**—(1) Authority shall comprise a Chairperson and such other members as may be appointed by the Prime Minister, from amongst the persons possessing such qualifications and on terms and conditions as may be prescribed:

Provided that until rules are made in this regard, the Chairperson and members of the Authority shall be appointed on such terms and conditions as the Prime Minister may determine.

(2) The Chairperson of the Authority shall be an eminent professional of known integrity and having minimum experience of ten years in the field of agriculture.

(3) The term of the office of the Chairperson and Members shall be three years, extendable for a further period of two years.

(4) Any person ceasing to be the Chairperson or member by reason of the expiry of the term of his office, or by resignation, shall be eligible for re-appointment.

(5) The Chairperson or any member may, at any time, resign from his office of the Authority, provided that such resignation shall not take effect until duly accepted by the Prime Minister.

3B. Meeting of the Authority.— (1) The Authority shall meet at least once each month on such date, time and place as may be fixed by the Chairperson.

(2) The Chairperson and, in his absence, the most senior member of the Authority shall preside over meetings of the Authority.

(3) The quorum for a meeting of the Authority shall be the Chairperson and simple majority of the members.

3C. Constitution of committees, bodies, etc.—The Authority may, from time to time, constitute such committees, facilities and bodies, and coopt such experts and consultants, as may be deemed appropriate, to carry out works and functions envisioned under this Act:

Provided that all committees, facilities and bodies, constituted by the Authority, or as the case may be, established under this Act, except the Board, shall work under the supervision and control of the Authority, in accordance with this Act.

3D. Board of Governors.— (1) There shall be a Board, to be known as the Board of Governors, under this Act.

(2) The Board shall consist of the following members, namely:–

(a)	Federal Minister of National Food Security and Research	*President*
(b)	Chairperson of the Authority	*Member*
(c)	Secretary Ministry of National Food Security and Research, Government of Pakistan, or his representative not below the rank of Additional Secretary or equivalent.	*Member*
(d)	Secretary, Finance Division, Government of Pakistan, or his representative not below the rank of Additional Secretary or equivalent.	*Member*
(e)	Representatives of Provincial Agriculture departments, to be nominated by each Provincial Government	*Members*
(f)	Chairman Pakistan Agricultural Research Council	*Member*
(g)	one representative each to be nominated by the Seed Association of Pakistan, Croplife Pakistan Association, and Pakistan Hi-Tech Hybrid Seed Association	*Member*
(h)	Four experts one from each province, at least one of whom to be Vice-Chancellor of an Agriculture University, having relevant experience in the field of seed, to be nominated by the President, on recommendation of the Chairperson of the Authority from time to time.	*Members*
(i)	Four progressive farmers, one from each province, to be nominated by the President, on recommendation of the Chairperson of the Authority from time to time.	*Members*
(j)	such other members as may be appointed by the President, on the recommendations of the Chairperson of the Authority, from time to time.	

(3) In the absence of the Federal Minister of National Food Security and Research, any other member of Board, nominated by the President, shall preside over the meetings of the Board.

(4) The term of office of the members of the Board, other than *ex-officio* members, shall be three years, which may be extended for a further period of two years.

3E. Powers and functions of the Board.— (1) The Board shall be responsible for providing policy directions and general guidelines to the Authority, for effectively carrying out the purposes envisioned under this Act. In particular and without prejudice to the foregoing, the Board shall—

(a) monitor and review the functioning of the Authority;

(b) issue guidelines to the Authority, as per the applicable policy regime of the Federal Government;

(c) conduct audit as well as annual performance review of the Authority, or any of its officer but subject to Articles 169 and 170 of the Constitution in respect of maintenance and audit of accounts of the Authority;

(d) institute appropriate accountability and oversight mechanisms to ensure effective discharge of Authority's functions under this Act;

(e) approve budget of the Authority and ensure effective utilization thereof;

(f) advise and recommend to the Federal Government on policy issues as well as other matters pertaining to the seed sector;

(g) establish liaison between the respective governments as well as departments, bodies and instrumentalities thereof and the Authority; and

(h) carry out other functions ancillary thereto, or connected therewith, for the purposes of this Act.

(2) The Board may, from time to time, constitute such committees and entrust such powers and functions thereto as the Board may deem appropriate, in the manner as may be prescribed.

(3) The Board may, upon direction of the President, through a written order, subject to any restriction specified therein, delegate any of its powers or functions to any member or Chairperson of the Authority.".

6. **Substitution of section 4, Act XXIX of 1976.**—In the said Act, for section 4, the following shall be substituted, namely:

"(4) **Powers and functions of the Authority.**— (1) Subject to the provisions of this Act and the rules and regulations made thereunder, the Authority shall carry out, manage and supervise all works and functions envisioned under this Act. In particular and without prejudice to the generality of the foregoing, the Authority shall, *inter-alia*,—

(a) recommend, formulate and implement policy for effective administration, management, development and growth of the seed sector, in consultation with Federal as well as Provincial Governments, and instrumentalities thereof;

(b) develop and implement the requisite policy, legal, administrative, financial, regulatory or other frameworks for the effective performance of functions envisioned under this Act and institute appropriate control and accountability mechanisms for such purpose;

(c) supervise seed sector from end-to-end, including, *inter-alia,* registration, production, warehousing, storage, breeding, certification, marketing, supply, harvesting, post-harvesting, import, export and internal trading thereof, etc.;

(d) coordinate research and development activities or initiatives, in consultation with Federal as well as Provincial Governments and other research bodies and institutes;

(e) synergize and optimize the seed sector of Pakistan, at public as well as private level;

(f) supervise functions of, *inter-alia*, Federal Seed Certification and Registration Department, Plants Breeders' Rights Registry and variety evaluation committee, prescribed under this Act and applicable laws;

(g) exercise supervision over departments, committees and other such bodies constituted under this Act, in accordance with relevant law;

(h) execute contracts or other legal instruments, transact with governmental and non-governmental entities and enter into other legal and corporate arrangements, directly or indirectly,

with foreign as well as local bodies to promote, attract and protect investment in the seed sector;

(i) proceed, in the manner as may be prescribed, against employees of the Authority involved in, *inter-alia*, corrupt practices, professional misconduct and in-efficiency;

(j) approve, implement and regulate the standards of qualities and varieties of seed;

(k) issue guidelines for administration of quality control, marketing, post-harvest management and storage modalities of seed;

(l) regulate and monitor inter-provincial trade and transportation of seed;

(m) advise the Federal Government on import and export of seed;

(n) recommend to the Federal and the Provincial Governments, as well as entities and offices thereof, on any supplementary and incidental issue pertaining to seed;

(o) take initiatives and policies with regards to agriculture sector, as relates to the usage and efficiency of seed;

(p) pass, directly and indirectly, for reasons to be recorded in writing, appropriate observations, or other orders, including imposition of penalty, blacklisting, against any person or body that violates the provisions of this Act, or illegally participates or interferes in the seed sector;

(q) create, sanction, merge, de-merge, or abolish posts and oversee the performance of its employees;

(r) hear and decide appeals, under this Act; and

(s) carry out all other works and functions connected therewith or ancillary thereto.

(2) The Authority may appoint, employ, remove and regulate such officers and other members of staff, or appoint such experts and consultants, from public as well as private sector, on initial recruitment, deputation, secondment, or otherwise as it may consider necessary for the performance of its functions under this Act, from time to time:

Provided that all employees of the Federal Seed Certification and Registration Department shall continue to be governed under the Civil Servants Act, 1973 (Act LXXI of 1973) or other service laws applicable to them.".

7. **Insertion of section 4A, Act XXIX of 1976.**—In the said Act, after section 4, substituted as aforesaid, the following new section shall be inserted, namely:

"**4A Fund of the Authority.**—(1) There shall be a fund, to be known as the Authority Fund, vested in the Authority for the purposes of carrying out all powers and functions under this Act.

(2) The Authority Fund shall consist of, *inter-alia*,—

(a) grants made by the Federal Government;

(b) loans obtained by the Authority;

(c) monies, aid, grants, proceeds or sums received, or earned, by the Authority; and

(d) all other sums, including, *inter-alia*, fees, charges and levies recovered or received by the Authority.

(3) The Authority Fund shall be kept in one or more accounts maintained by the Authority, in local or foreign currency, and shall be operated, utilized and regulated in such manner as may be prescribed:

Provided that the account having foreign currency, if any, shall be operated with the prior approval of the Finance Division, Government of Pakistan.".

8. **Amendment of section 6, Act XXIX of 1976.**— In the said Act, in section 6, for the words "National Seed Council", the word "Authority" shall be substituted.

9. **Amendment of section 10, Act XXIX of 1976.**—In the said Act, in section 10, for the words "Federal Government", the word "Authority" shall be substituted.

10. **Amendment of section 12, Act XXIX of 1976.**—In the said Act, in section 12, after the expression "may,", the words "on an application made in the prescribed manner or" shall be inserted.

11. **Amendment of Section 16, Act XXIX of 1976.**—In the said Act, in section 16,—

(a) in sub-section (1), for the words "to the Federal Government or any other authority as it may determine from time to time", the words "before the Authority" shall be substituted; and

(b) in sub-sections (2) and (3), for the words "appellate authority", the word "Authority" shall be substituted;

12. **Amendment of section 22B, Act XXIX of 1976.**—In the said Act, in section 22B,—

(a) for sub-section (I), the following shall be substituted, namely:—

"(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, any person may make an application to the competent authority, on the form as may be prescribed, for registration of seed business in Pakistan." and

(b) in sub-section (3), for the expression "Ministry, dealing with the subject-matter of seed,", the word "Authority" shall be substituted.

13. **Amendment of sections 22D and 22F, Act XXIX of 1976.**— In the said Act, in sections 22D and 22F, for the words "Federal Government", wherever occurring, the word "Authority" shall be substituted.

14. **Omission of section 22I, Act XXIX of 1976.**— In the said Act, section 22I shall be omitted.

15. **Amendment of section 22J, Act XXIX of 1976.**—In the said Act, in section 22J, for the words "Federal Government", the word "Authority" shall be substituted and for the full stop at the end, a colon shall be substituted and thereafter, the following proviso shall be inserted, namely:—

"Provided that the existing Variety Evaluation Committee shall continue to function, till it is reconstituted under this Act.".

16. **Amendment of section 23, Act XXIX of 1976.**—In the said Act, in section 23, the clause (e), and thereafter, the following shall be substituted, namely:—

"(e) prevents any person from exercising any power or perform any functions conferred on him by or under this Act or rules or regulations made thereunder;

shall be punishable,—

(i) with a minimum fine of five hundred thousand rupees, which may extend to two million rupees; and

(ii) imprisonment for a minimum term of three months for the first offence and up to a maximum of twenty four months for subsequent offences.

17. **Amendment of section 24, Act XXIX of 1976.**—In the said Act, in section 24, for the words "Federal Government", the word "Authority" shall be substituted.

18. **Insertion of sections 24A, 24B and 24C, Act XXIX of 1976.**—In the said Act, after section 24, amended as aforesaid, the following new sections shall be inserted, namely:—

"**24A. Appeal to the Authority.**—Any person aggrieved of an order passed by any department, committee or body constituted under this Act, other than the Authority, may within thirty days of the communication of the said order file an appeal before the Authority:

Provided that the Authority shall decide such appeal, after hearing all parties concerned, through a speaking order in the manner as may be prescribed.

24B. Seed Tribunals.— (1) The Federal Government may, by notification in the official gazette, constitute one or more Seed Tribunals, at such places and with such territorial limitations, as the Federal Government may determine, from time to time.

(2) A Tribunal shall comprise the following:—

(a) a Chairperson, from amongst such persons who is or has been a Judge of a High Court, to be appointed by the Federal Government;

(b) an advocate who is qualified to become a Judge of a High Court, to be appointed by the Federal Government; and

(c) a member having at least a master's degree in agriculture sciences and possessing extensive experience in the seed sector, to be appointed by the Federal Government.

(3) The Chairperson and the members shall be subject to such terms and conditions and shall be entitled to such remuneration and privileges, as the Federal Government may determine.

(4) The Chairperson and the members shall be appointed for a term of five years, who shall not be eligible for re-appointment.

(5) The Chairperson and the members may, at any time, resign from his office of the Tribunal, provided that such resignation shall not take effect until duly accepted by the Federal Government.

24C. **Powers and functions of the Tribunals.**— (1) The primary responsibility of the Tribunals shall be to hear and decide the appeals against orders passed by the Authority, in accordance with law.

(2) The Tribunal shall have all powers of, *inter-alia*, discovery, inspection, summoning, examination, and re-examination of witnesses, as well as power to issue warrants of arrest and impose such penalties as may be prescribed.

(3) Any person aggrieved of an order passed by the Authority, under section 24A or otherwise, within thirty days of the communication of the said order, may file an appeal before the Tribunal, in such manner and on payment of such fee, as may be prescribed.

(4) The Tribunal may, on appeal, after giving a reasonable opportunity of hearing to all parties concerned, confirm, set-aside, vary or modify the order appealed against:

Provided that the Tribunal shall decide such appeals, as expeditiously as possible, but not later than ninety days from the first date of hearing.

(5) An appeal to the Supreme Court of Pakistan shall only lie against an order or judgement of the Tribunal, if the Supreme Court grants leave to appeal, after being satisfied that the case involves a substantial question of law of public importance.".

19. **Amendment of section 25, Act XXIX of 1976.**—In the said Act, in section 25,—

(a) in sub-section (1), after the word "class", the expression ", specifically designated by the respective Provincial Governments in that behalf," shall be inserted;

(b) for sub-section (2), the following shall be substituted, namely:-

"(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Federal Seed Certification Department or a person authorized by the Authority in this behalf by an order in writing.; and

(c) after sub-section (2), amended as aforesaid, the following new sub-section shall be inserted, namely:—

"(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall apply, *mutatis mutandis*, in respect of cases under this Act.".

20. **Substitution of section 28, XXIX of 1976.**— In the said Act, for section 28, the following shall be substituted, namely:-

"**28. Delegation of powers.**— The Authority may, by a written order, delegate any of its powers and functions to any member, officer, or employee of the Authority, or to any department or agency working under its control or supervision, subject to such restrictions, if any, as may be specified in that order, in the manner as may be prescribed.".

21. **Insertion of section 28A, Act XXIX of 1976.**— In the said Act, after section 28, amended as aforesaid, the following new section shall be inserted, namely:—

"**28A. Audit.**— (1) The Chairperson may appoint a reputable firm to carry out the annual performance audit of the Authority.

(2) The auditors appointed under sub-section (1) shall submit the audit report to the Chairperson and the Chairperson shall cause the same to be placed before the Board for approval.".

22. **Amendment of section 29, Act XXIX of 1976.**—In the said Act, in section 29, in sub-section (2),—

(a) after the word "for", the expression ",*inter-alia*," shall be inserted;

(b) in clause (b), after the word "processing", the expression ", development, marketing," shall be inserted; and

(c) in clause (c), for the words "under section 16", the expression "to the Authority under this Act," shall be substituted.

23. **Insertion of section 30, Act XXIX of 1976.**—In the said Act, after section 29, amended as aforesaid, the following new section shall be inserted, namely:—

"**30. Power to make regulations.**— (1) The Authority may, with the approval of the Board, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, for effectively carrying out the purposes envisioned under this Act.".

24. **Insertion of section 31, Act XXIX of 1976.**— In the said Act, after section 30, amended as aforesaid, the following new section shall be inserted, namely:—

"**31. Savings.**— All acts done, obligations and liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdictions or powers conferred, money earned or expended, donations made or grants received, orders issued, and all other actions taken under the Seed (Amendment) Ordinance, 2024 (Ordinance II of 2024) and before the commencement of Seed (Amendment) Act, 2024 (XXXVI of 2024), shall, upon commencement thereof, be deemed to have been validly done, incurred, acquired, appointed, authorized, conferred, earned, expended, made, received, issued and taken under this Act.".

SYED HASNAIN HAIDER,
Secretary.

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