

PUNJAB STATE SEED CERTIFICATION AUTHORITY

SEED CERTIFICATION RULES

1. Short titles: Punjab State Seed Certification Authority.

These Rules may be called the rules of the Punjab State Seed Certification Authority, 1975.

2. Definitions:

In these Rules, unless the context otherwise requires:

- a) "Board" means the State Seed Certification Governing Board.
 - b) "Chairman" means the Chairman of the Board.
 - c) "Director" means the Director of the State Seed Certification Authority.
 - d) "Authority" means the State Seed Certification Authority.
 - e) "Member Secretary" means the Member-Secretary of the Board.
3. Authorities of the Authority.

The authorities of the Authority shall be:

- a. The Chairman
 - b. The Board
 - c. The Director
 - d. Such other authorities as may be constituted by the Board to give effects to the provisions of the Memorandum of Association of the Authority and these Rules.
4. The Director shall be the Chief Executive Officer of the Authority.
 5. The Director shall be appointed by the Board on such terms and conditions as may be approved by the Board.
 6. Members of the Board:

(i) The Board shall be consist of the following members:

- a. The Secretary for Agriculture in the State who shall be the Chairman.
- b. The representative of the Department of the Agriculture nominated by the Director Agriculture.
- c. The Director of Research in the Punjab State Agricultural University.
- d. Two senior specialists on crop research :
 - I. Professor of Plant Breeding.
 - II. Professor of Plant Pathology.
- e. Two representatives of the seed growers and one representative of seed dealers to be nominated by State Government.
- f. One representative to be nominated by Central Seed Certification Board.
- g. The Director of the Seed Certification, State Seed Certification Authority who shall be the member-secretary of the Board.

- (ii). a). The first Board shall be as specified in clause 4 of the Memorandum of Association which will function for one year from the date of registration of the Authority.
- b). After the expiry of this period, Board shall be constituted as indicated in sub-rule (ii) provided that any vacancy falling during the first year of its functioning, shall be filled in accordance with the provisions of the rule 12 infra.

7. Roll of Members:

The Board shall keep a Roll of Members giving their name and addresses and occupation and every member shall sign the same.

8. If a member of the Board changes his address he shall notify his new address to the Member-Secretary who shall there upon enter his new address in the roll of Members. But if he fails to notify his new address, the address given in the roll of Members shall be deemed to be his address.

9. Duration of Membership:

The term of office of the members of categories b,c,d,e,f shall be two years and a retiring member shall be eligible for re-nomination for one more term only.

10. A Member of the Board shall cease to be member thereof if:-

- a. He dies, resigns, becomes of unsound mind or becomes insolvent or convicted of a criminal offence involving moral turpitude or
- b. Being member by reason of the office or appointment he holds, cease to hold the office or appointment.
- c. He does not attend three consecutive meetings of the Board without proper leave of the Chairman or

11. A resignation from the membership or the Board may be tendered to the Chairman and shall not take effect until it has been accepted by the Chairman.

12. The vacancy in the membership of the Board caused by any of the reasons mentioned in Rule 10 shall be filled up in accordance with the provisions of these Rules. But the persons appointed in the vacancy shall hold office only for the unexpired period of the term of the membership.

13. The Board shall function notwithstanding that any person who is entitled to be a member by virtue of his office, is not a member of the Board for the time being notwithstanding any other vacancy in the Board whether by non-appointment, a defect in appointment of otherwise and no act of proceedings of the Board shall be called in question on the ground merely of the extension of any vacancy in or any defect in the constitution of the Board.

14. Proceeding of the Board:

- a. The annual General Meeting of the Board shall be held at such time date and place as may be determined by the Chairman.
- b. The Chairman may convene a general meeting of the Board whenever he thinks necessary. However, the Board shall hold at least 4 general meeting every year.

- c. Six members of the Board may, by a letter addressed to the Member-Secretary, requisition a special meeting of the Board. On receipt of such requisition the Member-Secretary shall convene a meeting.
15. Except as otherwise provided in these Rules, all meetings of the Board shall be called by notice under the signature of the Member-Secretary or any other officer authorized in this behalf by the Chairman.
16. Every notice calling a meeting of the Board shall state the date, time and place at which meeting will be held shall be served upon every member of the Board not less than fifteen clear days before the day appointed for annual or ordinary General meeting and seven days for a special meeting. The Chairman may, however, for reason to be recorded, convene a meeting on such shorter notice as he may think fit.
17. Every meeting of the Board shall be presided over by the Chairman, If the Chairman is not present at a meeting of the Board, the members present may elect a Chairman for the meeting.
18. Six members shall form the quorum at any meeting of the Board: Provided that, if a meeting of the Board is adjourned for lack of quorum and then meeting again to transact the same business, after due notice as provided for the Rule 16, no quorum shall be necessary.
19. All disputed questions at the meetings of the Board shall be determined by vote. In case of an equality of votes, the Chairman shall have casting vote.
20. The Member-Secretary shall keep a record of the proceedings of the meeting of the Board and a copy thereof shall be sent to the State Government, the Central Seed Certification Board, and the Agricultural University etc.
21. Powers of the Board:
 - a. With the approval of the Central Seed Certification Board, the Board shall have the power to frame regulations, not inconsistent with these Rules and to alter, amend and repeal them from time to time for the administration and management of the affairs of the Authority and for carrying out the objectives.
 - I. The preparation and sanction of budget estimates, the sanctioning of expenditure, making and execution of the contracts, the investment of the funds of the Authority and accounts and audit;
 - II. Procedure for appointment of the officers and other staff of the Authority.
 - III. Powers, functions and conduct of business of such committees as may be constituted from time to time.
22. Bye-Laws:

The Board may frame bye-laws which are not inconsistent with the Memorandum of Association, Rules and Regulations for carrying out the purpose of the Authority and for its day-to-day administration.
23. Subject to the Memorandum of Association, Rules and Regulation, the Board shall have the power:
 - a. To appoint all categories of officers and staff for conducting the affairs of the Authority consistent with qualifications specified by the Central Seed

Certification Board, to fix the amount of their remuneration subject to the budget provisions and to define their duties:

- b. To enter into arrangements with the Govt. of India, State Govt. and other public or private organizations of individuals for further and of its objectives, for implementation of its programmes and for securing and accepting endowments, grants-in-aid, donations or gifts on mutually agreed terms and conditions: Provided that the conditions of such grants-in-aid, contains or gifts shall not be inconsistent or in conflict with the objectives of the Authority with the provisions of these Rules.
- c. To establish and collect fees for services provided by Authority which are not inconsistent with provisions of the Seed Act and Rules or recommendations of the Central Seed Certification Board.
- d. To acquire by gift, purchase, lease or otherwise any property, moveable or immovable, which may be necessary or inconvenient for the purposes of the Authority and to construct, alter and maintain any building or buildings for the purposes of the Authority.
- e. To draw, make, accept, endorse, discount and negotiate with State, Govt. of India and other promissory notes, bills of exchange, cheques or other negotiable instruments.
- g. To take over and acquire by purposes, gifts or otherwise from Govt. and other public bodies of private individuals, moveable and immoveable properties or other funds together with any attendant obligations and engagements not inconsistent with the objects of the Authority.

Note: The powers under (b), (d) and (g) shall be exercised by the Board subject to the conditions that the prior approval of the Government of India shall be contained for accepting any gift or assistance in any form from foreign governments / organizations and international agencies or for entering into any negotiations or contractual arrangements with them, and

- h. To sell transfer, lease or otherwise dispose of any moveable or immoveable property of the Authority subject to the conditions that no immoveable property of the Authority shall be sold or transferred without the prior approval of the State Govt.

24. The Board may delegate to the Chairmen, any of its members, and to the members, and to the Member-Secretary or to any other officer of the Board such administrative and financial powers or impose such duties as it may deem proper and also prescribed limitation within which these powers are to be exercised or duties to be performed.

25. The Board by Resolution appoint:

- a) Committee or sub-committee for such purpose and with such powers as it may think proper and
- b) Advisory Committee or penal consisting of persons who need not necessarily be the members of the Board with such advisory functions as the Board may think proper. The Board may dissolve any of the Committees or sub-committees at any time.

26. Functions of the Board:

The Board shall take such action to:

- a) Employ the full compliment of a qualified staff to the Authority.
- b) Arrangements for suitable office space for its and the Authority's headquarters.

- c) Assure that the staff has adequate equipment, mobility and supplies to carry out the responsibilities entrusted to it.
- d) Recognize authentic source of breeder and foundation seed.
- e) Recognize a seed testing laboratory or laboratories for analysis of sample for certification by the authority.
- f) Consider matters of concern and specific certification problem cases submitted to it by the Director.
- g) Ensure the development of a sound and comprehensive seed certification programme in the State in consultation with the University if existing the State Department and Seed producers organizations.
- h) Recommend the Central Seed Certification Board modifications in seed certification standards and procedures.
- i) Develop an educational programme emphasizing use of the good quality seed of recommended varieties.
- j) Provide the Central Seed Certification Board with a description of all State Developed Varieties so that it may make this information available to all other agencies.
- k) Maintain close liaison with similar Board and Agencies of other States and to keep in touch with seed law enforcement and seed testing programmes in the State and country.

27. Functions and Powers of the Director:

Subject to any directions that may be given by the Board, the Director shall function as the Chief Executive Officer of the Authority and shall be responsible for the proper administration of affairs of the Authority under the directions and guidance of the Board.

28. Funds of the Authority.

The funds of the Authority shall consist of the following:

- a) Grants made by Govt. of India and State Govt.
- b) Contributions from the other sources.
- c) Income from the assets of the Authority.
- d) Receipts of the Authority by way of application and certification fees and other service charges.

29. The funds of the Authority shall be deposited in the Punjab State Cooperative Bank. All the funds shall be paid to the account of the Authority with Punjab State Cooperative Bank and shall not be withdrawn except through a cheque signed by the officer or officers of the Authority as may be duly empowered in this behalf by the Board and countersigned by the Director or a member or by members of the Board authorized in this behalf by the Chairman.

30. The Board shall appoint a financial adviser-cum-accounts officer for the Authority in consultation with the Finance Department of the Government of Punjab to supervise and manage the accounts and finances of the Authority. All financial proposals shall be examined by financial adviser for his advice before these are actually implemented. In case the implementation of any such proposal is, by virtue of any delegations order,

within the powers of the Director and the advice tendered by the financial adviser as not acceptable to him the matter shall be referred to the Board for a final decision.

31. Accounts, Audit and Annual Reports:

- a) The Authority shall maintain proper accounts and other relevant records and prepare annual accounts comprising liabilities etc., in such form as may be prescribed by the Board in consultation with the Auditors.
- b) The accounts of the Authority shall be audited by the Auditors appointed by the Board and any expenditure incurred in connection with the audit of the accounts of Authority shall be payable by the Authority.
- c) The auditors shall have the same rights and privileges and authority in connections with the audit of the accounts of the Authority as the Comptroller and Auditor General, or any other person appointed by him in this behalf, as in connection with the audit of Govt. accounts and in particular, shall have the right to demand the production of the books, accounts connected vouchers and other documents and papers to inspect and other officers or institutions of the Authority.
- d) The accounts of the Authority, as certified by the auditors, together with the Audit report thereon, shall be forwarded annually to the Board and the Board shall submit the same to Central Seed Certification Board.

32. An annual report of the proceedings of the Authority and of the work undertaken during the year shall be prepared and published for the information of the Board, Central Seed Certification Board, State Govt., Agricultural University and other concerned and interested.

33. Amendment of the rules:

Subject to the provisions of the Society Registration Act, 1860 (XXI of 1860) and with the prior approval of the Central Seed Certification Board, these rules may be amended at any time by the resolution passed at an ordinary general meeting of the Board duly convened for the purpose and supported by more than half of the total members of the Board.

34. General:

The Authority shall be subject to all the provisions of the Societies Registration Act, 1860 (Act XXI of 1860) as amended by the Punjab Act of 1957 as applied to _____ (State)

35. The Society shall sue and sued in the name of the Director of the Authority.

36. Dissolution:

Subject to the provisions of the Societies Registration Act, 1860 (XXI of 1860) and with the approval of the State Government, the Society may be dissolved by a resolution passed at an ordinary general meeting of the Board duly convened for the purpose and supported by more than three-fifths of the total number of members of the Board. On such dissolution, all assets and liabilities of the society shall vest in the State Government and shall be dealt with in such manner as the State Government may direct.

Certified to be correct copy of the Rules of the Punjab State Seed Certification Authority.