

**THE WEST PAKISTAN SEEDS AND FRUIT PLANTS
ORDINANCE, 1965.**

(WEST PAKISTAN ORDINANCE No.XIII OF 1965.)

[31stMay, 1965.]

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**THE WEST PAKISTAN SEEDS AND FRUIT PLANTS
ORDINANCE, 1965.**

(WEST PAKISTAN ORDINANCE No.XIII OF 1965.)

[31st May, 1965.]

**AN
ORDINANCE.**

*to provide for better production and distribution of seeds and fruit plants of
high quality in West Pakistan.*

WHEREAS it is expedient to provide for better production and distribution of seeds and fruit plants of high quality in the Province of West Pakistan;

Preamble.

AND WHEREAS the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers vesting in him under clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance—

1. (1) This Ordinance may be called, the West Pakistan Seeds and Fruit Plants Ordinance, 1965.

Short title,
extent and
commencement.

(2) It extends to the whole of the ¹[Province of the Khyber Pakhtunkhwa] except the Tribal Areas.

(3) This section and section 2 shall come into force at once and the remaining provisions of this Ordinance shall come into force in such areas and on such dates as Government, may, by notification in the Official Gazette, appoint in this behalf.

2. In this Ordinance, unless the context, otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

Definitions.

(i) “certified fruit plant”, “certified nursery” and “certified seed” respectively means a fruit plant, nursery or seed, as the case may be certified under section 6;

¹ Substituted vide Khyber Pakhtunkhwa Act, No. IV of 2011.

- (ii) “competent authority” means the person authorised by Government to exercise the powers, discharge the duties and perform the functions of the competent authority under this Ordinance;
 - (iii) “fruit plant” means a fruit plant notified under section 3;
 - (iv) “Government” means the Government of ¹[Khyber Pakhtunkhwa];
 - (v) “nursery” includes seeds, cutting, suckers, saplings or other material used for the raising of fruit plants;
 - (vi) “prescribed” means prescribed by rules made under this Ordinance;
 - (vii) “progeny garden” means a garden raised of certified fruit plants from which material for budding and grafting is being or is intended to be used for raising a nursery;
 - (viii) “registered grower” means a person or a group of persons engaged in raising of seeds, fruit plants and nurseries, and duly registered under this Ordinance:
 - (ix) “seed” includes cuttings, bulbs, rhizomes, runners, suckers, nursery plants or any other material used for the reproduction of plants.
3. Government may, by notification in the Official Gazette, specify.
- (i) the local areas where certified seeds, fruit plants and nurseries may be raised.
 - (ii) the species of seeds and fruit plants which may be raised by a registered grower in such areas;
 - (iii) the standard which a seed, fruit plant and nursery shall attain for being certified under section 6.
4. (1) Any person desirous of raising certified seeds, fruit plants and the nursery thereof on commercial basis and possessing such qualifications as may be prescribed may apply, in the prescribed manner, to the competent authority for registration under this Ordinance.
- (2) If such person is approved by the competent authority his name shall be entered in a register to be maintained by the competent authority for that purpose.
- Notification of local areas, seeds, fruit plants and the standard of quality.
- Registration of growers.

¹Substituted vide Khyber Pakhtunkhwa Act, No. IV of 2011.

- (3) The competent authority shall issue to such person a registration certificate in the prescribed form specifying the seeds, the fruit plants and the nursery thereof which he shall be entitled to raise.

5. (1) A registered grower shall, within the period specified by the competent authority, raise such seeds, fruit plants and nursery thereof as may be specified in his registration certificates, and, where necessary, shall maintain a progeny garden therefore.

Rights and obligation of a registered grower.

- (2) A registered grower shall, if so required by the competent authority, import seeds or fruit plants of such specifications as may be laid down by the competent authority.

- (3) In raising the seeds, fruit plants and nursery, the registered grower shall follow such instructions and directions as may be given to him by the competent authority and, in particular, shall observe such precautions as the competent authority may require him to take.

- (4) A registered grower may, by application in the prescribed manner, request the competent authority to inspect the crop of seeds, progeny garden, fruit plants and nursery raised by him, and to suggest such measures as the competent authority may consider necessary for the improvement thereof.

6. (1) On the application made in the prescribed manner by a registered grower, the competent authority shall inspect his crop of seeds, godowns of seeds, progeny garden, fruit plants and the nursery.

Certification.

(2) If the competent authority is satisfied that the seeds, fruit plants and nursery raised by the registered grower have attained the standard notified under section 3, the competent authority shall certify such seeds, fruit plants and nursery as seeds, fruit plants and nursery, as the case may be, of high quality.

7. (1) The certified seeds produced by a registered growers shall be disposed of in such manner as may be prescribed.

Sale and distribution of certified seed, fruit plants and nursery plants.

(2) Out of the certified seeds produced by a registered grower, such quantity as may be allowed by the competent authority shall be retained by him for his own use. The remaining seeds shall, subject to the payment of price in advance, be sold by him to Government or to the competent authority. Where the price has been so paid, the registered grower shall, subject to payment of charges for storage, make arrangements, for storage thereof until delivery is taken in pursuance of the sale. Where the price has not been so paid, the registered grower shall, after a fortnight's notice to Government of his intention so to do, be at liberty to sell the certified seeds in the market.

(3) For the purposes of sale of certified fruit plants and products of certified nurseries outside the local area specified under sub-section (3) of section 1, the competent authority may require a registered grower to sell fruit plants and products of nursery to such persons and at such reasonable rates as may be specified by the competent authority, and the registered grower shall comply accordingly.

(3) Save as provided in sub-section (3), a registered grower shall be free to dispose of fruit plants and products of his nursery in such manner as he may consider proper.

8. (1) If a registered grower fails to grow seed and fruit plants of high quality or nursery thereof, the competent authority may, after giving notice to the registered grower and giving him an opportunity of being heard, cancel the registration.

Penalties.

(2) If a registered grower maintains a nursery which is below the standard notified under section 3, the competent authority may, after giving such owner an opportunity of being heard, seize the nursery and confiscate it.

(3) If a registered grower contravenes any of the provisions of this Ordinance, he shall, without prejudice to the action that may be taken against him under sub-section (1) or sub-section(2), be liable, on conviction before a Magistrate of the First Class to a fine not exceeding one thousand rupees.

(4) Whoever, not being a registered grower, raises a nursery of fruit plants of any quality on commercial basis shall be liable on conviction before a Magistrate of the First Class to a fine not exceeding one thousand rupees and, where the offence is continued after conviction, to a further fine of fifty rupees for each day during which the offence is continued.

(5) No Court shall take cognizance of any offence punishable under sub-section (4), except on complaint made by the competent authority or any person duly authorised in this behalf by the competent authority.

9. The competent authority shall have power—

Other powers of the competent authority.

(i) to inspect or cause to be inspected at any time the crop of certified seeds, stores of certified seeds, progeny garden, fruit plants and nursery raised by a registered grower;

(ii) to seize and detain or cause to be seized and detained seeds and products of a notified nursery found to be below the standard notified under section 3, and to destroy them in the prescribed manner.

10. (1) Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Ordinance. Power to make rules.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—
- (a) the qualifications, if any, for registration and the procedure therefore;
 - (b) the number , type and kind of fruit plants to be maintained in a progeny garden, and the size of the garden;
 - (c) the manner in which the competent authority may be requested to inspect crops of seed, progeny gardens, fruit plants and nurseries and to suggest improvements
 - (d) the control and regulation of the import and export of seeds and fruit plants of high quality and the nursery products;
 - (e) the manner of seizure, detention, confiscation or below the standard notified under section 3;
 - (f) the manner in which a registered grower shall dispose of the certified seeds produced by him.
11. Government may by notification in the official Gazette delegate to any officer subordinate to it any of its power under this Ordinance or the rules made thereunder. Delegation of powers.