

## **SEED INSPECTOR**

### **Qualifications of Inspector**

1. The Act specifies some basic and important qualifications for the Inspector. However, the Inspector's personal qualities are equally important. He should have a high level of integrity, initiative and above all pleasing manners. He must also be tactful and discrete in dealing with people, but firm when firmness is needed. He should have no financial interest in the seed industry but at the same time be totally dedicated to the growth and development of the industry. The Inspector should be fair, friendly and firm.
2. The attitude of the Inspector towards his work and the manner in which he carries out his duties is extremely important for successful enforcement of the Act. Proper implementation and functioning of the Act rests upon a vigorous and constant educational effort. The seed industry can not carry out the provisions of the Act unless they know what is expected of them. The Inspector is the person who can disseminate this information and cause seeds men to recognize the benefits of complying with the Act. Thus, the Inspector must always be an educator.
3. The Inspector must be well trained and thoroughly knowledgeable of all aspects of his duties. These would include:
  - a. a thorough understanding of the Act and the Rules and all notifications relevant to his region.
  - b. some knowledge of the kinds and varieties notified for his region and familiarity with the seed standards and the minimum limits prescribed for different crops.
  - c. the ability to identify agricultural and horticultural seeds, objectionable and harmful weed seeds, as well as many common weed seeds, and varieties of agricultural and horticultural seeds that can be identified readily.
  - d. an understanding of the principles and procedures of seed sampling, division and submission of samples.
  - e. knowledge of seed testing laboratory procedures and reports.
  - f. familiarity with all forms and details related to sampling, despatch of samples, stopping seed sales, seizure and related legal action.
  - g. general knowledge about seed production, certification, processing, storage and marketing.
4. Periodic training programmes and refresher courses must be provided to make the Inspectors adequately familiar with all these subjects. New Inspectors should undertake on-the-job training and should work with more experienced Inspectors for a period to gain sufficient field experience.

### ***Powers of Inspector***

5. He may draw representative samples of any seed of any notified kind or variety from the seed lots of any person selling, keeping for sale, offering to sell, bartering, conveying, delivering or preparing to deliver such seed. If the container from which sample is to be drawn is intact, he may also draw samples after the delivery of such seed to a purchaser or consignee.
6. He may send such samples, for analysis, to the Analyst for the region within which the sample has been drawn.
7. He may enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under the Act has been or being committed. If the offence is such that it can be removed or corrected,

he may issue a stop sale order in of the Rules, ordering the possessor of such seed not to dispose of the concerned seed lot for a specific period not exceeding 30 days. During this period, the possessor of seed may correct the defect(s) and intimate such action to the Inspector who, on being satisfied about the removal of the defect(s) shall revoke the stop sale order as in **Annexure-1**. If the defect(s) cannot be removed or corrected, the inspector may issue a seizure order in **Form-IV** of the Rules, and seize the seed lots.

8. He may break open the door of any premises where any seed of any notified kind or variety may be kept for sale in case the owner or any person in occupation of the premises, in spite of being present, refuses to open the door even upon request made by the Inspector.
9. He may break open any container in which any seed of any notified kind or variety may be present.
10. He may examine any record, register, document or any other material object found in any place mentioned in **Para: 7**. If he has reason to believe that the records etc., may furnish evidence of the commission of an offence punishable under the Act, he may issue a seizure order in **Form-IV** of the Rules and seize the records.
11. He may search or seize seed stock(s) and/or record(s) under the Criminal Procedure Code, 1898. The relevant provisions of the Criminal Procedure Code 1898 (5 of 1898) regarding search of house suspected to contain stolen property, forged documents, etc. are reproduced in **Appendix-I**.

### *Duties of Inspector*

12. Whenever an Inspector intends to take sample of any seed of any notified kind or variety for analysis he shall give notice of such intention in writing in **Form-IV** of the Rules, to the person from whose seed lots he intends to take samples. He shall, as far as possible, call not less than two persons to be present at the time when he draws sample(s) and take their signatures in **Form-VIII** of the Rules. He shall also remove five original labels from each lot and replace them by labels duly authenticated by the Department of Agriculture. Alternatively, if five spare labels identical to those on the seed containers under sampling are available with the person from whose seed lot sample is drawn, he may obtain these spare labels from the person.
13. He shall randomly divide the representative sample drawn, in to three equal and identical parts and :
  - a. deliver one sample to the person from whose seed lots the sample has been drawn;
  - b. send one sample along with **Form-V** of the Rules for analysis to the Analyst for the area within which the sample has been drawn; and
  - c. retain the third sample in the manner explained in **Appendix-III** for production in case any legal proceedings are taken or for analysis by the Central Seed Laboratory if the accused vendor or the complainant makes an application to the court for sending the sample retained by the Inspector to the Central Seed Laboratory for its report.

The principles and procedure for sampling, mixing, dividing, preparation and despatch of samples are enumerated in **Appendix-II**.

14. If the person from whose seed lot the samples have been drawn refuses to accept one of the samples the Inspector shall send intimation to the Analyst of such refusal and shall send the samples so refused by the person to the Analyst who shall divide each such sample into two equal and identical parts and after sealing or fastening one of the samples deliver the same to the Inspector's control who shall retain it for production in case legal proceedings are taken.
15. He shall procure and send for analysis, if necessary, samples of any seed, which he has reason to suspect, are being produced, stocked, sold or exhibited for sale in contravention of the provisions of the Act and/or Rules.

16. He shall satisfy himself that the conditions laid down by the certification agency are being observed in regard to issuance and revalidation of certificate.
17. He shall pay, on demand to the person from whose seed lot the sample is collected, the cost of the sample collected by him, at the rate at which such seed is usually sold to the public.
18. He shall, as soon as possible, inform a magistrate and take his orders as to the custody of the seized stock, records, registers, documents or material object provided it furnishes evidence of commission of offence.
19. He shall be prompt in ascertaining whether or not the seed contravenes the provisions of the Act and the Rules and if it is ascertained that the seed does not contravene the provisions, revoke the order passed under Section-14 (1)(c) as in **Annexure-II** and take such action as may be necessary for the return of the stock of the seed and/or record(s) seized.
20. He shall inspect as frequently as may be necessary all places used for storage or sale of any seed of notified kind or variety.
21. He shall investigate any complaint, which may be made to him in writing in respect of any contravention of the provisions of the Act and/or Rules.
22. He shall maintain a record of all inspections made, and action taken by him in the performance of his duties, including the taking of samples and the seizure of stocks; and submit copies of such record to the Director of Agriculture or to such authority as may be directed in this regard.
23. He shall, when so authorized by the State Government, detain imported containers, which contravene the provisions of the Act.
24. In the case of persistent defaults, or flagrant contravention of the provisions of the Act and the Rules, he should promptly institute prosecution.

#### *Mobility of and seed storage arrangements with Inspector*

25. Two important needs for Inspectors are mobility and storage space for seed samples. Mobility is vital for the success of the seed law enforcement programme. It is essential that Inspectors are provided with suitable facilities for quick movement.
26. The storage of seed samples retained by the Inspector is his responsibility. However, recognizing his limitations in the location where he is working, it is recommended that the laboratory may arrange for suitable storage of all the Inspector's samples. The officer to whom the inspector is subordinate should ensure that the Inspector's samples are stored in a proper manner in a suitable location as recommended in **Annexure-III**. Storage space should be such that the viability of the seed is maintained for a reasonable period of time, at least one year.