

Bye - Laws
of
HARYANASTATESEED
CERTIFICATION AGENCY
CHANDIGARH

Certificate of Registration of Societies

(Act XXI of 1860)

No. 1 of 1976-77

I hereby certify that " THE HARYANA STATE SEEDS CERTIFICATION AGENCY, KARNAL" has this day been registered under the Society Registration Act XXI of 1860 and as amended by Punjab Amendment Act, 1957.

Given under my hand at Chandigarh this 6th day of April One thousand, Nine hundred and seventy six.

Fee Rs. 50/-

Seal
Registrar of Firms & Societies,
Haryana.

(KULWANT SINGH)
Registrar of Firms and Societies,
Haryana

Haryana State Seed Certification Agency

[CHANDIGARH]

MEMORANDUM OF ASSOCIATION

**In the matter of the Societies Registration Act
(Act XX] of 1860) being an Act for the registration of Literary,
Scientific and Charitable Societies**

AND

In the matter of the State Seed Certification Agency,

1. The name of the Society shall be the Haryana State Seed Certification Agency (hereinafter referred to as the 'Agency ').
2. The Registered office of the Agency shall be situated at Kamal, while the Administrative office of the Agency shall be located in the Directorate of Agriculture, Haryana, Chandigarh.
3. The objects for which the Agency is established are :-
 - (a) to act as the certification agency established under section 2 of the Seeds Act, 1966 (54 of 1966).
 - (b) to discharge the functions entrusted to the certification agency under sections 9 & 10 of the Seeds Act, 1966 (54 of 1966).
 - (c) to recognise varieties (& kinds where/improved varieties are not available) eligible for seed certification and publish annually lists indicating the name of such varieties and kinds.
 - (d) to maintain a list of sources of breeder and foundation seeds approved by the Central Seed Certification Board in the case of variety grown in more than one State and by the State Seed Certification Board in the case of varieties of local importance.
 - (e) to verify upon receipt of an application for certification that the variety is eligible for certification that the application has been submitted in accordance with the procedure prescribed by the State Seed Certification Governing Board and that the source of seed used for planting is from approved sources.
 - (t) to provided for the inspection of seed fields, seed processing plants and seed lost in accordance with the procedure outlined by the Central Seed Certification Board.
 - (g) to ensure that the seeds certified in the State conform to the standard prescribed by the Central Seed Certification Board.
 - (h) to grant certificates, certification tags and seal etc. designed as per specifications provided by the Central Seed Certification Board and as per procedure prescribed by the State Seed Certification Governing Board.
 - (i) to carry out educational programmes designed to promote the use of certified seed including a publication listing cooperators in the seed certification programme and sources of certified seed and provide such information to the Central Seed Certification Board and to publicise the same.
 - (j) to regulate the processing of seeds in the seed processing units with a view to see that seeds are properly processed to conform to the standard fixed.
 - (k) to test the seeds at the notified Seed Testing Laboratories to conform to the standard prescribed under the Seeds Act.

(i) Periodical inspection at premises of Dealers to ensure that certification standards are not violated and there is no abuse of certification in any form and to ensure that farmers get certified seed conforming to the standard prescribed under the Seeds Act at all times.

4. The names, addresses and occupation of the first members of the Haryana State Seed Certification Agency Governing Board, to whom, by the rules and regulations of the Agency, the management of the agency's affairs is entrusted are given below:-

- | | |
|---|---------------|
| 1. The Secretary to Government, Haryana,
Agriculture Department, Chandigarh. |Chairman |
| 2. Joint Secretary to Government, Haryana,
Finance Department, Chandigarh. |Member |
| 3. Director of Agriculture, Haryana, Chandigarh. |Member |
| 4. Deputy Secretary to Govt., Haryana,
Agriculture Department, Chandigarh. |Member |
| 5. Director, Research, Haryana Agricultural
University, Hissar, |Member |
| 6. Joint Director of Agriculture,
Directorate of Agriculture, Haryana, Chandigarh. |Member |
| 7. Assistant Seed Production Officer.
Directorate of Agriculture, Haryana, Chandigarh. |Member |
| 8. Chief Development Officer,
Haryana Seed Development Corporation, Chandigarh. |Member |
| 9. One Crop Specialist from Haryana Agricultural
University, Hissar to be nominated by Vice Chancellor |Member |
| 10. One Representative to be nominated by Central Seed
Certification Board. |Member |
| 11. Seedmen (two) to be nominated by the State Government. |Members |
| 12. One Grower Representative
(to be nominated by State Govt.) | ...Member |
| 13. Chief Seed Certification Officer,
Haryana State Seed Certification Agency, Chandigarh. |Secretary |

5. A copy of the Rules of the Agency certified to be a correct copy by three members of the Board is filled alongwith the Memorandum of Association.

6. We, the several persons whose names and addresses are given below, having associated ourselves for the purpose described in the Memorandum of Association do hereby subscribe our names to this Memorandum of Association and set our several respective of hands hereunto and form ourselves in to a Society under Act XXI of 1860 on this second day month of January, Year of 1976 at Chandigarh.

- | | |
|---|-------|
| 1. Secretary to Government, Haryana,
Department of Agriculture & Cooperation, Chandigarh | Sd/- |
| 2. Joint Secretary to Government, Haryana,
Finance Department, Chandigarh. | Sd/- |
| 3. Director of Agriculture, Haryana,
Chandigarh. | Sci/- |
| 4. Deputy Secretary to Government, Haryana,
Agriculture Department, Chandigarh. | Sci/- |
| 5. Chief Development Officer,
Haryana Seed Development Corporation, Chandigarh. | Sd/- |
| 6. Joint Director of Agriculture,
Directorate of Agriculture, Haryana, Chandigarh. | Sd/- |

7. Chief Seed Certification Officer,
Haryana, Chandigarh. Sd/-
8. Assistant Seed production Officer,
Directorate of Agriculture, Haryana, Chandigarh. Sd/-

Witness

Place : Chandigarh

Dated: 2-1-1976

Sd/-

Assistant Accounts Officer,
Directorate of Agriculture,
Haryana, Chandigarh.

Haryana State Seed Certification Agency Amended Rules

1. **Short title :-**

These Rules may be called the ' Haryana State Seed Certification Agency Rules, 1976 '.

2. **Definition :-**

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 Agency.
- d. "Agency" means the State Seed Certification Agency.
- e. "Member Secretary" means the member secretary of the Board.

3. **Authorities of the Agency:-**

The authorities of the Agency shall be:-

- a. The Chairman.
- b. The Board.
- c. The Director.
- d. Such other authorities as may be constituted by the Board to give effect the provisions of the Memorandum of Association of the Agency and these Rules.

4. The Director shall be Chief Executive Officer of the Agency.

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:-**

The Board shall consist of the following members:-

- a. The Secretary for Agriculture in the State who shall be Chairman.
- b. Two representatives of the Department of Agriculture nominated by the Director of Agriculture.
- c. Deputy Secretary to Govt. Haryana, Agriculture Department.
- d. One representative of the Department of Finance, nominated by the Secretary of Finance of the State.
- e. The Director of Research in the State Agricultural University.
- f. Chief Development Officer, Haryana State Seed Development Corporation, Chandigarh.
- g. One Specialist on crop research to be nominated by the Vice-Chancellor of the Agricultural University.
- h. Two seed men representatives nominated by the State Government.
- i. One representative of the farming community to be nominated by the State Government.
- ii. One representative of seed user farmers to be nominated by the State Government.
- J. One representative to be nominated by the Central Seed Certification Board.
- k. The Director of State Seed Certification Agency who shall be the Member-Secretary of the Board.

7. Roll of members:

The Board shall keep a roll of Members giving their names, addresses and occupations 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 thereupon 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 h, i and ii shall be two years and retiring member shall be eligible for renomination for one more term only, in cases where more than one representative is nominated, one shall be nominated in the first instance for only one term to ensure a gradual change of Board Members and better continuity.

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

- a. he dies, resigns, become of unsound mind or becomes Insolvent or is involving moral turpitude, or convicted of a criminal offence involving moral turpitude, or
- b. he does not attend three consecutive meetings of the Board without proper leave of the Chairman, or
- c. being a member by reason of the office or appointment he holds, ceases to hold that office of appointment,
- d. being a member nominated by the State Government under categories h, i, and ii of Rule 6, on withdrawal of such nomination by the State Government.

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

12. Any 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 un-expired 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 whether by non appointment . A defect in appointment or otherwise and no act or proceeding of the Board shall be called in question on the ground merely of the existence of any vacancy in or any effect 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 any ordinary general meeting of the Board whenever he thinks necessary. However, the Board shall hold at least four ordinary general meetings every year.

c. Ten 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 on behalf of the Chairman.

16. Every notice calling a meeting of the Board shall state the date, time and place, at which such meeting will be held and 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 reasons 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 Chairman for the meeting.

18. Eight 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 they meet again to transact the same business after due notice as provided for in Rule 16, no quorum shall be necessary.

19. All disputed question at the meeting 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 there of shall be sent to the State Government, the Central Seed Certification Board, the Agriculture University and the Haryana Seed Development Corporation.

21. Powers of the Board

i) 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 these from time to time for the administration and management of the affairs of the Agency and for carrying out its objectives in the preparation and sanction of budget estimates, the sanctioning of expenditure making and execution of contracts, the investment of the funds of the Agency and accounts and audit.

ii) Procedure for appointment of the officers & other staff of the Agency.

iii) The terms and tenure of appointment, emoluments, allowances, rules and discipline and other conditions of service of the officers and other staff of the Agency.

iv) Powers, functions and conduct of business of such committees as may be constituted from time to time.

22. Bye-laws :

The Board may form bye-laws which are not inconsistent with the Memorandum of Association, Rules and regulations for carrying out the purposes of Agency and for its day to day administration.

23. Subject to the memorandum of association, rules and regulations and Board shall have the power:-

a. to appoint all categories as of officers and staff for conducting the affairs of the Agency consistent with qualifications specified by the Central Seed Certification Board, to fix the amount of their remuneration, subject to the budget provision and to define their duties.

b. to enter into arrangements with the Government of India, State Government and other Public or Private Organisations or individuals for furtherance of its objectives, for implementation of its programme and for securing and accepting endorsement grants-in aid, donations of gift on mutually agreed terms and conditions. Provided that the such grant-in-aid, donations shall not be inconsistent or in conflict with the objectives of the Agency or with the provisions of the Rules.

c. to establish and collect fees for services provided by the Agency 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 movable or immovable, which may be necessary or convenient for the purposes of the Agency and to construct, alter and maintain any building for the purposes of the Agency.

e. to draw, make, accept, endorse, discount and negotiates State Govt, Govt of India and other promisory notes, bills of exchange, cheques or other negotiable instruments.

f. to invest the funds of the Agency in such securities or in such manner as may, from time to time, be determined by the Board and from time to time sell or transfer such investments.

g. to take over and acquire by purchases, gift or otherwise from Govt. and other public bodies or private individuals movable and immovable properties or other funds together with any attendant obligations and engagements not inconsistent with the objects of the Agency.

Note:-

The powers under (b) , (d) and (g) shall be exercised by the Board subject to the condition that the prior approval of the Govt. of India shall be obtained for accepting any gift or assistance in any form from foreign Govts./Organisations and International agencies or for entering into any negotiations or contractual arrangements with them and to sell, transfer, lease or otherwise dispose of any movable or immovable property of the Agency shall be sold or transferred without the prior approval of the State Government.

24. The Board may delegate to the Chairman, any of its 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 prescribe limitations within which these powers are to be exercised or duties to be performed.

25. The Board may by resolution appoint:-

a. Committee or Sub-Committee for such purposes and with such powers as it may think proper and,

b. Advisory committees or panels consisting of persons who need not necessarily be the members of 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 complement of a qualified staff of the Agency.
b. arrange for suitable office space for its and the agency headquarter.
c. assure that the staff has adequate equipment, mobility and supplies to carry out the responsibilities entrusted to it.

d. recognised authentic sources of breeder and foundation seed.

e. recognise a seed testing laboratory or laboratories for analysis of samples for certification by the Agency.

f. consider matters of concern and specific certification problems 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, or the State Government and seed producers organisation.

h. recommend to the Central Seed Certification Board, modifications in seed certification standards and procedure.

i. develop an educational programme emphasising use of 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 programme in the State and the country.

27. **Functions and powers of the Directors :**

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

28. **Funds of the Agency :**

The funds of the Agency shall consist of the following:-

a. grants made by the Govt. of India and State Government.

- b. contribution from other sources
- c. income from the assets of the Agency and
- d. receipts of the Agency by way of application and certification fees and other service charges.

29. The funds of the Agency shall be deposited in the _____(Bank) (to be specified by Govt.). All the funds shall be paid to the account of the Agency with (Bank) _____ and shall not be withdrawn except through a cheque signed by such officer or officers of the Agency as may be duly empowered in this behalf by the Board and countersigned by the Director or a member or members of the Board authorised in this behalf by the Chairman.

30. The less representative of the Department of finance on less the Board will be the Financial Advisor to the Agency. Financial aspects of major importance of the Agency shall be referred to the Financial Advisor for his advice. If the advice tendered by the Financial advisor on any matter referred to him is not acceptable to the Director, the matter shall be referred to the Board for a final decision.

31. Accounts. Audit and Annual Report :

a. The Agency shall maintain proper accounts and other relevant records and prepare annual accounts comprising the receipt and payment accounts, statement of liabilities etc. in such form as may be prescribed by the Board in consultation with the Auditors.

b. The accounts of the Agency shall be audited annually by the Auditors appointed by the Board and any expenditure incurred in connection with the audit of the accounts of the Agency shall be payable by the Agency.

c. The auditors shall have the same rights and privileges and authority in connection with the audit of the accounts of the Agency 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 books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the institutions of the agency.

d. The accounts of the Agency 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 the Central Seed Certification Board.

32. An annual report of the proceedings of the Agency 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. Agriculture University, Seed men and others concerned and interested.

33. Amendment to Rules:-

Subject to the provisions of the Society Registration Act, 1860 (XII 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 numbers of members of the Board.

34. General :-

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

35. The Society shall use and be used in the name of Director of the Agency.

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 fifth of the total number of members of the Board. On such dissolution all assets and liabilities of the Society shall vest in State Government and shall be dealt with in such manner as the State Government may direct. Certified to be correct copy of Rules of the State Certification Agency.

Sd/-

Sd/-

Sd/-
