

M.Sc. Ag. IV semester

Course: Principles & Practices of Seed Production

Chapter: 04 (Seed Legislation)

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TOPICS

1. Seed Act
 2. Seed Rules & Amendments
 3. Seed (Control) Order
 4. New Policy on Seed Development-1998
 5. National Seed Policy-2002
 6. Seed Bill-2004
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SEED LEGISLATION

First Indian Seed Act was introduced in 1966 but before that also there were local legislation relating to the use of seeds. As that was the stage of revolution in the Indian agriculture and few years were passed by independence. The laws which were present that time were like The Punjab Seeds and Seedling Act, 1950 and Hyderabad Improved Seed and Seedlings Act etc. The Punjab Seeds and Seedling Act, 1950 was made to provide for the use of pure and certified seeds and seedlings of the improved varieties of crops recommended by the Department of Agriculture in the Haryana.

Quality of seeds plays a pivotal role in the production of yield. Hence to increase the food grains production for food security, emphasis on the quality of seed has to be made. Hence, to provide legal framework around seed certification and make good quality seeds available to cultivators the parliament had passed Seed Act 1966. In the year 1966 the first

Seed Act came into force. Before that no central legislation was there. The act was formed to save and uplift the farmer by ensuring that farmers get good quality seed. Seed Act 1966 provides various enactments related to seeds like providing notification of various varieties of seed, different kinds of crops, certifying and labeling of seed, seed testing, providing various licenses to the dealers of seed, display of stocks etc. Seed Rules 1968 provides for the minimum quality standards and certification for notifying various kinds and varieties. In Seed Act various formation of advisory bodies like Central Seed Committee, Central Seed Certification Board and its sub-committees, Seed Certification Agencies, Seed Testing Laboratories, Appellate Authorities, etc. Later on the amendment Act came in the year 1972 with the jute seeds being added under the seed Act. Then there came the Seed (Control) order, in 1983 for exercising the powers conferred under section 3 of Essential Commodities Act, 1955 which empowered central government to Control Production, Supply, and Distribution. Quality control as envisaged in the Act is to be achieved through pre and post marketing control, voluntary certification and compulsory labelling of the seeds of notified kind / varieties.

Measures of seed legislation with respect to quantity and quality were initiated in the country by establishment of **National Seed Corporation** during 1963 under Ministry of Agriculture. The seed sector in India during the period was dominated by the Public sector. The NSC was the Central Body to produce seeds of superior dwarf varieties in rice, wheat and, superior hybrids in maize, pearl millet and sorghum. This was followed by various seed legislations enacted by Government of India details of which have been enumerated in followed pages. Further, AICRP-National Seed Project during 1979 (NSP) was undertaken by the Indian Government.

To help Multinational Corporation in utilizing the manpower and knowledge base of our country, the Plants, Varieties and Fruits Order was passed during 1989 and amended subsequently during 1998, 2000 and 2001. Finally the order was revised by another order, Plant Quarantine (Regulation of import into India) Order in 2003. Signing of WTO in 1995 paved the way for private research and development of varieties. In order to regulate such varieties, the protection of Plant Varieties and Farmers' Right Act was passed in 2001 which was followed by National Seed Policy, 2002 and Seeds Bill, 2004

The project resulted in achieving breeder seed production surpassing the indents in all major crops. Recently, Governments' decision to embrace biotechnology as a means of achieving

food security has made seed quality an important aspect in R & D and business sector in India such as "approval for commercial cultivation of Bt cotton" in the year 2002. Several leading multinational seed companies have entered the seed market and at present the composition of the seed industry by volume of turnover, has reportedly reached a ratio of 60:40 between the private and public sectors.

Seed legislation could broadly be divided into two groups

1. Sanctioning legislation

Sanctioning legislation authorizes formation of Advisory bodies, Seed Certification Agencies, Seed Testing laboratories, Foundation and Certified Seed Programmes, Recognition of Seed certification Agencies of Foreign countries Appellate authorities etc.

2. Regulatory legislation

Regulatory Legislation controls the quality of seeds sold in the market including suitable agencies for regulating the seed quality. On quality control basis, the Seeds Act could conveniently be divided into the following:

Sanctioning Legislation	Regulating Legislation
<ul style="list-style-type: none"> • Formation of advisory bodies • Seed testing laboratory • Certification agencies for seeds • Certification of seed programs • Recognition of seed certification • Bodies of foreign countries • Appellate authorities etc. 	<ul style="list-style-type: none"> • Quality control of seeds sold in the market. • Seed quality regulation • Appropriate agencies

MAJOR LEGISLATIONS IN INDIA

7. Seed Act
8. Seed Rules & Amendments
9. Seed (Control) Order
10. New Policy on Seed Development
11. Plants, Fruits and Seeds Order

12. Plant Quarantine Order
13. Protection of Plant Varieties and Farmers Rights Act
14. Protection of Plant Varieties Rules
15. National Seed Policy
16. Seed Bill
17. Regulatory measures specific to transgenic seeds

1. SEEDS ACT (1966)-

Please See the file: SSG-05-1: Seed Prodⁿ-Seed Act

2. SEED RULES & AMENDMENTS

SEED RULES, 1968

The rules have been framed to implement various legislations given under Seed Act, 1966 and contain **11 sections**.

I. Preliminary

This section provides definitions of various terminology used under the seed rule.

II. Central Seed committee

This section describes the specific functions entrusted to the committee by the act such as Recommendation for Seed Testing fee, advice on the suitability of seed testing laboratory, Recommendation for the procedure and standards for seed certification and testing. Also the rules provide details of travelling and daily allowances payable to the members of the committee.

III. Central Seed Laboratory

In this section it describes the specific functions entrusted to the Central Seed Laboratory such as coordinating with State Seed Laboratories for uniformity in test results, collecting data on quality of seeds available in the market and any other function assigned to it by the Central Government.

IV. Seed Certification Agency

This section deals with the specific functions entrusted to the Certification Agency such as outlining the procedure for submission of applications, growing, harvesting and processing and storage of seeds intended for certification, maintaining a list of recognized nucleus seed

breeders, inspections of seed production fields, seed processing plant and seed stores, grant of certificates.

V. Marketing or Labeling

Rules for marking or labeling of seed lots indented for certification have been provided in this section. The label should contain name of the person or agency that produced the seed and shall be responsible for the accuracy of information given in the unopened original container. The label should contain the name, the address of the person offering the sale of the seed, name of the variety, germination and purity level of the seed, net weight of the seed, date of seed testing and a statement if the seed is treated. Any transparent cover used solely for the purpose of packing during transport or delivery need not be marked or labeled.

VI. Requirements for Certification

Three classes of certified seed have been specified in this section, viz. Foundation (progeny of breeder seed), Registered (progeny of foundation seed) and Certified (progeny of registered foundation seed) and each class shall meet the specific standards. Certification agency has the discretion of producing certified seed from certified seed provided that it does not exceed three generation and the genetic purity is not significantly altered.

VII. Certification of seeds

The detailed procedure of seed certification starting from applying for certification till the grant of certificate has been provided in this section. Application has been outlined by the certification agency containing the name and details of the applicant, the name of the seed to be certified, class & source of the seed, germination and purity and mark or label. A fee of Rs. 25 is levied for certification. Once certified, the certification tag containing information such as name and address of the certification agency, name of variety, lot number, name and address of the producer, date of issue of its certificate and its validity, an appropriate sign, to designate certified seed. The color of the tag shall be **white for foundation, purple for registered and blue for certified seed**. The holder of certificate shall allow any seed inspector to enter and inspect the seeds kept for sale, registers or other documents.

VIII. Appeal

Provision for appeal has been provided by submitting a memorandum accompanied by a treasury receipt for Rs. 100. The appellate authority shall exercise all the powers which a court has, while deciding appeal under the code of civil procedure, 1908.

IX. Seed Analyst and Seed Inspectors

The specific qualifications and duties of seed analyst and seed inspectors have been provided in this section. Seed analyst should possess a Master Degree in Agriculture/ Agronomy/ Botany/Horticulture from a recognized University with at least one year experience in Seed Technology or possess a Bachelors degree in Agriculture/Botany from a recognized university with a minimum of three years experience in Seed Technology for this purpose. Seed analyst shall analyze the seed samples according to the provisions of the Act. Seed Inspector shall be a graduate in agriculture with at least one year experience in Seed Technology.

X. Sealing, Dispatch and Analysis of Samples

The details of sampling, labeling, manner of packing and sealing the samples as well as its dispatch to the seed analyst has been provided.

XI. Miscellaneous

The need to maintain stock record of seeds and record of the sale of seed have been provided in this section.

AMENDMENTS TO THE SEED ACT / SEED RULES

The Seeds (amendment) Rules, 1972

Inclusion of "jute seeds" to the Seeds Act, Establishment of a Seed Certification Board, and empowerment of the Board to fix minimum standards

- Establishing Central Seed Certification Board to advise Government on all matters relating to the certification and co- ordinate the functioning of certification agencies.

The Seeds (amendment) Rules, 1973

Powers of appellate authority and duty of seed analyst have been slightly modified. Seed Testing Manual published by ICAR has been mentioned to be referred by the seed analysts

- Judicial powers of authority provided in Seed Rules under Appeal, has been omitted.
- Seed analyst shall analyze samples in accordance with the procedures laid down in the Seed Testing Manual published by the ICAR.
- Amendment has been made by specifying the time period (maximum 30 days after receipt of the sample) within which the seed analyst should report the result.
- Amendment by empowering the State Government to assign any duty to Seed Inspector has been made.

The Seeds (amendment) Rules, 1974

More powers conferred on seed inspector during crop failure

- Modified the seed rules by adding a clause on action to be taken by the seed inspector if a complaint is lodged with him as a result of crop failure.
- The amendment says that in cases of crop failure, the inspector shall investigate causes of failure by sending seed samples for detailed analysis.
- He shall also submit the report to the competent authority
- If the inspector comes to conclusion that failure of performance is due to low quality seed not meeting the minimum standards notified by the Central government he shall take proceedings against supplier.

3. SEEDS (CONTROL) ORDER, 1983

The inclusion of seeds as an essential commodity item under the Essential Commodity Act, 1955 brought the Seeds (Control) Order.

- A person carrying on the business of selling, exporting and importing of seeds needs to obtain a license.
- The Essential Commodity Act, 1955 gives powers to State governments to regulate various aspects of trading in essential commodities under the supervision of Central Government. The act again passed with amendments in the year 1980 clearly states that detaining of persons whose activities are unethical in the supply of essential commodities. This help in prevention of black marketing of the supplies
- The license provided to a seed dealer remains valid only for 3 years from the date of its issue which can be later renewed
- The seed dealer has to essentially display the stock position (opening and closing) on daily basis along with a list indicating prices or rates of different seeds
- A cash or credit memorandum has to be given by the dealer to purchaser of seeds, Compulsorily
- The State Government is empowered with appointing a licensing authority, inspectors and mode of action for supply regulation.
- Under this order the time period for completion of seed analysis in case of any doubt about quality is 60 days compared to 30 days under Seed Rules

- Cancellation of license if obtained through misrepresentation
- Provision for appeal and an appellate has also been provided
- Provision for amendment of license and need for maintenance of records and submission of monthly returns by the dealer

4. NEW POLICY ON SEED DEVELOPMENT, 1988

The policy was formulated to provide Indian farmers with access to the best available seeds and planting materials of domestic as well as imported

Ministry of Agriculture, vide Letter No.11-71/88-SD-1 dated **September 16,1988**, has brought out ‘**New Policy on Seed Development**’, which is under full implementation from **01 October 1989**, with the aim of providing to the farmer the best planting materials available in the world so as to increase productivity and there by increasing farm income and export earnings. The Policy covers the import of seeds of coarse cereals/pulses/oil seeds; vegetable & flower seeds; bulbs/tubers of flowers; cuttings/ saplings/bud /wood etc., of flowers; and seeds & planting material of fruits.

The following are the guidelines for the import of above categories of seed/planting material under the Seed Policy--

1. Import of seeds of coarse cereals/pulses/oil seeds

- The import of seeds of coarse cereals/pulses/oil seeds is permitted for a period not exceeding two years by companies that have technical/financial collaboration with companies abroad, provided that the latter agree to supply parental lines/nucleus or breeder seed technology to the Indian firm within two years of first shipment of commercial consignment.
- The bulk import is permitted by the importer based on the recommendation issued by the Department of Agriculture & Cooperation (DAC) after considering the trial/evaluation report of the varieties/hybrids, which he intends to import. PPA or any other officer notified for the said purpose issues the import permit based on the recommendation of DAC. However the recommendation of DAC is not required for import of trial material.
- The quantities of the seed permitted for import for initial trials by the importer, for ICAR multi-location trials & agronomic trials or combined trials (vide Letter No. 11-71/88/S.D.I dated 30th January 1989 issued by the Ministry of Agriculture) as

per Para 4.3.5 of Seed Policy are given in **Schedule-XII** and also the quantities of seeds of parental lines required to be sampled and submitted in sealed condition for accession to gene bank of National Bureau of Plant Genetic Resources (NBPGR), New Delhi (vide Letter No. 11-102/88-S.D.I dated 5th February 1991) as per Para 4.3.8 of Seed Policy.

- The imported consignment shall be subjected to detailed testing for a period of 30-35 days and the same purpose the consignment will be held under detention in AAI warehouse or any customs bonded warehouse at the cost of importer.

2. Import of vegetable & flower seeds

The bulk import of vegetable & flower seeds is permitted under Open General License (OGL) by the eligible importers viz.,

(i) Departments of Agriculture/Horticulture of the State Governments, State Agricultural Universities and ICAR;

(ii) Seed producing Indian companies/firms after registration with National Seeds Corporation;

(iii) National Seeds corporation, State Seeds Corporations;

(iv) Food processing industrial units;

(v) Growers of vegetables and flowers registered with Director of Horticulture/Agriculture of the State Government. The imported seed is subject to detailed seed testing for a period of 30-35 days on arrival at the port of entry. However, permit issued by PPA or any other competent officer notified for this purpose, is required for import of vegetable seeds but not flower seeds.

3. Import of bulbs & tubers of flowers

The bulk import of bulbs & tubers of flowers and ornamentals is allowed under OGL by eligible importers as stated above. The imported consignments shall be subjected to grow-out test for a period of 35-40 days on arrival at the port of entry and for the same purpose the consignment will be held under detention in cold storage under customs bond or the imported bulbs & tubers may be subjected to post-entry quarantine instead of grow-out test at the specific request of the importer (vide Ministry of Agriculture Letter No. 8-55/93-PP.I, dated 10th January 1998). The bulbs/tubers are required to be sown in individual poly bags and are subjected to joint inspection by DIA and the officer of concerned PQ station

during PEQ period specified at the time of issue of permit.

4.Import of cuttings/saplings/bud wood etc., of flowers

The cuttings/saplings/bud wood etc., of flowers is permitted for import under OGL. However, a permit issued by PPA or any other competent officer notified for this purpose, is required. The importer is required to establish PEQ facilities prior to import, which are to be approved by the Designated Inspection Authorities (DIAs) as per the guidelines issued by PPA. The imported consignments on arrival at the port of entry shall be subject to quarantine inspection and cleared within 24-72 hrs with a condition for growing under post-entry quarantine for a period not exceeding 45 days in an approved PEQ facility under the supervision of DIA.

5. Import of seeds/planting material of fruits

The seeds/planting material of fruit plant species are selectively permitted for import by DAC on case-to-case basis on the recommendation of Director of Horticulture/Agriculture of the state and subject to quarantine regulations as may be laid down by PPA. However, permit issued by PPA or any other competent officer notified for this purpose, is required for the import of the same.

Conclusions

- The policy permits the import of selected seeds under Open General License (OGL), to make available to farmers high quality seeds to maximize yield, increase productivity thereby farm income. The policy allow import under OGL of items such as seeds of oilseed crops, pulses, coarse grains, vegetables, flowers, ornamental plants, tubers, bulbs, cuttings and saplings of flowers.
- While the import of horticultural crops including flowers need recommendation from Directors of Horticulture, import of crop seeds require permission from ICAR. ICAR will direct multi -locational trials in various agro-climatic conditions at least for one season. Evaluation of important traits such as yield, pest resistance etc. needs to be done within 3 months of harvest after which importer shall apply to the DAC for permit. Within a month,
- DAC will process it and thereafter controller of Imports and Exports will issue a license.

- Private seed producing firms should compulsorily register with NSC before importing the seeds.

NATIONAL SEED POLICY, 2002

The “New Seed Policy” of 1988 ushered in a new area of growth and phenomenal development. Because, it allowed limited import of commercial seed, remove curbs on imports of seeds of vegetables, flowers and ornamental plants and even allowed import of seed of coarse cereals, pulses and oilseeds for a period of two years.

The important constraints were -

- Non existence of National Seed Policy
- IPR laws
- Restrictions and licenses on seed exports and imports
- Lack of incentives for the public and private seed sectors of the country

India later developed the National Seed Policy in 2002. The main objectives are the provision of an appropriate climate for the seed industry to utilize available and prospective opportunities, safe guarding of the interests of Indian farmers and the conservation of agrobiodiversity.

Thrust Areas

1. Varietal Development and PVP
2. Seed Production
3. Quality Assurance
4. Seed Distribution and Marketing.
5. Infrastructure facilities
6. Transgenic Plant Varieties
7. Import of seeds and planting material
8. Export of seeds
9. Promotion of Domestic Seed
10. Strengthening of monitoring system

1. Varietal Development and PVP

- To stimulate investment in research and development (R&D) new varieties an effective sui generic system for IPR will be implemented.
 - **Establishment of PVPFRA** (Plant Varieties Protection and Farmers Rights Authority, to implement PVPFR Act, 2001.
 - Under this Act, **Plant Varieties will be registered** based on Novelty, Distinctness, Uniformity and Stability (DUS) characters.
 - **Farmers Rights:** Farmers can save, use, exchange, share or sell seeds of protected variety but not under the brand name.
 - **Researchers Rights:** Seed / planting material of protected varieties can be used for research and breeding new varieties.
 - **Breeders Rights:** Benefit arising out of use of varieties upon commercialization of seeds of new variety, will be shared with the Breeders Rights: Benefit arising out of use of varieties upon commercialization of seeds of new variety, will be shared with the respective breeder. •
 - **Community Rights:** Benefit sharing with Farmers / Village communities will be ensured for contributing in evaluation of plant variety upon registration.
2. Seed Production

2. Seed Production

- Indian seed programme will adhere to generation system of multiplication namely nucleus, breeder, foundation and certified seed.
- Public seed sector will be restructured and will continue to have free access to breeder seed, while Private Seed Sector will have conditional access.
- Seed village scheme will be facilitated to upgrade the quality of farmers saved seeds.
- Seed Replacement will be raised progressively, National Seed Map will be prepared to identify potential areas of seed production, seed banks will be established with cold storage facilities, seed minikits will be supplied for popularizing new varieties and will Seed Crop Insurance will be encouraged.

3. Quality Assurance

- New Seed Act will be enacted.
- National Seed Board will be established as apex body in place of existing Central Seed Committee to implement New Seed Act.
- National Seeds Register will be maintained varieties will be registered based on “Value for Cultivation and Usage”. (VCU).
- Farmers will retain rights to save, use, exchange, share or sell seeds of any variety but not under the brand name.

4. Seed Distribution and Marketing

- Seed Distribution and Marketing of any variety will be subject to registry in NSB.
- National Seed Grid will be established as a data base on seed requirement, production, distribution and farmers preference.
- Access to finance from commercial banks will be facilitated.
- Availability of high quality seed will be ensured through improved distribution system and efficient marketing set up.

5. Infrastructure facilities

- National Seed Research and Training center (NSRTC) will be set up.
- Seed processing and storage faculties will be augmented.
- Computerized National Seed Grid will be established to provide information on seeds marketing.

6. Transgenic Plant Varieties

- All GM crops will be tested for environment and bio safety before commercial release as per EPA (1986).
- Seeds of GM crops will be imported only through NBPGR as per the EPA (1986).
- Required infrastructure will be developed for testing, identification and evaluation of transgenic planting material.

7. Import of seeds and planting material

- Provision will be made to make available best planting material from anywhere in the world to Indian farmers without any compromise on quarantine requirements.

8. Export of seeds

- Long term policy will be evolved to exploit varied agro climatic condition of India and strong seed production system, to raise seed export from present level of less than 1% to 10% by 2020.
- Seed export promotion zones will be established and strengthened.
- Data Bank on International Market will be created.

9. Promotion of Domestic Seed Industry

- It will be facilitated by providing incentives to domestic seed industry, financial support through NABARD, commercial and co-operative banks, considering tax rebate / concessions for R&D, reduction of import duty on machines and equipment used for seed production and encouragement of membership in National and International organization related to seed.

10. Strengthening of monitoring system

- Strengthening of Department of Agriculture and Co-operation (DAC) will supervise the implementation of National Seed Policy

THE SEEDS BILL, 2004

The Seeds Bill, 2004 was introduced in the Rajya Sabha on December 9, 2004. The Bill was referred to the Department-related Parliamentary Standing Committee on Agriculture (Chairperson: Prof Ram Gopal Yadav).

The Bill seeks to-

- (a) Repeal the Seeds Act, 1966
- (b) Establish the Central Seed Committee; and

(c) Maintain a National Register of Seeds for all varieties of seed.

The Central Seed Committee

- Would consist of 1- **a Chairperson**, 7- **seven ex officio** members and 13- **thirteen members** nominated by the Central Government.
- Would advise the Central and State Government on matters related to seed programming and planning, seed development and production, export and import of seeds, standards for registration, certification and seed testing, and seed registration and its enforcement.
- May specify the minimum limits of germination, genetic and physical purity, and maximum seed health of any variety of seed.
- The Committee can also specify the label on the container to indicate that a seed conforms to minimum standards.

A **Registration Sub-Committee** would register the varieties of seeds after scrutinizing their claims in the prescribed manner. No seed of any kind can be sold unless it has been registered by the Sub-Committee. The main powers and functions of the Registration Sub-Committee are as follows:

- **Maintain a National Register of Seeds** in order to register all kinds of seeds and publish the list of seeds registered under it at appropriate intervals
- The registration is valid for 18 years for long duration perennial crops and for 15 years for annual/biennial crops
- All registered seed has to meet the minimum standard with respect to the proportion of seed that must germinate the level of physical and genetic purity and the permitted proportion of diseased seeds.
- A variety of seed containing any technology considered harmful or potentially harmful to environment and ecology shall not be registered. These transgenic seeds can only be registered after the applicant has obtained clearance from Environment (Protection) Act, 1986.
- Issue directions to protect the interest of a producer against any abusive act committed by any third party during the period between the date of filing an application for registration and the date of the Committee

- Register a seed on such conditions as may be specified after satisfying itself that the variety of seed conforms to the claims made by the importer or seller, as regards the efficacy of the variety and its safety to human beings and animals.
- Cancel the registration of any seed if the holder of certificate has violated any terms of the registration, if the registration has been obtained by misrepresenting or concealing essential data, if the variety of seed is not performing according to the claims of the producer etc.

Every seed producer and seed dealer has to be registered with the State Government.

- Every seed processing unit and horticulture nursery also has to be registered with the State Government.
- A person cannot sell, keep for sale, offer to sell, barter, import or export or otherwise supply seed of any registered variety unless the variety is identifiable, conforms to the minimum prescribed limit of germination, physical purity and maximum seed health.

The appellate authority

- A person aggrieved by the decision of the Registration Sub-Committee or the State Seed Certification Agency can make an appeal to such authority as constituted by the Central Government.
- The appellate authority may consist of a single person or three persons, as decided by the Central Government.

The Central and State Seed Testing Laboratories

- The Central and State Seed Testing Laboratories, established by the Central and State Government respectively, would analyse all varieties of seed.
- The State Government would appoint a Seed Inspector to take samples of seeds, send for analysis, and exercise such powers as necessary to enforce the Act.

Rights of farmers

The bill protects the rights of farmer to use, sell, share, exchange or save his farm seeds and planting material. However, farmer cannot sell his seed under a brand name, also seeds must meet the minimum standard mentioned above. If the seeds fail to perform to expected standard than farmer can claim compensation from the vendor or dealer under the Consumer Protection Act, 1986.

Plant Quarantine

- Import of seeds, along with conforming to prescribed standards under the Act, would be subject to the Plant Quarantine (Regulation of Import into India) Order, 2003 or any corresponding order under the Destructive Insects and Pests Act, 1914.
- Any person who contravenes any provisions of the Act or imports, sells or stocks seeds deemed to be misbranded or not registered, can be punishable by a fine of not less than Rs 5,000 which may extend to Rs 25,000.
- The penalty for giving false information is a prison term which may extend to six months or a fine which may extend to Rs 50,000 or both.

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