

CHAPTER- 3

Laws of the Seed: An Analysis

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3.1 Introduction

India is an agricultural country. Right to good and safe food is the slogan of the day and the same can be achieved by attaining food sustenance and food security. For this, India used to rely on imports to meet its domestic requirements. India is a country that mainly relied upon agriculture and for boosting up agricultural output availability of good quality of seeds to farmers is inevitable. Seed is the most unassuming potent gift in the life of the farmer to make his life fruitful. Seed is the kernel of the life itself, the source of our food, when contaminated has an adverse effect on our health and also health of our planet. Since independence achieving food security was the prime concern and hence there was continuous need for more food as Indian population was increasing speedily.

In the interest of increased agricultural production in the country, it is considered necessary to regulate the quality of certain seeds, such as seeds of food crops, cotton seeds, etc., to be sold for the purpose of agriculture including horticulture.⁶⁴ The chapter proposes to discuss the present Seed Act 1966 and the pending Seed Bills and try to analyse the various laws relating to seeds.

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. The act was passed to provide good and certified quality of seed to the farmers. Sec 2(1) “Improved Seed” means the seed approved by the Department of Agriculture”.⁶⁵ Improved seeds were considered those seed who have received approval certification from Department of Agriculture. Under Sec 2(2) “Seedlings” means the plants raised from improved seed. ⁶⁶ Seedling included grafts which were raised using those certified seeds.

⁶⁴Pub in Gazette of India, 7-9-1964, Pt-II Pg 433.

⁶⁵East Punjab Improved Seeds and Seedlings Act, 1949

⁶⁶East Punjab Improved Seeds and Seedlings Act, 1949

The many 'production revolutions' initiated from 1960s onwards included Green Revolution in India, Yellow Revolution (oilseed: 1986-1990). The green revolution started with the adoption of high yield giving and superior quality variety of seeds to be used for farming. The disease resistant varieties of wheat were grown in combination with new farming techniques. Punjab was the state who led the green revolution and became the 'bread basket' of the country. With the changing scenario in agriculture sectors there was continuous need for more effective legislation for the benefits of the farmers and so the present seed act was introduced. Further, researcher in this chapter will examine various Seed Bills with present Seed Act, 1966.

3.2 Laws of Seed

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. The Act provides for a mechanism for fixing the minimum standards for quality, germination, purity, 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.

3.2.1 The Seed Act, 1966

The main purpose of the Seed Act 1966 is to regulate the standardized quality of kinds of notified varieties of the seeds for the purpose of sale or any other relevant

matter attached with. The ongoing seed act was passed in the parliament to create a kind of atmosphere in which the quality of seed available to the cultivators can be maintained and can be operate effectively. The law on seed according to the law was introduced in September 1968 and fully implemented in October 1969. The law contains a total of 25 sections on various aspects, all relating to seed in India. The law applies to whole of India.⁶⁷

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. The present Seed Act merely includes Seed Rules framed in 1968, Seeds (Control) order that was formulated in 1983 after seed becoming one of the essential commodity.

The Seed Act can be divided largely into two groups:

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

⁶⁷Seed Production of Vegetable, Tuber and Spice Crops *available at* <http://ecoursesonline.iasri.res.in/mod/page/view.php>

On quality control basis, the Seeds Act could conveniently be divided into the following:

I. Minimum limit and labeling of the notified kind / varieties of seed	II. Seed Certification
<p>I. Labeling and Minimum limits</p> <p>The statutory quality control must be carried out through pre-marketing and post-marketing controls, voluntary certification and mandatory labeling of declared varieties and varieties.⁶⁸</p> <p>(a) Command to notify the kind / varieties</p> <p>New varieties developed by state agricultural universities and ICAR institutes are set up in accordance with section 5 of the Seed Act in consultation with the Central Seed Committee and its subcommittees in accordance with Section 3 and 5, and distributed under the Seeds Act</p> <p>The tasks of the Central Seed Committee and its subcommittee are set out in Part II, Articles 3 and 4 of the Seed Regulation.</p> <p>(b) Labeling provision</p> <p>Minimum limit values for germination, physical purity and</p>	<p>The main purpose of the seed certification is to obtain the highest quality proliferation material among the approved seed varieties grown and marketed to ensure their genetic identity and to make it available to the public and the genetic purity of the seed. Certified standards include minimum seed and seed certification and seed certification procedures. In principle, seed declared in accordance with Section 5 of the Seed Act can only be certified for these seed varieties.</p> <ul style="list-style-type: none"> • Breeder seed • Foundation seed • Certified Seed <p>Breeder seed</p> <ul style="list-style-type: none"> • The seed is a seed directly controlled by the breeder. • Breeders must be genetically pure enough to be guaranteed for the next generation. • The breeder's seed could not enter the certification as it was not intended for public sale. • The breeder's seed must be packaged in accordance with the Indian Standard Seed Certificate and bear the golden yellow mark provided by the breeder. It is also the fact

⁶⁸ ibid

<p>genetic purity of crop varieties / hybrids have been established and reported for the marking of seed of varieties /varieties declared in accordance with Section 6 (a) of the Seeds Act. . The size of the label, color of the label and contents of the label has also been communicated in accordance with Section 6(b) of the Seeds Act. Label color is opal green and its size is 10 cm x 15 cm or proportionate thereof. Section 7,8,9,10,11 and 12 of part V of seeds rule is talking about various type of responsibility for making labeling content of label or mark, manner of marking, false or misleading statement on label etc. section 7 of the Act governs the sale of the varieties or types applied for.</p> <p>As per the law no one shall keep for sale or offer to sell or barter or otherwise supply any kind of seed of any classified or notified Seed or variety of seed indicated on the label of the container or on the label, indicating the date on which germination of the seed should be at least as high as required by section 6 (a) of the Act.</p> <p>(c) Testing of Seed</p>	<p>that no standard is prescribed for cultivated seed.</p> <p>Seeds of the foundation</p> <p>Certified seed classes and seed classes must be certified by certification bodies in accordance with Indian seed certification standards.</p> <ul style="list-style-type: none"> • Section 8 of the Seeds Act provides that the state or central government may notify government consultations with the state government and the certification bodies set up so that the state can fulfill its obligations. Tasks listed in the sixth sentence 14 of the rule of origin. <p>Certified seed</p> <ul style="list-style-type: none"> • Anyone wishing to produce certified seed must register their name with the Seed Certification Body in accordance with section 9 of the Seed Law, by paying the fees specified in Form No. 1 to obtain the certificate. The certificate may be issued in Form No. 11 if the requirements of the certification body in accordance with Part VII Sections 15, 16 and 17 of the Seed Rules are met. • It should have a minimum genetic purity of 99% • Certified seed may be the offspring of certified seed. Moreover, this facsimile does not exceed more than two generations beyond the base name. If the certification body does not decide on the genetic and
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<p>It is planned to set up a central seed laboratory and a national seed laboratory in order to carry out the functions provided for in Section 4 (1) and 4 (2) of the Seed Act. In 1968, there were 23 seed testing laboratories in the country. There are currently 4 seed testing laboratories in the Gujarat upto 2018. Seed testing laboratories have been assigned functions in accordance with Part III of the section 5 of The Seeds Rules, 1968.</p> <p>(d) Analysts of Seed</p> <p>Seed analysts may be appointed by the provincial government through a notification published in the Official Journal in accordance with Section 12 of the Seeds Act, which defines their territory. He/she should have a minimum qualification in accordance with section 20 Part IX of the Seed Rule.</p> <p>(e) Inspectors of seeds</p> <p>According to under section 13 of the Act, the provincial government may designate a person who in its opinion corresponds to its quality (section 22, part IX of the Seed Ordinance) as an inspector and determine the areas in which it will apply the seeds. Law. He is treated as an official within the</p>	<p>physical purity, it will not be significantly changed.</p> <ul style="list-style-type: none"> • In heavily self-pollinated crops, the certification of an additional generation may be permitted. • Certified seed produced from certified seed and that seed must be qualified for seed stimulation during certification, except for highly self-pollinated crops where additional production certification may be granted. • Once certified seed certification labels have been issued, the certified seed can no longer be increased. • Certified seed for rice and wheat from certified seed is eligible for NSC certification for up to two generations of basic seed.
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meaning of Section 21 of the Act. (45 of 1860). He is authorized to review the records and to register the seed merchant's document. It also exercises the other powers necessary to carry out the purposes of this Act or the rule it promulgates. The duties of seed inspectors are defined in Part IX Section 23 of the Seed Ordinance. He may issue and sell a sales order if the seed in question violates the provisions of applicable law and the rules for which he may use Form III. When submitting a file, registering documents or other documents, he must inform the judge and accept his order so that he may use form IV.

(f)Penalty

If a person contravenes a provision of the law or regulation, prevents a seedling from taking a sample under this Act or prevents it from exercising any other authority assigned to it, it may be prosecuted under section 19 of the Act. The first offenses will be punished by five hundred rupees. Such a person had already been sentenced to six months' imprisonment or a maximum fine of one thousand rupees, or both, for the offenses referred to in this article.

3.2.1.1 Salient Features of Seed Act 1966⁶⁹

Altogether twenty five clauses have been stated under the Seed Act and they are as follows:

1. The Seed Act 1966 was enacted in Indian parliament and regulates to the whole of India.
2. Seeds of different varieties like food seeds, oil seeds, cotton seeds, cattle fodder seed and other things included in the act are different types vegetative reproduction.
3. Formation of Central Seed Committee does consist of eight members to give advice to Central and state Governments. To do management and to carry out various function allocated under the Act.
4. Establish a Central Seed Laboratory and a National Seed Laboratory to begin seed testing of several declared varieties⁷⁰
5. Authorization of the Central Seed Committee, considered appropriate by law.
6. Authorization of the Committee to establish the appropriate minimum germination and purity thresholds for a reportable variety and to mark or label a batch of seed to be marketed.
7. Regulation of the sale of seed of the notified varieties by an honest marking indicating the actual variety identity, germination and purity
8. For the certification body certification process.
9. Delivery of the certificate by a certification authority.
10. Authorization of the Agency to revoke the certificate, provided that it is satisfied that the certificate obtained by the holder is either a false declaration or has not been respected.
11. The owner has a claim clause before a court of appeal regarding payment and restrictions of non-performance.
12. Continue with the appointment of a semen analyst for the sperm tests.
13. Appointment of a sperm inspector considered to be an official within the meaning of Section 21 of the Indian Penal Code (45 of 1860)

⁶⁹Salient Features of Seed Act 1966 available at http://www.cicr.org.in/pdf/legislation_seed_quality.pdf

⁷⁰ V. Santhy and P.R. Vijaya Kumari, *Legislations For Seed Quality Regulation In India*, CICR Technical Bulletin No: 38, Central Institute for Cotton Research Nagpur, available at http://www.cicr.org.in/pdf/legislation_seed_quality.pdf

14. Authorize the Seed Inspector to take samples from a seller or buyer and check their quality by sending them to a seed analyst.
15. Establishment of the procedure for taking semen samples and other requirements.
The clause also recommends to the inspector the authority to open and break any seed storage location or the door of premises where this seed may be offered for sale if the owner refuses to cooperate. The entire operation must be conducted in the presence of two witnesses signing a memorandum.
16. The report on the results in a specific format must be sent to the seed inspector and the seller / buyer after analysis of the seed samples under the responsibility of the seed analysis. If the complainant is not satisfied with the results, he may ask the court to send samples to the central seed testing laboratory. Upon receipt of a complaint, the Central Seed Laboratory will submit the report to the court within one month of receiving the sample in the prescribed format.
17. The import and export of seed of the declared varieties is limited. Imported or exported varieties must meet the minimum requirements for seed germination and purity specified or marked on the container.
18. Recognition of seed certification bodies abroad.
19. The law also prevents seed inspectors from exercising their power and punishes those who do not comply.
20. Persons found guilty of breaching the delivery of seed under this Act may be confiscated by the Government.
21. If an offense is committed by a corporation or a corporation and the person has been charged at the time of committing the crime, it would be liable to the corporation and found guilty of the offense and punished accordingly.
22. No lawsuits or proceedings can be brought against the Government or any government official if they act in good faith to protect the government under this Act.
23. Central government may give power of any kind to state government for smooth conduct of the act.
24. Farmers exchanging seed without any brand name won't be held liable under the act.
25. Power to establish government rules to develop various functions of the Central Seed Laboratory, Certification Body and Seed Inspectors.

In the Ambit of Seed Act, 1966 covers the law regulating of certain seeds for the matter of selling, sowing, purchasing and testing. Altogether seed act covers twenty five sections. For regulating the seed act provides various definitions, Central seed committees, Seed Laboratory, power to notify the seed varieties, Seed Inspector and Seed Analyst.

“Agriculture” includes horticulture”⁷¹

“Seed”⁷² means any of the following classes of seeds used for sowing or planting-

1. seeds of food crops including edible oil seeds and seeds of fruits and vegetables;
2. cotton seeds;
3. seeds of cattle fodder; and includes seedlings, and tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetative propagated material, of food crops or cattle fodder;

"Variety"⁷³ means a sub-division of a kind identifiable by growth, yield, plant, fruit, seed, or other characteristic.

The establishment and composition of a central seed committee to advise the government on the matters arising out of the seed act.⁷⁴

The establishment of a seed laboratory for the analysis of the seeds⁷⁵.

Section 4 (1) and 4 (2) of the Seed Act. There are currently 108 seed testing laboratories, 23 national seed certification agencies and 35 seed inspection agencies.⁷⁶

Section 5 to 7 deals empowers the central/state government after consultation with the committee to notify varieties of seeds, prescribe minimum needs of germination and purity and regulate sale of seeds of notified kind of varieties.

⁷¹ Section 2(1) of Seed Act, 1966

⁷² section 2(11) of Seed Act, 1966

⁷³Section 2 (16)of Seed Act, 1966

⁷⁴Section 3of Seed Act, 1966

⁷⁵Section 4of Seed Act, 1966

⁷⁶National Seeds Corporation Limited <https://www.indiaseeds.com/tender2016/IT2080.pdf>

Certification agency for carrying out the functions entrusted under the Act is set up under **section 8**. Also the government may recognise any seed certification agency in any foreign country. The certification agency can grant a certificate to any person selling, offering or bartering seed of any notified kind if he desires. The certification agency is also empowered to revoke the certificate so granted if the holder fails to comply with the condition imposed upon them.

This decision is subject to appeal within the prescribed period under the act. Seed analyst and seed inspector are appointed under **section 12 and 13** of the Act. In accordance with section 13 of the Act, governments may designate persons as seed inspectors and determine the areas in which they will exercise their competencies.

The power of seed inspector in detail⁷⁷. Seed inspectors established in accordance with the relevant provisions may take samples of registered varieties from which seeds are sold. They may confiscate the seed stock and issue a no-sale order if the seed in question complies with the law and regulations.

The procedure to be followed by seed inspector⁷⁸.

The restriction on export and import of seeds of notified kinds and varieties⁷⁹.

A person violates a provision of the law or rules or prevents a seed inspector from taking a sample under this Act or from exercising any other powers assigned to him, he may be punished under Section 19 of the Law: Fine of 500 Rupees for the first offense. If this person has ever been found guilty of a crime under this section, he or she will be detained for up to six months or fined up to Rs. 1000 or both according to Seed Ordinance of 1983 (control)⁸⁰.

Section 24 states nothing in this Act shall apply to any seed of any notified kind or variety grown by a person and sold or delivered by him on his own premises direct

⁷⁷Section 14 of Seed Act, 1966

⁷⁸Section 15 of Seed Act, 1966

⁷⁹Section 17 of Seed Act, 1966

⁸⁰Section 19 of Seed Act, 1966

to another person for being used by that person for the purpose of sowing or planting.

There should be a quality control of seeds must be done by pre and post market checks, voluntary certification and compulsory labeling of the declared varieties. The varieties should be notified according the section 5 of the Seed Act in consultation with the Central Seed Committee. The Central Seed Laboratory is tasked with launching a testing program in collaboration with the State Seed Laboratories to promote consistency of test results among all seed laboratories in India.

As the research is limited with the rights of farmers related to seed the researcher has tried to analyse various seed rules below.

3.2.2 The Seed Rules, 1968

The rules were designed to implement various elements of the 1966 seed Act and contain 11 parts.

i. provisionally

This portion deals with definitions of the different terminologies.

ii. Central Seed Committee

This part describes the specific functions assigned to the committee by law, such as: Rules also include travel expenses and daily subscriptions for committee members.

iii. Central seed laboratory

This section describes the specific functions transferred to the Central Seed Laboratory, such as Central Government.

iv. Seed Certification Agency

This section discusses specific functions assigned to the certification authority, such as description of the process for applying, growing, harvesting, processing,

and storing up-to-date inventory from a list of approved seed breeders, a seed and storage plant, and issue certificates.

v. Marketing or labelling

This section contains the rules for marking or marking seed lots for certification. The label must contain the name of the person or organization from which the seed originates and is responsible for the accuracy of the information contained in the unopened original container. The label must include the name, address of the person selling the seed, the name of the variety, the degree of germination and the purity of the seed, the net weight and date of the variety. Checking the seed and giving the treatment. Transparent covers that are only used for packaging purposes during transport or delivery must not be marked.

vi. Certification Requirements

In this section, three categories of certified seed have been established, namely. Base (seed), registered (basic seed) and certified (seed registered) and each category must meet certain standards. The certification body is entitled to produce certified seed from certified seed, provided that its duration does not exceed three generations and the genetic purity is not significantly altered.

vii. Seed certification

The detailed certification procedure for seed from the certification application to the issuance of the certificate is included in this section. The application has been submitted by the certification body with the name and data of the applicant, the name of the seed to be certified, the class and source of the seed, germination and purity, and the label. For certification, 25 rupees will be charged. After certification, the certification label includes information such as the name and address of the certification authority, the name of the variety, the lot number, the name and address of the manufacturer and the date of the certification. Certification. Issuance of the certificate, validity and labelling of the certified seed. The colour of the label must be white for the foundation, blue for the blue seeds registered and certified. The certificate holder must authorize each seed inspector to offer for sale and to verify seeds, records or other documents.

viii. Complaint

The complaint was filed by submitting a memorandum accompanied by a certificate of approval of 100 rupees. The appeal authority exercises all the powers of a court to rule on the appeal under the Code of Civil Procedure of 1908.

ix. Seed Analyst and Seed Inspectors

This section lists the specific qualifications and responsibilities of the Seed Analyst and Seed Inspector. Seed analysts must have a master's degree in agriculture / agronomy / botany / horticulture from a recognized university and at least one year's experience in seed technology or a bachelor's degree in agriculture / botany. a recognized university with at least three years of experience in seed technology. The semen analyst must analyze semen samples in accordance with the legal provisions. Seed growers must have a degree in agriculture and at least a year of seed technology experience.

x. Sealing, shipping and analysis of samples

Details on sampling, labelling, packaging and sealing of samples and submission to the semen analyst were provided.

xi. Various

This section describes the need to maintain a seed inventory register and a seed sales register.

3.2.3 The Seeds (Amendment) Act, 1972

Salient Features of the Seeds (Amendment) Act, 1972

An Act to amend the Seeds Act, 1966 was formed in the **The Seeds (Amendment) Act, 1972**. The following are the salient features of the act.

1. Definition of the seed was amended and Jute was being included.
2. The insertion of new Articles 8A to 8E was undertaken by the Central Seed Certification Office in the Seeds Act. Section 8 of the principle Act dealt with the certification agency. The New Amendment Act proved for establishment of a central seed certification board. It also empowered the board to set up as many committee to carry out duties delegated to them.

3. The Central Seed Certification Committee shall be composed of a chairman consisting of four members appointed by the central government and staff members appointed by the provincial governments as agricultural directors. Three members appointed as research directors by the central government among employees of agricultural universities; 13 persons appointed by the central government to represent the interests of that government and at least four of them are representatives of seed producers or traders.
4. A member of the Board of Directors has the right to remain in office for a period of two years from the date of appointment, unless his seat becomes vacant by resignation or otherwise.
5. Section 8B: In this section, the Board of Directors may appoint an unlimited number of committees consisting of members of the Board of Directors or of other persons, in whole or in part and partly of others if he finds it useful to exercise those powers and functions. Tasks that can be delegated to them under certain conditions, as the Directors deem appropriate.
6. Section 8C does not provide for a procedure and invalidates a committee only because of vacancies or constitutional errors.
7. Section 8D deals with the Council's procedure. In this case, the Board of Directors may be subject to the prior approval of the Central Administration in order to be able to regulate its procedure and the rules of a committee of that Board, as well as to deal with any problems that require it to be dealt with by it or the present committee.
8. In accordance with section 8E, the central government appoints a secretary of the board of directors and places at the disposal of the board of directors the technical and other personnel that the central government deems necessary.
9. Under the principle Act section 9 provided for grant of certification by certification agency. Earlier section 9 clause was to considered "minimum standards" now this was to be replaced by "prescribed standards"
10. In accordance with Section 25, the amendment of the main act by inserting "the standards to which the seed must correspond" must be presented at two or more consecutive meetings and before the end of the meeting immediately following the next meeting or meeting replaced.

3.2.4 The Seeds (Amendment) Rules:

3.2.4.1 The Seeds (amendment) Rules, 1972

The Seeds (amendment) Rules, 1972 empowers the Board to set minimum standards

- Certification Board
- Establishment of a central seed certification board to advise the government on all certification issues and coordinate the operation of certification bodies
- Detailed information on board members, including a president and a representative of the central government, agricultural managers and research leaders.
- Membership has been granted for two years.
- The Council may adopt provisions to regulate its own procedure.
- Central government appoints secretary for council
- The rule states that seeds need not simply meet the minimum germination and purity limits set by the 1966 SEED Act, but must also meet the prescribed standards, provided they are not below the minimum level of seed purity stated for seeds.
- The Seeds Act of 1966 was supplemented by a clause providing "the authority to establish standards to be confirmed by the seed".

3.2.4.2 The Seeds (amendment) Rules, 1973

The powers of the Appellate Body and the duties of the seed analyst have been slightly changed. Seed analysts refer to the ICAR Seed Testing Manual.

- The judicial powers provided for in the basic rules of the complaint have been omitted.
- The seed analyst analyses the samples according to the procedures described in the CISA Seed Testing Manual.
- An amendment has been made indicating the period (maximum 30 days after receiving the sample) in which the seed analyst should report the result.
- An amendment was made to empower the state government to delegate any task to the seed inspector.

3.2.4.3 The Seeds (amendment) Rules, 1974

More powers were conferred to the seed inspector during bad harvests

- Modification of seed rules by adding a clause to the steps to be followed by the seed examiner when a complaint is made to him following a poor harvest.
- The amendment states that in the event of a poor harvest, the inspector must examine the causes of the failure by sending semen samples for a detailed analysis.
- He must also submit the report to the competent authority.
- If the inspector concludes that the loss of service is due to bad seed that does not meet the minimum standards communicated by the central government, he will sue the supplier.

3.2.4.4 The Seeds (amendment) Rules, 1981

A new Rule was added as part of the Seed Certification, which mentions the Indian minimum seed certification standards of the Central Seed Committee, will be subject to certification. The amendment states that the certification body shall ensure that the seed standards conform to the minimum seed certification standards specified in the manual, referred to as the minimum seed certification standards of the Indian Seed Committee.

3.2.4.5 Plants, Fruits and Seeds Order (Regulation of Import into India order), 1989

The order was issued to abolish the 1984 Plant, Fruit and Seed Ordinance and provides import requirements based on quarantine controls entrance.

- Post-entry quarantine facilities must be installed and approved by the designated supervisory authority.
- The import of seed of all kinds intended for consumption or sowing should be accompanied by a permit issued by the competent authority, imported only by certain customs offices.
- The program must be checked by the Crop Protection Advisor.

In 1998, 2000 and 2001, amendments were made to the abovementioned Regulation. The liberalization of trade in agricultural products following the WTO Agreements has led the Government to adopt new legislation on quarantine of plants (import regulations in India) under the new Regulation. The contract

expands the scope of quarantine activities for plants and mandatory phytosanitary risk analysis for imports

- The contract includes provisions for the importation of soil, moss, genetic material and GMOs for research, insects, microbial cultures and biological control agents, wood and wood.
- The contract prohibits the importation of goods contaminated with weeds, exotic species and packaging materials, unless the materials have been treated
- Agricultural imports are therefore classified as follows: prohibited plant species, restricted species, imported only through approved establishments and declarations, and plant material imported for consumption or industrial processing authorized by the phytosanitary certificate.
- A phytosanitary certificate that meets plant quarantine requirements must be provided to prevent the spread of pests.
- Quarantine risk analysis after entry is mandatory. The RNPGR must authorize the importation of genetic material and any other biological material such as soil, microbes, moss, etc., must be approved by the Plant Protection Consultant.
- A list of 590 quarantine pests and 61 weed species has been declared in order.
- Imported entry points for import have been increased compared to PFS order, 198
- The strengthening of plant quarantine facilities, the opening of new quarantine stations, the establishment of state-of-the-art molecular diagnostic facilities for the rapid detection of pathogens and the establishment of a national risk analysis centre

The above discussion shows the development of the seed law in tune with the developments. The definition of seed was widened, the certification board was established and in view of the international developments especially TRIPs/ WTO. The regulation now replaces Plants, Fruits and Seeds Order (Regulation of Import into India order), 1989

The character of plant genetic resources in the growth of higher plant varieties and the use of many traditionally grown crops in the development of pharmaceuticals and various industrial applications has raised fears regarding the conservation of plant genetic resources. Where CBD recognized the necessity to protect very valuable varieties after India signed the Agreement on TRIPs Agreement in 1994.

The Agreement obliged member countries to protect plant varieties in third countries, either through a patent, an effective sui generis system, or a combination of both. So the sui generis plant variety protection system was developed and adopted by India, which comprises of the rights of plant breeders, farmers and village communities. Thus, in 2001, the Plant Variety Protection and Farmers Rights Act was formulated.

3.2.5 The Seeds (Control) Order, 1983

Below are the Salient features of Seed Control Order, 1983:

1. Inspectors (enforcement authority)

The State Govt./Union Territories are required to appoint number of persons as deemed necessary to be inspectors (Seeds dealers (control) inspectors) and specify their respective areas of jurisdiction for enforcement of seeds (control) order, 1983.

Power of Inspectors (Seeds dealers (control) inspectors):

- a) Require any dealer to give any information in his possession with respect to purchase, storage and sale of seeds by him;
- b) Enter upon and search any premises where any seed is stored or exhibited for sale to ensure compliance with the provisions of this Order;
- c) Draw samples of seeds meant for sale, export and seeds imported, and send the same in accordance with the procedure laid down in Schedule I, to a laboratory notified under the Seeds Act, 1966 (54 of 1966) to ensure that the sample conforms to standard of quality claimed;
- d) Seize or preserve seeds for which he has reason to believe that the order has been violated;
- e) Enter books of account or documents relating to seeds for which he has reason to believe that an offense has been or is being committed within the meaning of this Regulation.

2. Issue of License to dealers

All persons involved in the sale, export and import of seeds must do so in accordance with the terms of the license for which the distributor has applied. Authority provided that the region releases this class of resellers, located in subject areas, by notification under the specified conditions. The refusal to grant license shall be accompanied by clear recording of reasons for such refusal.

Provided that a license shall not be issued to a person-

- a) Whose earlier license granted under this Order is under suspension, during the period of such suspension;
- b) Whose previous license granted on the basis of this order has been canceled within one year from the date of cancellation;
- c) Who has been convicted under the Essential Commodities Act, 1955 (10 of 1955) or any order issued there under within three years preceding the date of application.

3. Period of validity of license

Every license would be valid for three years from the date of issue, unless previously suspended or cancelled.

4. Renewal of License A holder of license shall be eligible for renewal upon and applicable being made in the prescribed form 'C' together with a fee of Rs.20 before the expiry of license or at the most within a month of date of expiry of license for which additional fee of Rs.25 is required to be paid.

5. Appointing of Licensing authority

The state government may appoint such number of persons as it thinks necessary to be inspector and define the area of such Inspector's jurisdiction through notification in the official gazette.

6. Time limit for analysis

The laboratory to which a sample has been sent by an Inspector for analysis under this Order shall analyze the said samples and send the analysis report to the concerned Inspector within 60 days from the date of receipt of the sample in the laboratory.

7. Suspension / Cancellation of license

The Licensing authority may after giving an opportunity of being heard to the holder of license, suspend or cancel the license on grounds of misrepresentation of material in particular or contravention in provision of the order.

8. Appeal

The state government may specify authority for hearing the appeals against suspension / cancellation under this order and the decision of such authority shall be final. Any person aggrieved by an order of refusal to grant or amend or renew the license for sale, export / import of seed may within 60 days from the date of order appeal to the designated authority in the manner prescribed in the order.

9. Miscellaneous

The licensing authority may on receipt of request in writing together with Rs.10/- can amend the license of such dealer. Every seed dealer are expected to maintain such books, accounts and records to this business in order and submit monthly return of his business for the preceding months in Form 'D' to the licensing authority by 5th day of every month.

The inclusion of seeds as commodities in the Essential Commodity Act (1955) led to the introduction of a (control) seed order.

- A person who sells, exports and imports seeds must obtain a license
- With the 1955 Commodities Act, governments can regulate various aspects of trade in important goods under the control of the central government. The law was re-enacted in 1980, with amendments stating that the arrest of people whose activities to provide staple foods are unethical. This helps prevent black market deliveries
- The license granted to a seed distributor is valid for three years from the date of issue and may be renewed at a later date
- The seed marketer must declare essentially daily shares (opening and closing) as well as a list of prices or quantities of different seed announcements.
- The buyer of the seed must have a dealer or a credit note.
- The provincial government has the power to designate a power of approval, inspectors and measures to control the bid.
- In this order, the time to complete the seed analysis if there is any doubt about the quality is 60 days, compared to 30 days after the seed regulation.
- Cancellation of the license if it was obtained by false information.
- Decision making and appointment were also presented.

- Provisions to change the license and the need to maintain the records and submit the dealer's monthly returns.

3.2.5.1 Section 3 of the Essential Commodities Act, 1955

- The Seeds (Control) Order regulates the trading activity in seeds.
- The Seeds (Control) Order requires a person to obtain a license, under clause 3, from the Licensing Authority, appointed by the State Government under clause 11.
- Clauses 4 to 7 relate to Licensing aspect.

The seed producing and marketing companies are operating by obtaining a license under the Seeds (Control) Order 1983.

Following are the other requirements under the Seeds (Control) Order:

- Dealers should display stock and pricelist. (Clause 8)
- Dealers should ensure that the standards of quality of seeds claimed by him shall conform to the standards prescribed under section 6 of the Seeds Act 1966 and labelling is also as per the specifications, relating to size, colour and content of the label. (Clause 8-A)
- Dealers should give cash or credit memorandum to a purchaser of seeds. (Clause 9)
- Joint Secretary (Seeds), Ministry of Agriculture (Department of Agriculture & Cooperation), Government of India, appointed as Controller under Clause 2(b), has the powers, under Clause 10, to issue orders, if so necessary in public interest, to any producer or dealer to sell or distribute any seed in specified manner.
- Appointment of Inspectors by State Government. (Clause 12)
- Inspection and Punishment. (Clause 13)
- Analysis Report to be sent by the laboratory to the concerned Inspectors within 60 days from the date of the receipt of the sample in the laboratory. (Clause 14)
- Suspension/Cancellation of license by the Licensing Authority. (Clause 15)
- Filing of appeal against the orders of the Licensing Authority within 60 days from the date of the order. (Clause 16)
- Amendment of license (Clause 17)
- Maintenance of records and submission of returns in Form-D to the Licensing Authority by the 5th of every month. (Clause 18)

3.2.6 Seed Control Order (Amendment) 2006

Significant features of Seed control order (amendment) 2006

- 1) As powers conferred under section 3 of the Essential Commodities Act, 1955 hereby the government makes following order to amend the Seeds (Control) Order, 1983.
- 2) In the Seeds (Control) Order, 1983, after clause 8, the other clause shall be inserted.
- 3) Section 8A its dealers to ensure certain standards in respect of seed. Whereby the dealer of seeds has to ensure the seed is notified kind or variety is of notified kind and if the seed is other than the notified one than seeds shall that the standards of quality of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under Section 6 of the Seeds Act, 1966. And also any other additional standards relating to size, colour, and the content of the label as may be specified.

3.3 Essential Commodities Act, 1955

By order of 24 February 1983, the Ministry of Civilian Supply declared that the seeds necessary for the sowing or planting of cereals, fruits, vegetables, animal feed and jute were indispensable for the exercise of the conferred by Section 2 (a) (viii) of the Goods Act of 1955, followed by the Ministry of Agriculture and Cooperation of December 30, 1983, the Ministry of Agriculture and Co-operation exercising the powers set forth in Section 3 of the Goods Act, the power of administration, production and distribution of goods to control and regulate.

A number of associations and seed companies have challenged the Supreme Court's decision on the grounds that seeds of the above categories are not important. However, the Supreme Court confirmed the validity of the Seed (Control) Order by its Order of October 20, 1993. After considering all relevant aspects, it was decided that the provincial governments would apply this order as of July 1, 1994. 1983 Sowing (control) is announced in accordance with GSR 932 (E) Notice of December 30, 1983. The notification by reference is valid and effective. The Seed Secretariat, the Indian Government, the Ministry of Agriculture and the Ministry of Agriculture and Cooperation were responsible for seed control for the implementation of the Seeds Regulation (Control).

3.4. Policies on Seed

Following is the Export/Import Policy on Seed and Planting Material

3.4.1 Policy on Seed Development, 1988

The policy was formulated to give Indian farmers access to the best seeds and seedlings available, both domestically and for import.

- 1) The Directive allows the import of selected seeds under the Open General License (OGL) to provide farmers with high-quality seeds to maximize yields, increase productivity and thus increase farmers' incomes. The directive allows the import of OGL elements such as oilseeds, legumes, coarse grains, vegetables, flowers, ornamental plants, tubers, bulbs, cuttings and seedlings.
- 2) If horticultural managers are to recommend the import of horticultural crops including flowers, the import of plant seeds must be approved by the CISA. CISA operates several sites with different climatic conditions for at least one season.
- 3) The evaluation of important characteristics such as yield, pest resistance etc. must be completed within three months of harvest, after which the importer must obtain DAC approval. DAC processes it within one month and the import and export controller grants a license.
- 4) Private seed companies must register with NSC before importing seeds.

This policy was immediately followed by an order from the Indian Government (Order on Plants, Fruit and Seed) to regulate the importation of agricultural produce into India.

3.4.2 Plants, Fruits and Seeds Order (Regulation of Import into India order), 1989

The order was issued to abolish the 1984 Plant, Fruit and Seed Ordinance and contains import provisions based on post import controls.

- 1) Post-entry quarantine facilities are configured and approved by the appropriate regulatory body.

- 2) The importation of seed for consumption or sowing must be accompanied by a permit issued by the competent authority. Import should only be carried out by certain customs offices.
- 3) The delivery is checked by the crop protection advisor. The above order was changed in 1998, 2000 and 2001. With the liberalization of trade in agricultural products following the WTO Agreements, the government planned to consider new legislation under the new Quarantine Regulation. , Plants (Decree on India), 2003. The order now concerns plants, fruits and seeds, which were replaced in 1989.
- 4) The contract has expanded the area of quarantine activities for plants and pest risk analysis
- 5) The contract contains provisions for the import of soil, moss, genetic material and GMOs for research, insects, microbial crops and biological control agents, wood and wood.
- 6) The contract prohibits the import of goods contaminated with weeds, exotic species and packaging materials, unless the materials have been treated
- 7) Imports of agricultural products are therefore classified as: prohibited plant species, regulated species imported only by approved establishments and declarations, and plant material authorized for consumption or industrial processing under the phytosanitary certificate.
- 8) In order to prevent the spread of pests, a phytosanitary certificate conforming to the quarantine requirements of the plants must be submitted.
- 9) Risk analysis during post-authorization quarantine is compulsory.
- 10) The importation of genetic material must be authorized by the MRNND and any other biological material such as soil, microbes, moss, etc. must be approved by the Crop Protection Advisor.
- 11) A list of 590 quarantine pests and 61 weed species has been reported
- 12) The notified entry points for imports have been increased compared to the 1989 PFS order.
- 13) Strengthening regulations will also strengthen the strengthening of plant quarantine facilities, the opening of new quarantine centres, the establishment of advanced molecular diagnostic facilities for the rapid detection of pathogens and the creation of a new service national level including the analysis of the risks of malaria.

Global awareness of the role of plant genetic resources in the development of superior plant varieties and the use of many traditionally grown crops in drug development and various industrial applications has led to concern over biodiversity conservation (CBD), which came into force in 1993. The Indian Government considered it necessary to protect varieties of significant commercial value after India had signed the Convention on Property Rights. This agreement provided that Member States should protect plant varieties either through a patent, an effective sui generis system or provide a combination of both. The Sui Generis system for plant variety protection was developed in India and integrates the rights of plant breeders, farmers and village communities. The Plant Variety Protection and Farmers Act was therefore formulated in 2001.

3.4.3 National seed policy 2002

Salient features of National Seed Policy

1. Development of new and improved varieties of plants
2. Timely availability of quality seeds
3. Compulsory registration of seeds
4. Creation of infrastructure facilities
5. Quality assurance, promotion of seed industry,
6. Abolition of licensing for seed dealers,
7. Facility for import of best quality seeds,
8. Encouragement to export of seeds
9. Creation of Seed Banks and National Seed Grid.

The national seed policy was formulated in 2002 to increase India's share in the global seed trade by facilitating scientific aspects such as biotechnology for farmers.

- The policy encourages private sector involvement in the research and development of new plant varieties.
- The rights of various seed control companies produced and marketed under the Seeds Act of 1966 and the PPVFR Acts of 2001 have been retained in the Directive.

- Introduce the seed village scheme to increase the production and on-time delivery of seeds and to improve the seed quality of farmers.
- Establishment of seed banks to manage camps and disasters at the village level.
- Establishment of a National Seed Group to replace the Central Seed Committee and the Central Seed Certification Board to certify seeds and advise the government on all aspects of seed planning and development. NSB will act as an umbrella organization in the seed sector.
- Establishment of a national seed research and training centre for the development of seed technologies.
- Development of a national seed to provide information on the availability of different seed varieties with a description of the production. The public and private sectors are invited to join the network in order to obtain a clear assessment of seed demand and seed supply.

Some of the other Policy recommendations have also been addressed in PPVFR, Act, 2001. The most important ones are the maintenance of a national seed registry for varieties, the creation of a national gene bank, the disclosure of performance expected variety and the possibility for the farmer to seek compensation in the event of a bad harvest. In addition, the proposed 2004 seed law should pursue the objectives of the national seed policy, such as infrastructure development, ensuring a supply of good quality seed and facilitating international seed trade.

3.5 Seed Bills: Issues and Concerns

After 2002 with the introduction of Bt cotton the issues of royalties over seed technologies like Genetic Engineering etc. have come into forefront. To address this and similar issues, the 2004 Bill was brought in. The Seed Bill, 2004 was proposed to replace the Seed Act, 1966. The Seed Bill, 2004 has been revised three times, since its introduction.

3.5.1 The Seeds Bill, 2004

At the very outset, the preamble of the bill makes clear its intention. The Bill states that it is to “provide for regulating the quality of seeds for sale, import and export and to facilitate production and supply of seeds of quality and for matters

connected therewith or incidental thereto”. The Seed Bill, 2004 sought to usher in an era greater accessibility to quality seeds by regulating production, distribution and sale of seeds.

3.5.1.1 Rationale for the Seed Bill

The New Seed Bill was a tool to address the grievances and the concerns which the Seed Act of 1966 does not cover. The idea behind the Seeds Bill, 2004 was that effective implementation of this new law can be expected to promote private plant breeding in the country in the long run. The major rationale behind the policy was the hope that these developments would provide Indian farmers multiple choices and increased access to improved seeds.

3.5.1.2 Key Features of Seed Bill, 2004

- 1) The Seed Bill 2004 aims at promoting the production and supply of quality of seeds and also to regulate its quality for sale, export and import.
- 2) The Seed Bill 2004 seeks to repeal and replace the existing Seed Act, 1966.
- 3) To comply with W.T.O. obligations and to protect the farmers and small scale agriculturist from monopolistic activities of commercial seed producers and seed suppliers, the Parliament proposed to go ahead for a new legislation on seeds and made an attempt to bring home several radical changes in the seed sector.
- 4) According to the Bill all varieties of seeds have to be registered and certified. The Bill proposed to be established a Central Seed Committee (CSC) for which the Secretary to the Government of India, Department of Agricultural and Co-operation, Ministry of Agriculture is the ex-officio Chairman.
- 5) The CSC is a prime controlling and regulating body under the Bill with several Government representatives as its members in the said body apart from two representatives from the farmers' sector and two from the seed industry. The Bill proposes for constitution of a sub-committee called Registration Sub-Committee which shall maintain a National Register of Seeds for all varieties of seeds. Any seed intended for sale must be registered with the Sub-Registration Sub-Committee and its nomenclature must be registered in the National Seed Register.
- 6) National Seed Committees and National Seed Certification Centres are consulted.
- 7) The bill does not limit farmers' right to use or sell seeds and planting material unless they intend to sell under a brand name.

- 8) Compensation provisions were included in the calculation. All registered varieties and seed producers, distributors and sellers must, under certain conditions, disclose the expected performance of the seed. If the expected standards are not met, the farmer may claim compensation from the seller, dealer or vendor under the Consumer Protection Act 1986.
- 9) As part of the regulatory approach, the law also introduced seed laboratories at central and national level with the required number of seed analysts.
- 10) The importation of seed is subject to the importation of a quarantine regulation (import into India) from the year 2003 or an equivalent procedure under the Destructive Insect and Pest Act of 1914.
- 11) The bill allows self-certification of seed by accredited agencies, and the central government can also recognize certification by a foreign seed certification body.
- 12) Every manufacturer, dealer or seed gardener must be registered with the government of the competent State.
- 13) The transgenic variety of seed must get clearance as per the provisions of Environmental Protection Act, 1986 for obtaining its registration.
- 14) The Bill proposes to increase the penalties to regulate the seed business. The Bill has enhanced the penalties that were prescribed under the existing Seed Act 4 ½ decades ago.

3.5.1.3 Seed Bill 2004 – Changes Proposed by Standing Committee on Agriculture

After placing the Bill before Rajya Sabha, the Standing Committee on Agriculture appointed a Parliamentary Committee to study the Bill under the Chairmanship of Prof. Ramgopal Yadav and he submitted his report on 20.11.2006 and recommends for certain changes in the original Bill.

- a) The Committee recommends that Plant Variety and Protection of Farmers' Right Act 2001 (hereinafter called as PVPFR Act) be made fully operative before the Seed Bill 2004 is passed.
- b) The Bill should not impose a condition that the farmers seeds also must conform to the minimum standards required to be maintained by the commercial producers for registering their seeds. The Committee feels that such a restriction imposed in the Bill will seriously affect the rights of the farmers and recommended for deletion of such restrictions.

- c) The Committee suggested for expansion of the definition of the “farmers”.
- d) The Committee discourages for private participation in the Seed Certification since it seriously conflict the interest of the farmers who practice traditional system of exchange and sale of seeds. Thus it strongly recommends for deletion of the self-certification provisions.
- e) Another notable feature recommended by the Committee is for introduction of price regulatory mechanism in the Bill to ensure that the farmers should not be charged with arbitrary prices by the seed producers and sellers.
- f) The Committee recommends for enhancement of the penalties mentioned in the Bill. The Committee suggests to increase the penalty for contravention of provisions of law as a fine of Rs.50,000/- which may be extended up to Rs.2,00,000/- and imprisonment which may be extended up to 3 months. Likely, the penalty for supply of spurious and misbranded seeds must be an amount of Rs. 2,00,000/- which may be extended up to Rs.10,00,000/- and imprisonment of three months which may be extended up to one year.
- g) The Committee also recommends for introduction of provisions banning the print misleading pictures on seed packages which may inspire and attract the innocent farmers to buy the said seeds and ultimately land in losses due to nil production.
- h) The Committee also recommends for introduction of machinery to deal with the compensation matters in the Bill itself. The Committee found fault with for entrusting the task of dealing with compensation matters to the Consumer Forums constituted under the Consumer Protection Act.
- i) The Committee recommends for introduction of Seed Crop Insurance for providing compensation to the farmers whose seeds do not give the desired yield. The Committee further says that the compensation to the farmers should be based on the expected performance as mentioned by the seed producers on the label of the seed package and that the said certification agency should also make liable in the compensation process, in case the seeds failure to give the promised results.
- j) The Committee opined that there are chances for misuse of powers by the seed inspectors. The Committee suggest for effective regulatory machinery over the powers of the seed inspector. The search and seizure provisions may be exercised by the seed inspector with the prior permission of the District Collector or/and Magistrate. The Committee also recommends for exemption of farmers from the

provisions of search and seizure since they are not selling branded seeds except the farm seeds saved from their own production.

- k) The Committee further recommends that there should be atleast one state representative from each of agro climatic zones instead of geographical zones on rotation basis and that number of farmers' representatives must be increased to five and each one from different geographical zones.
- l) The Committee further recommends that for reduction of the registration period 10 and 12 years instead of 15 and 18 years. The Committee suggests for deletion of the provisions of re-registration since it will tend to monopoly among certain seed producers.
- m) The Committee recommends that seed testing includes seed germination and yield testing and there should be a pre-registration requirement. The Committee further recommends that the Bill should include provision for declaring the origin of the variety and its parental details by the person sought for registration to ensure that farmers exempted variety should not be misused by the said companies.
- n) The Committee also recommends that the foreign seed certification agency should be recognized only if the seeds certified by the said agency are tested on Indian soil to confirm to the minimum requirements.
- o) The Committee further recommends for deletion of restriction of period of two years mentioned in Sec. 45 of the Bill which is introduced for removal of difficulties.

3.5.1.4 Issues in Seed Bill, 2004

1. Conflicting Approach with existing legislations

National Seed Act should not be looked at in isolation and it should be looked in conjunction with other legislations like PVPFR Act, 2001, Biological Diversity Act, 2001, Environmental Protection Act, 1986 etc. Any legislation on seeds should first and foremost look at rights of the farmers and they should be protected. Certain provisions of Seed Bill 2004 are quite contrary to provisions of PVPFR Act 2001. Certain rights granted under the PVPFR Act are taken away and abridged under the present Seed Bill.

2. Private Participation: Discouraged

Discourage the private participation in seed testing and certification since it leads to collusion and thereby encouraging spurious seed in the market. Facilitative climate for growth should not be at the expense of the farmers. Facilitative growth cannot be interpreted as negligent regulation. Without resolving issues related to ownership of seed resources, boosting exports would only facilitate and legitimize bio-piracy. In its current form the Bill seeks to violate the rights of the farmers in many ways. The Bill demands the farmer to compulsorily register themselves as seed traders if they are want to sell seeds. This is violation of farmers' rights which was protected in PVPFR Act. Apart from that there is serious incompatibility among the Seed Bill 2004 and other related legislations also.

3. Traditional Rights: Overlooked

The Bill further demands that the farmers' seed must conform to the minimum standards lay down in the Bill and the same is infringement of traditional rights of the farmer in dealing with the seeds. There are several contradictions between the 2004 Bill and PVPFR Act, 2001. The 2004 Bill is an attempt to take away certain protections and rights provided to the farmers under PVPFR Act.

4. Compensation Issues: Unaddressed

The Bill failed to introduce an effective mechanism to deal with the compensation cases of the farmers in case of failure and proposed that appropriate mechanisms to estimate and deliver adequate compensation should be defined. The provisions for two years provisional registration for transgenic variety of seeds since is a clear violation of provisions of Environmental Protection Act, 1986 and the Rules made there under.

5. Regulatory Mechanism-State Power: Absent

The system of centralizing seeds regulatory mechanism excludes the authority of States in approving the varieties that are suitable for their locations.

6. Non Observance- No deterrence

The penalty clauses mentioned in the Bill do not create any deterrent or fear in the minds of the spurious producers and seed companies and the said provision cannot

control the erring companies and producers unless the penalties are enhanced to maximum extent.

3.5.2 The Seed Bill 2010

After the Parliamentary Standing Committee on Agriculture has submitted its report, the Government of India accepted some of the amendments to the Seed Bill 2004 and subsequently on 13.04.2010 notified the Seed Bill 2010 draft. The new Draft Seed Bill 2010 was introduced in the Rajya Sabha on 23.04.2010. The issue of seed price regulation was not agreed upon. A seed Bill 2010 provides for compulsory registration of kinds of varieties of seeds. The Seed Bill provided not only penalty but also for cancelation of registration and compensation to farmers. Farmers are exempted from compulsory registration. PPVFR Act provides for registration of plant varieties with the objective conserving rights of breeders and farmers.

3.5.3 The Seeds Bill 2011

The Seeds Bill 2004, since its introduction, had been shrouded in controversy – it met with severe opposition from various stakeholders, particularly farmers, who recognised it as a threat on their traditional rights over seeds. The draft of the Seeds Bill 2004 has been revised three times, since its first introduction in 2004 to accommodate concerns expressed by farmers' bodies, civil society and also the parliamentarians.

At Glance

- 1) To be known as the Seeds Act, 2011, it extends to cover the whole of India, every dealer and every seed producer.
- 2) The Bill seeks to liberalise import and export of seeds and is consistent with India's World Trade Organisation (WTO) commitments.
- 3) Once enacted, it will regulate the quality of seeds in India and would replace the Seeds Act, 1966
- 4) The Bill requires all varieties of seeds for sale to be registered, and every registered seed is required to meet the minimum prescribed standards
- 5) The farmers would be allowed to use or sell his farm seeds and planting material. However, farmers are not allowed to sell them under a brand name.

- 6) Seeds sold by the farmers need not conform to the standards (as applicable to registered seeds)
- 7) Compensation to the farmers, in case a registered seed used by them fails to meet the expected standards, is provided for in the Bill.
- 8) The Bill allows for self-certification by accredited agencies. Further, it allows recognition of certification by foreign seed agencies by the Central Government

3.5.4 Seed Amendments Bill 2014: Overview

The Seeds Bill, 2014 that seeks to regulate seeds and plant material to ensure quality, increase private participation in production and distribution, liberalize imports while incorporating measures to protect rights of farmers.

The Seed Bill 2004 (revised thrice) was revived in 2014. However, this was put on hold in 2015 after the backlash enabling provision for GM crops. The seed Bill 2004's main discrepancy was that it was not in conformity with the other prevailing legislation like PPVFR Act. Hence, the new 2014 Bill proposes to bring in uniformity in laws relating to the import and export of seeds and the use of GM seeds with existing national legislations. It also has tried to address the issue of farmers' compensation from producer in case of a failure of a registered variety of seed to perform up to expected variety of seeds. Another issue of lack of deterrent penalty has also been dealt with. The present Bill prescribes huge penalty for contravening any provision of the Act for those selling misbranded or substandard seeds.

India's seed industry is presently regulated by the Seeds Act of 1966, its implementing rules 1968, the Seeds Control Order, 1983, and the Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPVFR Act).

There was grave concern of extension of Intellectual Property Rights to Agriculture. It was worried that the traditional rights of the farmers to save, share, exchange and sell the farm produce as well as the seeds, and due to the monopoly extended to the plant breeders by granting IPR on plant varieties it might take away the traditional rights of the framers. Also, importantly, monopoly extended to plant breeders by granting IPR on plant varieties could also raise the price of such

commodities. Above all, the contribution of the farmers in the conservation and preservation of varieties was considered important for further plant breeding. To address this, two options were considered relevant:

- (i) Protecting the interests or privilege of farmers to save and repeatedly use for sowing their farm saved seed of protected varieties as an exception to the plant breeder' right, and
- (ii) Protecting the rights of the farmers in terms of getting equitable share of benefits derived from the use of plant genetic resources conserved and preserved by them.

The Researcher shall discuss the rights of Farmers', the International regime and its impact on the National legislations in the next chapter.