

# The draft seeds bill favours the industry over farmers

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*A 2001 law protects farmers' interests. But the seeds bill neutralises many of the enabling measures granted in it*



*In the new seeds bill, the farmer cannot claim compensation. To do so, he must approach the consumer courts under the Consumer Protection Act (Getty Images/iStockphoto) There is a draft seeds bill awaiting Parliament, which seeks to replace the old Seed Act of 1966. A law regulating seed production and trade is needed to ensure that farmers are protected against spurious seeds, and that seed producers are obliged to put only seeds of good and reliable quality on the market. The current draft bill leans towards the interests of the seed industry rather than the farmer. The 2001 law, the Protection of Plant Varieties and Farmers Rights Act (PPVFRA), protects farmers' interests. The draft seeds bill aims to neutralise many enabling measures granted in the PPVFRA. Here are a few examples. In the PPVFRA, adequate seed supply and seed price is to be managed by government through the provision of compulsory licensing in the Act. In the seed bill, there is no mechanism to regulate seed supply or seed price. This could result in high seed prices, and even a lack of adequate seed supply. The parliamentary standing committee on agriculture had made a strong recommendation for regulating seed supply and seed price through the law itself. The seed bill does not require the seed industry to declare the parents of the variety they register. Hence, there is no opportunity to claim benefit sharing as provided in the PPVFRA, according to which if a plant breeder uses farmer varieties to breed his variety, he is required to pay a part of the profits of the new commercialised variety into a national gene bank. In the absence of parentage/passport data of a variety, the new seed owners could have free access to all available crop genetic diversity, without having to go through prior informed consent or engaging in benefit sharing. All this amounts to legalising the piracy of valuable genetic materials, commercially successful varieties, and breeding lines developed by farmers and public sector breeders. When a new legislation is drafted, there is a provision for people to raise objections before a right is granted if they fear there is wrongdoing. This feature exists in the PPVFRA, but it is missing in the seeds bill. Seed failure happens when shoddy companies sell shoddy seeds. To protect farmers against this, there are provisions within the PPVFRA to claim compensation. In the seeds bill, the farmer cannot claim compensation within the purview of the law. Here, he must approach the consumer courts under the Consumer Protection Act to claim compensation for the failed seed. This is manifestly unfair since the government has washed its hands off its responsibility and laid the burden on the farmer. He will spend his money and run around from pillar to post for years claiming compensation, which may never come. The soft penalties in the bill for violations by the companies must be raised so that it hurts to break the law to exploit farmers. Then there is the exemption for offences committed by companies. This clause seeks to absolve company officials from any punishment for violations, saying that if they prove it happened without their knowledge, they are not liable. Clearly, this must go. The current seeds bill bears the imprint of the seed industry which never masks its displeasure at the enabling provisions granted to farmers in the PPVFRA, in recognition of their enormous contributions as breeders and conservers of genetic diversity. Since 2004, when the first draft was presented, several knowledgeable people and a Parliamentary Standing Committee have sent in recommendations to improve the seeds bill. Gene Campaign along with the National Commission on Farmers had organised a national consultation on making the seeds bill more equitable. The government, which aims to double farmers incomes, cannot possibly allow the passage of a bill that strikes at the very roots of farmer survival. First published by*

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