

# Standing Committee Report Summary

## The Seeds Bill, 2004

- The Standing Committee on Agriculture submitted its 22<sup>nd</sup> Report on 'The Seeds Bill, 2004' on November 28, 2006. The Chairperson was Prof Ram Gopal Yadav.
- The Committee recommended that the Plant Protection of Varieties and Farmers Rights Act, 2001 be made fully operative before the Seeds Bill, 2004 is passed. The Seeds Bill should aim to strengthen the integrated growth of farmers and commercial seed systems, so that every farmer has access to high quality seed/planting material at the right time and place and at appropriate prices.
- The Bill does not restrict the farmer's right to use or sell his farm seeds and planting material, provided the seeds and planting material sold by farmers conform to the minimum standards applicable to registered seeds. The Committee feels that the provision of conforming to minimum standards will restrict the rights of the farmer. Therefore, this provision should be deleted from the Bill.
- The Committee suggests that the provision that farmers are exempt from registration should be included in the beginning of the Bill. The District Administration, either through Gram Panchayat/Block Development Office/Zila Parishad should register the farmers' varieties of seeds on their own. The farmers' variety shall be registered as per PPV&FR Act, making it a community right. If the varieties of common knowledge are not registered in the National Register of Seeds within a stipulated time, it should become the property of the concerned state and should not be allowed to be registered by any private agency.
- The Committee suggested that the definition of "farmer" should be expanded to include anyone who conserves and preserves any traditional varieties of seeds. It should also allow a farmer to grow and barter seeds. It also proposed more specific definitions of "producer" and "seed".
- The Committee observes that the public sector should be encouraged to play the main role in supplying seeds to the farmers and should not be marginalised for commercial gains of private seed industry. It also feels that private participation in seed certification and testing could lead to serious conflict of interest and marginalise farmers who practice traditional systems of exchange and sale of seeds. Thus, the Committee strongly recommends that the provision of self-certification should be deleted.
- The Committee recommends that a price regulatory provision should be provided in the Bill itself so as to ensure that the farmers are not charged arbitrary price by the seed producer/supplier.
- The Committee suggests that for any contravention of the law the penalty should be a minimum fine of Rs 50,000 which may extend to Rs 2,00,00 and imprisonment extending upto three months. It further recommends that the penalties prescribed in the Bill for selling spurious or misbranded or sub-standard seeds be made more stringent and in consonance with the penalties in the Protection of Plant Varieties and Farmers' Rights Act, 2001. It suggests a minimum penalty of Rs 2,00,00 which may extend to Rs 10,00,000 and imprisonment for three months to a year.
- It also recommended that misleading pictures should not be printed on the seed package unless they are true to the variety inside the package. The Bill should have suitable provision for disposal of misbranded and spurious seeds.
- Although the Bill states that farmers can claim compensation from the producer, distributor or vendor under the Consumer Protection Act, 1986, the Committee feels that the compensation provision should be included in the Bill itself through specially designated arbitration Tribunal/Compensation Committee.
- The Committee stated that the compensation to the farmers should be based on the expected performance as mentioned by the seed producer on the label of the seed package and the seed certification agency should also be party to the compensation process in case seeds do not give the desired yield. Also, seed crop insurance could be one of the solutions for providing compensation to the farmers whose seeds have not given the desired yield.
- The Committee observes that the Bill does not ensure that seed inspectors do not misuse their powers. It stated that the controls over the powers of the inspector should also be provided in the Bill itself. He should be allowed to search or break open premises only on the written orders of the District Collector or a Magistrate specially authorised to exercise the powers given under the Seeds Act. Also, farmers should be exempted since they are not authorised to sell any branded seeds.

- Since the definition of “agriculture” includes medicinal and aromatic plants, the Committee feels that the Director of the National Centre for Aromatic and Medicinal Plants should be an ex-officio member of the Central Seed Committee (CSC). The CSC should also have a representative of one state from each of the agro-climatic zones, instead of geographical zones, on rotation basis and farmers’ representation should be increased to five, one each from different geographical zones.
- The Committee recommends that the duration of registration period for any kind of a seed should be reduced to 10 and 12 years for annual and biennial crops and perennial respectively. Also, the provision for re-registration should be deleted because the holder of the seed registration is not adding any quality in the variety of seed and will increase the monopolies of the seed producer.
- The Bill requires that seeds be registered on the basis of agronomic performance, including yield, resistance to disease, droughts, etc. However, the seed testing laboratories would inspect seeds after they have been registered. The Committee recommends that seed testing including seed germination and yield testing should mandatorily be a pre-registration requirement. The services of agricultural universities, colleges and krishi vigyan kendras may be utilised.
- The Committee observed that a suitable provision containing pre-grant opposition to registration of a new variety of seed should be added in the Bill. Also, the Bill should include provisions for declaring origin of the variety so that farmers’ variety should not be misused by seed companies. No transgenic variety should be registered provisionally.
- The Bill makes it compulsory for every seed dealer to register and regulates the sale of registered seeds. It also prohibits bartering of registered seeds. The Committee is of the opinion that bartering is the traditional way of mutual exchange of seeds in the Indian farming community. Therefore, it should be allowed in the Bill.
- The Committee recommends that foreign seed certification agencies should be recognised only if the seed certified by it is tested on Indian soil to conform to the minimum requirements. Also, imported seeds should not be certified unless localised trials have been held in India.
- The Bill empowers the central government to remove any difficulty in implementing the Act within two years of commencement of the Act. The Committee feels that the restriction of two years should be removed because the Bill is likely to have far-reaching impact on the farming community.

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