

# SEED REGULATION IN INDIA

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# Objectives of a National Seed Law

- Ensure quality planting material :
    - genetic and physical purity,
    - free of seed-borne diseases/pests,
    - High germination, and good performance.
  
  - Regulate domestic seed trade
  - Safeguard interests of farmers & national agriculture
  
  - Regulate seed import and export with standards & safeguards
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# Indian Seed Legislation

The Seed Act, 1966

The Seed Rules, 1968

The Seeds (Amendment) Act, 1972 (9 Sept)

The Seeds (Amendment) Rules, 1974 (29 Apr, 1975)

The Seeds (Amendment) Rules, 1981 (10 June)

The Seeds (Control) Order, 1983 (30 Dec)

The Seed Regulation Order, 1988

The National Seed Policy, 2001

The Seeds Bill, 2004

## Other Indian Legislation/Regulations Governing the Seed

The Protection of Plant Varieties and  
Farmers' Rights Act, 2001 (PPVFR Act)

The Biological Diversity Act, 2002 (BD  
Act)

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

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SEEDS BILL  
Vs  
PPVFR ACT

# PPVFR vs Seeds Bill

Feature	PPVFR	Seeds Bill
Registration of Variety	Voluntary. PBR on exclusive commercialisation right	<b>Mandatory</b> . Grant for seed production, processing and marketg
Requirement for registration **	<b>Novelty</b> , Distinctness, Uniformity, & Stability. Evidence of IP or traditional ownership of variety	Specified seed viability, genetic & physical purity, seed health, data on <b>performance and unspecified</b> details
Declaration of origin **	Essential ,with pedigree details	<b>Silent</b> on this aspect
Conduct of Multi-Location Trail	PPVFR Authority conducts DUS test	<b>Does not specify</b> who is responsible for MLT
Variety having <b>GURT</b> technology	Not allowed	Not allowed
Transparency of registration process **	Transparent. Allows legitimate opposition of registration	<b>No transparency</b> . Periodic publication of registered vars.
National data and reference-base on	National Register of <b>Plant Varieties</b>	National Register of <b>Seeds</b>

# PPVFR & Seeds Bill....

Feature	PPVFR	Seeds Bill
Registration of Farmers' variety	Eligible varieties allowed without fee	Eligible varieties allowed <b>with fee</b>
Duration of Registration ***	Annuals - 15 years Perennial- 18 Years	As under PPVFR. Allows <b>double term</b>
Possibility of multiple registrn of variety***	Nil	<b>Bill is silent.</b> Not sure whether the Bill grants exclusive right on var ? By default it will be exclusive for hybrids
Regulation of supply and prices of seed	Through compulsory licensing mechanism	<b>No regulation</b> on the supply and price
Penalty for infringement	Very high Maxm: Fine Rs 20 lakhs / Prison 3 years	<b>Modest</b> Maxm Rs.50000 / 6 month prison

**ISSUES RAISED  
BY SEEDS BILL**



# ISSUES

- Seeds Bill is not harmonized with PPVFR Act and the BD Act.
  - Bill ambivalent on the linkage between right for marketing and plant breeder's or farmers' right on the variety (sec. 14)
  - Origin and ownership issues of a registered variety for trade are left out, to allow possibility for:
    - Unrestricted commercialization of public domain vars, including farmers' varieties by private parties
    - Denial of opportunity for benefit sharing to farming and tribal communities
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## ISSUES...

- Seeds Bill seeks to nullify the need for establishing PBR to gain exclusive marketing right on variety, without facing the public interest liabilities linked to PBR.
- Facilitates 'ever greening' of protection to 30/36 yrs, far beyond the period allowed by UPOV variety protection.
- The ambiguity of the Bill on Multi-location evaluation can encourage legitimization of exaggerated performance claims.
- The Bill does not recognize the need for independent agency to be accountable for determining this important economic criterion of a variety

## ISSUES .....

- Grant of registration for trade without concurrent registration for PBR exempts the variety from Compulsory Licensing provisions, attractive for high seed price and man-made shortage.
- The free access to Indian agro-biodiversity for plant breeding, the hassle free route provided for registering a 'tradable variety' and the opportunity for export without its registration for PBR, opens a channel for 'piracy' of national agro-biodiversity as elite breeding lines.

# ISSUES .....

- Provision for provisional registration of transgenic varieties is preposterous and violates biosafety norms
- Tissue cultured propagules are found excluded from the purview of this Bill

# ISSUES .....

- Appellate Authority should not be a 1 person institution, but with at least 3 members of equal rank
  - The penal provisions are weak in relation to the gravity of offenses and the harm such offences can cause to the livelihood of poor farmers
  - The Bill is highly bureaucratic with several ambiguities , allowing for indiscriminate interventions
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