

## Official Amendments to the Seeds Bill, 2004

The government circulated a list of amendments to the Seeds Bill, 2004 on November 4, 2010. These amendments shall be voted upon when the Bill is taken up for consideration and passing. In Table 1, we have compared the Seeds Bill, 2004 with the proposed amendments to the Bill. We have also given the recommendations of the Standing Committee on Agriculture on the Seeds Bill, 2004.

**Table 1: Comparison of Seeds Bill, 2004 and the Amendments to Seeds Bill, 2004**

Seeds Bill, 2004	Standing Committee Recommendations	Amendments to Seeds Bill, 2004
<b>Exemption of farmers</b>		
The Bill exempted farmers from the requirement of compulsory registration. However, it stipulated that a farmer cannot sell any seed under a brand name and any seed sold by the farmer has to conform to the prescribed minimum limits of germination, physical purity and genetic purity.	The provision of conforming to minimum standards will restrict the rights of the farmer and should be deleted. The exemption provision should be included in the beginning of the Bill.	The farmer can sow, exchange or sell his farm seeds and planting material without having to conform to the prescribed minimum limits of germination, physical purity and genetic purity (as required by registered seeds). However, farmers cannot sell any seed under a brand name.
Defines a farmer as any person who cultivates crops either by cultivating the land himself or through any other person but does not include any individual, company, trader or dealer who engages in the procurement and sale of seeds on a commercial basis.	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. The report also proposed more specific definitions of "producer" and "seed".	Expands the definition of a farmer by including any person who conserves jointly with any person any traditional varieties or adds value to such traditional varieties. Excludes farmers from the definition of producer.
<b>Transgenic varieties</b>		
No transgenic variety of seed would be registered unless the applicant has obtained clearance under the provisions of the Environment (Protection) Act, 1986 (EPA).	Misleading pictures should not be printed on the seed package unless they are true to the variety inside the package (applicable for all seeds).	In addition to the requirement under the Bill, the registered seeds have to conform to specified standards for transgenic events and corresponding traits for transgenic seeds. The label of a seed container has to indicate the above mentioned information.
Allows transgenic variety of seeds to be registered provisionally for two years before clearance under EPA has been obtained.	Provisional registration of transgenic varieties of seeds should not be allowed.	The provision for provisional registration has been deleted.
<b>Registration of seeds</b>		
Any type of seed for sale has to be registered with the Registration Sub-Committee. The registration is valid for 15 years for annual/biennial crops and 18 years for long duration perennial crops.	Considering the progress in research and development in the agricultural sector, the duration of registration period 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	Amends the registration time limit. The registration is valid for 10 years for annual/biennial crops and 12 years for long duration perennial crops.

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	registration is not adding any quality in the variety of seed and will increase the monopolies of the seed producer. Seed testing including seed germination and yield testing should mandatorily be a pre-registration requirement.	
<b>Central Seeds Committee</b>		
Central Seeds Committee may specify minimum standard of germination, physical purity, and genetic purity applicable to registered seeds.	No recommendation.	Amends the clause by stating that the central government may notify minimum standard on recommendation of the Central Seeds Committee.
Composition of committee includes a Chairperson and 7 ex-officio members and other members nominated by the central government.	Since the definition of "agriculture" includes medicinal and aromatic plants, 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.	Added 3 ex-officio members: Director, National Centre for Aromatic and Medicinal Plants, Chairperson, PPVFRA and Chairperson, National Bio-Diversity Authority.
<b>Compensation</b>		
For all registered varieties, seed producers, distributors and vendors have to disclose the expected performance under certain given conditions. If the seed fails to perform to expected standards, the farmer can claim compensation from the dealer, distributor or vendor under the Consumer Protection Act, 1986.	Compensation mechanism should be through specially designated arbitration Tribunal/Compensation Committee. Compensation should be based on the expected performance as mentioned by the seed producer on the label of the seed package. The seed certification agency should also be party to the compensation process. Also, seed crop insurance could be one of the solutions for providing compensation.	Amends the provision by setting up a Compensation Committee where farmers can claim compensation if seeds fail to perform to expected standards.
<b>Seed Certification Agencies</b>		
Any seller of seeds can get the seed certified by the State Seed Certification Agency or any other accredited certification agency; self certification may also be permitted to accredited agencies. The accreditation shall be done by the CSC in consultation with state government and state seed committee.	Private participation in seed certification and testing could lead to serious conflict of interest. The provision of self-certification should be deleted. 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.	Amends the provision by allowing only organizations owned or controlled by the central or state government to be accredited. The accreditation can be done only by the state government with prior approval of the central government.
<b>Power of Seed Inspector</b>		
The Seed Inspector does not require a warrant to take samples of any variety from a seed seller; send the samples for analysis to the Seed Analyst; enter and search any place where he has reason to believe that an offence has been committed against the provisions of the Act; and break open any container of	Seed inspectors 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	The provision has been amended by adding that the prior written authorization of the District Magistrate is required by the Seed Inspector if he wants to enter and search a place.

seeds or any door where any such seed may be kept for sale.	seeds.	
<b>Seed Producers and Seed Processing Units</b>		
Every seed producing and processing unit has to furnish periodic returns on the quantity of seeds produced or processed by it to the Seed Certification Agency.	No recommendation.	Added that this information has to be furnished to the state governments also.
<b>Penalties</b>		
The penalty for contravening provisions of the Act, selling or importing misbranded seeds, or obstructing any authority established under this Act is between Rs 5,000 and Rs 25,000.	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.	Increased the range of penalty to be between Rs 25,000 and Rs 1 lakh.
The penalty for selling substandard seeds is between Rs 5,000 and Rs 25,000.	Penalties for selling spurious or misbranded or sub-standard seeds need to be more stringent and in consonance with the penalties in the Protection of Plant Varieties and Farmers' Rights Act, 2001. Penalty should range between Rs 2,00,00 and Rs 10,00,000 and imprisonment for three months to a year.	Increased the range of penalty to be between Rs 25,000 and Rs 1 lakh.
The penalty for giving false information is a prison term up to six months and/or a fine up to Rs 50,000.	No recommendation.	Increased the prison term upto one year and fine to Rs 5 lakh.

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