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November 6, 2010

Sub: Urgent intervention with regards to the proposed Seed Bill approved by the Union Cabinet on 20th October, 2010

Dear Honourable Prime Minister,

We are all aware that you have been at the forefront of espousing the cause of farmers and you are most aware that Warangal is also famous for farming of different crops, especially cotton. The basis of any farming system are seeds and farmer's uninterrupted access to it. You are also aware that many groups have struggled and come to promote natural and organic methods of cultivation through indigenous and traditional methods. It is through this we have sought to deal with issues such as ever rising costs of production, health impact chemical farming, poor quality hybrid and Bt seeds and several associated marketing concerns. The lack of support for indigenous seeds and availability of **poor quality seeds have an continue to affect our farming and livelihoods.**

However, despite our best efforts groups continue to face shortage of good, quality non-chemical seeds and lack of support to save and store traditional seeds. Ironically, we are told that agricultural research stations, government seed production centres (including national and State seed corporations) have stopped production of good, quality non-chemical seeds which we can use in our farms.

It is in this context that the Government of India is finalizing a new seed legislation. Ideally, farmers, farmer's group and all those concerned with agricultural issues would hope that such a legislation would at the least address the issues quality, access, price and product liability for the benefit of the farming communities. From the drafts that we have seen and the press releases of the GOI, we have reason to believe that this is far from the reality.

It is in this regard we request your urgent and immediate attention to the proposed Seed Bill, which is being finalized for the winter session of the Parliament, with the explicit purpose to regulate seed industry. **The regulation of seed industry and sector is a only one component to address the issues of access to seed diversity available in the country and a necessary informed choice to cultivate, and that too with least external inputs and costs on farmers. However, any Bill addressing the concerns of seeds needs to build within it a solution which is based autonomous farmer controlled, farmer led seed systems which translate into seed sovereignty. In other words ecological biodiverse farming and seed systems which make farmers seed sovereign need to be in the centre of any legislation which seeks to govern and regulate seed systems of a country.**

The earlier versions of the proposed Seed Bill, had various provisions, which are not in the interests of small and marginal farmers, State governments and the sovereignty of agricultural systems. While the GOI has accepted some changes as suggested by groups, there remain some fundamental concerns. On 20th October, 2010, a press release says that the Central Cabinet approved the Seeds bill, 2010. We do not have the detailed bill as yet, which would give us information on what has been specifically included or changed. However, from the contents of the press release as well as previous documentation of the government (from the meeting organized by Mr. Sharad Pawar), we have reason to believe there are no changes to some very crucial provisions.

In the past, various governments and individuals have proposed changes, especially those related to the powers of state governments to decide on matters relating to farming and agriculture.

Importantly,

1. **State governments should have more powers** under this Seed legislation. Present proposed mechanism, centralises all decisions, and is positioned far away from the farmers.
2. **Encouraging the use of traditional seeds, regulation of Seed pricing, inclusive of royalties is needed** to insulate farmers from being exploited. Arbitrary pricing, amply supported by monopoly and protection for IPRs, would distort farm economics and enable companies to make profits.
3. **Restriction of foreign trade in seeds is essential** to protect our environment. Foreign certification, based on trials done outside India, should be changed and every imported seed should be allowed based on multi-locational trials in India.
4. **Restrict and discourage the entry of genetically engineered seeds** into our farming systems. India has an existing advantage of robust indigenous agricultural systems which need to be upfront in policy planning for the sector.
5. **Production of seeds that suit organic/natural farming method of cultivation** has to be done by national and State seed research, breeder and multiplication agencies, **through the Annual National Seeds Plan**. Such a plan needs to be led by farmers, along with public sector research institutions. This would benefit lakhs of farmers, who have already converted to ecological method of agricultural production, and would help and guide more farmers to convert to organic farming.

These are only few of our concerns which need to be addressed. However, we demand that there should be a full and informed public disclosure on the text of the Seed Bill in different languages at the level of gramsabhas and similar institutions so that both producers and consumers of food are aware of the decisions being taken far away from their living realities.

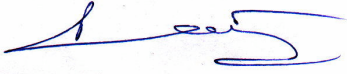
The only version of the Bill which is publicly available is the 2004 version. All other versions are being internally discussed and there has been no effort towards disclosure during the phase of policy formulation which is most critical phase where an informed public debate is deemed necessary in a democracy. We are not able to get the Bill even through the Right to Information process.

The State Governments of Andhra Pradesh and Kerala have written to the Prime Minister expressing their serious reservations on this Bill. An average, small and tribal farmer would feel comfortable in dealing with regulatory mechanisms which are nearer, than in far away New Delhi.

As farmers, farmer's organizations, scientists, NGOs and researchers who have come together as the South Against Genetic Engineering (SAGE) we the undersigned request you to kindly write to the Central Government asserting the constitutional rights of the state government to determine access and exchange of seeds, continue existing farming practices, regulate seed prices, and enable distribution of quality seeds. We seek your urgent intervention as this Bill is very likely to be approved in the coming winter session of Parliament.

Thank You

Yours Sincerely



P.V.Satheesh
Convenor

To : Members of National Advisory Council (NAC)

Members, National Advisory Council

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Note

a) The Seed Bill 2010 does not propose any price controls. However, farmers must be able to purchase seeds at an affordable price. This is very important as more than 80% of our farmers in the state are small and marginal.

With the Patents Act coming into force and monopolies being legitimized in the form of IPRs, royalties, trait fee etc., seed prices are bound to spiral upwards increasing the overall cost of cultivation for farmers. This is already seen in the case of the first transgenic crop in India, Bt Cotton.

In 2005, after establishment of large scale cotton seed failure in Warangal dist, Government of Andhra Pradesh had asked Mahyco to pay compensation. This company refused to pay and moved to AP high court on paying compensation saying state govt is harassing them. The company has also challenged AP state govt that it has no legislative power to control trait fee. Transferring of any amount of this royalty/trait fee to the farmers hence needs to be controlled. Therefore, the function of the State Seed Committee under the Seed Bill must include power to decide on price and price controls (including royalties).

In the absence of such measures, the farmers will not be able to access quality seeds at an affordable price and it will bring in monopoly control (which exists under TRIPs provisions) over seed through the back door. The Parliamentary Standing Committee had also voted against this.

b) The Bill in its present form says foreign certification, based on trials done elsewhere will be accepted. The Seed (Control) Order, 1983 had allowed the unbridled import under open-general license of planting material and seeds of flowers, vegetables and horticultural crops. This Order was exploited by unscrupulous seed trade and business to import plant materials without undergoing any rigorous phytosanitary and quality checks. Most of the importing agencies did not even deposit a sample of imported seed with the National Bureau of Plant Genetic Resources. It is believed that the imports have come with a heavy load of pests and diseases posing serious damages to crop cultivation and to the country's food security. Many hitherto unknown pests have also entered the country.

The Parliamentary Standing Committee, had recommended addition of 'localised trials' into the Section 36 (1) (c) of the Bill which is on Imports of Seeds, based on data provided by importers. However, this recommendation was not accepted.

c) With limited membership for States in the Central Seed Committee, State Government of Andhra Pradesh stands to lose its independence and autonomy in taking decisions as agriculture being in the State list. We strongly feel State Seed Committee should be empowered to register, as they will be able to select locally suitable and appropriate, in addition to the national registry. Authorization of all seed production, processing, storage, distribution and sale should be with the state government through a compulsory licensing system. Central Seed Committee can review the registration.