Sowing a new Seeds regime

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"Govt plans to change existing law to ensure availability of quality seeds to farmers. How will the proposed Bill to replace The Seeds Act, 1966 meet its objective of 'regulating quality of seeds for sale, import, export'?"

The existing 1966 law already provides for regulation of the quality of seeds. What does the new Bill seek to change?

The cu rrent Act only covers "notified kinds or varieties of seeds". Thus, regulation of quality, too, is limited to the seeds of varieties that have been officially notified.

Such varieties would be mostly those that are bred by public sector institutions — the likes of the Indian Council of Agricultural Research (ICAR) and the state agricultural universities (SAUs) — and officially "released" for cultivation after multi-location trials, over three years or more, to evaluate their yield performance, disease and pest resistance, quality, and other desired traits.

Release is a precondition for notification. And the provisions of The Seeds Act, 1966, apply only to certified seeds produced of notified varieties.

The new Seeds Bill, 2019 provides for compulsory registration of "any kind or variety of seeds" that are sought to be sold. According to Section 14 of the draft Bill, "no seed of any kind or variety… shall, for the purpose of sowing or planting by any person, be sold unless such kind or variety is registered".

In other words, even hybrids/varieties of private companies will need to be registered, and their seeds would have to meet the minimum prescribed standards relating to germination, physical and genetic purity, etc. Breeders would be required to disclose the "expected performance" of their registered varieties "under given conditions".

If the seed of such registered kind or variety "fails to provide the expected performance under such given conditions", the farmer "may claim compensation from the producer, dealer, distributor or vendor under The Consumer Protection Act, 1986".

What is the context for bringing the Bill?

The 1966 legislation was enacted at the time of the Green Revolution, when the country hardly had any private seed industry. The high-yielding wheat and paddy varieties, which made India self-reliant in cereals by the 1980s, were developed by the various ICAR institutes and SAUs.

These public sector institutions have retained their dominance in breeding of wheat, paddy (including basmati), sugarcane, pulses, soyabean, groundnut, mustard, potato, onion and other crops, where farmers largely grow open-pollinated varieties (OPV) whose grain can be saved as seed for re-planting.

Over the last three decades or more, however, private companies and multinationals have made significant inroads, particularly into crops that are amenable to hybridisation (their seeds are first-generation hybrids produced by crossing two genetically diverse plants, and whose yields tend to be higher than that of either of the parents; the grains from these, even if saved as re-used as seed, will not give the same "F1" vigour).

Today, the size of the private hybrid seeds industry is estimated at about Rs 15,000 crore. That includes cotton (Rs 4,000 crore), vegetables (Rs 3,500 crore), corn/maize (Rs 1,500 crore), paddy (Rs 1,000 crore), pearl millet/bajra (Rs 300 crore) and sorghum/jowar (Rs 200 crore). Hybrid seed adoption rates are reported to be 7-8% in paddy, 60-70% in corn, 90% in jowar and bajra, 95% in cotton, and 80%-plus in major vegetables such as okra, tomato, chilli, capsicum, cauliflower, gourds, cucumber, cabbage, melons, brinjal, carrot and radish. Even in banana, the real production increase after the 1990s has come from tissue-culture micro-propagation planting technology commercialised by private players like Jain Irrigation.

So, are privately-bred hybrids not covered under any regulation?

The current Seeds Act, as already noted, applies only to notified varieties. Also, unless a variety or hybrid is notified, its seeds cannot be certified. Most of the private hybrids marketed in India, by virtue of not being officially "released", are neither "notified" nor "certified".

Instead, they are "truthful labeled". The companies selling them simply state that the seeds inside the packets have a minimum germination (if 100 are sown, at least 75-80, say, will produce plants), genetic purity (percentage of "true-to-type" plants and non-contamination by genetic material of other varieties/species), and physical purity (proportion of non-contamination by other crop/weed seeds or inert matter).

How does the proposed Seeds Bill, 2019 address the above lacuna?

It does away with the concept of "notified" variety. By providing for compulsory registration of "any kind or variety of seeds", private hybrids — whether officially "released" or "truthful labeled" — will automatically be brought under regulatory purview.

It must be mentioned here that the Seeds (Control) Amendment Order of 2006 under the Essential Commodities Act mandates dealers to ensure minimum standards of germination, purity, and other quality parameters even in respect of "other than notified kind or variety of seeds". Enforcing mandatory registration under a new Seed Act, encompassing all varieties and hybrids, is expected to bring greater accountability from the industry, even while rendering the Seeds Control Order redundant.

How has been the private seed industry responded to the proposed Bill?

Seed companies have welcomed the provision of compulsory registration of all varieties/hybrids, based on the results of multi-location trials for a prescribed period to establish their performance vis-à-vis the claims of the breeders concerned. This should help minimise the risk of farmers being sold seeds of low-quality genetics, especially by fly-by-night operators taking undue advantage of the "truthful labeling" and "self-certification" processes.

The industry, however, wants the process of registration to be time-bound. Given the lack of manpower and infrastructure within the government system, the registration may be granted or refused on the basis of multi-location trials carried out by the breeder/applicant itself.

But the industry's main reservation is the provision for regulation of sale price "in emergent situations like scarcity of seeds, abnormal rise in prices, monopolistic pricing or profiteering". The fact that this power of fixing sale price of seed has been given both to the Centre and state governments has added to their nervousness. Their contention is that seed accounts for not even a tenth of the total operational costs in most crops, despite the genetic information contained in it being the main determinant of grain yield and quality.

When is the Bill likely to become law?

Despite the buzz, the chances of it being introduced in the current session of Parliament are remote — it is not listed in the legislative business expected to be taken up. Incidentally, an earlier version of the Bill had lapsed after being introduced in 2004.

Expected Questions (Prelims Exams)

1. Consider the following statements:

1. The Seeds Act-1966 regulates the quality of only a few listed seeds.
2. According to the Seed Bill - 2019, it is mandatory to register all types of seeds

Which of the above statements is/are correct?

(a) Only 1 (b) Only 2

(c) Both 1 and 2 (d) Neither 1 nor 2

Note: Answer of Prelims Expected Question given on 9 Dec., is 1 (a)

Expected Questions (Mains Exams)

Q. 'The mainstay of better agricultural production is the availability of qualitative and high yielding seeds, but regulation of the existing market is also necessary for the availability of seeds.' Analyze the key features of the proposed Seed Amendment Bill in the context of this statement.

(250 words)

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.