



# **Seed Legislation in India**

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# SEED LEGISLATION IN INDIA

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## Foreword

Seeds are the most important input the farmer relies upon for assured yield. The seed is a natural marvel transformed by scientists into a potential tool towards green revolution. However, only 10 per cent of the seeds are brought under certification which means that our country has to go a long way in promoting use of certified seeds. This becomes ever the more meaningful in the current era of global village, free trade and competing with farm produce imported from other nations. In the next decade, the agricultural market in India will accelerate, as 300 million citizens would reach global standards of living. Legalizing the seed production and trade is the best way to achieve this. Our country has been a pioneer in this aspect for the whole of South East Asia. In a span of 16 years of becoming a republic, India enacted the Seeds Act followed by Seeds Rules. Over the years, events in India and around the world made us promulgate several acts and rules like the Plant Variety Protection and Farmer's Right Act, 2000, which was the need of the hour. Here, it has to be noted that in true democratic tradition, we have not only accepted breeder's right, but ensured that the work put forth by our farmer brethren over the millennia would be acknowledged. India is the only country that has provided the farmer his right by incorporating the term 'extant variety', a variety that pre-existed before the arrival of variety protected under plant breeder's right. Now, the PVPPFR, 2000 Act is the connoisseur of all the developing nations.

In a democratic system, only a knowledgeable citizen can ensure the sustenance of democracy. This will entail that the wisdom of rules must be made available to all those who use it

In this context, I should appreciate the work carried out in the form of a book entitled "Seed Legislation in India" by Dr. K. Ramamoorthy, Dr.K.Sivasubramaniam and Th.A.Kannan (Former ADA, Seed Inspection, State Department of Agriculture, Tamil Nadu) who have brought a nice compilation

of all the regulations that govern seed production and distribution. This will help the students of agriculture, the certification staff and all those engaged in seed trade to know the canons of quality seed production and also actively engage producing quality seeds. My best wishes in all their future endeavours.



**(C. RAMASAMY)**  
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October 28, 2005  
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# PREFACE

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Seed production and distribution involves judicious effort of the producer and enforcement agency. With 600 million people dependent on agriculture and related activities, the job of the seed producer becomes evermore important for he is the vital link between the lab and the land. Since, most of the farming community is illiterate or semi literate, it the job of the government to frame rules that govern the production and distribution of quality seeds.

Though seed act had been implemented in European countries at the fag end of 18<sup>th</sup> century, India did have an act to designate seed quality parameters. This void was fulfilled during 1966, when the Seeds Act was formed followed by Seeds Rules, 1968. Both were adopted during 1969 for the whole of India except Sikkim and Kashmir. Over the years, with newer varieties coming into the agricultural scenario, the Seeds (Control) order, 1983 was formed insisting on compulsory licensing of the dealer. This was made ever more stringent, by bringing the seeds under the Essential Commodity Act, 1955.

To help multinational corporations in utilizing the manpower and knowledge base of our country, the Plants, varieties and fruits, import into India, order was passed during 1989 and amended during 1998. Signing of WTO agreement during 1995 paved the way for private sector research and development of varieties. In order to regulate such varieties and to prevent the poor Indian farmer from being exploited by scrupulous multinational corporations, the Protection of Plant Varieties and Farmers Right Act, 2001 was passed. Thanks to the deliberations of Dr. Vanthana Shiva of Navdanya and Dr. Suman Sahai of Gene Campaign, India not only framed rules to protect the intellectual property rights of breeders but also the rights of the farmer, who had bred and maintained the traditional varieties for several generations.

Encouraging domestic research and infrastructure as was done during the first decade of independence, the National Seeds Policy 2002 was formulated to act as a catalyst in sustainable development of agriculture.

We have attempted to bring all the above statutes together to provide a glimpse of the vast legalities involved in seed production and distribution. The case studies provided are quoted as an example only and the authors are not legally bound to corroborate them. This book will be an eye opener to an

undergraduate student, a reference to the post graduate and an essential guide to all those who are involved in practicing seed technology. No attempt has been made to distort, deviate or modify the legal paras of the act and rules as they have been extracted from the references provided at the end of this book.

We also caution the readers that veracity of rules are subject to interpretation and the authors deny any responsibility if the rules quoted in the court of law without getting an authenticated copy published by government gazette.

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# INTRODUCTION

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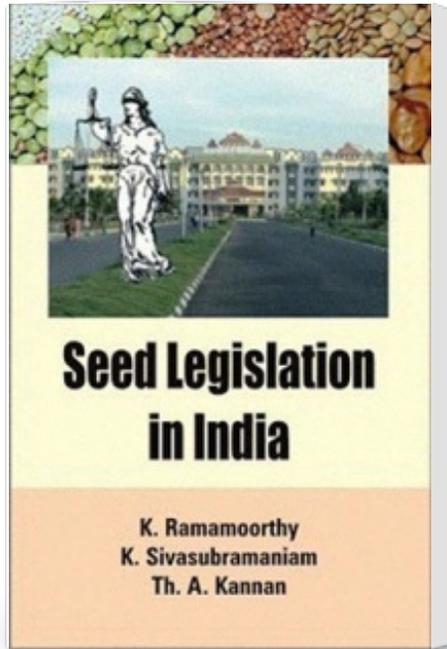
Legislations are an important aspect of a democratic society. They help in preventing unnecessary hindrance when one is attempting to do a job legally which is useful to the society. It provides a level playing ground to all and acts a referee in times of adjudication.

Seed being the vital input in agriculture, was the basis for strong agricultural growth during the early periods of our country. It provided impetus to green revolution. With the development of wheat variety Kalyan Sona, the demand for seeds increased phenomenally. The National Seeds Corporation was formed during 1963 to help in mitigating this demand. The experience gained by NSC and under the able guidance of Dr. James Douglas, FAO expert, India was able to build a strong and able certification wing and this also helped to form the Seeds Act, 1966 and Seeds Rules, 1968, the first of its kind in South East Asia.

The Seeds Act is also called as "Sanctioning Legislation" and the Seeds Rules as "Governing Legislation". The Seeds Act, sanctioned the definition for seeds and the formation of Central Seeds Laboratory, Certification Agency, Seed Analyst, Seed Inspector, Central Seed Committee and powers for the above. The Seeds Rules provided the legal framework for day-to-day working of the above and hence they were known as governing legislations. The Seeds Act is unique as it deals with an agricultural input that is alive. Hence, the modalities involved in production and maintenance of quality are to be as stringent as possible with a practical approach. The Seeds Act and the Rules formed the basis for future acts.

Most of acts are self explanatory, however subject to interpretation by the reader. Hence, it is suggested that a debate and discussion during a class will be more useful than reading the act all by oneself.

# Seed Legislation In India



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