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DANGER OF CRIMINALISATION OF FARMERS' CUSTOMARY PRACTICES WITH REGARD TO SEED, IN THE DRAFT SEEDS BILL 2025

Kavitha Kuruganti <kavitakuruganti@gmail.com> 10 December 2025 at 11:15
To: chairperson-ppvfra@nic.in
Cc: la-ppvfra@nic.in

Dear Dr Trilochan Mohapatra,

Greetings! This is to request that the PPV&FR Authority, as part of its mandate to protect Farmers' Rights, write to the Joint Secretary-Seeds in the Ministry of Agriculture & Farmers' Welfare, while the Ministry is seeking feedback on the Draft Seeds Bill 2025, about the lack of alignment of the draft Bill with the PPV&FR Act 2001, thereby causing concerns for the protection of Farmers' Rights in the country.

The Draft Seeds Bill 2025 is not aligned with the Protection of Plant Varieties & Farmers' Rights Act 2001 (PPV&FR Act 2001) in the following ways, and thereby can potentially criminalise farmers' customary practices with regard to Seed and violate their rights.

1. **The rights of Indian farmers over seed is a positive entitlement.** Unlike under other laws in some places in line with UPOV 1978, it is **not an exemption or a privilege** given but a positive right under India's sui generis law in the form of Protection of Plant Varieties & Farmers' Rights Act 2001. Sec.39(1)(iv) reflects that. **In the Draft Seeds Bill 2025, the Proviso in Sec.1(2) is restricting this, framed as an exemption, not a positive right.**

2. The seed rights of farmers under Sec.39(1)(iv) of PPV&FR Act 2001 are overarching and absolute, except in the case of "branded seed". **The rights are over ANY seed INCLUDING production of seed of a protected variety, except branded seed.** However, there is some strange wording in the Draft Seeds Bill 2025, which appears to be curtailing these rights:

Section 1(2) Proviso in the Draft Seeds Bill says: “Provided that nothing contained in this Act shall restrict the right of the farmer to grow, sow, re-sow, save, use, exchange, share or sell his farm seeds **of kind or variety registered under this Act,** except when he sells such seed or planting material under a brand name.” (emphasis added)

If some Producer(s) do(es) not register, that should not in any way prevent farmers’ rights over any seed, to grow, sow, re-sow, save, use, exchange, share or sell seeds.

Right now, the current wording in the Bill has the danger of criminalising farmers' customary practices over seeds that are not registered under the proposed Seeds Act. Whereas the draft Bill could have just left the right as a right over any seed.

3. The definition of **BRAND NAME** in the draft Seeds Bill 2025 is not aligned with the definition of **"BRANDED SEED"** in PPV&FR Act 2001. If these are not aligned, it is not clear what the farmer is allowed to do and disallowed by law.

Sec.2(1(c) of Draft Seeds Bill 2025: “brand name” means a brand which is identifiable by a distinct mark, design or **name.**

Sec.39(1)(iv) Explanation in PPV&FR Act 2001 - “branded seed” means any seed put in a package or any other container and labelled in a manner indicating that such seed is of a variety protected under the Protection of Plant Varieties and Farmers’ Rights Act 2001.

If a farmer group puts its name, or the name of the Community Seed Bank, is that allowed or not in the Draft Seeds Bill 2025?

"Brand Name" should not include known landrace or farmers’ variety name, or name of the community seed bank or farmer collective’s name used merely for identification without any proprietary claim made on the same.

4. The Definition of **FARMER** in the Draft Seeds Bill 2025 is not aligned with the definition of a Farmer in the PPV&FR Act 2001. The Farmers' Rights given in PPV&FR Act 2001 are about CUSTOMARY PRACTICES of farmers being protected and converted into an entitlement in law. **Those customary practices necessarily involve more than one farmer except in the case of re-sowing seed from a crop by the same farmer.** Otherwise, sharing, exchanging, sale etc. involve Farmers in the plural. The Bill 2025 gives the definition of a farmer in singular, whereas the definition of Farmer in the PPV&FR Act 2001 is about farmers **"jointly and severally"** in addition to individual farmers. That Community element of a Farmer's customary practices should be brought into the Bill's definition.

5. PPV&FR Act 2001 has **Compensation** provision for farmers if a protected variety fails to perform as per description. That is part of statutory FARMERS' RIGHTS chapter. The Draft Seeds Bill 2025 does not have anything along these lines, and compensation is not even mentioned anywhere in the draft Bill.

6. The confusion about **"registration certificates"** being issued under both laws remains. One is a Certificate of Registration of (N)DUS testing in an IPR context, whereas in the draft Seeds Bill 2025 is a Certificate of Registration after VCU testing in a commercial seed trade regulation context. This confusion is certainly avoidable.

We request you to proactively intervene and kindly ensure that farmers' rights are unambiguously protected in the proposed Seeds Bill. Thank you.

Sincerely,
Kavitha Kuruganti

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