

ON CONTROL OVER SEED and LAND RESTORING DIVERSE SEEDS INTO THE HANDS OF FARMERS

Seed is the soul of Agriculture. Locally adapted diversity-based cropping patterns and timely availability of good quality seed in required quantities are essential for sustaining farming. In the Indian context, seed has been an openly shared 'community resource' carefully bred, conserved and evolved over thousands of years. However, seed today has been converted into a package and profitable commodity. Seed choices will determine the technological choices that farmers will adopt in growing the seed. Today, technological advances, market manipulations and industry-supportive policies and legal systems have made Seed into a 'commercial proprietary resource', separating farmers and their crops from the seeds they require for planting. Technologies, legal frameworks, market manipulations and concepts like 'seed replacement rate' are all contributing factors to increasing commodification/commercialisation of seed, its corporatisation/monopolisation and its alienation from farmers. The policy regime favours such a shift with regard to Seed, and there is no regulatory system/statutory framework which at this point of time makes farmers and their rights as the centre of the effort. In this approach the government adopts, role and stature of public sector agencies is rapidly diminishing too.

SEED SOVEREIGNTY

Seed sovereignty is not a baseless ideological position, but a pragmatic approach given the intricate linkages between farm livelihoods and diverse seeds being in the hands of farmers. It is an integral part of food security and sovereignty of a community or a nation. Seed being handed over to multinational corporations, that too to corporations like Monsanto that are notorious for their monopolistic tendencies and operations, is disastrous for the livelihoods of millions in India. It has been seen in Europe through a recent study that farmers in countries that grow GM crops have found their **seed choices dwindle**, while farmers in countries that do not grow GM crops have seen their seed choices increase. This can be seen in our own country where, today, 95% of the cotton grown in this country is reported to be Bt cotton, and within this, around 93% cotton seed market is controlled by Monsanto; it is the proprietary technology of Monsanto that has been used in many dozens of cotton seed brands. While Monsanto may not have any patents on this branded seed in India by law, in reality, a contamination of a public sector cotton seed with Monsanto's "event" resulted in the withdrawal of this seed from the market, given an unwritten etiquette that is practiced with IPRs. It has been seen elsewhere that Monsanto's sub-licensing agreements of its seed technology have inbuilt clauses which dwindle seed choices for farmers. A report called Seed Giants Vs US Farmers (2013) clearly outlines the role of GE in allowing corporations to consolidate their market takeover of seed in the USA and the resultant curbing of rights of farmers, to the extent that hundreds of farmers have been sued and jailed by corporations like Monsanto, for their 'crime' of saving seed or re-sowing, or for even contaminated crops, where Monsanto's proprietary genes had ended up in the fields of non-GM growing farmers. As of December 2012, Monsanto had filed 142 alleged seed patent infringement law suits involving 410 farmers and 56 small farm businesses in 27 states and was awarded a sum of more than 23 million US dollars in 72 recorded judgements. As early as 2003, Monsanto had a department of 75 employees with a budget of \$10 million for the sole purpose of pursuing farmers for patent infringement. It is well documented that the concentration of seed markets in the hands of a few corporations has allowed them to not only reduce seed choices but also increase seed prices exorbitantly. The average cost of soybean seed to plant one acre has risen by a dramatic 325%, from \$13.32 to \$56.58, with similar case seen for cotton and corn, from 1995-2011. Clearly, this has a direct impact on farmers' livelihoods. Innovation in research has also been stifled by corporatisation assisted by industry-friendly IPR laws.

In India too, the following trends are a matter of concern.

- Increasing monopolies: Industry data from 2009 shows that the top 16 (out of 250-odd) companies control 23% of 10,000-crore seed market; within this, Monsanto and associates have 40% share. In Cotton seed alone (worth around 4000 crores), 93% control is with Monsanto in India.
- Erosion of diversity: Several crops and varieties within crops have disappeared from farms. Advent of high-yielding seeds and hybrids has increased this, supported ably by the Governments' push towards higher SRRs (Seed Replacement Rates). Disappearance of on-farm diversity has implications on farmers' resource management, risks & future research.
- Undermining of farmers' knowledge & skills: Today's technological and policy approaches to Seed are undermining the breeding and seed- keeping skills of farmers. Further, studies show that de-skilling of farmers is also affecting their rational choices related to Seed, very often making seed choices 'a fad'.
- Anti-farmer seed technologies: Seed technologies are actually becoming anti-farmer in many ways: the fact that newer technologies are toxic; that control lies elsewhere; that seed breeding is not done in farmers' growing conditions or organic conditions and so on, is making the scenario anti-farmer.
- Privatising resource & knowledge: laws & policies around seed favor privatisation, including creating property with exclusive monopolistic rights over materials and knowledge. This is in turn supportive of the profiteering objectives of large corporations and not the survival of millions of smallholders.
- Quality, Affordability & Accountability regimes are missing in regulation, even as more and more farmers are being pushed towards dependency on commercial seed traders. There is no regulation of advertising and other marketing tactics around seed.
- Seed Sovereignty is greatly threatened at all levels through all the above.

WHAT ARE WE SEEKING?

ASHA seeks farmer-friendly, farmer-centric statutory regimes, institutional systems as well as programmatic interventions to ensure that farmers have control over and access to diverse, locally suitable, affordable, high-quality seed and knowledge associated with it, available in a timely manner. If it is a commercial situation, affordability of seed and accountability of seed traders also become important.

For this, the government should do the following-

1. When it comes to **ownership rights over seed resources**, ASHA believes that no such rights should accrue to anyone on any life form – it is also antithetical to the way agriculture evolved and developed in this country. However, given that certain statutory regimes have already been put into place (which work within an IPR regime unfortunately), ASHA believes that all forms of prior art including NBPGR registry should be used pro-actively by concerned government agencies and authorities to prevent others from seeking IPRs over farmers' varieties. Further, an open source seed system should be set up, that prevents any exclusive rights for anyone using any public sector material to begin with.

2. Government should **encourage, and invest in farmer-level seed production** of locally suitable, high yielding and other seed (traditional or public sector bred); if Hybrids are to be encouraged, these should be bred in organic (farmers') conditions, with parental lines in the hands of communities, with skills imparted, after risk assessment in a holistic fashion, that too in crops that naturally have a heterosis potential.
3. Agri-research & extension systems should prioritise **farmer-led participatory varietal selection and breeding programmes**, especially with women.
4. **Community level seed banks** have to be set up and run, through appropriate village level institutions and adequate financial/other (technical and infrastructure) support.
5. **Private (commercial seed) sector should work in a statutory regime** that allows the government to regulate not just the quality but price at which seed is sold, in addition to laying down a strict accountability regime that includes penalties, compensation and remediation where required. Regulatory regimes should also pro-actively watch out for seed monopolies/ oligopolies building up and prevent the same. Compensation mechanisms should be simple and time-bound and commensurate with claims and expectations based on claims apart from covering costs incurred. **All these aspects should be incorporated into an amended Seeds Bill before it can be passed.**
6. Farming communities all over India should have **first priority and access to all the germplasm collections** all over the country.
7. **All MoUs/PPPs both in research & extension with private seed corporations should be cancelled** immediately by various state governments and the Union Government. Resources should be invested on public sector agencies to strengthen them to support farmers.
8. For all those seed technologies which bring in potential environmental and health hazards, **such seed should not be allowed even for open air trials.**

LAND FOR AGRICULTURE & CULTIVATORS

In India, land put to non-agricultural use has increased by around 280% in 2009-10, compared to the extent in 1950-51. In the reporting area, it increased from being 3.29% in 1950-51 to 8.56% in 2009-10. In absolute terms, this is an increase of about 168 lakh hectares of land put to non-agricultural use. Such a shift also implies that there would be a shift in land ownership accompanying the land use shift. The reasons for such a shift are many, including urbanization, land acquired in the name of "development" etc. It is to be noted further that there are many civil society groups that have been pointing out that the data in official records of national land use still does not begin reflecting the rapid shift of land towards non-agricultural use. Speculative acquisition of land, in addition to acquisition in the name of "development" and "public purpose" however much the scale might be, may not begin showing up in the official records, for instance. There is much anecdotal evidence to show that there is substantial ground-level change in land use systems. This includes access of the poor, and in particular, of women to village commons for a variety of needs and roles to be fulfilled (food and energy security, for example). It is obvious that farm livelihoods cannot be sustained without control over this basic resource for farming – land.

In this context, it is important to revisit concepts like “public purpose” and “eminent domain” of the state, which have facilitated such large-scale shifts in land use and ownership. Any genuine land acquisition would become acceptable only if the definition of ‘public purpose’ is narrowed down, for land acquisition to take place only in the rarest case, that too of limited land just equal to meet the public purpose. There is a strong view that *any project or cause that does not lead to a substantial improvement in the socio-economic conditions and livelihoods of the persons from whom resources are being acquired cannot be termed Public Purpose*. It is well documented that thousands of acres of land is being diverted for other purposes, once acquired in the name of Public Purpose, as in the case of several airport land acquisitions. The principle of absolutely minimal acquisition has not been applied. There is an urgent need to take up a review of all land allotted so far after land acquisition for stated purposes to see if the land is being put to use against the stated purpose and if not, return the land to the original landowners or to the lowest administrative unit, to be further used for food and livelihood security purposes, including providing land for landless.

It is interesting to note that ‘public purpose’ and ‘eminent domain’ are invoked mostly for industrialization, urbanization and infrastructure development but not in the context of livelihood and food security, and rural regeneration.

On another front, the land reforms policy agenda has been unfinished in India. A just and equitable method of allotting land on a priority basis to fulfill every family’s right to land, that too in a gender-just fashion, should be put into place immediately. Further, settlement surveys have not taken place for a long time now, compounding the picture of opaqueness around land ownership. A roadmap of sorts has been laid out in the draft National Land Reforms Policy of July 2013 brought out by GoI for discussion.

The following are the main demands of ASHA when it comes to Land to sustain farm livelihoods.

NO FORCIBLE ACQUISITION: This means 100% consent in the local governance unit (palli sabha/gram sabha). Land cannot be acquired if not all affected are agreeing to it. This includes the ones whose livelihoods are tied to the resource, even if ownership rights do not exist on the same.

NO AGRICULTURAL LANDS TO BE ACQUIRED: No agricultural land can be acquired with rights accruing under land acquisition legislations. The classification into single crop or double crop does not seem to matter since it is not just about notional food security at the national level that one should be worried about but livelihood and food security of the affected, which is more fragile in the case of single-cropped lands.

LAND USE PLANNING: It is important to initiate a process of land use planning urgently in the country, starting from Gram Sabha upwards, prioritizing food and livelihood security of rural households. This should prioritise women’s practical and strategic needs in relation to this important resource, including ownership by women. This would then give a picture of any land available, if at all, for such acquisitions, after taking into account the needs of various households, including those of livestock rearers and grazing lands for them, eco-system services being provided by water bodies in addition to livelihoods to fisherfolk etc. etc. Without such land use planning processes undertaken, with legal legitimacy accorded to the same, with the Gram Sabhas first staking claim to such plans and resources needed for the same, the country will always see a tussle between different forces and will not be able to meet its many development objectives, defined collectively.

PESA/SCHEDULED AREAS: The constitutional and legal provisions accorded to scheduled areas should be fully upheld and no diluting should be allowed here.

COMPLETE PENDING R&R PROCESSES: Lakhs of people in this country, “project-affected” and subjected to involuntary displacement, are awaiting just compensation, relief and rehabilitation to this day. This is also an indication of what lies in store for many others in future if things are not improved drastically. It is an urgent imperative that pending R&R processes be completed.

WHITE PAPER ON THE CURRENT STATUS OF LAND ACQUISITION AND AGREEMENTS FOR GIVING LANDS: Various MoUs and agreements are being signed by the governments with a variety of industries to give away land for business and other enterprises. However, there is no clear picture of which land, where, how much, on what terms and conditions are being given away or promised under various agreements. It is very important that governments first bring out comprehensive and accurate White Papers on the status of land acquisition so far, and the agreements related to/involving land acquisition in future. This is very important since numbers range from 18 lakh hectares to 180 lakh hectares (which is equal to the total land diverted to non-agricultural use over the decades from the time of Independence!) are being estimated as the quantum of land, given away in just the past decade or so across different states.

LAND REFORMS TO BE BROUGHT IN: The draft National Land Reforms Policy brought out by GoI in July 2013 has a road map laid out for land for landless poor. Good feedback has also been obtained on the same. The same should be used, in terms of land use planning, creation of land pools, obtaining ceiling surplus land for redistribution, re-survey of Bhoodan land and government lands, unutilized land acquired for public purpose and looking at lands belonging to religious institutions etc.. Further, land settlement surveys should be taken up immediately to deal with land title issues, possessions, encroachments, successions, alienation of inalienable land etc. Wherever required, land purchase schemes should be set up to ensure land for the landless. All such effort should be accompanied by land development efforts concomitantly.

LAND FOR WOMEN: Women’s inheritance rights to property have to be actualised, in a situation of feminisation of agriculture. While women are increasingly having to manage farming by themselves, lack of ownership of land keeps women out of the reach of various government support services for agriculture and they are not even recognized as farmers. And this is indeed tragic, given evidence that with all things kept equal, women can produce 20-30% more than male cultivators. It is seen that women’s land ownership has many spin-off benefits to the family in addition to the woman herself – this includes better health and education for children, greater food security etc. It is important that we ensure that inheritance rights accrue to daughters by ensuring accountability on the line departments and by putting in incentive systems where needed; additionally, creating and implementing land purchase schemes for landless households becomes important, for land to be given in the name of women, especially for dalit women. Further, de-facto land rights can be ensured for women, especially for collective land lease supported by enabling legislations. Ensure the adoption and implementation of the positive aspects of the draft Land Reforms Policy wherever women’s land ownership can be ensured.