

Seeds Bill 2025

ASHA-Kisan Swaraj's Analysis

Note:

ASHA supports a comprehensive statute for regulating commercial seed trade in India, which is farmer-centric (for seed-consuming farmers, for seed-multiplying farmers, for farmers' collectives, for farmers' customary practices upheld & protected etc.) and which upholds the Constitutional Authority of State Governments

**We believe that the current statutory frameworks are completely inadequate to protect farmers' interests,
both as seed-multiplying farmers and as seed-consuming farmers**

Initial Draft for Round Table discussion on 24/11/2025

Brief Background

- India's seed industry is valued at around 62000 crore rupees in 2023-24 as per some estimates (it was around 4000 crore rupees some 20 years ago)
- In the recent past, farmers have reported losses estimated at tens of thousands of crores of rupees, due to spurious/sub-standard seeds - In 2021, Telangana authorities seized around 346 tons of spurious seeds, mainly of cotton and chili. Reports exist of watermelon/musk melon seed failure in UP, Sunflower in Punjab, Hybrid Maize in Bihar, Soybean seed in Madhya Pradesh and Maharashtra, Tur seed in Maharashtra and so on in just 2024-25..... Such losses become a matter of life and death for farmers steeped in agrarian distress
- Private firms account for 71% of India's seed production now. Two major industry associations in India (apart from others): FSII led by MNCs and NSAI consisting of Indian seed companies mainly.
- Doubling Farmers' Income (DFI) Report estimates that 60-65% of India's seed is still farm-saved or unlabelled. However, as per a study by scientists with IISS, the overall contribution of formal seed sector has increased from 45 per cent to 54 percent during the year 2016 to 2018. The analysis of primary data showed that ratio of formal and informal seed sector was 64.20 : 35.80 for field crops, 67.10 : 32.90 for cereals, 57.20 : 42.80 for pulses and 52.30 : 47.70 for oilseeds. It is clear that robust regulation is needed to protect farmers' livelihoods, vis-a-vis the seed that they use.

Brief Background

- Various Seeds-related statutes exist in India - Destructive Insects and Pests Act 1914 (Plant Quarantine Order 2003), Essential Commodities Act 1955 (Seeds Control Order 1983), Seeds Act 1966, Environment Protection Act 1986 (1989 Rules related to GMOs/hazardous micro-organisms and products thereof), Consumer Protection Act 1986; Geographical Indication of Goods Act 1999; Protection of Plant Varieties & Farmers' Rights (PPV&FR) Act 2001, Biological Diversity Act (BDA) 2002 etc.
- Commercial seed trade regulation is right now done through Seeds Act 1966 and Seeds Control Order 1983 under Essential Commodities Act: <https://seednet.gov.in/LegalandAdminFramework.aspx>
- Seeds Act 1966 regulates only Notified Seeds. For some unknown reason, amendments were not made to that Act to regulate all Seed. Several provisions are indeed irrelevant to the present day seed sector's regulation now including the ones related to Offences & Penalties.
- Seeds Control Order 1983 is used as the main tool to regulate, to circumvent the deficiencies of the Seeds Act. This Order is under the Essential Commodities Act 1955.

Seeds Bill 2004

- In 2004, a Seeds Bill was tabled in the Rajya Sabha. https://seednet.gov.in/PDFFILES/Seed_Bill_2004.pdf . This was referred to the Standing Committee on Agriculture on 16/12/2004, which gave its report on 28/11/2006
- The Bill was brought in close on the heels of India's approval of transgenic Bt cotton seeds
- This Bill received huge backlash from farmers in India, because it sought to regulate farmers and their traditional practices with seeds (Sec.43) and did not exclude farmers from the purview of regulation in unambiguous ways.
CRIMINALISATION OF FARMERS WAS A CERTAIN OUTCOME FROM THAT BILL.
- Any farmer who faces losses due to failure of the seed to perform as per expected standards, was asked to claim compensation under Consumer Protection Act 1986, and no provision was made within the Seeds Bill 2004
- It also allowed “provisional registration of transgenic seeds” for two years before clearance under EPA is obtained!
- Self Certification of Seed was provided for!
- State Govts were also facing problems with Bt cotton seed pricing around that time without any statutory tool to regulate royalty and licensing fees, and wanted price regulation to be brought in into the Bill and were opposed to the fact that price regulation was not included.

<https://indiatogether.org/seedbill-agriculture>

Amendments moved in 2010 on 2004 Bill

- 72 changes were proposed in 2010 as Amendments to Seeds Bill 2004 which was stuck in the Parliament: https://prsindia.org/files/bills_acts/bills_parliament/2004/Amendments_to_Seeds_Bill_as_on_9_Nov_2010.pdf and https://prsindia.org/files/bills_acts/bills_parliament/2004/amendments%20seeds%2017%20feb%202011.pdf
- An analysis here compares the Seeds Bill 2004 with the recommendations made by a Parliamentary Standing Committee and the Amendments proposed in 2010: https://prsindia.org/files/bills_acts/bills_parliament/2004/Note_on_official_Amendments_in_Seeds_Bill_2004.pdf
- Improvements compared to 2004 included the fact that **Farmers' customary practices exempted from regulation, except sale of seed under a brand name**. These amendments also **excluded Farmers from the definition of Producer**.
- **Provisional Registration for transgenic seeds deleted. Similarly, Self Certification provision removed.**
- **Reduced the registration period for registered varieties by several years**, compared to the 2004 Bill.
- Foreign certification agencies may be notified for recognition!
- **Penalties for offences were increased slightly**, but not as per the recommendations of the Parliamentary Standing Committee
- **A Compensation Committee proposed within the Seeds Bill**

ASHA response: <https://kisanswaraj.in/seeds-bill-amendments-sought/>

Draft Seeds Bill 2019

- **Explicitly excluded Farmers from regulation, and also upholds the customary practices except sale of seed under a brand name. Excluded Farmer from the definition of a Producer (those who grow or organise the production of seed)**
- However, took back the definition of a Farmer to a more limited framework when compared to 2010 amendment
- Expanded the definition of Seed to include **Synthetic Seed** as well as cuttings/grafts/seedlings/tubers etc.
- Distinguished between Central Seed Varieties and State Seed Varieties. Exempts farmers' varieties from registration.
- **Increased the number of farmers in the Central Seed Committee**
- **Through State Seed Committee, gave greater autonomy to state governments for registering state seed varieties**
- **Exempted through a proviso that farmers are not required to register farmers' varieties**
- Concept of "**Deemed Registration**" brought in, instead of Provisional Registration.
- Reverted to Compensation clause which requires farmer to claim under Consumer Protection Act!
- Concept of "Seed Quality Monitoring Officers" brought in - Such Officers to be appointed by Central Govt and Seed Inspectors to be appointed by State Govt, both with same powers
- **Regulation of Sale Price in Emergent Situations with the state govt having authority to fix for state seed varieties**
- Self certification of seeds removed - only accredited certification agencies - foreign seed certification agencies may be notified
- **Specifically notes that import of transgenic varieties shall be subject to EPA or any other law in force**
- Penalties kept very low despite one more decade having passed

ASHA response: <https://kisanswaraj.in/2019/10/06/amendments-to-6-seeds-bill-essential-for-protecting-indian-farmers-interests/>

Now, Draft Seeds Bill 2025 at a time when “harmonisation” has become a mantra, especially to fulfil industry lobby demands. Consolidation efforts are very clear for large players in Draft Seeds Bill 2025.

This draft Bill is being brought in, after other legislations have been successfully used for price control. And after other state level legislations have been enacted, or in an advanced stage of being created.

Draft Seeds Bill 2025 - Institutional Architecture

- **Central Seed Committee** - 27 members - advise governments on seed programming/planning; seed development, production, storage & processing; export & import of seeds; standards for registration, certification & seed testing; registration of national and state seed varieties and its enforcement - no specs provided for its working
- **Registration Sub-Committee** - no specs provided in the Bare Act - left to Central Seed Committee - to recommend kind or variety of seeds for registration after scrutiny of claims;
- **Other Sub-Committees** - no specs provided - only illustration given of Seed Certification Sub-Committee - can consist wholly of other persons outside the Central Seed Committee
- **State Seed Committee** - max. 15 members - specs left to the state government - to advise Registration Sub-Committee on registration of state seed varieties; advise state govt on registration of seed producers, seed processing units, seed dealers, distributor and plant nurseries; to maintain lists district-wise; seek information on stocks/prices/sales/other info etc.; advise state government on matters arising out of this Act
- **Registrar and other officers**, for registration of kind or varieties under the Act
- **Seed Certification Agencies** to be established by State Governments - Accreditation of Seed Certification Agencies
- An **Appellate Authority** - APPEALS TO BE TACKLED WITHIN THE CENTRAL SEED COMMITTEE - for state government decisions, an Appellate Authority (one to 3 members) to be set up and details left to Rules.
- **Central and State Seed Testing Laboratories** established
- **Seed Analysts** to be appointed by Central and State Govts in their respective labs
- **Seed Inspectors** to be appointed by State Governments

Schema for Quality Regulation

- All seed for sale to be registered, except farmers' varieties - No sale allowed without such registration; some registrations disallowed on some grounds too.
- All Producers and other players in the seed supply chain to be registered (NOT LICENSED, which is the terminology/concept from 2004 itself) - Producers don't include Farmers
- All such seed meant for trade by the producers and other players, has to conform to standards laid down for germination, genetic and physical purity, traits, seed health and any other standards, and containers have to conform to prescribed particulars including traceability linked to a Centralised Seed Traceability Portal of the Central Government. (Traceability provisions apply to NARS also)
- Seed Inspectors to collect samples in prescribed manner and send to Seed Analysts - can enter and search any place, with prior information to District Administration - it includes place of person selling seeds; place of conveying or delivering seed to a purchaser, and place of a purchaser/consignee; can examine any record and can seize if needed
- Some offences get taken cognisance of by authorised officials as adjudicating officers (Officer in singular); Courts can take cognisance only of complaints filed by Seed Inspectors

“Farmer” in Draft Seeds Bill 2025 Vs. PPV&FR Act 2001

- Sec. 1(2) Save as otherwise provided in this Act, it shall apply to **other than farmer**
- Sec.1(2)(l) Farmer means “any person who cultivates crops by cultivating the land himself; or cultivates crops by directly supervising the cultivation of land through any other person, with or without land ownership, and does not include any company, trader or dealer who engages in the procurement and sale of seeds on a commercial basis”
- Sec.1(2)(u) Producer means a person, group of persons, firm or organisation who grows or organises the production of seeds, **but does not include a farmer**
- Sec.13(1): No seed of any kind or variety **except farmers’ variety** and kind or variety produced exclusively for export purpose shall, for the purpose of sowing or planting by any person, be sold unless such kind or variety is registered in the manner referred to.....
- Sec.34 Offences and Punishment **shall not apply to farmers who sell or exchange seed produced by them on their own holdings.**

PPV&FR Act:

Sec.2(k) Farmer means any person who (i) cultivates crops by cultivating the land himself; or (ii) cultivates crops by directly supervising the cultivation of land through any other person; or (iii) conserves and preserves, severally or jointly, with any other person any wild species or traditional varieties and adds value to such wild species or traditional varieties through selection and identification of their useful properties.

Sec.2(l): Farmers’ Variety means a variety which (i) has been traditionally cultivated and evolved by the farmers in their fields; or (ii) is a wild relative or land race of a variety about which the farmers possess the common knowledge

Farmer definition should be similar to what is in the PPV&FR Act.

It should explicitly cover Farmer Producer Organisations (Cooperatives, Producer Companies, SHGs, Community Seed Banks) with at least 75% of the members producing seed for other farmers with Government Certification support, with ceiling fixed on market size and geographical spread as per criteria revised from time to time

Draft Seeds Bill 2025

Red Flag 1:

No Compensation provisions for farmers incurring losses due to spurious, sub-standard and misbranded seed. This is a step back from the 2010 Amendments to the 2004 Seeds Bill

Red Flag 2:

Objective of the Bill says: A Bill to provide for regulating the quality of seeds for sale and import, **to facilitate production and supply of quality seeds** and for matters connected therewith or incidental thereto.

- *You don't need a statute to facilitate production and supply of quality seeds! A scheme or program will do.*
- *No mention is made about regulation related to Price of seed, in the objective of the Bill.*

Red Flag 3:

Sec.1(2) proviso: 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.

- *If some Producer does 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, and the proviso of Seeds Bill 2025 has to reflect the exact wording that is contained in the PPV&FR Act 2001's Sec.39(1)(iv) verbatim. After all, those are rights enshrined in a law, and not just an exemption as framed here.*

Draft Seeds Bill 2025

Red Flag 4

Sec. 22 - **Regulation of Sale Price only in emergent situation, that too as optional by Central Government (“may”) -**

Why not for all seeds meant for sale, within a price range? Why not give the power to state governments as was available under Sec.27 (b) in the Draft Seeds Bill of 2019?

Red Flag 5

Accreditation of “**Any Other Organisations**” to carry out certification - will this lead to **self-certification**, which was there in Seeds Bill 2004 (Sec.24 (1))?

Sec.25 - Grant of Certificate by Seed Certification Agency is upon “***such enquiry as it thinks fit and after satisfying itself*** that the seed to which the application relates conforms to the Indian Minimum Seed Certification Standards”

No standards being laid down about the basis for Seed Certification ! Most Seed in India is truthfully labeled in any case, while Certification is voluntary. Now, Certification will be absolutely undependable.

Red Flag 6

Recognition of Seed Certification Agencies established in territory outside India (Sec.27) -

Where is the need for it and why has this been put in? Where will they do the certification procedures and what is their oversight on actual seed production here in India? Sec.43(2)(zg) is related to this.

Draft Seeds Bill 2025

Red Flag 7

State government authority being trampled through Sec. 17(8) with MNCs and big corporates registered directly by Central Govt with state Govts having no over-ruling power. It is being quaintly called “accreditation”!!

Sec.22 does not give power to state governments to regulate seed sale price for their jurisdiction.

Sec.24 does not allow state government to accredit seed certification agency without prior approval of Central Govt.

Sec. 38(1) gives powers to Central Govt to give directions to any state government and 38(3) makes decision of Central Govt as final, on whether a question is one of policy or not.

Sec. 41 provides for this Act to have an overriding effect.

Sec.43 is about the Central Govt’s Power to make Rules, including on the same spaces left for State Government in this Bill.

Red Flag 8

Sec.17(8(a) brings into a statutory provision, “*promote ease of doing business*” - “*a merit-based, transparent Central Accreditation System for companies operating in multiple states. Companies accredited under such a system shall be deemed to be registered under this section from the date of grant of accreditation*” !!!

Why and since when has “Ease of Doing Business” become a legal entitlement for the corporate sector?? That too in a Bill whose very raison d’être is to protect farmers’ interests. Otherwise, there is no need for a regulatory law at all! Registration through Accreditation is also a novel red carpet treatment being provided to big corporations. WHY? What has the government done so far to protect and strengthen community seed sector in India?? Why this bias?

Draft Seeds Bill 2025

Red Flag 9:

Seed Inspectors have power to collect samples from only 3 places - from any person selling such seed; any person who is conveying/delivering/preparing to deliver seed to a purchaser or consignee; **a purchaser or consignee after delivery of such seed to him !**

Does not explicitly mention the premises or places associated with registered producers, processing units, seed dealers, distributors, plant nurseries. Why are the original culprits being let off, while dealers/transporters/and even farmers who are seed purchasers being brought under Seed Inspectors' sample-collection, raiding, sealing, seizing powers?

Red Flag 10:

Sec. 28 for Review and Appeals: *Where in the 2010 version, there was an Appellate Authority being set up by the Central Govt, now appeals have to be made to the Central Seed Committee to review its own decisions! This is not a sound statutory principle, even though this becomes the problem mainly of seed industry registrants. For aggrieved parties for state government decisions, an Appellate Authority is to be appointed*

Draft Seeds Bill 2025

Red Flag 11:

Sec.33 - Import of Seed mentions only Plant Quarantine Order of 2003, *but not EPA 1986 or Foreign Trade Regulation Act. This is a clear change from how this was framed in 2019 Bill.*

Equally importantly, import will be permitted based on registration that may be granted on the basis of information furnished by importer of results of multi-locational trials conducted in the exporting country!!!

Sec.33(2) also allows import to be permitted of an unregistered kind or variety for “trial purposes”. What is “trial” other than research that is already mentioned?

Red Flag 12:

Central Seed Committee given a lot of space to frame its own “sub-committees”, including wholly from outside, and to frame its own procedures for functioning. *Is that sound, or will the composition of the Committee ensure that it is workable? Other similar regulatory statutes have those procedures in the bare Act itself.*

Draft Seeds Bill 2025

Red Flag 13

Sec.34 - “trivial offence” - *In a statute, you cannot have something labeled as “trivial” offence! Why should “failure to affix label on the seed packet” be categorised as Trivial Offence when lakhs of rupees of trade of illegal HT Cotton seeds is happening right now? Trivial Offences are to be dealt with, with a written notice for rectification, and penalty of fifty thousand rupees within a period of three years.*

Cognisance of Offences by **an Adjudicating Officer**, notified by Central/State Govts/UT administration as the case may be, who holds an inquiry and imposes penalty. **IS THIS GOOD ENOUGH, either for Farmer or Industry?**

Punishment is simply not proportionate to the damage caused and the profits minted by many fly-by-night operators. Without deterrent punishment, how can farmers’ interests be protected (sec.34 ranges from notices/ 50000 rupees to thirty lakh rupees, or imprisonment of upto 3 years.

Cancellation of Dealer registration is put into the Offences, but not punishment for other players in the seed supply chain!

Compounding of Offence built in, but not black-listing.

Sec.36. Forfeiture of Property after conviction, which is in fact limited to Seed in respect of which contravention has been committed, is to be forfeited to the Central Govt., for some reason. (Not to be destroyed by the state govt etc.)

Draft Seeds Bill 2025

Red Flag 14

Concept of “**Deemed Provisionally Registered**” brought in through Sec.13(1)(a) and then registered within a period of three years. Actual registration procedure under Sec.14(1) is bringing in the concept of “**safety to the human beings and animals**” -

UNCLEAR WHY? Is this a segue to moving away from EPA regulation of gene technologies?

And instead of referring to Rules and Regulations that will determine how the safety assessment will be done, Sec.14 simply says, “Registration Sub-Committee may, after such enquiry as it deems fit and after satisfying itself that the kind or variety to which the application relates conforms to the claims made by any person or by the seller as regards to the efficacy of the kind or variety, or its safety to the human beings and animals, may recommend to register the kind or variety”.

If this is about GMOs regulation, it is a clear conflict of interest, to have the regulator with the Agri Ministry

Draft Seeds Bill 2025

Red Flag 15

Sec. 16 Evaluation of Performance - 16(3) provides for the recognition by Central Government of **any organisation established in territory outside India for conducting trials to assess** the Value for Cultivation and Use (VCU) of any kind or variety as may be prescribed!

This provision in effect ridicules the science behind India's decades-long varietal release system and evaluation trials system.

Sec.43(2)(n) is a related provision.

Red Flag 16

Sec. 15 should have had Refusal in addition to Revocation, Suspension and Withdrawal, and should have covered Synthetic Seed and the like.

Red Flag 17

Because the price regulation function has not been embedded in this Bill, protection of interests of seed-multiplying farmers for Seed Producers including procurement price has not been included in this Act.

Worth noting from Draft Seeds Bill 2025

- Sec. 2(1)(c) - “brand name” means a brand which is identifiable by a distinct mark, design or name; **(In the 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 this Act)**
- Sec.2(1)(e) - Certification Agency definition is covering foreign certification agencies
- Sec.2(1)(l) - Farmer definition does not include what has been put in, in the 2010 amendments.
- Sec.2(1)(z) Seed means any type of living embryo or propagule, including seedlings.....**synthetic seeds** and other vegetatively.... (
- Sec.2(1)(zj) Variety - is not the same definition as given in PPV&FR Act 2001.
- If Sec.2(2) exists already, where is the need to have a different definition for some of the terms?

Some suggestions given in the past

1. Objective of the Bill should be: **“A bill to provide for regulating the quality of seeds and their price for sale, import and export and to facilitate timely availability of appropriate and adequate quantities of diverse varieties of seed to farmers in a transparent and accountable regime, including by adequate support to community seed systems, and for matters connected therewith or incidental thereto.”**
2. In “Preliminary”, Section 1, Clause 3, Sub-clause (b): “provided that nothing in this Act shall restrict the rights of the farmer to grow, save, use, exchange, barter, share or sell his/her farm seed and planting material **under a brand name already registered under this Act**”.
3. In the “Definitions” section, Section 2, insert a clause (2): “Branded seed is such seed that is expressly sold in a packed container with a label and under a trade name and **cannot be farmers’ varieties**”.
4. In the Definitions section, Section 2, clause 19: “Producer means any person, group of persons, firm or organization which grows or organizes the production of seed for commercial purpose, but does not include a farmers’ organization consisting of more than 75% membership of farmers producing seed for other farmers with government certification support”.
5. Registration term for seed supply chain players not to be used, but **Licensing** to be used. So that it does not create any confusion with Certificates of Registration issued in the case of PPV&FR Act also, which is an IPR law. Licensing need not be a dirty and undesirable procedure.

What would we like to see in the Seeds Bill? (1/2)

- All definitions should be in line with definitions that are already present in the PPV&FR Act 2001 - for Farmer, for Branded Seed, for Variety, for Farmers' Variety etc.
- Definition for Farmer should include more than one person (severally or jointly), as given in the PPV&FR Act, especially those who are running community seed banks, and for community seed systems to be kept alive within a local geography, in a small scale (volume & value) - Farmers (individually and severally) should be clearly excluded from the purview of this legislation, even as Farmers' Varieties (registered under PPV&FR Act as well as unregistered) should be excluded.
- Certainly a Compensation related provision, with time bound, locally accessible mechanisms for such a Compensation. Compensation calculation formula cannot be just the seed cost, but the expected returns from a season lost due to faulty seed, as well as any losses to livestock and environmental resources also.
- A Compensation Fund is proposed, from the penalties collected from contraventions of the statute, in addition to government's budgetary allocations, for this purpose.
- Definition should include "Truthfully Labeled" and specifically mention that such seed should also conform to all the standards laid down
- Number of farmer representatives in the Central Seed Committee should be increased to at least two per zone, including one woman farmer per zone. The number of farmer representatives should be high even in the State Seed Committee.
- The Central and State Seed Committee should also include independent experts

What would we like to see in the Seeds Bill? (2/2)

- The Bill should have provisions to ensure transparency - the entire seed registry as well as all the players of the seed supply chain who are registered should be published in the public domain. Similar with all other data that is collected.
- State Government's authority to regulate is absolutely essential and cannot be usurped by the Union Govt. Here, "Refusal" to register should be part of the state government's powers - it could be of producers/processing units/importers/retailers/distributors etc., or of particular varieties.
- Refusal to register should include Synthetic Seeds, and those varieties which are not bio-safe.
- Price regulation should be mandatory - and state governments should have the power to regulate seed price.
- Regulation of plant nurseries should be only above a particular scale (volume and value) and not of all plant nurseries - small units run by individual farmers cannot bear the burden of the paperwork required otherwise.
- All certification agencies should have full public disclosure related to conflict of interest with Producers and Sellers
- Samples: targets, size and sampling method should be absolutely scientific and should be specified in Rules
- In case of any conflict in provisions, the PPV&FR Act 2001 should prevail over the Seeds Act

Seed Industry Stamp all over: RESIST, AND GET THE RIGHT VERSION TABLED

Whether it is the language used (“ease of doing business”) or about not including Compensation related clauses for farmers, or about acceptance of foreign testing and foreign certification, or about keeping out the real seed industry players out of the purview of quality regulation in many ways while implicating frontline players like Dealers and potentially women’s SHGs which run Community Seed Banks, the Seeds Bill 2025 is an outright abdication of the Government of India’s responsibility towards farmers’ rights and interests and is supportive of cronies in the seed industry.

All farmers’ organisations have to come together to ensure that farmers’ rights are at the centre of this Bill, that state governments have their authority restored, that industry is held fully accountable for the profiteering it does at the expense of farmers and their livelihoods.