

Date: 21.09.2018

To

**Dr. AR Pathak, Vice Chancellor, Junagadh Agricultural University,  
Moti Bag, JUNAGADH - 362 001**

**Dr. NC Patel, Vice Chancellor, Anand Agricultural University, Khetiwadi Campus,  
Anand - 388 110**

**Dr. AA Patel, Vice chancellor, Sardar Krushinagar Dantiwada Agricultural  
University (SDAU), At P& Post. Sardar Krushinagar 385 506, Dist Banas Kantha**

**Dr. CJ Dangaria, Vice-Chancellor, Navsari Agricultural University, Eru Char Rasta,  
Dandi Road, Navsari- 396450**

**Sub:- Inclusion of New Bt, cotton hybrids/varieties containing approved and  
deregulated transgenic events in the license - conducting of trials by State  
Agricultural Universities - Request- Reg.**

Respected Sir,

As you are aware for inclusion of a new hybrid or variety of any crop in the seed license, the designated licensing authority requires performance evaluation data from the trials conducted by the State Agriculture Universities. You have been conducting such evaluation trials in several crops.

The GEAC in its 130<sup>th</sup> meeting dated 11.08.2016 declared that the biosafety of the approved Bt cotton events is no longer an issue and declared that the trials can be conducted as per the procedures prescribed under the Seeds Act, 1966 read with Seed (Control) Order, 1983. The ICAR has started Bt cotton evaluation trials for identifying new Bt cotton varieties and hybrids for notification under Section 5 of the Seeds Act. As you are aware, the notification of a variety is not compulsory under the Seeds Act. There are several small and medium companies who operate within a State or part of a State therefore, they would continue to work under the procedure of state level evaluation by SAU for inclusion of their new variety in the seed license so that they can produce and market such new variety within the State. Though, notification is not compulsory under the Seeds Act, the minimum quality standards prescribed under Section 6 of the Seeds Act are also equally applicable to non-notified varieties sold as labeled seeds as per the Notification S.O.124(E) dated 02-02-2005 issued by Govt. of India.

In this connection, we would like to bring certain relevant provisions of the Seeds Act, 1966, Seed Rules, 1968 and Seeds (Control) Order, 1983 to your kind notice.

Under Section 5 of the Seeds Act, 1966, notification of a kind or variety is optional and not compulsory. Testing of new Bt cotton varieties / hybrids by ICAR is for notification under the Seeds Act. Therefore, what is optional under the Statute cannot be made compulsory by an executive order. Section 9 lays down that *"any person selling, keeping for sale offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the certification agency, apply for the grant of a certificate for the purpose". (emphasis supplied)*

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**As per clause (b) & (c) of section 7 of the Seeds Act, 1966** read with section 6 of the Seeds Act and **clause 8A of the Seeds (Control) Order, 1983**, the seed, put on the market for sale, should:

- conform to the minimum limits of germination and purity specified under clause (a) of section 6 of the Seeds Act;
- and the container of such seed should bear in the prescribed manner the mark or label containing the correct particulars thereof, specified under clause (b) of section 6.

Clause 8A of Seeds Control Order, 1983 lays down that *"Dealers to ensure certain standards in respect of seeds – every dealer of seeds in notified kind or variety or **other than notified kind or variety of seeds shall ensure that the standards of quantity of seeds claimed by him shall conform to the standards prescribed for the notified kind or variety of seeds under section 6 of the seeds Act 1966 954 of 1966**) any other additional standards relating to size colour and content of label as may be specified."*(emphasis supplied)

**From the clause 8A of the Seeds (Control) Order, it is clear that the Central Government has no restriction, as envisaged in the Circular referred above, and allows the sale of seeds of various varieties other than notified kind / variety like Research Varieties, labelled, as per section 6 of the Seeds Act. This clearly establishes that the quality standards to be maintained by a licensee Seed Company is same either for labelled or certified seeds.**

Encouraged by the New Seed Policy and the positive measures of the Government from time to time over the past 40 years, the private sector has also been investing heavily for developing new hybrids varieties in several important crops through their in-house R&D efforts. The Circular under reference, by default, puts an end to the R&D activities of the private sector seed companies or even by public sector seed corporations.

It is once again submitted that the provisions of the Seeds Act and Seed (Control) Order 1983 allow development, production and marketing of new varieties, meeting the labelling requirement, as laid down under Section 6 of the Seeds Act, 1966.

The Government is empowered to regulate the seed quality by fixing the quality parameters as per Section 6 of the Seeds Act. There are notified Seed Inspectors and Seed Analysts who are empowered to draw samples from the seeds marketed by the private sector or public sector across the shops of the seed dealers throughout the State to regulate the seed quality and ensure only seeds with standard quality parameters are sold to the farmers under section 14 of the Seeds Act or clause 13 of the Seeds (Control) Order. However, as per the Notification S.O.124(E) dated 02-02-2005 of Department of Agriculture & Cooperation, Ministry of Agriculture, Govt. of India, the members are incorporating the names of the states or union territories and season to grow a new variety as recommendation for cultivation of the said variety on the label as well as inside the packet also by putting specific package of practices appropriate for the variety that is being sold. All this is educate farmers in a transparent way.

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In view of the above submission, we request the University to take up Bt cotton new variety and hybrid evaluation in the ensuing Kharif season to cover new varieties and hybrids with all the approved Bt cotton traits expressed by MON 531 event of Cry1Ac or MON 15985 event of Cry1Ac plus Cry2Ab. Based on the suitability of the new Bt cotton hybrid / variety, the seed company which develop such variety can obtain inclusion of the variety in the license (or approval of State Dept of Agriculture), produce and supply seeds to the farmers so that the farmers can get new varieties more suitable for their local requirements at competitive prices. Since the seed supply is subject to regulation of seed quality under the Central and a State enactment, our request is compliant with the extant legal provisions.

The conditions prescribed for the evaluation by the ICAR may be adopted by the SAUs also. However, since the evaluation of SAU is only for marketing permission within the State or part of a State, based on one year data by increasing number of locations, recommendations may be accorded to enable inclusion in the seed license by the licensing authority or approval of State Dept of Agriculture before sale of seeds.

Also it is very important that the testing fees be decided very reasonable and low in the interest of small and medium companies so that they can bear the testing cost. They are small land medium seed companies and their work is limited to state or part of state and it is my humble request to keep the testing fees very low. This will go a long way to supply high performing hybrids to farmers. You are well versed with local seed industry and seed players, we hope a positive decision will be taken in the matter.

We shall be grateful for your kind action in this regard which will not only beneficial to the small and medium size seed companies of the State but also benefit the farmers by expanding the availability of new varieties and hybrids at competitive prices.

Thanking you,

Yours sincerely,

(Pranjivan P Zaveri)  
General Secretary

**National Seed Association of India**  
*Pranjivan P Zaveri*  
**General Secretary**

