

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 2

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Seed and Nutritional Security: Shadows of Food Security

SONIKA¹

ABSTRACT

The battle of 'Right to Food' symbolises various disjunctions in the Indian food security system. The system recognised utility, availability, stability, and accessibility of food as the four major pillars of food security. The said pillars are perplexed with the concept of nutritional and seed security. The hunger index reports on the food crisis highlight the loopholes in TPDS & agriculture sector. Several positive efforts, namely, the green revolution with modernised tools & biotechnology techniques and computerised TPDS, were made for inclusive development however, diminutive efforts have been made towards the modernization of the agriculture sector. It predominantly connotes that technology and agriculture are the pillars of the Indian food security system. To flourish a solid foundation for food security System, biotechnology has projected a positive contribution of Intellectual property in the agricultural sector. Further, WTO, CBD, IITPGRFA & UNDRIP affirm equitable benefit to genetic resources and traditional knowledge of farmers as their human right. Conclusively, enforcement of the provisions of the PPVFR Act, 2001 and, the Patent Law for the protection of transgenic plant varieties (GM), seeds, and plants varieties would curb the existing unfair competition in the seed industry. The paper observes that the UPOV Convention and TRIPS certainly give primacy to industrial IPR over legal recognition to farmer's rights & community rights; they simultaneously pose serious threats to the TPDS and the conservation of biological diversity nutrition in the modernized agricultural sector. The author aims to analyse whether the rationalized and structural reforms for the regulation of traditional knowledge, smallholders' access to resources, and informal seed breeding systems would combat nutritional food insecurity.

Keywords: Intellectual Property Rights, Agricultural Reforms, Foreign direct investment, Seed security policies, and Targeted Public Distribution System.

I. INTELLECTUAL PROPERTY LAW REGIME

In 1995, India became a member of the World Trade Organisation (hereinafter referred to as 'WTO') to curb the menace of economic turbulence. Also, it has signed Trade-related intellectual property rights (hereinafter referred to as 'TRIPS'), which mandates the issuance

¹ Author is a Research Scholar at Rajiv Gandhi National University of Law, Punjab, India.

of Intellectual Property Rights (hereinafter referred to as 'IPR') on plant and their genetics. Further, an assurance was made for the absolute compliance of TRIPS requirements to the Indian Intellectual Property Rights Laws by 2005. Although significant legislative actions were taken in the Intellectual Property Laws, namely, Copyright Act was amended in consonance with the international treaties, WIPO Performance and Phonograms Treaty (hereinafter referred to as 'WPPT'), the WIPO Copyright treaty (hereinafter referred to as 'WCT'), etc., however; the live-forms namely the plants, plant genetics and animals were kept out from the purview of TRIPs norms². In order to guarantee inclusive protection to the Indian species, especially the transgenic ones, the Indian parliament enforced the Protection of Plant Varieties and Farmers Rights Act, 2001 (hereinafter referred to as 'PPVFR Act, 2001'). The PPVFR Act, 2001 aimed to synchronise with the national and International biodiversity laws wherein it guarantees ample protection to the farmers' Right to save and sell seed that has been produced on-farm, or as done traditionally that is ownership and stewardship³. It emphasises the augmentation of research and development in the agricultural sector.

It is pertinent to note that India has signed the Convention on Biodiversity Diversity (hereinafter referred to as 'CBD') in 1994 and resultantly enforced the Biological Diversity Act, 2002 (from now on referred to as 'Act of 2002'). The primary objective of the Act of 2002 is to permit the sustainable use and conservation of biodiversity. As far as its application is concerned, which is limited to medicinal plants, and the rationale of the same is that it paves an avenue to easily establish the specific genetic resource and the traditional knowledge associated with it. Interestingly, its application to the genetic resources for food and agriculture, including livestock and crops, may bring adverse results.

Although the humans generally modify these resources, which results in the abolishment of primary characteristics of the product from where it is originally domesticated, therefore, the International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter referred to as 'ITPGRFA'), commonly known as 'International Seed Treaty' was enforced by FAO Conference in 2004 aiming to establish a system for accessing the genetic resources of the crops. Ideally, it established multi-lateral access and benefit-sharing system for the channelization of a common pool of important food crops and forage crops. Further, in the 5th meeting of the Conference of the Parties (hereinafter referred to as 'COP') in 2002, wherein, it was observed that the ITPGRFA accomplishes the desires of farmers to grow the GM

² Kalyan C Kankanala, *Genetic Patent Law and Strategy: Patentable Subject Matter*, first edition, ISBN: 978-81-89542-26-2, Manupatra, 2007.

³ Micheal Blakeney, *Intellectual Property Rights and Food Security*, ISBN: 978-1-84593-560-3, Library of Congress Cataloging-in-publication Data, 2009.

resources, to know the origin, and to determine the features, problem, and specific solutions for the same. This comprehensive agreement supplements the objectives of CBD by recognising the rights of the farmers in accordance with the national laws. It recognises ‘plant variety protection or plant breeders’ right as a form of IPR generally granted to a breeder of a new variety. It is apt to note the key features of ITPGFRA:

- i. Guarantees food security
- ii. Promotes conservation, exchange, and sustainable utilization of PGRFA
- iii. Encourages the sharing of the benefits in a fair and equitable manner
- iv. Protects traditional knowledge related to plant genetic resources
- v. Participation of the farmers in the matters concerning the sustainable use of such resources

As far as the compliance of ITPGFRA to the Indian agricultural system is concerned, the Indian farmers cultivate traditional breeds wherein the breeding selection process generally takes place in unfavourable weather conditions, which depict the non-synchronization of modern processes with the traditional farming techniques. Ultimately, it leads to the degradation of their traditional knowledge. The constant demand for GM resources has rooted a revolution for the growth of more efficient breeds in the agricultural sector. Similarly, the ITPGFRA for animal genetic resources (hereinafter referred to as ‘AnGR’) provides protection to the Crop genetic resources. Since the Act of 2002 doesn’t permit patents on seeds, however, the PPVFRA works upon the principle of the United Nations on the ‘Right to food’ by ensuring the right to produce or sell a plant variety⁴. It strengthens the food security system, provides wider protection to farmers’ interests, and nurtures their Right to sow and altercate seeds of their choice without any industrial or market legislation. Hence, the people’s biodiversity register (hereinafter referred to as ‘PBR’) is required to be linked with the farmers and traditional breeders over their traditional knowledge.

II. INTERNATIONAL INSTRUMENTS SAFEGUARDING FOOD SECURITY

The International Commission on Agriculture was the first official international body to address the issue of constant episodes of famine and crop failures⁵. Later, the International Institute of Agriculture⁶ made the following recommendations⁶:

⁴ M.S. Swaminathan, The Protection of Plant Varieties and farmers’ Rights Act: From legislation to Implementation, *Current Science*, Vol. 82, No. 7, pp. 778-780, April 2002.

⁵ H-Joon Chang, *Rethinking of public policy in Agriculture: Lessons from distant and recent history*, ISBN: 978-93-5-15604317-5, 2009.

⁶ Food and Agriculture Organization, *The Story of the FAO Library: 65th Anniversary 1952-2017*, pp. 148, 2017

- i. Production of good quality the crops;
- ii. Adoption of advanced and modern agriculture techniques;
- iii. Assembling of statistical data of the global agricultural growth.

The said recommendations were given due consideration by the United Nations Conference on Food and Agriculture which discussed the significance of agriculture production and the role of the constant availability of food to the neediest across the globe⁷. Later, the United Nations Organisation gave primacy to the food security system and simultaneously recognised natural rights as human rights. It focussed on the inclusive development of the adoption of modern agricultural techniques, assessment of agrarian reforms for crop production, eradication of the plights of the farmers, affirmation to zero global hunger, and, equitable distribution of agricultural products⁸.

Considering the objectives of the United Nations, the Universal Declaration of Human Rights (hereinafter referred to as 'UDHR'), commonly known as the 'Charter of the United Nations', was proclaimed in the year 1948, whose cardinal objective is to provide global recognition to the natural rights, therefore, its members unanimously acceded to recognise 'Right to food' as an inalienable part of the Right to standard life and pledged to eradicate the hunger and malnutrition under Article-22 and 25 respectively. Primarily, it recognises the Right to safe & nutritious food as part and parcel of social justice, which comprises of the following elements:

- i. Availability of sufficient quantity and safe of food
- ii. Fulfilment of the dietary needs of the individuals
- iii. Culturally accepted agricultural and dietary requirements
- iv. Maintenance of the sustainable development goals

In order to amplify the perceptible goals of UDHR and tackle the prevalent agricultural challenges, the Third Committee on the Promotion and Protection of Human Rights formulated a strategy for a viable solution for its member nations which follows as⁹:

- i. To combat the under-nutrition, malnutrition, and hunger-related illness;
- ii. To pacify the international trade practices vis-à-vis availability and stability of food & nutrition;

⁷ Hot Spring Conference, United Nation Conference on Food and Agriculture, Virginia, 1943.

⁸ Food and Agriculture Organization, FAO at 75: Grow, Nourish, Sustain & Together, ISBN: 978-92-5-133359-4, 2020.

⁹ 74th Session, Third Committee, Agenda item 70 (b), Promotion and protection of human rights: Human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms United Nations General Assembly, 2019.

- iii. To establish a support system for the underdeveloped nations to ensure rural research facilities, crop rehabilitation assistance;
- iv. To develop food-based technology approaches in the agriculture sector

In the same segment, the International Covenant on Economic, Social, and Cultural Rights, 1966 (hereinafter referred to as 'ICESCR') supplemented the objectives of the UDHR. The ICESCR provides utmost importance and aims to ensure a 'fearless life' to each individual, which signifies blanket protection of their social, civil, economic, and political rights. Further, Article-2 of ICESCR guarantees the availability and the equitable distribution of the food and natural resources by the member nations, wherein Article-11(2) of ICESCR ponders upon the human right to food and determines the duty of the member nations to enforce the human rights and to take positive actions for the absolute enforcement of the 'Right to food.' It directs the member nations to mandatorily take effective actions to abolish hunger and to ensure the availability of nutritious food. Following are the strategies directed to the member nations to enforce the fundamental right to food:

- i. Improvement in the food distribution schemes
- ii. Adoption of modern techniques for food production and processing
- iii. Huge promotion of the information regarding food and nutrition
- iv. Adoption of the new and modern techniques in the agricultural sector
- v. Maintenance of the fine balance between the import and export of the food

Ideally, it directs the member nations to establish comprehensive and technology-based agricultural reforms for a sound food security system. It is apt to mention the general comment of the Committee of the Covenant, which determines the following dimensions of the 'Right to adequate food' as follows¹⁰:

- i. To adopt the international code of conduct for the enforcement of the Right to sufficient food throughout the food chain i.e. constant availability and stability of food resources
- ii. To eradicate food-based challenges namely hunger, malnutrition, famine, under-nutrition, etc.
- iii. To ensure socio-economic support to the developing nations

The World Food Conference defined the concept of 'food security' in the realm of the abovementioned objectives namely human rights enforcement, availability of basic stuff, and

¹⁰ General Comment No. 12, The Committee on Economic, Social and Cultural Rights, Twentieth Session dated 12 May 1999.

holistic supply chain¹¹. Its entire concept revolves around the core issues as highlighted by ICESCR. It depicts that the constant availability of basic foodstuffs for human consumption and availability of agriculture resources at reasonable prices need to be reassessed and pondered.

In 2008, the Committee has recommended the adoption of the long-term structural policies and strategies by making a fine balance between the agricultural economies and population growth¹². Further, the Food & Agriculture Organisation, another intergovernmental body of the United Nations strives for a 'hunger-free world' and projected the following targets:

- i. High standards of living: It depicts the availability of safe, healthy, and nutritious food for human consumption. It crystallises the idea of GM foods with high nutritional values.
- ii. Global economic growth and enforcement of international policies on food standards: It stimulates to adopt the internationally recognised strategies for agricultural and food security system
- iii. Adoption of the new techniques and strategies from 'farm to plate': It focuses on the adoption of modern farming namely, GM farming, organic farming, etc.

Further, it aims to end hunger and all forms of malnutrition by 2030 globally¹³.

More or less, it provides a multidimensional definition of 'food' in the realm of sustainable protection, agricultural economics, farming techniques, preservation of food chain, and completion of the natural bodies¹⁴. Considering the poor agricultural strategies as one of the predominant factors in the food security system, the World Bank coined the term 'food insecurity' and systemically categorised it into two broad categories as follows¹⁵:

- i. Transient Food Insecurity: The core factors are frequent weather change, natural calamities, pandemics, agricultural practices, etc. It signifies the concern of the Indian Government towards its breeders and farmers. The concept of disallowing patents on seeds in the patent laws signifies three-fold factors enforcing 'Food Security' namely, the preservation of the farmers' interests, protection of traditional knowledge of the Indian Breeders, and the Right to Food in the globalising world.

¹¹ Food Security, Policy Brief, Food and Agriculture Organization, Issue 2, June 2006.

¹² UN Committee on Economic, Social and Cultural Rights, The World Food Crisis: Statement, E/C-12/2008/1, fortieth Session, 25th Meeting, 16 May 2008.

¹³ FAO, The State of Food security and nutrition in the world, 2019.

¹⁴ Webb v. Knight, 2 QBD 530.

¹⁵ R. Radhakrishna and K. Venkata Reddy, Food Security and Nutrition: Vision 2020.

- ii. Chronic Food Insecurity: It signifies the inaccessibility to sufficient food due to economic capabilities and other factors. It prominently depicts the unavailability of food resources due to poverty and other factors. Being an under-developed & agricultural rich nation, the Indian Parliament deliberately ensured food security to the vulnerable sections, seed security to the farmers and breeders in the Patent Law by providing its non-application to the seeds.

Significantly, it categorises the concept of ‘food insecurity’ in the moderate and severe food securities where the moderate food insecurity connotes unavailability of financial resources and the latter signifies the complete absence of food¹⁶. It has been highlighted that more than 190 million Indians suffer from food insecurity. Hence, it poses a question about the enforcement of human and international law instruments in relation to the food security programs, seed security, and the IPR regime.

III. INDIAN LAWS SECURING FOOD SECURITY

In common parlance, the term food is something in the form of liquid, solids, or semi-liquids meant for human consumption¹⁷. In the famous case of *S. Samuel, M.D. Harrisons Malayalam v. Union of India*¹⁸, the Apex Court of India has defined the term ‘food’ as something which can be eaten which includes solid as well as liquid substances. As far as the concept of security is concerned, it signifies the availability and affordability of something for the completion of human desires. In another famous ruling of *Badrinarayan Sahu v. State of Orissa*¹⁹, the Supreme Court has defined ‘food’ as:

“... any article used as food and includes any article which ordinarily enters into or is used in consumption or preparation of human food”

Even the health experts reaffirm the said observation and opine that human existence is impossible without the availability of sufficient food²⁰. However, the position in India opens up the eyes to the reality of non-compliance of the food policies and the principles and the constant efforts made to curb the eminence famous writer Amartya Sen observed that²¹:

“...hunger is primarily a problem of general

¹⁶ FAO, The state of Food and Agriculture: Moving forward on food loss and waste reduction, 2019.

¹⁷ P Ramanatha Aiyar, The Law Lexicon: The encyclopedia Law Dictionary, Wadhwa and Company, P.739, 2007.

¹⁸ S. Samuel, M.D. Harrisons Malayalam v. Union of India, J.T. 2003 (8) SC 413.

¹⁹ Badrinarayan Sahu v. State of Orissa, 1992 CriLJ 3418.

²⁰ Paul Rozin, The meaning of food in our lives: A cross-cultural perspective on eating and well-being, Review, University of Pennsylvania, 2005.

²¹ Amartya Sen, Hunger in India, lecture delivered at a public hearing on hunger and right to food, University of Delhi, January 10, 2003.

poverty, and thus, overall economic growth and its distribution system cannot but be important in solving the hunger problem”.

Basically, the Court fragmented the concept and classified its various factors. It portrays that economic growth including agricultural economics needs to be evaluated specifically for the eradication of hunger. Further, it declared the availability and accessibility of the food grains, as fundamental rights in the landmark case of *Balwant Singh Chauhal*²² as:

- i. Phase-I: Power of the court in the enforcement of the fundamental rights under Article-21 of the Constitution of India.
- ii. Phase-II: Management of the environmental resources and ecology

Although Article 21 of the Indian Constitution determines the Right to life as a fundamental right, however, the Court focussed upon its epistolary jurisdiction significantly for the preservation of the fundamental freedoms. Secondly, it recognised the relevance of agricultural development in ensuring food security. It reaffirmed that the preservation of ecology, protection of all stakeholders including the farmers, breeders and sustainable utilisation of the environmental resources. It is apt to note that the Indian IPR laws work in consonance with the Constitutional values. Also, public welfare is the supreme goal of the State and its authorities which is enshrined as the Directive Principles of the State Policies as follows:

- i. Article-39 (e): Duty of the state to distribute the state resources without any discrimination and equitably.
- ii. Article-46: Special care and maintenance of the dignity of the poor and substitutes against all forms of backward people.
- iii. Article-47: Positive obligation of the state to raise the level & status of living of its citizenship without any discrimination.

The said directives postulate the constitutional duty of the state to produce and distribution of food resources without any discrimination²³ meaning thereby, the Indian legal system works upon the principle of ‘welfare state’ which determines the liability of the same to state in case of the degradation of the fundamental rights of the people of India. Since the Right to safe and nutritious food is the fundamental right and indispensable part of the Preamble under the heading ‘liberty, justice and socialist’. It signifies that ensuring the availability of good food

²² State of Uttaranchal v. Balwant Singh Chauhal, (2010) 3 SCC 402.

²³ Entry 33 of list III under Schedule-7, Constitution of India, 1950.

and nutrition is the constitutional obligation of the State²⁴. In order to enforce the fundamental rights and to accomplish the directives, the Agriculture Prices Commission recommended the following ideas:

- i. Implementation of integrated price policy to streamline the prices of the agricultural products
- ii. Adoption of rational price structure for the distribution of the products from the agriculture and non-agricultural sectors
- iii. Introduction of new and modern techniques and tools in both sectors.

Resultantly, a public distribution system was established across the nation, the primordial objective was to ensure the availability & affordability of food to the poorer households. However, in 1997, this system was re-introduced as ‘Targeted Public Distribution System’ where ensured the availability of food to the poorest person (commonly referred to as ‘Antyodaya Anna households’). Later, in 2000, the father of the Green Revolution, Swami Nathan Commission recommended that the Adoption of the new and modern techniques for the agricultural practices, a harmonious balance to be made between minimum support price and food security, acceptance to the provisions as PPFVRA giving rights of birth breeders and farmers would help in the reduction of malnourished population.

In 2011, the National Food Security Bill was introduced before the houses of the parliament. It took the shape of law in the year July 5, 2013, the ordinance pertaining to the National food security ordinance got passed in the parliament. It aims to enforce the goal of ‘food for all’. Also, it also highlights a significant relationship between food and subsidised security. It depicts that State is required to regulate crop production techniques and food processing. Apart from this, it is the duty of the State to control and regulate the activities in the agricultural sector for standard and pure foodstuffs. Additionally, the adulteration of the food and improper utilization of techniques in the crop production results in criminal sanction. The Supreme court in the case of *Ishar Das v. State of Punjab*²⁵ observed that:

“...food adulteration is a menace to public health. The prime objective of the statute is to eradicate this anti-social evil and to ensure the purity of the food articles. The court found that the quantum of punishment is very light and the statute prescribes a

²⁴ Article-47 of the Indian Constitution: Duty of the state to raise the level of nutrition, the standard of living and improve the public health services.

²⁵ *Ishar Das v. State of Punjab*, (1973) 2 SCC 65.

minimum sentence of imprisonment.”

Further, it directed the State to monitor and regulate agricultural techniques and food processing to ensure good health and wholesome food security. Complying with the directives of the Apex Court, the government has introduced the Foreign Direct Investment in the Indian Agriculture system to boost the Indian food market and international trade practices and food security system in India²⁶. Categorically a question rises whether the patents to the seeds and licenses to the foreign investors would create a danger to the fundamental right to food security, a threat to traditional knowledge, and the IPR protection to the Indian breeders and farmers.

IV. FOREIGN DIRECT INVESTMENT: BOON OR BANE FOR NUTRITIONAL SECURITY

India is an agriculture-rich nation where the livelihood and the survival of the majority of the population are based on it. It postulates that agriculture is the main sector upon which many sectors relies namely modern techniques, intellectual property, health, food industry, etc. wherein the food and processing sector is the chief dependent upon agriculture for its raw materials. Even the socially and economically disadvantaged groups still depend upon the social security schemes and public welfare schemes for their livelihood and survival. As far as livelihood is concerned, the majority of the population works in the agriculture sector and earns their wages. Being *parens patriae*, the State is constitutionally obliged to comply with the Constitutional Values namely to uphold the dignity and protect the fundamental freedoms of its citizens therefore, special protection is given to the Indian farmers.

Interestingly, India is the only nation that recognises the rights of the farmers to reuse and sell seeds produced in their farms wherein, the seed sector comprising of the agricultural market is the backbone of the Indian economy. Undoubtedly, the seeds are the main element of national security which demands an adequate and holistic policy for the governance of the economy as well as seed market at national and international fora. Significantly, the introduction of plant genetic resources (PGR) and seeds would boost the Indian Food Security System. Also, the Seed Bill, 2019 certifies and aims to regulate the seed industry. It doesn't allow the sale of seeds without certification and registration. It raises the confidence among the farmers that they will get non-objectionable quality of seed. Further, it brings a diversity to the indigenous seed varieties. In general parlance, the local farming communities that exchange the seeds without any certifications would be affected by this legislation. It will commercialise the seed market and would harm their interest specially the conservation of indigenous seeds.

²⁶ Agriculture Export Policy, Department of Commerce, Ministry of Commerce and Industry, Government of India.

The implementation of the Regional Comprehensive Economic Partnership (hereinafter referred to as 'RCEP') Agreements would have opened avenues for the international market players in the Indian agriculture market with their agri-products namely seeds, milk, food grains, etc. It would have undermined the WTO agreement and further intensified the seed monopoly of the foreign market players in the Indian seed market. Although, the Indian entities were allowed to conduct research and development activities in the foreign markets, however; the seed distribution and production were only available to the entities having less than fifty percent of foreign ownership. Since the foreign companies had full rights to conduct their commercial operations without any local shareholder or local partner and without many serious protocols, therefore, India exited from the RCEP for the preservation of the interests of the farming community²⁷.

Even the Parliamentary Standing Committee analysed the proposed Seed bill through the lens of monopolistic practices of the private players and persisting threat to the farmers' interests. The Committee recommended the deletion of clause mandating registration by the farmers including the members of the indigenous community conserving and preserving any traditional varieties of seeds. Although the adoption of said recommendation in a partial manner was made, however; the members of the indigenous community would require to comply with the registration mechanism in order to ensure agronomic growth, physical purity, the minimum germination limit, and genetic purity of seeds. This notion would reluctantly work against the objective of the PPVFR Act, 2001²⁸.

Primarily, the CBD and the PPVFR Act, 2001 prominently aid the authorities to curb the menace of bio-piracy²⁹. Further, it assists the concerned authorities to enact separate and progressive laws for the protection of the breeders and to strengthen the farmers' interest. In this direction, 100 percent FDI was provided to the foreign players for the seed production and the distribution at par with the domestic entities. Initially, the idea was to give more benefits to the farmers, however; it brought adverse results. Hence, the policymakers are required to protect the farmers' interest by reducing the rate of FDI in consonance with RCEP. It would help to prevent the dumping of seeds and to take control of precious PGR. Though the domestic seed companies are allowed to use bio-resources without prior approval only if without any foreign shareholding. The exemption may be allowed to varieties registered under PPVFR Act,

²⁷ Biswajit Dhar, India's withdrawal from the regional comprehensive economic partnership, vol. 54, issue No. 45, *Economic and Political Weekly*, 2019.

²⁸ Twenty-Second Report, *The Seeds Bill, 2004*, Standing Committee on Agriculture, Ministry of Agriculture (Department of Agriculture & Cooperation), 2006-07.

²⁹ Prem Kumar Agarwal, *Intellectual Property Rights of Farmers, Plant Variety Protection and Legislation*, ISBN: 978-81-8450-399-9, Deep & Deep Publications Pvt. Ltd., 2011.

2001.

It is pertinent to note that the enforcement of the RCEP counters with the entire schemes of PPVFR Act, 2001, farmer's rights, and the International Union for the Protection of New Varieties of Plants (hereinafter referred to as 'UPOV'). Since the Indian government has chosen to protect the interests of its farmers and then, refused to adopt the norms of the UPOV. Since India has signed the RCEP and may be diplomatically compelled to draft special laws or regulations for the UPOV member nations. It would be detrimental to the interest of the farmers, may create a major threat to the public distribution system, and would leave many people unemployed in the seed sector.

V. CONCLUSION

Way back in 1960, the Green Revolution was launched to grow more crops in the abundance. The prime objective of the same was to curb the menace of malnutrition and hunger in the nation. Ideally, various international instruments namely, International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), International Covenant on Civil and Political Rights (ICCPR, 1996), and Universal Declaration on Human Rights, 1945, etc. aimed to ensure the enforcement of 'Right to Food'. It is a well-established proposition that consumption of nutritious food is the key to sound and good health wherein the Constitution of India protects both the notions under Article-21 of the Indian Constitution and TPDS. Undoubtedly, agriculture is the main pillar of the Public Distribution System of India upon which the survival of such individuals lies. Therefore, the authorities are required to reconsider the expert recommendations of rolling back 100 percent FDI in the seed sector for the preservation of the TPDS. Being a member of the World Trade Organisation, India can advocate for the complete exemption of the dairy, fishing, and seed sector under RCEP.

Primarily, the TPDS is the flagship welfare and social security scheme in India. Secondly, the PBRs can help in the protection of the farmers or communities over their traditional knowledge about a particular variety. The authorities are required to inter-link the PBRs and ITPGFRA to expand the horizon of the investigation proceedings are the wrongdoer. It will help to assess the rights gained by the farmers.

Lastly, the Patent law excludes the protection of seeds and plant varieties. However, the PPVFR Act provides protection to seeds and plant varieties including transgenic plant varieties specifically Section-26 read with Section-3(j) of the Patent Act, 1970, PPVFR Act, 2001 along with the proposed provisions of Seed bill, 2019 are required to stop seed monopolies in the industry otherwise it may be disadvantageous to the food security, farmers' interests, and the

agriculture sector. The researcher concludes that an effective synchronisation of seed security policies, TPDS, and the IPR laws would help in reaching the perceptible goal of a hunger-free India.
