



OPEN LETTER

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Minister of Rural Development, Agriculture & Farmers' Welfare, Government of India

2) Shri Bhupender Yadav
Minister of Environment, Forests & Climate Change, Government of India

Date: 9-11-25

Subject: Seed Sovereignty and Farmers' Rights

Respected Shri Shivraj Singh Chouhan and Shri Bhupendra Yadav,

Bharat Beej Swaraj Manch (BBSM), *aka* India Seed Sovereignty Alliance, is a nationwide network of seed savers and farmers, committed to the *in situ* conservation of our biodiversity; and to safeguarding the traditional rights of farmers over our seeds.

We urge the Government of India to zealously protect our uncompromised national sovereignty, our farmers' unhindered rights, and our rich heritage of critically vital genetic resources, free of any kind of private intellectual property claims, and any risk of deleterious contamination.

The diversity-rich nations of the global south – in Asia, Africa and Latin America – look upon India to lead by example towards a more just and sustainable future for all.

We are alarmed that proposed amendments to the **International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)** will compromise national sovereignty and farmers' rights. The Treaty needs to demonstrate greater commitment to the decentralized

in situ conservation of plant genetic resources in the regions of origin and diversity – their natural bio-cultural habitats – to benefit more farmers.

India was a co-chair of the 'Ad Hoc Open Ended Working Group to Enhance the Functioning of the **Multilateral System (MLS)** of Access and Benefit Sharing' under ITPGRFA, that proposed the above-referred amendments. These were apparently tabled without any demurring note from our representatives. Unfortunately too, there has been very little in-depth consultation with our farmers.

The proposed amendments are to be adopted at the 11th Session of the Governing Body (GB11) of ITPGRFA in Lima, Peru, in the last week of November, 2025.

Most concerning is the proposal to sweepingly expand the scope of the Multi-Lateral System (MLS) of free global access – as listed in Annexure 1 – from the earlier 64 crops to now include **all** plant genetic resources; as also their **Digital Sequence Information (DSI)**.

Why should India and other nations of the global south hand over on a platter our fabulously rich genetic treasures and their genomic information to seed companies of the global north that staunchly assert their own intellectual property rights, prioritizing profits over people, while neglecting ecological health and sustainability? (Already, over 54% of the global trade in seeds is monopolized by just four giant agri-business multinationals that rake in many billions from struggling farmers worldwide.)

Even with the current list of 64 crops, there are over 2.2 million accessions in the MLS of the Treaty. There have been more than 6.6 million transfers till date through the MLS. Yet, there has been no traceability or reporting back to the original providers of what has happened with these transfers of the plant genetic resources. Digitisation of genetic sequences of these seeds is happening rampantly all across the globe and even within India in collaboration with Government, NGOs, and also private institutions. The Digital Sequence Information (DSI) thus mined from our seeds and the products developed using it – without our Free, Prior & Informed Consent (FPIC) – is ending up in **Intellectual Property Rights (IPR)** portfolios of institutions and corporations.

Without a direct, explicit connection between Digital Sequence Information (DSI) and Articles 12.3(d) and 12.3(e) of the Treaty – which clearly state that **IPRs shall not be claimed on the material contained in the MLS – any unauthorized use or sharing of the DSI of our plant genetic resources, without the discretionary consent of its original providers, amounts to complicity in the bio-piracy of our resources, facilitated by the Treaty**, thereby violating Article 9 of the Treaty which obligates Contracting Parties (CP) to comply with Farmers' Rights.

The website of ITPGRFA indicates that India has provided till date more than 400,000 samples of various crops and plants, while it is unclear what India has benefited. Certainly, little or no benefits have flowed to farmers who were the original source of the seeds, even if Indian researchers have accessed plant genetic resources from the MLS of the Treaty. In

any event, if India ever needs any varieties of seeds from any nation, these can be easily sourced through limited bilateral arrangements, **without absolutely surrendering for all time our national sovereignty over all our seed/plant varieties!**

The present functioning of the Multi Lateral System (MLS) of the treaty has no clear tracking mechanism for the provider nations of plant genetic resources to ascertain who is accessing which varieties of their seeds, and for what purpose or commercial gain. Instead of strengthening transparency and accountability, the proposed amendments to the **‘Standard Material Transfer Agreement’ (SMTA)** provided in the Treaty, ironically seek to legitimize confidentiality, going against the bedrock principle of transparency, and the existing obligations in the current SMTA. These are the very foundational basis of the multi-lateral undertaking of nations under the Treaty.

The lack of transparency facilitates diversion of genetic resources and their genomic sequence data for unauthorized or illegitimate purposes, without any means of detection. It also helps recipient seed corporations/institutions to escape benefit sharing obligations; and further undermines the legitimate interest of the provider nations and farming communities to know about the research, innovation and applications by recipients, based on the seeds/genetic resources supplied by them.

It is a matter of great concern that by neglecting to regulate Digital Sequence Information (DSI) or Genomic Sequence Data (GSD) of the shared plant genetic resources, the proposed amendments to ITPGRFA further legitimise and facilitate digital bio-piracy, with no means available to trace its pathways.

At the national level, there are already serious failings in the implementation of India’s **Protection of Plant Varieties and Farmers’ Rights Act (PPVFRA)**, whereby large numbers of heritage plant **Varieties of Common Knowledge (VCK)** are being wrongly registered in the names of private individuals, bestowing exclusive plant-breeder intellectual property rights (IPRs) on them, thus violating farmers’ traditional rights to such varieties.

Unfortunately, the PPVFR Authority has not even started yet any registration under the category, ‘Varieties of Common Knowledge’, though it is specifically included in the PPVFR Act. Such failings may only get compounded by the proposed amendments to PPVFRA, which are apparently being undertaken in view of the proposed amendments to the International Seed Treaty (ITPGRFA). All such amendments threaten to become permanently binding on our nation, with potentially grave consequences.

A new, undisclosed Seed Bill – reported to include ‘synthetic seeds’ – adds further cause for concern; as also the deregulation of potentially hazardous **Genetically Engineered/Edited (GE)** seeds. Once released, such GE seeds can adversely and progressively contaminate our

heritage seeds, without any means to stop such deleterious contamination. They are also found to cause various health, ecological and socio-economic problems.

In view of the above serious concerns, we urge the Government of India to:

- 1) Refuse consent to the proposed amendment of Annex 1 of ITPGRFA to include all plant genetic resources.
- 2) Collaborate with nations of the global south in Asia, Africa and Latin America for creating a global farmers' rights regime – safeguarding their unhindered traditional rights over heritage plant genetic resources – as opposed to private IPR/patent regimes, favoured by monopolistic agri-business multi-nationals.
- 3) Ensure that mandatory conditions relating to Digital Sequence Information (DSI) are enforced with regard to the plant genetic resources shared under the Multi-Lateral System (MLS), explicitly and strictly prohibiting any claim of Intellectual Property Rights thereon; also ensuring and respecting the free, prior and informed consent of original providers – farmers and Indigenous communities – for any facilitated access to plant genetic resources sourced from them.
- 4) Seek appropriate regulation under ITPGRFA and national laws to restrict/monitor the generation, storage and sharing of the Digital Sequence Information (DSI) obtained from the accessed genetic resources without explicit informed consent of the original providers of the genetic resources.
- 5) Mandate suitable national laws and multilateral provisions of the Contracting Parties of ITPGRFA against any patent or IPR abuse/misuse, while ensuring that no patents or private IPRs whatsoever are recognized over traditional or heritage plant genetic resources.
- 6) Require ITPGRFA to immediately make public all relevant information about accessed genetic resources and their recipients; also to conduct a publicly disclosed audit of 'Benefit Sharing Fund', as well as new seed varieties developed using shared MLS resources.
- 7) Call upon the ITPGRFA Secretariat to improve governance and create effective, transparent, user-friendly tracking mechanisms for shared plant resources, including their DSI, so that even provider farmers can trace transactions and utilization of the seeds/germplasm sourced from them. The newly proposed confidentiality clauses in the Standard Material Transfer Agreement (SMTA) of the amended international treaty should be firmly opposed.
- 8) Ensure that any shared genetic resources and related information are used for agreed/authorised purposes only; and strictly enforce benefit-sharing obligations, mandating responsibility and direct, active participation of Contracting Parties of ITPGRFA, who alone can control and regulate their national markets.
- 9) Immediately start a **National Heritage Registry to record our traditional plant Varieties of Common Knowledge (VCK)** and their related bio-cultural knowledge,

protected from private IPR claims or patents; and further strengthen/legislate relevant laws, including Biodiversity Act and PPVFRA, to safeguard farmers' rights, plant genetic resources and national sovereignty.

- 10) Publicly declare and review/reconsider the latest draft of the proposed new Seed Bill; and further conduct full, extensive, transparent and participatory hearings with farmers and farmer groups on amendments to all relevant laws as well as any new proposed legislation relating to farmers' rights or seed sovereignty.
- 11) Appoint a senior, competent representative, experienced in multilateral negotiation, to head a team – including scientists and representatives of custodial farmers/organizations – to attend GB11 proceedings, end November at Lima, Peru, with a mandate to strongly safeguard India's national interest and farmers' rights as provided by the Indian constitution and relevant national and international laws.
- 12) Uphold India's legacy of seed sovereignty and biodiversity conservation, adopting agro-ecological pathways using traditional seeds – a sustainable model that is not only healthier, but also more resilient to climatic upheavals and supply chain disruptions of chemicals and imported crude oil.

In conclusion, we trust that you will do your utmost to fully safeguard our vital national interests, including our *Beej Swaraj* (seed sovereignty) and our *atma-nirbharta* (self-reliance), without which our food and health security are greatly endangered.

Additional endorsements to this letter from BBSM members, farmers' organizations and civil society will be sent to you soon. Considering the over-riding importance and pressing urgency of the matter, we earnestly request you to please acknowledge, reply and expedite suitable action as early as possible.

Yours respectfully,

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