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# **PUBLIC INTEREST LITIGATION AND THE RIGHT TO FOOD SECURITY: REGULATING PLANT BREEDING PRACTICES FOR EQUITABLE AGRICULTURAL DEVELOPMENT IN INDIA**

AUTHORED BY - DR. MOHAMMAD TARIQ\* & DR. RANA PARVEEN\*\*

## **Abstract**

A fundamental component of the right to life guaranteed by Article 21 of the Constitution of India is the right to food security. In the context of modern agriculture, plant breeding-whether traditional or genetic modification- plays a pivotal role in ensuring sustainability, availability, and accessibility of food. This article examines how Public Interest Litigation (PIL) has been used as a legal strategy to promote equitable access to seeds. Protect indigenous plant varieties, and regulate monopolistic corporate behaviours that endanger agricultural biodiversity. This article explores for a rights-based framework to match plant breeding techniques with the constitutional demands of food security and equity by examining significant cases and relevant laws, such as the Protection of Plant Varieties and Farmers' Rights Act, 2001.

**Keywords:** Agriculture, Equitable, Farmer, Food Security, and Plant Breeding.

## **1. Introduction**

Article 21 has interpreted the right to food as a component of the right to life, even though it is not expressly included in the Constitution. The agrarian structure of India, where over 80% of farmers are small or marginal, underscores the importance of accessible and equitable seed systems. However, with the increasing corporatization of plant breeding and dependence on commercial seed varieties, concerns regarding food sovereignty, biodiversity, and farmer welfare have grown. PILs have emerged as a critical mechanism to challenge these inequalities and advocate for state accountability in agricultural governance.

This article explores the role of PILs in regulating plant breeding practices to ensure they serve public interest and constitutional goals, particularly the rights of smallholder farmers and tribal communities who are most vulnerable to food insecurity.

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## 2. Constitutional and Legal Framework

**2.1 Article 21<sup>1</sup> and the Right to Food:** In *People's Union for Civil Liberties v. Union of India*<sup>2</sup>, the Supreme Court recognised the right to food as implicit in the right to life. It held that access to adequate nutrition is a fundamental entitlement and directed the implementation of food-based welfare schemes.

**2.2 Directive Principles of State Policy:** Articles 39(a)<sup>3</sup>, 47<sup>4</sup>, and 48-A<sup>5</sup> support equitable distribution of resources, improvement of nutrition, and protection of the environment. These principles bolster the argument for inclusive agricultural practices that prioritize public interest.

**2.3 Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPV & FR Act)<sup>6</sup>:** This Act provides intellectual property protection to plant breeders while recognising farmers' rights to save, use, sow, and exchange seeds. It includes provisions for benefit-sharing and protection of traditional knowledge.

**2.4 Biological Diversity Act, 2002<sup>7</sup>:** The Act governs access to biological resources and traditional knowledge, requiring prior informed consent and equitable benefit sharing, particularly relevant to the use of indigenous plant varieties in commercial breeding.

**3. PILs and Judicial Interventions:** Judicial action to safeguard fundamental rights and guarantee government accountability is made possible by PIL. Even without direct victim petitions, courts can proactively address policy shortcomings and concerns through PIL. The judiciary is empowered to enforce constitutional obligations in areas of general public interest.

**3.1 GM Crop Regulations:** Regulations governing genetically modified (GM) crops control their creation, testing, approval, and sale. These rules guarantee consumer health, environmental preservation, and bio safety. Under the Environment Protection Act of 1986, permissions in India are supervised by the Genetic Engineering Appraisal Committee (GEAC), which places a strong emphasis on risk assessment, openness, and public involvement in

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<sup>1</sup> Article 21 of Constitution of India.

<sup>2</sup> (2001) W.P. (C) No. 196/2001.

<sup>3</sup> *Supra Note 1*, Article 39(a).

<sup>4</sup> *Id.*, Article 47.

<sup>5</sup> *Id.*, Article 48-A.

<sup>6</sup> The Protection of Plant Varieties and Farmers' Rights Act, 2001.

<sup>7</sup> The Biological Diversity Act, 2002.

decision-making.

In **Aruna Rodrigues v. Union of India**<sup>8</sup>, the petitioner challenged the open-field trial of genetically modified (GM) crops. The Supreme Court imposed a moratorium on GM trials without proper bio safety regulations, citing risks to biodiversity and food security.

**3.2 Seed Pricing and Monopolies:** Though not strictly PILs, litigation involving companies like Monsanto<sup>9</sup> raised vital issues about seed pricing and IPR, promoting debates around the role of PILs in advocating for farmer-friendly seed regimes.

**3.3 Protection of Indigenous Knowledge:** Activists have filed PILs to safeguard indigenous plant varieties from bio piracy. For example, petitions before the National Biodiversity Authority have demanded enforcement of benefit-sharing provisions and community rights under the Biodiversity Act.

#### 4. Empirical Data: Food Security, Seed Access, and Farmer Dependency

##### 4.1 Seed Industry Composition<sup>10</sup>

Type of Seed	Market Share (2022)
Public Sector Varieties	24%
Private Corporations	76%
GM Seed Use (Cotton)	92% of cotton area

Source: Ministry of Agriculture, National Seed Association of India).

##### 4.2 Impact on Small Farmers

**4.2.1 80% of Indian farmers are small/marginal, cultivating <2 hectares:** Approximately 80% of farmers in India are smallholders who work less than two hectares of land. Their access to high-quality inputs, credit, and technology is limited by their land area and limited resources. Their income stability and agricultural sustainability are thus under risk due to their extreme vulnerability to changes in the market, climate change, and policy.

**4.2.2 Over 50% depend on Private seed suppliers:** The fact that more than half of India's

<sup>8</sup> (2005) W.P. (C) No. 260/2005.

<sup>9</sup> Nuziveedu Seeds Lt. v. Monsanto Technology LLC (2019) 3 SCC 422.

<sup>10</sup> Ministry of Agriculture, "Seed Sector Report", Government of India, 2023.

small farmers depend on private seed providers exposes them to exorbitant prices, variable quality, and restricted availability of traditional or native seed varieties. Their independence is impacted, production risks are raised, and agricultural techniques' long-term viability is diminished as a result.

**4.2.3 Nearly 1 in 3 farmers lack access to traditional or low-cost seeds:** Almost one in three small farmers do not have access to traditional or inexpensive seeds, which restricts their capacity to maintain crop diversity, practise sustainable agriculture, and guarantee food security, particularly in areas that are economically and environmentally fragile.

### 4.3 Food Security Indicators

Indicator	India's Status in 2023
Global Hunger Index Rank <sup>11</sup>	111 out of 125
Population undernourished	16.6%
Child stunting (under 5 years) <sup>12</sup>	35.5%

Source: Global Hunger Index, NFHS-5

**5. PIL as a Tool for Equitable Agricultural Development:** PIL offer a way to challenge unfair seed pricing lack of access to indigenous varieties, and absence of farmer consent in commercial breeding. Courts have shown willingness to:

**5.1 Suspend GM crop trials:** Trials of genetically modified crops ought to be halted because of possible environmental hazards, moral dilemmas, and insufficient regulatory monitoring. It is necessary to carefully evaluate any unintended consequences on food safety, farmers' rights, and biodiversity. Trials must be stopped to safeguard ecological sustainability and the public interest until open, scientific reviews are guaranteed.

**5.2 Direct governments to ensure seed availability:** Courts should order governments to improve procurement, storage, and distribution systems in order to guarantee farmers timely access to high-quality seeds. This will protect farmers' rights under article 21 of the constitution and agricultural productivity.

<sup>11</sup> Global Hunger Index 2023, International Food Policy Research Institute.

<sup>12</sup> National Family Health Survey -5 (NFHS-5), Ministry of Health and Family Welfare, 2022.

**5.3 Protect traditional knowledge from exploitation:** PIL is an essential instrument for equitable agricultural development because it promotes legal protections, stops bio-piracy, and protects traditional knowledge from exploitation, which empowers indigenous communities and encourages sustainable, culturally sensitive farming methods.

However, judicial intervention must be accompanied by regulatory reform and administrative accountability.

## 6. Challenges and Recommendations

### Challenges:

1. **Lack of Scientific Expertise:** Courts are not equipped to evaluate complex biotechnological data.
2. **Policy Vacuum:** Inadequate implementation of PPV & FR and Biodiversity Acts.
3. **Corporate Lobbying:** Pressure on policy to favour IPR-heavy regimes.

### Recommendations:

1. Establish a **Specialised Green Bench** in High Courts for agri-environmental disputes.
2. Mandates **pre-approval socio-economic impact assessments** for GM crops.
3. Create **community seed banks** with legal protections through PILs.
4. Enforce prior **informed consent and benefit-sharing** norms under the biodiversity Act.

## 7. Conclusion

In India, a constitutional perspective is necessary to examine the relationship between plant breeding and the right to food security. A key democratic tool for limiting capricious policies, defending farmers' rights, and guaranteeing the sustainability and equity of food systems is public interest litigation. PILs must continue to be deliberately applied, supported by community involvement, anchored in scientific knowledge and in line with the constitutional promise of justice and equity if they are to realise their transformative potential.

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