



**ATTENTION !! SAVDHAN !! JAAGO !!**

**GET YOURSELF LEGAL PROTECTION**  
**FROM**  
**SEED CORPORATIONS SELLING GE SEEDS**

**Issued in the interest of the Indian farmer by**

**GREENPEACE**

**Beware!!**

**Thousands of farmers in Andhra Pradesh, Madhya Pradesh, Karnataka and Maharashtra are suffering because they have not received any compensation following the failure of *Bt.* cotton crop.**

**If you have recently bought or are the unaware recipient of Monsanto's *Bt.* cotton seed for sowing purposes**

**Please Read**  
**this manual to insure yourself**  
**from penury and corporate control**



**T. Ramanaiah Vs Monsanto**



***My name is T. Ramanaiah and I come from a small village called Kapulakanparthy in Warangal District in Andhra Pradesh. I have been a cotton farmer for 20 years. Over the last few years there have been several problems with regard to cotton farming – irregular rains, new pests that are resistant to pesticides and new expensive pesticides.***

***Just before the sowing season in June 2002, I heard about Mahyco's Bt. cotton MECH 162 through a dealer, Pavan Sai Agencies. He explained to us about the Bt seed saying that the yield per acre would be better and it doesn't require any chemical pesticide spraying up to 90 days. In short the packet said that it would control bollworm, reduces the need for pesticide and would boost our yields. My close friend Mr. Yadagiri, whose field is next to mine and I decided that we needed a new seed to boost our yields and purchased of MECH 162 at the rate of Rs. 1600/- per packet.***

***Carried away by the publicity hype, I invested about Rs.25,000 to grow the Bt. cotton variety in my one acre plot. I was aghast to get only two quintals of yield per acre whereas the yield received from non Bt varieties like Tulasi and Banni were 10 to 12 quintals per acre.***

***I was very depressed because of my failed crop and in debt. It was at this time that Rajaiah, a co-farmer informed me of the consumer forum. Thinking that no farmer should be deceived as I was, and also to obtain the compensation I immediately filed a complaint against the company in the July 2003.***

***Having come to know about the complaint, the company sent a representative from Pavan Sai Agencies and offered me Rs. 5000 as settlement to drop the complaint. I said, I needed a minimum of Rs. 10,000 which they refused. The complaint is still pending in the Consumer Court.***



## **How to file a complaint for damage claims against Monsanto for failure of Bt cotton**

### **The complaint needs to be addressed to :**

- a. **Owner of the seed-** Mahyco Monsanto Biotech India Ltd.  
No. 221-224, Midas Sahar Plaza, Mlсанji Road, Andheri (E),  
Mumbai-400 058.
- b. **Licence holder-** Mahyco seeds Ltd. represented by its Marketing  
Manager ; Resham bhavan, 4<sup>th</sup> floor, 78, veer nariman road, Mumbai-  
400020.
- c. **The local dealer –**

**Note:** The complainant should change the names and addresses of a,b,c,d appropriately while filing complaints against other seed companies.

### **The following should be enclosed with the complaint:**

- a) The purchase bill should contain the name of shop and the retailer, his signature, date of purchase, quantity, type, amount paid and purchaser's name. This bill, in original, should be attached with the complaint as enclosure.
- b) The user's manual, which comes with the seed packets.
- c) Any report, such as that of an independent agriculture expert or from the agricultural department who visits and gives assessment
- d) Photographs of plants taken at the initial and final stages – with negatives.
- e) Advertisements made by the company.

**Note:** It is a good practice to get your crop reviewed at various stages by experts.

### **How soon after sowing can you sue?**

According to the Consumer Act, the complaint should be filed within 2 years of sustaining of loss, counted from the date the crop is harvested.  
This may be followed by a lawyer's notice

### **Where can I sue?**

In the District Consumer Forum where there is no court fee.



The civil court will involve payment of the court fee (normally 7 ½% flat on the claim amount), takes more time (-3- 5 years) and also a higher lawyers' fee.

The High Court can be approached by filing a Public Interest Litigation or as an individual petition. But the state/central government should be made a party along with the seed company.

The court fee for High Court is Rs. 50 or Rs. 100 depending on the state.

The disadvantage is it will be more expensive and comparatively more time consuming.

On the other hand, there is a consumer court in every district.

### **Length of time**

The case in the consumer court may drag to a minimum of two years but in the High court, it may take much longer.

### **Steps to follow in case your state has a Memorandum of Understanding (MoU) with seed company**

If the State Government enters into an MoU with the Company the procedure for registering complaints and claiming compensation is detailed in the MoU.

In the case of Andhra Pradesh, the MoU states that the complaint should be filed by the farmer to the district level complaint committee appointed.

For spurious seeds, the complaint has to be made within 10 days of sowing.

In case of genetic impurity, it should be made within 15 days from the date of 50% flowering, depending on the crop.

Such a complaint will be disposed off within 30 days of the filing of the same.

### **How do I calculate losses and arrive at an amount?**

The difference between the expected and actual yield is to be calculated in terms of money.

Finally the relief should have the compensation claimed, with both actuals and incidentals, including amounts paid to expert, transportation, court expenses, lawyer's fee and other expenses.

### **Hearings:**

### **Consumer Court :**



The farmer need not go to the Consumer Court, till the time of filing of the counter by the opposite party. The hearing may go on for at least 2 years.  
During the Trial, the complainant farmer will be cross-examined by the company lawyer.

### **High court:**

There is no trial. A farmer after signing papers need not necessarily go except during admission of the case, and for the final hearing if he so chooses.

### **Out of court Settlement:**

#### **Consumer Court :**

The offer made by the company should cover the actual loss, if not the lawyer's fee & other expenses. Then the consumer court will record the settlement and close the complaint.

#### **High Court:**

In PIL cases no out of court is usually permitted. In cases where it is allowed the court closes the case as 'settled out of court'.

### **How can I speed up the trial?**

The complainant farmer's lawyer should never seek for adjournments. Once the seed company files their versions, it should be insisted that the trial should go on, since time lapse might destroy evidence and increase the cost of the litigation.

#### ***For more information:***

**Divya Raghunandan, GE free campaigner, Greenpeace India**  
mobile 0-98455 35406  
Email: [divya.raghunandan@dialb.greenpeace.org](mailto:divya.raghunandan@dialb.greenpeace.org)

**S.S.Vasudevan, Legal counsel, Greenpeace India**  
Email: [vasudeva@dialb.greenpeace.org](mailto:vasudeva@dialb.greenpeace.org)

**Contact Address:**  
# 3360, 13<sup>th</sup> 'B' Main  
HAL 2<sup>nd</sup> stage  
Indira Nagar  
Bangalore 560038

**Ph: 080-51154861**  
**Fax: 080-51154862**  
[www.greenpeaceindia.org](http://www.greenpeaceindia.org)