

ORGANIC FARMING AND ITS LEGAL STATUS IN INDIA

Dr. R. Seyon

M.A., M.L., M.H.R., M.Phil., Ph.D. (Law) | Advocate and Notary Public, Sai Law Associates | President, Mayuram Bar Association, Mayiladuthurai (TN)

Introduction

Organic farming is the most viable approach for achieving sustainable agriculture. It is the best and effective method to avoid ill effects of chemical farming. Organic farming combines scientific knowledge coupled with modern technology with able application of traditional farming practices. Organic farming aims at development of eco-friendly production technology. The farming world today is surrounded by acid rain, deforestation, pest control, insect control, discharge of industries and depletion of ozone layer. Organic farming helps to achieve sustainability in agriculture and it favours sustainable natural resources and environment. Green Revolution enhanced agricultural production and productivity but it invited serious environmental and health problems. Implementation of modern agricultural farming practices, resulted in loss of natural habitat balance and soil health which invited several hazards like soil erosion, decreased ground water level, soil salinization, pollution due to fertilizers and pesticides, genetic erosion, environmental degradation and reduced food quality. On the other hand, organic farming is believed to produce significant social, economic and environmental benefits. Promotion of animal and plant health, preservation of biodiversity and contribution to sustainable development are the major issues which attracted world nations towards organic farming. Organic agriculture relies on local, renewable resources and maximizes recycling process and maintains diversity in production system. More than 160 countries in the world is involved in organic farming. This paper attempts to discuss the definition of organic farming, historical perspective of organic farming, relevance, need and benefits of organic farming, problems, constraints and prospects of organic farming, legal regime of organic farming and current status of organic farming in India. Some suggestions and conclusions have also been made out in this paper.

Definition of Organic Farming

Northbourne in his book *Look to the Land* used the term Organic by relating it to farming in 1940s. He said, *the farm itself should have a biological completeness, it must be a living entity, it must be a unit which has within itself a balanced organic life*. The United States Department of Agriculture Study Team on Organic Farming defined it *as a system which avoids or largely excludes the use of synthetic inputs (such as fertilizers, pesticides, hormones, feed additives etc) and to the maximum extent feasible rely upon crop rotations,*

crop residues, animal manures, off-farm organic waste, mineral grade rock additives and biological system of nutrient mobilization and plant protection.

Lampkin defined organic farming *as a production system which avoids or largely excludes the use of synthetic compounded fertilizers, pesticides, growth regulators and livestock food additives. It relies on crop rotation, crop residues, animal manure, legumes, green manure, off farming organic waste and aspects of biological pest control.*

Dr APJ Abdul Kalam defined *organic farming as a holistic system that focuses on improvement of soil health, use of local inputs and relatively high intensity use of local labour, is a admirable fir for dry lands in many ways and the dry land offer many benefits that would make it relatively easy to implement.*

The International Federation of Organic Agriculture Movement (IFOAM) defined *Organic agriculture is a holistic production management system which promotes and enhances agro-ecosystem health, including biodiversity, biological cycles, and soil biological activity. It emphasizes the use of management practices in preference to the use of off-farm inputs, taking into account that regional conditions require locally adapted systems. This is accomplished by using wherever possible, agronomic, biological and mechanical methods, as opposed to using synthetic materials, to fulfill any specific function within the system.*

The IFOAM definition of organic farming is based on four principles namely

- i. **Principle of Health** → Organic farming should sustain and enhance the health of soil, plant, animal, human and planet as one and indivisible.
- ii. **Principle of Ecology** → Organic farming to be based on living ecological systems and cycles, work with them, emulate them and help sustain them.
- iii. **Principle of Fairness** → Organic farming should build on relationship that ensure fairness with regard to the common environment and life opportunities.
- iv. **Principle of Care** → Organic farming should be managed in a precautionary and responsible manner to protect the health and well-being of current and future generations and the environment.

In short, all the definitions of organic farming say that *organic farming is one of the best alternatives to conventional agriculture in order to sustain production without seriously harming the environment and ecology.*

Historical Perspective of Organic Farming

Organic farming was practised 10000 years back dating to **Neolithic age** practiced by ancient civilization like **Mesopotamia, Hwang Ho basin** etc. In **Ramayana** it was mentioned that all dead things returned to earth are transformed into wholesome things that nourish life. In **Mahabharatha**, there was a mention of celestial cow **KAMADHENU** and its role on soil fertility. Several manures like oil cake, excreta of animals were mentioned in **Kautilya's Arthashastra**. Methods of manuring were described in **Brihad-Sanhita**. **Rig Veda** mentioned organic manure. **Holy Quran** says that at least one third of what you take out from soils must be returned to it implying recycling. In Modern period, **Sir Albert Howard** was considered as father of modern organic agriculture. **Rudolph Steiner** built biodynamic farming in Germany. USA's **J.I.Rodel** popularised sustainable agriculture and method of organic growing. **International Federation of Organic Agriculture Movement** was established in 1975 followed by **European Union Regulation, CODEX guideline on Organic Standard, Demeter International network** of 19 international certification bodies which developed guideline for biodynamic preparation. **Japan Agricultural Standards (JAS)** a Japanese guideline for organic production was implemented in Japan. In India, **National Organic Programme** was launched by the Government of India in 2000. The Ministry of commerce launched the **National Programme for Organic Production (NPOD)** which laid down National Standards, accreditation criteria, accreditation procedure, inspection and certification procedures. National standard for organic export was launched by the Government of India.

Relevance and Need for Organic Farming

Organic Farming is rapidly developing in more than 150 countries. 65% of organic farming was done in developing countries. One third of world's organically managed land area is located in the developing countries. Austria has the highest percentage of organic farming followed by Switzerland, United Kingdom and Germany. The ill effects of chemical farming pushed the world countries to adopt an eco-friendly alternative farming. Organic farming was felt by World Nations as the best farming method because of its scientific approach and wider acceptance all over the world. The **International Federation of Organic Agriculture Movements (IFOAM)** was established in France in 1972. It mainly focuses on organic farming and co-ordinates organic farming effects. The **Food and Agriculture Organisation (FAO)** of the United Nations supports organic farming. The FAO along with WHO evolved the **Codex Alimentarius** for organic products. The **United States and European Union** have comprehensive National Organic Programmes. **Japan, Canada, Australia, New Zealand, Isreal and Brazil** adopted several organic farming regulations and organic standards equivalent to United States and European Union. Certifying Agencies was established in **China, Thailand, South Korea, Turkey, Mexico and Philippines**. India in the year 2000 adopted National Programme for Organic Production (NPOP) with National Standards. **Austria, Denmark, Spain, Finland and France (European Union Member States)** along with **Switzerland** introduced legally enforceable definitions of organic production and national certification procedures and labels. **Austria** created an organic section in the National Food Law (Austrian Codex

Aoimenturius). **Danish Law** on organic farming introduced public certification and also defined the principles of organic farming. **France** in its Agricultural Law No. 80502 recognized organic farming. **Spain and Finland** introduced National Organic Standards which are legally enforceable. **European Union** Organic Legislation was passed in 1993. In **United States**, certifying and labeling laws are very rigid. The Organic Foods Production Act provides for organic farming methods. **Germany** is a leading nation in the adoption of organic farming in Europe. Asian and African countries were lagging behind in the adoption of organic farming. The need for organic farming in India was felt due to unsustainable agricultural production and damages caused to ecology.

Benefits of Organic Farming

Since organic farming aimed at sustainable production system based on natural processes, the benefits are maximum which includes environmental, social and economic. The benefits of organic farming are

- Improvement in soil quality
- Healthier Food
- Increased crop productivity and Income
- Preservation of land's ecosystem
- Reduction in risks of pollution
- Maintaining and building soil conservation and soil fertility
- Returning degraded lands back to fertility
- Diminishing of water pollution and reduced rates of nitrate pollution in water supply.
- Consumption of less energy and more energy efficient
- Lower Carbon emissions and reduction of carbon emissions
- Nature protection and biodiversity conservation
- Pest reduction
- Rejection of use of Genetically Modified Organisms (GMOS)
- Disease Preventive Measures (Administration of Veterinary drugs → Live Stock)
- Improved employment opportunities
- Support to rural development
- Fair trade principles and labour welfare.
- Consumer Protection and Welfare

- Contribution to food security
- Tremendous economic growth

Organic farming results in protection of ecosystem, flora, fauna and increased biodiversity.

Problems and Constraints of Organic Farming

Shifting agricultural system from one system to another system requires care and caution. There may be several problems and constraints in the way of shifting. The study of such problems and constraints will go a long way in effective implementation of organic farming. The problems and constraints of organic farming can be summed up as follows.

- Inefficient Policy Making by the Government for promotion of organic farming.
- Lack of awareness and willingness on the part of farming community to adopt organic farming
- Lack of attention on application of organic manure
- Inadequate supporting infrastructure for implementing organic farming
- Shortage of organic manures, materials and bio-mass
- Inability to obtain premium price and marketing problems.
- Higher costs of organic inputs
- Absence of proper and effective agriculture policy
- Lack of financial support by Government
- More demand and less supply for exporting organic products
- Rigid process of certification and higher certification cost.

Prospects of Organic Farming

India can enjoy numerous benefits by adopting extensive organic farming. Indian agriculturists, till the advent of Green Revolution adopted eco-friendly agriculture for several decades. The contributions and prospects of organic farming include protection of environment, increase in the quality of human life, generation of rural employment, low urban migration, improved household nutrition, local food security, conservation of natural resources, preservation of natural and agro-bio-diversity, prevention of soil erosion, improvement water quality etc. In India, there is a good demand for organic products.

Legal Regime of Organic Farming in India

The **Green Revolution** in India in the 1960s transformed the country from the stage of food deficiency to self-sufficiency. But excessive use of chemicals had largely affected

sustainability of agriculture in the long run which opened the doors for organic farming. Organic farming in India was started in 1900 by a British Agronomist **Sir Albert Howard**. The **Planning Commission of India** in the year 2000 constituted a steering group on agriculture which recommended organic farming. The **10th Five Year Plan** encouraged promotion of organic farming. The **9th Five Year Plan** also emphasized the promotion of organic produces. The **National Agriculture Policy, 2000** recommended promotion of organic farming. The Ministry of Commerce, Government of India launched the **National Programme on Organic Production (NPOP)** in 2000. It was developed as an apex body which set up a **National Steering Committee for NPOP**. The NPOP document contained detailed standards or organic production, processing and handling and methods, criteria and procedure for accreditation and certification and rules relating to usage of *Indian Organic Logo*. The NPOP was notified under the **Foreign Trade and Development Act, 1992**. Only products certified by accredited bodies may be marketed as organic in India. Indian Organic Programme was based on three International documents namely **IFOAM Basic Standards for Organic Production and Processing (IFOAM Basic Standards)**, the **Codex Alimentarius Guidelines** and the **European Union Regulation 2092/91**. The **National Programme on Organic Production** includes-

1. **Definitions** – Section 1
2. **Scope and Operational Structure** – Section 2
3. **Organic Production, Processing and Handling Standards** – Section 3
4. **Accreditation and Certification System** – Sections 4 & 5
5. **Organic Labelling Requirements** – Section 6
6. **Lists of Permitted Substances** – Section 7

The National Programme on Organic Production provides for means for evaluation of certification programmes for agriculture and products, accreditation of certified programmes, facilitation of certification of organic products and encouragement for developing organic farming and organic processing. The National Programme on Organic Production Accreditation System has been recognized by US Department of Agriculture as it is in consonance with accreditation requirements of US National Organic Program. There is no separate provision for importation of agricultural products in the National Programme on Organic Production. The importation may be done through bilateral equivalency agreement and through certification by NAB – accredited agencies. Organic certification assures quality and prevents fraud. The organic certification in India includes study, compliance, documentation, planning, inspection, fee, record – keeping. In India, **APEDA (Agricultural Processed Foods Export Development Agency)** is the controlling body for organic certification for export. There is no domestic standard for organic produce in India. The operational structure of NPOP includes National Accreditation Body, evaluation committee, Accredited Inspection and Certification Agencies. National Standards for Organic Production was also laid down in NPOP. The **National**

Accreditation Body (NAB) is responsible for giving approval on the authorization of an applicant Inspection and Certification Agency.

In India, the immediate task in respect of legal regime of organic farming is to arrange low cost certification process and there should be a separate standard and certification for domestic market.

Conclusions and Suggestions

In India, organic farming will solve the food shortage and crises permanently and also will provide for better local employment opportunities. When compared to Western Countries the usage of organic farming in India is very minimal and is at nascent stage. The reason for underdevelopment of organic farming in India is due to lack of proper governmental policy, financial support and adequate laws for protecting and developing organic farming. A comprehensive special enactment on organic farming on the lines of **Austrian Codex Alimentarius** is the need of the hour. The following are some of the suggestions for spreading organic farming in India.

- Launching of vigorous campaign and awareness programmes regarding benefits of Organic Farming is much needed and awaited.
- Proper identification of crops for organic cultivation is important
- Proper and continuous financial support by Government for farmers engaged in organic farming is needed.
- Reduction in costs of certification and simplification of process of certification.
- A New National Agricultural Policy providing full support for organic farming.
- Numerous Government Agencies are to be established for developing and promoting organic farming.
- Programmes on organic farming to be launched in Satellite TV Channels and Radio and other mass media.
- NGOs to be encouraged by the Government for creating awareness on organic farming.
- Formation of Organic Farmers Associations at Village Levels.
- Creation of appropriate legal framework for enforcing contracts between organic farmers and companies involved in marketing of organic products.
- State – driven organic farming development.

State Governments should implement an initiative on the lines of *Uttarakhand Organic Initiative* a multi–prolonged strategy, an organic model to promote agricultural technology and rural development projects.