

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4149 of 2015

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Bisheshwar Prasad Yadav, son of Late Jang Bahadur Rai, Resident of village-
Jandaha, P.O. Balatand, P.S. Raja Pakar, District- Vaishali at Hajipur, the
Chairman, Akhil Bhartiya Kisan Mahasabha, Bihar, Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Agriculture Production Commissioner, Agriculture Department,
Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
4. The District Magistrate, Vaishali at Hajipur, District- Vaishali at Hajipur.
5. The District Agriculture Officer, Vaishali at Hajipur, District- Vaishali at
Hajipur.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. V. K. Singh, Advocate,
For the Respondent/s : Mr. K. K. Jha, AAG-8
Mr. Amish Kumar, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 14-12-2016

The petitioner has filed the present writ application in public interest to grant compensation to the farmers for the loss due to non-growing of crops in their respective agricultural land on account of supply of spurious and sub-standard seeds of paddy under Sri Vidhi System.

In the counter affidavit, the stand is that the State Government launched the demonstration programme for production of paddy through Sri Vidhi method. After adopting such method, the production of paddy in the year 2011-12 was more than 10 quintal per acre which was more than 47% in comparison to the year 2008-09. It is also pointed out that for *Kharif* 2014, 8000 farmers were



made available for the B.P.T. 5204 variety of paddy seed and only 66 farmers have made a complaint with regard to inadequate growth of paddy. It is pointed out that such less growth might be on account of different kinds of diseases, etc., and that seed variety is not responsible for low yield. It is also pointed out that farmers can claim compensation from the insurance company, if they have got their crops insured.

Learned counsel for the petitioner relies upon the report of the field visit by a committee of experts pointing out that B.P.T. 5204 rice was transplanted on 25.06.2014 under Sri Vidhi method. Plant population and crop growth was good but crop was heavily infested with Bacterial leaf blight (BLB) disease. The relevant extracts of the report are as under:

“Conclusion: (i) BLB is a seed born bacterial disease when rice is grown in favourable lowland and seed is infested there is chance of heavy infestation of BLB when water is standing in field and urea is top dressed. If BLB infestation occur at the time of booting then only panicle rice difficulty in emergence, if some panicle emerges it will bear sterile grain.

(ii) Late rice variety whenever grown on upland situation and faced stress condition then Brown leaf spot do infest the crop. Due to late transplanting in upland condition and heavily Brown leaf spot infestation plant could not come in flowering and no grain setting.

Summary: When any late duration rice variety is grown under either lowland or on upland and seed is infected then such type of scenario may occur.

Remedy: (i) Farmers should be trained for seed treatment before nursery sowing.

(ii) Farmer should be trained not to grow late duration rice



variety on upland condition and Vice-Versa.
(iii) Only treated seed should be supplied to farmers.

Keeping in view the averments made in the counter affidavit, it appears that the seed variety is not responsible for less production of the crops. If the crop of a particular farmer has suffered damages, it is open to the said farmer to claim compensation from the insurance company, if the crops are ensured.

However, the State Government cannot be directed to pay compensation for less production of paddy which may be on different grounds other than the variety of seeds.

Since the committee has suggested the remedy, the State shall take appropriate steps for implementing the recommendation of the committee in accordance with law.

The writ application is, thus, disposed of.

(Hemant Gupta, ACJ)

(Arvind Srivastava, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.12.2016
Transmission Date	

