

THE ONSLAUGHT OF PEPSICO ON THE FARMER'S RIGHTS- AN IMMINENT CHALLENGE TO THE SOVEREIGNTY OF OUR COUNTRY

With the advent of WTO and related TRIPS agreement entered in to by India as WTO member, the sovereignty of India was compromised and a challenge to it is looming permanently. Its sovereignty is in peril.

The recent episode of Pepsico India, a subsidiary of American Transnational Corporation dragging 4 petty potato farmers of Gujarat to court for allegedly growing its registered potato variety to make 'Lays' chips, suing them for Rs 1.05 crore each as compensation and the 'commercial - court' at Ahmadabad passing an ex-parte ad-interim order restraining the farmers from growing the strain of F.C.potato used for 'Lay' chips speaks volumes about the horrific implications involved in the case threatening the seed sovereignty of our farmers, food sovereignty of our people and sovereignty of our country.

This is not a mere question of legality and legalistic questions involved in applying the so-called protection of plant varieties and farmer's act. 2001 (PPV & FR act), but a question about the encroachment of imperialist multi-national corporations on the sovereignty of the farmers, people and the country.

With some provisions of the PPV & FR act, the Pepsico is harassing Indian farmers, who have cultivated the potato variety, by purchasing seeds from local seed merchants.

It is no secret that big trans-national corporations, particularly the American giant corporations are indulging and resorting to such unethical business practices for profiteering in developing world.

We have witnessed how such unethical practices have practiced by Jhonson & Jhonson company through its subsidiary, selling medical implants in India, we have seen how Monsanto company through its subsidiary Mahyco has indulged illegally and unauthorized introducing its B.T.varieties of Brinjal for cultivation and consumption in India. Very recently it is exposed how Walmart resorted to unethical practice of bribing concerned governmental officers to obtain permissions in expanding its business internationally by devious methods. These transnational corporations with their power of massive capital and their clout with the rulers and governments of victims countries have been playing havoc with the sovereignty of people and those countries undermining the rights of people. The TRIPS agreement under W.T.O. has given them every advantage to undermine the sovereignty of independent nations.

The subsidiary Pepsico India holdings of the soft-drinks giant of USA, has engaged in the processed food business also in India. In 2009 it introduced the F.C.5 variety of potato that it uses to make 'Lay' chips. This potato variety is in India approximately by 12,000 farmers, who were made a part of its so-called collaborative farming, where in the company sells seeds to farmers and has an exclusive contract to buy back their produce. In 2016, the company registered the variety under the PPV & FRA 2001. It has earned Rs 2727 crores of profits in 2010, and its profits have increased to 6,000 crores of rupees in 2015, exclusively on its Lay chips sales in Indian markets.

The company on finding that some farmers who were not part of its collaborative farming are also growing and selling this potatoes in Gujarat, it slapped a so-called 'rights infringement' cases under the PPV & FR act against small farmers for huge and heavy damages. And the commercial court of Ahmadabad has given ex parte orders against the farmers even without hearing their version.

Pepsi co had slapped such cases against petty farmers in many Asian countries such as Indonesia, Philippines, South Korea and the E.U.nations and the protection of the rights of the farmers has remained as an elusive pursuit. Now it is the sovereignty and rights of farmer under stake.

It is unknown how an Indian court could give an ex parte order against Indian farmers without even taking all the circumstances of the case in to consideration. This shows how Indian courts

have become mechanistic and legalistic with no concern to the key circumstances involved in the case.

Now it is a question how the protected variety of potatoes under contributory system have come in to outside markets, while all the produce of those cultivations are bought by Pepsi co itself. It is also note worthy why that instead of suing the local seed vendors who sold the particular type of potato seeds unlabelled to farmers, chose to sue the petty farmers! Moreover what made the Pepsi co to hire private detective agency to pose as potential buyers to take secret video footage and collect samples from farmer's fields without disclosing its real intent of foisting cases?

All this points out how the Pepsi co wanted to profiteer by victimising the vulnerable farmers through unethical means. This episode exposes how, the lofty slogans like 'corporate accountability' etc are hollow.

Even after exposure of its unfair practices Pepsi co argues that it was compelled to take the judicial recourse as a last resort to safeguard the larger interests of thousands of farmers that are engaged with its collaborative potato farming". What a hypocrisy!

But since this absurd case was foisted in the atmosphere of general elections in India and facing with growing social media out-rage, public outcry throughout the country and protests from various farmer groups and condemnation from major political parties, and particularly its business necessities and interests of a gigantic a great volume of business and prospects of high profiteering from Indian markets made Pepsi co and the threat of boycott of its products in India made Pepsi co to back out from the cases by withdrawing them.

Though this is a relief to the concerned farmers it is a temporary phenomenon. But it has every opportunity to plunge on to the farmers and again resort is onslaught under some flims pretext or other of legalistic consi-derations. This in other words is a looming threat and challenge to the sovereignty of seeds, sovereignty of looming threat and challenge to the sovereignty of seeds, sovereignty of foods and sovereignty of our country.

Until and unless of our country asserts and decisively come out of the tangle of uneven WTO agreement that threatens the sovereignty of our country, not only the farmers but the people of our country and their rights and interests at large including our economic independence remain at the mercy of imperialist transnational corporations of big capital.
