

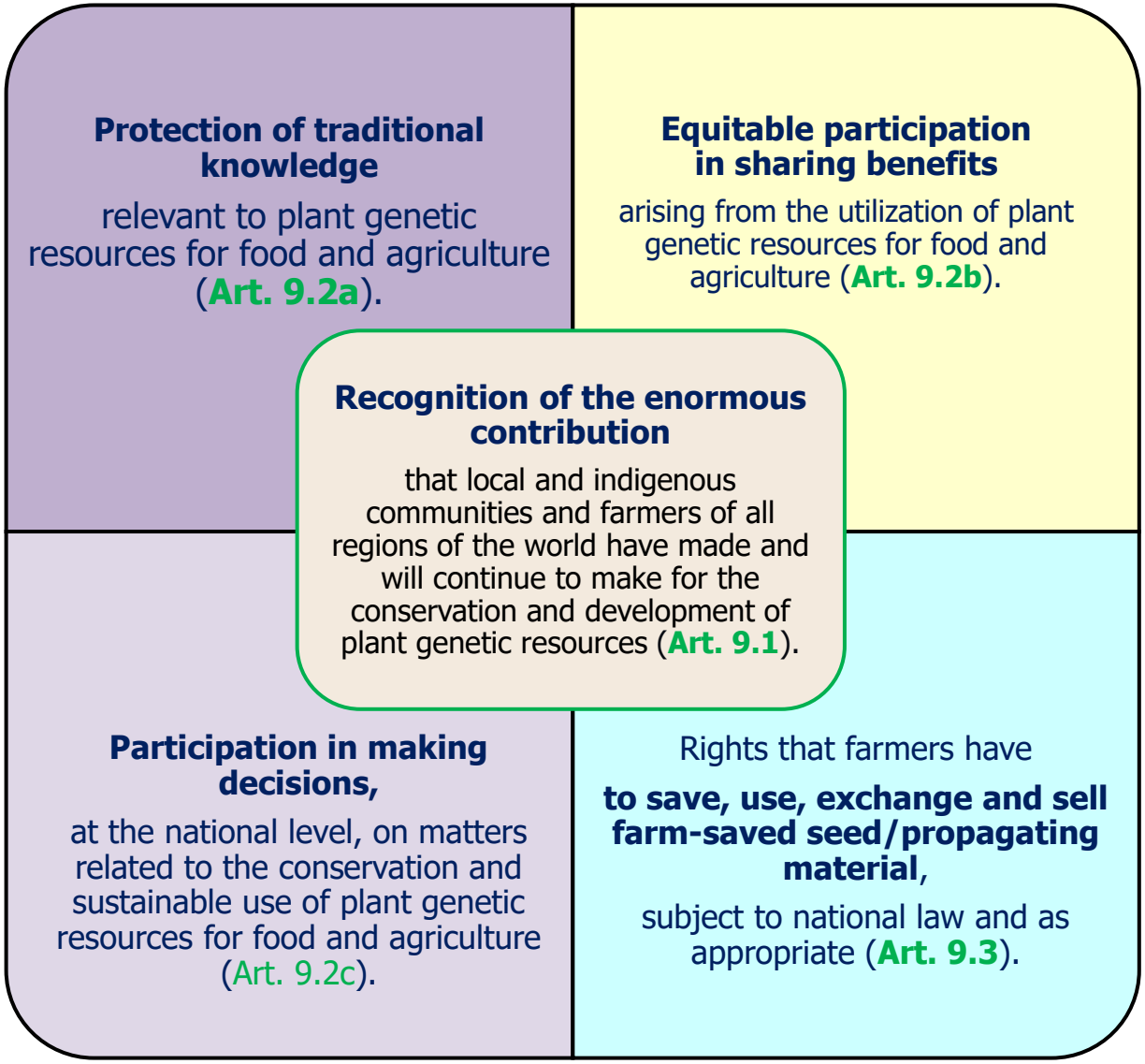


Farmers Rights under the Indian legislation

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India became signatory to TRIPS Agreement in 1994

Article 9, Farmers' Rights in Treaty



Farmers' Rights



- Farmers are recognised as cultivator, conserver and breeder
- New varieties and Extant varieties including Farmers' varieties are eligible for registration,
- Allows extensive Farmers' Rights
- Disclosure of PGR accessed is essential and provides for Benefit sharing
- Mandatory to disclose presence of GURT, like terminator gene
- Allows compulsory licensing on grounds of levying unreasonable price to seed

Entitled to save, use, sow, re-sow, exchange, share or sell his farm produce including seed of a variety protected under the Act. Farmer cannot sell branded seed of a protected variety.

Whom to consider as Farmer? [Section 2 (k) (i), (ii) & (iii)]

"Farmer" means any person who-

- **cultivates crops by cultivating the land himself; or**
- **cultivates crops by directly supervising the cultivation of land through any other person; or**
- **conserves and preserves, severally or jointly , with any person any wild species or traditional varieties, or adds value to such wild species of traditional varieties through selection and identification of their useful properties.**





Farmer's Variety
[Section 2 l (i) & (ii)]

- **Variety which have been traditionally cultivated and evolved by the farmers in their fields**

- **Wild relative or land race of a variety about which the farmers possess the common knowledge.**

Farmer as a Breeder
[Section 39(1)(iii)]

A farmer who has bred or developed a new variety shall be entitled for registration in the like manner as a breeder of a variety under the Act.



DURATION OF PROTECTION

Period of Protection (in Years)			
	Total	**Initial**	**Extended**
Trees & Vines	18 from date of registration	9	9
Other Crops	15 from date of registration	6	9
Extant Notified varieties	15 from date of notification of variety under the Seeds Act, 1966 by the Central Govt.		

Plant Genome Saviour Community Awards - Rule 70 (2) a (Conferred Annually)



Maximum five awards consisting of a citation, memento and cash of Rupees Ten lakh each

Reward and Recognition from the Gene Fund Rules, 2012 - Section 39 (1) (iii) (Conferred Annually)



***Reward*: Maximum of ten rewards to farmers consisting of citation, memento and cash of Rupees 1.5 lakh each.**
***Recognition*: Maximum of twenty recognitions to farmers consisting of citation, memento and cash of Rupees 1.0 lakh each.**

Awards / Reward / Recognition	Awarded	Since
Plant Genome Saviour Community Awards	25	2009-10
Plant Genome Saviour Farmer Reward	33	2012
Plant Genome Saviour Farmer Recognition	66	2012
Plant Genome Saviour Recognition Certificates *(prior to initiation of PGSCA)*	16	2007-08 *to* 2010-11



Ad Hoc Technical Expert Group on Farmers' Rights (Expert Group) by ITPGRFA



i. **Produce an INVENTORY** of national measures that may be adopted, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty; **and**

ii. **Based on the inventory, develop OPTIONS** for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

THANKS…