

## CULTIVATING JUSTICE: A DEEP DIVE INTO RIGHTS AND PROTECTIONS FOR INDIAN FARMERS

Rima Ghosh

*Academic Fellow & Ph.D. Scholar, The West Bengal National University of Juridical Sciences, Kolkata, Email ID: rima.ghosh81@gmail.com, ORCID ID: 0009-0000-1212-915X*

### **Abstract**

*The farmers play an essential role in a country, and their existence cannot be ignored. Farmer is the backbone of the nation. India can country of agriculture, and most of the areas are rural. In developing countries like India, in the Farmer's occupation that is farming has not yet been considered as an industrial activity. It has been seen from the history that the Indian farmers impoverished the poor, and they even do not cultivate in their land, and for that, they suffered a lot. But the modernization period that is in the globalized world is giving new techniques for cultivation. However, this cultivation technique is not at par with challenges faced by the Farmer in this contemporary situation. NABARD had a significant role in improving the socio-economic status of the Farmer in our country. As a result of that, farmers are not getting benefits. Though the rights are available for the farmers, it is high time to think of or review their rights in the present context. As it is accepted in the IPR that farmers' rights are provided, here is the irony they are being deprived of their actual benefits. Hence to give that benefit to the farmers, the policymakers should re-think the legal mandates. This research paper provides an updated policy suggestion for the betterment of the farmers in this pandemic situation.*

**Keywords:** Agriculture, Economy, Farmers, Right, Policy

### **Introduction**

The farmers are the backbones of the agricultural industry. Undoubtedly, their role cannot be denied; without the farmers the agricultural sector of a country would fall.<sup>1</sup> And in the country, agriculture is the vital economy for a country to flourish. Agriculture fulfills the basic need in the form of a food of a human being living in a country. In a developing country like India for its economy, the agriculture sector joins as an essential character for the upliftment of the employment sector and Gross Domestic Products. Long ago, in history, Gandhiji said, "India lives in villages and agriculture is the soul of the Indian economy." Nearly two-thirds of its people rely for their livelihoods directly on agriculture. Agronomy is India's economy's most

---

<sup>1</sup> Magdoff, F. and Tokar, B., 2010. Agriculture and food in crisis: Conflict, resistance, and renewal. NYU Press.

prominent resting spot. India has made significant strides in the field of food security since Independence. Indians have tripled, but the production of food grain has increased over four-fold, and the supply of per capita food grain has also increased significantly.

The farmers are holding the agrarian structure as a backbone. For instance, that it has been researched that agriculture has become one of the principal roles for a countries development, and to flourish the economy, the gross domestic product should be considered rational for all its citizens.<sup>2</sup> The structure of agriculture will succeed when the farmers come forward with their new cultivation process for the crops being grown and harvested. The local people try to help the farmers for the cultivation of crops that will meet the hunger of the ordinary people and also will act as a process of development for the economy of the Foreign countries by goods as to be exported. Every agrarian and food in the world can be maintained as crop genetic diversity through Farmers' Rights.<sup>3</sup>

The term "food sovereignty" was invented in 1996 by Via Campesina, an international NGO concerned with farmers' rights.<sup>4</sup> It is supposed to be "the right of each nation to maintain and develop its capacity to produce its basic foods respecting cultural and productive diversity."

Farmers and NGOs can strengthen their case against patents on crop plants by applying, whenever possible, a recognized human rights framework instead of self-proclaimed new rights.<sup>5</sup>

In the case of Ex parte Hibberd, the Court of the U.S, in the year 1986, it was on the history that for the first, their chance arises of granting utility patents on plants by the then patent officer.<sup>6</sup> As per the recent patent legislation of Canada and the United States that every plant, materials of plants as well as seed- accommodating the adjust the genetic traits can be patented.

When the farmers cultivate crops, they used best quality material for that the farmers are cautious about the process of technology, pesticides, manure, and many other essential requirements which are necessary for the crops to be grown in the best way and that will helps in exporting in different and which will attract the markets. Even the farmers make assures that

---

<sup>2</sup> Binswanger, H.P. and Deininger, K., 1997. Explaining agricultural and agrarian policies in developing countries. *Journal of economic literature*, 35(4), pp.1958-2005.

<sup>3</sup> Santilli, J., 2012. *Agrobiodiversity and the law: Regulating genetic resources, food security and cultural diversity*. Routledge.

<sup>4</sup> Thivet, D., 2014. Peasants' transnational mobilization for food sovereignty in La Via Campesina. *Food activism: Agency, democracy and economy*, London, Bloomsbury, pp.193-209.

<sup>5</sup> Straub, P., 2005. Farmers in the IP Wrench-How Patents on Gene-Modified Crops Violate the Right to Food in Developing Countries. *Hastings Int'l & Comp. L. Rev.*, 29, p.187.

<sup>6</sup> Fowler, C., 2000. The Plant Patent Act of 1930: A sociological history of its creation. *J. Pat. & trademark off. Soc'y*, 82, p.621.

the well-developed nurtured crops are a good sign that will be marked as an advantage for the economy of the state. These are all interconnected as the goods when exported to foreign countries. Automatically the economy of the concerned state will flourish, which will further used for the growth and evolution of the state.

**Role of NABARD to improve the socio-economic condition of the farmers':**

In the year 1982, NABARD has been launched the farmers club program to spreading the attitude of "development through credit, technology transfer, awareness, and capacity building." Which is about 1.43 lakh all over the country. Few of them are inactive, and some of them have a disability. After that, a fresh up and boost up capacity building program was started to come together. To sustain the farmers' club, all over the country, 106 federation farmers' club had been joining together about 50 farmers club in several blocks, and side by side, will generate membership about 1000 farmers. These associations had been undertaking financial activities to obtain profits of the economic scale. Since 1982, NABARD supported large numbers of farmers' clubs were set up, various banks, and voluntary organizations. The visit of farmers' experience and meeting, planning, partnership have helped to adopt the technology with availing from the bank as well as the government department, etc. NABARD has also been given awards to the best performing farmer's clubs to encourage them to support the farming community. It was also found NABARD always felicitating the farmers to promote the activity of agronomy and production more.

Since the beginning, NABARD has been endorsing the concept of various organizations of farmers in the form of farmer club. Though, to sustenance, these farmers' organizations need a long-term policy.<sup>7</sup> NABARD has been present 'in the irrigated areas through RIDF interventions' and 'in the Rainfed areas through watershed programs.' NABARD has always encouraged the farmers' group; associations & producer thought the country. During various field studies, it was observed that there are a few invalid and inactive farmers' clubs in the initial years of formation. During the initial stage, after 3 years, more than 50% of farmers' club were absolute and inactive. This scenario, more or less the same in others are also. So, a database will set up to strengthen the active farmers' club.

It was revealed that the transformation of the Farmers' club association into a producer organization would construct on the social mobilization of farmers has already been taken

---

<sup>7</sup> Srinivasan, N., 2022. *State of Agricultural Finance in India*. SAGE Publishing India.

place.<sup>8</sup> The association has required less handholding support for encouraging POs compared to any other intervention. NABARD supported the successful intervention in Chhattisgarh. All stakeholders have been learned through these successful models and scale up the transformation of Farmers' Club federations to Producer Organizations. The farmers' unions and farmers' producer organization were supported by NABARD under the PODF Scheme from 2012-13 to 2013-14. As an example, A association of farmer club has been set up to procuring, processing, and retailing of the seed in Chhattisgarh. The association in the same district and others in the neighboring community is in the process. A study was undertaken to understand the model and to examine the scope of replicating the model in other parts of the country.

### **Contemporary rights of the farmers in the globalized era**

In the early 1980s, the farmers' rights were used as a political concept. The appearance was initiated by civil society activists to emphasize the precious unrewarded contributions of farmers to PGRFA.<sup>9</sup> In the very initial stage, develop the idea of increased the demand for the plant breeders' rights in consultation with the international era.<sup>10</sup>

Farmers' rights are a significant constituent of the global contract to protecting the farmers' communities and performing their role as guardians of the plant genetic resources used for food & agriculture. The international agreement promotes a balancing approach to strategies for the protection of PGRFA. Since the last fifty years, a vital contribution has been made by the farmers, indigenous peoples, and local communities to developing the crop genetic diversity and the hefty of food.<sup>11</sup>

Therefore, crop genetic diversity in the global contract to realize the objective of plant genetic resources for agriculture & food. Farmers' rights are one of the vital preconditions for the maintenance of crop genetic diversity. The global understanding of these rights was laid after the first consideration of farmers' rights during the worldwide consultation in 1986—the chief rudiments of the history of the negotiations that led to the adoption of farmers' rights.<sup>12</sup> The

---

<sup>8</sup> Rondot, P. and Collion, M.H., 2001. Agricultural producer organizations: their contribution to rural capacity building and poverty reduction. World Bank.

<sup>9</sup> Naluwairo, R., 2006. From Concept to Action: The Protection and Promotion of Farmers' Rights in East Africa.

<sup>10</sup> Cary Fowler. 1994. Unnatural selection. Technology, politics and plant evolution. p. 192. Yverdon, Switzerland, Gordon and Breach); and Svanhild-Isabelle Batta Bjørnstad. 2004. Breakthrough for 'the South'? An analysis of the recognition of Farmers' Rights in the International Treaty on Plant Genetic Resources for Food and Agriculture. FNI Report 13/2004. p. 35. Lysaker, Norway, The Fridtjof Nansen Institute.

<sup>11</sup> United Nations Human Rights website: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>; [http://undocs.org/A/RES/217\(III\)](http://undocs.org/A/RES/217(III))

<sup>12</sup> Michael M. Cernea (ed.) 1985. Putting people first. Published for the World Bank (Oxford University Press).

idea for the rights of farmers may include several dimensions: reward for innovation in the development of farmers' varieties and conservation of plant genetic resources are the essential supporting activities.<sup>13</sup>

### **Rights of the Farmer in India scenario**

The farmer's right is to preserve the traditional information and to continue it. The sharing of the profits obtained from the use of resources is a fair usage of the PGRFA. Farmers' right helps farmers, as well as to the global pool of genetic resources, to continue to retain, retain, develop and manage crop genetic resources. Farmers' rights are a costly outlet in developed countries for better food safety and nutrition. Not only food production, but also access to food are the key challenges of improving food security. It is necessary to note that the rights of food in India have been properly guaranteed by law. In reality, the right to food has been preserved in global legal documents for more than fifty and is a part of the modern global human rights structure.<sup>14</sup>

### **Importance of farmers in human life**

Farmer is the real economic asset of human beings. Farmer gives us genuine food to survive for living animals.<sup>15</sup> But the Farmer was always deprived of their production rights; they are sufferers from their economic benefit. Since the born of the earth, the farmers' cultivated the crop and vegetables, which is our food. The Farmer is produced various types of agriculture products paddy, wheat, maize, Bazra, vegetables, and pulses all over the world. The farmers have a traditional knowledge to carry on the generation wise occupation and expertise. The farmers prepare the soil through plow, then step by step used their legal knowledge to cultivate the crops and vegetables. Most of the tribes are occupationally agriculturists like Santal, Munda, Rabha, Bhumij, Oroan, Malpahariya, Lepcha, Gorait, Garo, etc.

### **Protection of Traditional Knowledge**

Good herbal genetic resources for food and agriculture shall be safeguarded by traditional expertise.<sup>16</sup> The security of traditional knowledge relates to plant genetic resources for food and agriculture. The key tools for the preservation of cultural knowledge are therefore

---

<sup>13</sup> Report of the Tenth Session of the Working Group of the Commission on Plant Genetic Resources, CPGR-6/95/REP, Appendix C, particularly paragraphs 23–26; Report of the Sixth Session of the Commission on Plant Genetic Resources, CPGR-6/95/REP, Appendix K.

<sup>14</sup> United Nations, Permanent Mission of India to the United Nations, India and United Nations: Human Rights, [http://www.un.int/india/indiaand\\_the\\_un\\_hr.html](http://www.un.int/india/indiaand_the_un_hr.html) (last visited May 31, 2010).

<sup>15</sup> Berry, W., 2010. *Bringing it to the table: On farming and food*. ReadHowYouWant. com.

<sup>16</sup> Downes, D.R., 2000. How intellectual property could be a tool to protect traditional knowledge. *Colum. J. Envtl. L.*, 25, p.253.

indigenous people and community groups. Traditional expertise to grow agriculture and local farming expertise is included on an international contract.<sup>17</sup>

The agreement and its multilateral arrangement share efficient rules of facilitated access for collecting local, national and international gene banks in the public domain under direct supervision of contracting parties.<sup>18</sup> It is the responsibility of farmers to join the world gene banks for genetic material. The collection of the local seeds stored in small cooling units of the research laboratories and national research centres for the collection of seeds containing all recognized crops all over the world.<sup>19</sup>

### **Benefit Sharing**

It depends on access to heritage funds under the multilateral scheme to contribute freely to further research with others in the event of any new developments or to pay a percentage of profitability for further agri-conservation and growth if they wish to sustain innovations themselves, if they are to obtain a common fund. The profit-sharing fund was established in 2008.<sup>20</sup> For the preservation of traditional information which is part of the genetics used for the production of new plant varieties, the Law on the Conservation of Plant Varieties and Farmers' Rights of 2001 was adopted. This prerequisite for registration has been fulfilled by current forms of payment and reimbursement to the Group.<sup>21</sup>

### **Participation in decision-making**

The right to engage in decision — making, at national level, in matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture is stated for promotion of farmer 's rights in Article 9.2 of the International Treaty.<sup>22</sup>

Important advances in the area of the rights of breeders, farmers and local communities were made in 2001. Protecting Plant Varieties and Farmers' Rights (PPVFR) has been adopted by

---

<sup>17</sup>Z. Aksoy, 2016. “*Global Governance of Traditional Knowledge and its justice implications: a case for an alternative approach. An Internal Colloquium*”, 4-5 February 2016, Colloquium Paper No. 3. The Hague, The Netherlands.

<sup>18</sup> Wambugu, P.W. and Muthamia, Z., 2012. Incentives and disincentives for Kenya’s participation in the multilateral system of access and benefit sharing. *The Multilateral System of Access and Benefit Sharing: Case Studies on Implementation in Kenya, Morocco, Philippines and Peru. Rome, Italy: Bioversity International*, pp.9-41.

<sup>19</sup>International Covenant on Economic, Social and Cultural Rights art. 11, opened for signature Dec. 19, 1966, 993 U.N.T.S. 3.

<sup>20</sup> ITPGRFA webpage: <http://www.fao.org/plant-treaty/areas-of-work/benefit-sharingfund/overview/en/>

<sup>21</sup> Lok Sabha, “Report of the joint Committee on the Protecting of Plant Varieties and Farmers' Rights Bill, 1999”, Lok Sabha Secretariat, New Delhi, August 2000.

<sup>22</sup> Sumita, 2023. Farmers' Rights in the International Treaty on Plant Genetic Resources for Food and Agriculture. *Part 2 Indian J. Integrated Rsch. L.*, 3, p.1.

the Indian government. In 1994, this legislation was necessary under the Intellectual Property Rights Agreement (TRIPs). In accordance with Article 27.3(b) of this Agreement, Member States shall, in accordance with either a patent or an effective sui generis scheme, provide for the protection and safety of plant varieties. The Member States therefore had the choice to frame laws that suited their course, and India took up the option. Sui generis has been designed to combine the interests of breeders, farmers and populations and ensure an equal distribution of benefits. The sui generis scheme is used to protect species of plants. The Indian Patent Act of 1970 removed patentability from agriculture and horticulture. It provides versatility in respect of protected genera / species, levels, and security duration compared to other similar laws in various countries that have been or are being drafted. The Act extends to all plant types, except microorganisms. The genera and species of the varieties shall be informed by gazette following the implementation of the Act in compliance with the relevant rules and by-laws. This article aims to examine the provisions of the laws to be applied effectively.<sup>23</sup>

### **Respect and Protection of Farmers on India**

In developing countries like India, the Agricultural Industry played a very important role in the economy. It contributes to one of the essential parts and principal factors that will flourish India's Economy in the near future. In every sphere of life, agriculture is the most necessities of a human being. It may start from Rice, Wheat, and Pulses to many others. But it is hard to believe that in the country the farmers have a role and that they have just become an intermediate between Multinational companies and the Government. Even though quite often, it has been seen that they, at times, they are not paid the minimum remuneration. In India, most of the farmers are very poor; they live on daily wages even some farmers work on hire basis and are also sometimes a tenant farmer. Farmers are not much educated and are not aware of new technologies.<sup>24</sup>

However, there is NABARD Bank, which gives loans to the farmers for their cultivation. But there are still some farmers who do not know anything about new modern technology and are not also aware. So it's high time needs to think for the farmers and plan strategies for the Farmer's development in the near future. Though there are Farmer's Rights and protection mention in the laws of the country, it does not prevent it. Especially the first and foremost point

---

<sup>23</sup>Pratibha Brahmi, Sanjeev Saxena and B. S. Dhillon, "The Protection of Plant Varieties and Farmers' Rights Act of India" CURRENT SCIENCE, VOL. 86, NO. 3, 10 FEBRUARY 2004

<sup>24</sup> Agarwal, B., 1998. Disinherited peasants, disadvantaged workers: a gender perspective on land and livelihood. *Economic and political weekly*, pp.A2-A14.

is to make camps of education in the villages and make the farmers aware of knowledge and new technologies that will help in the cultivation process.

Moreover, it should become prevalent that farmers should lead their life in society with dignity and respect as the farmers are one only whose work of cultivation only feeds the stomach of the people in the county. For example, still, we have in the state of Assam, the people of that state respect the 'farmer' only because they are fighting against nature and give us three-time food in a day. The people of that state also believe that Farmer is joined a very sacred occupation.

### **Intellectual Property Rights protection for the Farmers**

Any tangible idea can be protected by law when it is expressed utilizing a concept of Intellectual Property (IP). Legal rights that can be established over original or inventive design are termed as IPR. The rights holders are usually allowed by such legal rights that the third persons cannot unauthorized the use of their creations/inventions. So therefore, for any commercial use of any work, the concerned person should take a prior person from the owner or creator of that particular work.<sup>25</sup>

The rights of the farmers are those rights that are coming from the history and also for the further of the Farmer's contributions in preserving, upgrading, and accessible of the genetic resources of plant and especially those in the centers of genesis /diversity. For the making of crop genetic diversity, they are essential for the precondition, which is the basis in an around the globe for all the food and agricultural production. As though the intellectual efforts which are required to produce and refine the best quality of different types of varieties in the local market, but it needs to verify the Intellectual property rights that are connected to brand new plant varieties have somehow overlooked the contributions of the farmers. To relevant this IP, as mentioned above, part with plant varieties, it can be understood well by the example that the system of rights of a patent or plant breeders are deliberately determined by private enterprise thought. In contrast, common property is trade-in by PGRs right. The development of the farmers in the further future is being ignored by this and the benefaction that is being always assembled by the farmers, which are most significant for the establishment of political and social and the idea for the rights of the Farmer.

---

<sup>25</sup>Jayashree Watal, "*Intellectual Property Rights in Indian Agriculture*", (New Delhi: Indian Council for Research on International Economic Relations, 1998), p.1.



Intellectual Property Rights basic theory of plant varieties is by is the acknowledgment of the revolution by the human beings in growing a newly discovered an idea of the type of plant alternative, with or without re-joining that is narrative and well defined that from the preliminary varieties. The transformation that is unlike builds in numerous non- biological realm, life forms such as crop varieties are not thoroughly created, but are every time produce from pre-existing life forms and generate by natural procedure. Thus, the innovation of a new type has two components: the use of pre-existing varieties and the knowledge required to select a brand-new variety by re-joining the earlier ones or by the further procedure. Fairness request that the acknowledgment of transformation builds on the brand-new types of the breed.<sup>26</sup>

### **Farmers' rights in the Indian PPVFR Act, 2001**

#### **a. Recognition of farmers as users, custodians, and breeders**

It is one of the central concepts for the conservation of Plant Varieties and Farmers' Rights Act (PPVFR Act) pursue to blemish the rights of plant breeders and farmers on an equivalent basis. It declares the demand of acknowledge and preservation of the rights of farmers with esteem to the benefaction they make in maintenance, upgrading, and making PGR accessible for the growth of new plant varieties. The PPVFR Act also considers it equivalent demands so to preserve PBRs to vital funding for analysis and development, each in the communal and privatized zone, for the growth of the newly discovered plant. The breeders are allowed to grip on the unique virtue to manufacture, in the retail in various markets for disseminate and to export or import the fertilizer substances that are recorded as a variety under the PBRs Act.<sup>27</sup>

The various roles of cultivating, growing, and sort out of different varieties are being done by the farmers that are being addressed by the PPVFR Act. The growing or some kind out of types with regard to the Act that refers to the usefulness attach by the farmers to wild species or traditional varieties through choosing and recognition of their functional traits. Therefore, the farmers' equitable are encircle the character of the farmers as he purchaser preserves and breeders. The Indian Farmers are permitted with nine particulars with fair, which are mention as follows: -

---

<sup>26</sup> Mabeza-Chimedza, R., 2000. Transforming agricultural service delivery institutions for greater responsiveness. *Agrekon*, 39(4), pp.412-431.

<sup>27</sup> Spielman, D.J. and Smale, M., 2017. Policy options to accelerate variety change among smallholder farmers in South Asia and Africa South of the Sahara.

**b. The Farmer's right to the permission of seed**

Farmer hand are authorized to rescue, utilize, spread, re-stew, swap, divide or trade their farm produce, as well as the seed of protected varieties according to the right of access to the source. Before the pronouncement of the PPVFR Act, the farmers were also allowed to do the same. But it needs to be noted that the farmers are not authorized to trade branded seed of a variety protected under this Act. The Act does not protect Farmers' rights, their opportunity, and secure their life in the country. According to 317, the farmers are given the right to preserve and sort out the amount of the seeds for growing crops on their land and also preserve and secure the variety.

**c. The Farmer's right to the permission of OK – being**

The Breeders, who work for the growth and development of new varieties that are being furnished PRG by all the Indian Legal entities s well as by the farmers, should be given an equitable allowance of the welfare over the \profit- oriented grains of the recorded varieties.<sup>28</sup> The PPVFR Act 2001 is one of the most important among all the National Plant Variety preservation laws, which is mainly to achieve benefit sharing that with the PBRs.

**d. The Farmer's right to Reimbursement**

With the proper management curriculum and under prescribed, the recorded seed must be traded should be accompanied by a comprehensive revelation of their cultivator's production. The Farmer is permitted to profess payment from the breeder when such seed is sold to the Farmer that break down to give predicted money and recommended management condition, through the office of the PPVFR Authority.<sup>29</sup>

**e. The Farmer's Right in Reasonable seed price**

With an affordable price, the farmers are granted the right to access seeds of registered varieties. Still, if the farmers are not giving these opportunities, then the farmers will waste their exclusive rights. This may give rise to compulsory licensing for the preservation of the varieties.

---

<sup>28</sup> Reddy, M.S., Raju, D.T. and Kanthisri, B.S., 2018. Livelihood opportunities among dairy farmers for their economic empowerment. *Extmicon 2018. Transforming agricultural extension systems: towards achieving the relevant Sustainable Development Goals (SDGs) for global impact, Kandy, Sri Lanka, 10-12 May 2018*, pp.91-105.

<sup>29</sup> JOSEPH, J., 2008. ORIENTATION LECTURES ON INDIA'S SEED POLICY, GENETICALLY MODIFIED CROPS & FARMERS' RIGHTS.

**f. The Farmers' right of acknowledgment and compensation for the benefaction of the preservation of agriculture**

The Nation Gene Fund gives awards and acknowledged the Farmers who have been working in PGR preservation and harvest development and who have made considerable benefaction for the conservation for the safeguard of genetic resources for the growing and expansion of crops. The end finance collected for the resources From the implementation of the Act, the National Gene Fund are given resources, which in turn are associated with the presented from the national and international organizations. The expenditures of the finance are appropriate to help in the preservation and renewable use of PGR.<sup>30</sup>

**g. The Farmer's Right in the registration of varieties**

The existing farmers' varieties that meet the requirements for the distinctness of the seeds not alike regularity, secureness, and measure, but do not incorporate that of originality are permitted for the registration under the Indian PPVFR Act.<sup>31</sup> Because of this right, the farmers get the benefit of one-off opportunity fora certain amount of time. Still, at the time of record of crop species that have been taken under the PPVFR Act, then only the crop species are recorded that of the varieties under the preview of PBRs.

**h. The Farmer's Right in an endorsement for the profit-oriented of centrally procure varieties.**

If any seeds varieties used for any profit-oriented purpose by the third parties may be brand new or undestroyed as a wellspring medium for the evolution of an inherently procure type, then the farmers are required to issue or give preceding permission or approval for its commercial use. By this, the farmers will get royalties, benefit-sharing, and one-off payments from the breeders if they among them settle down the terms and conditions of the authorization.

**i. The Farmer's Right of excluded of payment for the registration**

The farmers are being given the relaxation of not to reimburse any type of allowance or wage under the PPVFR Act, that is generally required for the registration of variety; to examine that the quality of the array is distinctness that is the variety is alike or not; regularity or stability;

---

<sup>30</sup> Dutfield, G., 2010. *Intellectual property, biogenetic resources and traditional knowledge*. Earthscan.

<sup>31</sup> Tonapi, V.A., 2008. PPV and FR Act and National Seed Policy. *Sorghum Improvement in the New Millennium. Patancheru 502 324, Andhra Pradesh, India: International Crops Research Institute for the Semi-Arid Tropics. 340 pp, 48, p.232.*

and extra other services that are given by the PPVFR Authority; moreover for also the proceeding of legal matters of the cases related to the infringement.

#### **j. The Farmer's Right in protection from accidental infringement**

When any infringement arises on any right, if the farmers can prove before the court that he or she does not know about the extent of any rights, which are as mentioned in the PPVFR Act, then he or she will be reuse from any kinds of imp enactment. By this, it can be said that this principle was brought into consideration due to the centuries-old unrestrained rights that the seed of all varieties had control over by the Farmer and the novel nature of the PPVFR Act and the farmers' poor lawful understanding.<sup>32</sup>

#### **The Need of Sui generis System**

Ever since, the domestic market is always higher in demand for the export market, and the money which comes from this market is a massive benefit for the economy of many developing countries. Therefore this economy is very much attached and close to that of the farmers – produced seed of varieties that are not only high in demand for the export market but also for the local market. If the economy of the developing countries rises so, then it should protect the rights of the farmers for near-future growth and development. The Government of the developing countries should come up with camps and awareness programs for better understandings of the farmers in the rural villages and also encourages the farmers to the production of the new plant crop varieties they will generally use for the local people to cultivate. With due these, many developing countries have started a sui generis (translating roughly into self-generating) system of protection that is not compliant with UPOV in that it allows farmers to improve and adapt the seed in order to make it more successful in the local conditions

#### **Conclusion and Suggestion**

Agricultural production has played a significant role in the economy of developing countries. The Farmer is our economic leverage for people to live. The 'farmers' rights' idea acknowledges that farmers have built and continue to contribute to the growth of genetic diversity.

In order to ensure efficient and proper security and protection of farmers' rights, the governments must make such adjustments to the acts. More clarity should be made with the amendment of the Patents Act, 1970, especially with regard to the patenting of biotechnological

---

<sup>32</sup> Mamgai, P., Murai, A.S. and Singh, R., 2019. Conservation of Farmers' Varieties through PPV & FR Act.

inventions. Security of the IPRs in farming should be strengthened and strengthened in the Central and State governments to enhance compliance, access to resources and technology, sharing of benefits, equality, and justice. We need a policy and legislation that will include new instruments and tools that can effectively ensure that countries of origin maintain their rights to their genetic resources, that the advantages resulting from these resources are equally shared, and, more significantly, that the indigenous people making intellectual efforts are adequately covered. Where Indian legislation is not contrary to international treaties at the same time, Indian people such as farmers should not be ignored who, through agriculture, provide the country with economic development. The defense of the trademark today in the world has been skewed in favor of merchants who purchase the produce of the Farmer. Farmers must still obtain their well-earned rights, benefits, and rewards, as well. If it is planned and produced so that farmers can label their products and reap the benefits of their labor and innovation, farmers and other innovators can produce more productive and better goods.