



The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001

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INTRODUCTION

Indian legislation is not only in conformity with International Union for the Protection of New Varieties of Plants (UPOV), 1978, but also have sufficient provisions to protect the interests of public sector breeding institutions and the farmers. Therefore, The Government of India enacted “The Protection of Plant Varieties and Farmers’ Rights (PPV &FR) Act, 2001” adopting *sui generis* system. To implement the provisions of the Act the Department of Agriculture and Cooperation, Ministry of Agriculture established the Protection of Plant Varieties and Farmers’ Rights Authority on 11th November, 2005.

The PPV&FR Act was passed in year 2001 while rules were officially finalized in year 2003. Interestingly, the implementation of this act came in to force in year 2005 by the Statutory Body. The first variety so registered under this act was in year 2009.

PPV&FRA grants rights to Breeders, Researchers and farmers. Breeders will have exclusive rights to produce, sell, market, distribute, import or export the protected variety. Breeder can appoint agent/ licensee and may exercise for civil remedy in case of infringement of rights.

Researcher can use any of the registered variety under the Act for conducting experiment or research. This includes the use of a variety as an initial source of variety for the purpose of developing another variety but repeated use needs prior permission of the registered breeder.

Farmers’ Rights under PPV&FRA, 2001

A Farmer who has evolved or developed a new variety is entitled for registration and protection in like manner as a breeder of a variety. A farmer can save, use, sow, re-sow, exchange, share or sell his farm produce including seed of a variety protected under the PPV & FR Act, 2001 in the same manner as he was entitled before the coming into force of this Act provided farmer shall not be entitled to sell branded seed of a variety protected under the PPV&FR Act, 2001.

Some key points of farmers' rights under PPV&FRA, 2001 are given below;

- Farmers variety can also be registered as an extant variety;
- Farmers are eligible for recognition and rewards for the conservation of Plant Genetic Resources of land races and wild relatives of economic plants;
- There is also a provision for compensation to the farmers for non-performance of variety under Section 39 (2) of the Act, 2001 and,
- Farmer shall not be liable to pay any fee in any proceeding before the Authority or Registrar or the Tribunal or the High Court under the Act.

Objectives of the PPV & FR Act, 2001

Objectives of the PPV&FRA, 2001 are as follows;

1. To establish an effective system for the protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants.
2. To recognize and protect the rights of farmers in respect of their contributions made at any time in conserving, improving and making available plant genetic resources for the development of new plant varieties.
3. To accelerate agricultural development in the country, protect plant breeders' rights; stimulate investment for research and development both in public & private sector for the development of new plant varieties.
4. Facilitate the growth of seed industry in the country which will ensure the

availability of high quality seeds and planting material to the farmers.

General functions of the Authority

PPV&FR Authority has a chairman/chairperson, who is the chief executive. Besides the Chairperson, the Authority has 15 members, as notified by the Government of India (GOI). Eight of them are ex-officio members representing various Departments/Ministries, three from SAUs and the State Governments, one representative each for farmers, tribal organization, seed industry and women organization associated with agricultural activities are nominated by the Central Government. The Registrar General is the ex-officio Member Secretary of the Authority.

The general functions of the authority are as follows:

- Registration of new plant varieties, essentially derived varieties (EDV), extant varieties;
- Developing DUS (Distinctiveness, Uniformity and Stability) test guidelines for new plant species;
- Developing characterization and documentation of varieties registered
- Compulsory cataloging facilities for all variety of plants
- Documentation, indexing and cataloguing of farmers' varieties
- Recognizing and rewarding farmers, community of farmers, particularly tribal and rural community engaged in conservation, improvement, preservation of plant genetic resources of economic plants and their wild relatives
- Maintenance of the National Register of plant Varieties
- Maintenance of National Gene Bank