

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE AND FARMERS WELFARE
DEPARTMENT OF AGRICULTURE, COOPERATION AND FARMERS WELFARE

LOK SABHA
UNSTARRED QUESTION NO. 474
TO BE ANSWERED ON THE 25TH JUNE, 2019

INDIGENOUS FARMING COMMUNITIES

474. SHRI M.K. RAGHAVAN:

Will the Minister of AGRICULTURE AND FARMERS WELFARE कृषि एवं किसान कल्याण मंत्री be pleased to state:

- (a) whether the Government is aware that the customary rights of indigenous farming community are disregarded due to the TRIPS and UPOV;
- (b) if so, whether the Government is aware that PepsiCo is attempting to sue farmers for developing a particular variety of potatoes which will lead to rendering ownership claims of farmers subordinate to corporate breeders' rights; and
- (c) if so, the action taken by the Government to protect the rights of the traditional farmers over corporate breeders by amending the IPR provisions?

ANSWER

MINISTER OF AGRICULTURE AND FARMERS WELFARE

कृषि एवं किसान कल्याण मंत्री (SHRI NARENDRA SINGH TOMAR)

(a) to (c): Government of India enacted the Protection of Plant Varieties and Farmers' Rights Act in 2001 in compliance with Article 27(3) b, Part II of TRIPs agreement, to establish an effective system of protection of plant varieties and farmer's rights. Moreover, India is not a member of UPOV.

Government of Gujarat informed that the PepsiCo has filed cases against the nine farmers from Sabarkantha and Aravalli districts of Gujarat for growing and selling of their registered potato variety FC 5 (FL 2027) under the Protection of Plant Varieties and Farmers' Rights Act, 2001 without their permission. The Commercial Court of Ahmedabad issued the summon to the farmers' restricted these farmers for uses of potato variety FC 5 (FL 2027) till 12th June, 2019 and granted interim relief to the PepsiCo. Due to Government intervention, the PepsiCo withdrew the cases unconditionally, with no orders as to costs against potato growing farmers.

The Protection of Plant Varieties and Farmers' Right Act, 2001 has already ensured that the farmers interest is fully protected under the Farmers Rights under Section 39(iv), where the farmers have the right to save, use, sow, re-sow, exchange, share or sell the farm produce from the protected variety under this Act in the same manner as he was entitled before the coming into force of this Act provided that the farmer shall not be entitled to sell branded seed of a variety protected under this Act.
