

# A Case Study Relating to the Realization of Farmers Rights to Non-Patented Variety of Seeds in India

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Report  
Submitted by

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## ACRONYMS

CBD Convention on Biological Diversity  
CSIR Council for Scientific and Industrial Research  
FAO Food and Agricultural Organization of the United Nations  
FRs Farmers' Rights  
GDP Gross Domestic Product  
ICAR Indian Council of Agricultural Research  
IPRs Intellectual Property Rights  
ISAAA International Service for the Acquisition of Agri-biotech Applications  
MSSRF M S Swaminathan Research Foundation  
MNC Multinational Corporation  
NAARM National Academy of Agricultural Research Management  
NBA National Biodiversity Act  
NCAP National Centre for Agricultural Economics and Policy Research  
NBSAP National Biodiversity Strategy and Action Plan  
NBPGR National Bureau of Plant Genetic Resources  
NGO Non-governmental Organization  
NIF National Innovation Foundation  
PPVFR Protection of Plant Varieties and Farmers' Rights Act  
PVP Plant Variety Protection  
RFSTE Research Foundation for Science, Technology and Ecology  
SAS Situation Assessment Survey of Farmers  
SRISTI Society for Research and Initiatives for Sustainable Technologies  
SAI Seed Association of India  
TRIPs WTO Agreement on Trade Related Aspects of Intellectual Property Rights  
TBGRI Tropical Botanic Garden and Research Institute  
UNCTAD United Nations Conference on Trade and Development  
UPOV International Convention for the Protection of New Varieties of Plants  
WIPO World Intellectual Property Organization  
WTO World Trade Organization  
ICRISAT International Crops Research Institute for Semi-Arid Tropics  
G.P Gram Panchayat  
SAHUKARS Money lenders

## ABSTRACT

India is among the first countries in the world to have legislated on Farmers' Rights which came into effect as Protection of Plant Varieties and Farmers' Rights Act in 2001 to protect the intellectual property rights of plant breeders and to stimulate investments in research and development of new plant varieties. India's experience in the wake of its international contribution to the negotiations on farmers' rights, the expertise in the field of bio-diversity and agriculture in India has augmented her to take a lead role in implementing these rights. This article presents few case studies on farmer's rights. The approach is a focussed participatory research in action (PLA), also called Participatory Research Analysis (PRA). The Micro-research will be a Case Study in two villages using an evaluative methodology. These case studies provide a success story and an overview of farmers' rights in India that arrays opinion of over forty stakeholders (marginal farmers) on the prospects of the realization of farmer's rights.

## **CHAPTER - 1**

### **INTRODUCTION**

By success stories we mean projects or activities that have resulted in substantial achievements with regard to one or more of the suggestions for the realization of Farmers' Rights addressed in the International Treaty as well as in the national legislation on farmers' rights. These projects or activities are not necessarily 'perfect'. The problems or challenges encountered on the way can also stand as lessons from which others can learn. The main criterion is that significant achievements have been made, and that these can provide inspiration for others.

The Farmers' Rights movement has witnessed a long and chequered history. India's ability to be one of the first countries in the world to forge a national legislation on Farmers' Rights is a significant landmark. The Indian case provides important lessons for other countries in establishing Farmers' Rights, and demonstrates the complex and contentious issues that must be tackled to implement Farmers' Rights. The fact that agreement on defining and implementing Farmers' Rights has not emerged in India, even after establishing a law on Farmers' Rights, should serve as a signal internationally that establishing legislations is insufficient. A global mechanism is urgently required to promote some level of consensus on defining and implementing Farmers' Rights. Attention must now turn to the brass tacks of how to achieve Farmers' Rights. The political and strategic gains of defining Farmers' Rights as IPR type rights must be accompanied by measures to ensure economic benefits by focusing on Farmers' Rights as development rights. Farmers' Rights must also incorporate mechanisms to promote access and sharing of resources rather than only ownership rights. Farmers themselves must be seen as important stakeholders in policy making (A. Ramanna, 2006).

## CHAPTER - 2

### REVIEW OF LITERATURE

Much of the spectacular successes in ‘Plant variety development’ cannot be viewed as an isolated event, but as a series of historical events, credited to an unknown number of pre-breeders. A vast majority of the pre-breeders preserved the old and traditional agro-ecosystem, which domesticated and enriched most cultivated species of economic importance. The need for recognizing such ‘informal innovations’ led to the development of the concept of “Farmer’s Rights” in Food and Agriculture Organization (FAO) era. “Farmer’s Rights” is a concept which has been developed and adapted in FAO as a resolution and endorsed by all member countries. It recognizes the fact that farmers and rural communities have greatly contributed to the creation, conservation, exchange and knowledge of genetic and species utilization of genetic diversity; that this contribution is on-going and not simply something of the past; and that this diversity is extremely valuable (Swaminathan, eds., 1992, p.286).

The Biodiversity Convention signed by the Heads of over 150 governments at Rio de Janeiro in June 1992 has helped to articulate the growing global concern for saving and sharing the genetic wealth of our planet. The main objectives of the Convention were the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits.

#### *A. Farmers’ Rights and Development Policy*

In the beginning, concern over technology transfer has been primarily to technological and economic spheres for development of the rural people. National Extension era came into existence on Oct 2, 1953 and the entire country was covered by 1963 with community development projects. In the next stage, the emphasis was laid on increasing agricultural production through the Intensive Agricultural District Programme (IADP, 1960) and Intensive Agricultural Area Programme (IAAP, 1964). The launching of High Yielding Varieties (HYV) programme in 1966 was the major plan of new agricultural strategy under the Fourth Five Year Plan.

Other micro-level programmes included Small Farmers Development Agencies (SFDA) and Marginal Farmers and Agricultural Labourers Agencies (MFALA) in 1970-71 with the realization that an increase in GDP or in per capita income was not always likely to reach the poor. Apart from these, the Minimum Needs Programme (MNP) was also taken up to improve the quality of life of the rural poor. Specific Area Development Programmes such as Drought Prone Area Programme (DPAP, 1947) and Desert Development Programme (DDP, 1977); Integrated Rural Development Programme (IRDP), National Rural Employment Programme (NREP) and Jawahar Rojgar Yojna (JRY) and MGNREGS, 2005 are some of the schemes adopted to the local needs of a diverse country like India.

#### *B. Development Policy on Seeds*

Even though efforts were made in India since 1928 for production and distribution of good quality seed for increasing productivity of crops, the major growth in seed industry took place with the announcement of

new seed policy i.e., New policy on Seed Development, 1988 by the government of India. To meet the requirements of processing and storage of seeds, under the World Bank assistance; National Seed Project (NSP)- phase I, 2 and 3 were implemented from 1976 to 1996. Under the 1st and 2nd phases, State Seed Corporations and State Seed Certification Agencies were established and quality seed to meet the requirements of the country. Under phase 3, assistance was given to private sector seed organizations also. To examine the seed production, marketing and quality control aspects etc, marketing and quality control aspects, etc, “Seed Review Team” was established in 1967. Similarly an “Expert Group on Seeds” was constituted in 1987 to review the entire seed sector and to give suggestions to Government of India to produce quality seed to meet the requirements in the country.

The Target for seed supply for the terminal year of Tenth Five Year Plan (2006-07) was fixed at 148.75 lakh qtls. The food grain production has increased from 50.82 million tons in 1950-51 to 212.0 million tons in 2001-02. The usage of certified, quality seed had increased from 1.83 lakh in 1953-54 to 130.0 lakh qtls in 2004-05. The country needed about 285.7 lakh qtls of quality seeds by 2016-17 as compared to the supply of 148.8 lakh qtls of all major crops.

**Pilot Scheme on Seed Crop Insurance (PSSCI)** was introduced from rabi 1999-2000 season to protect seed breeders /growers in the event of failure of seed crops. The scheme is currently in operation in the States of A.P , Punjab etc. covering seed crops of paddy , wheat , maize, jowar , bajra , gram , red gram , groundnut , soybean, sunflower and cotton in addition to National Agricultural Insurance Scheme (NAIS) covering breeder/ foundation and certified seeds of all major crops.

**National Seeds Policy, 2002** provides the framework for growth of the seed sector. It seeks to provide the farmers with a wide range of superior quality seed varieties and planting materials. To meet India's obligation under TRIPs Agreement of the WTO, the Protection of Plant Varieties and Farmers' Rights Act, 2001 was enacted A Draft Seeds Bill has been formulated to replace the Seeds Act, 1966. The Bill provides for compulsory registration of seeds on the basis of their performance, deregulation / decontrol of seed industry/ processing units and imposition of more stringent penalties to check the sale of spurious seeds.

The High Level Task Force on Agriculture-Related Applications of Biotechnology under the chairmanship of M.S. Swaminathan has submitted the report formulating a long-term policy on agro-biotechnology to the government. To encourage export of seeds, the procedures for seed exports have been simplified. Seeds of privately developed varieties will be allowed to be exported freely subject to the provisions of the EXIM Policy (2002-07). Lauding the achievements of Indian agriculture, the Government of India (Economic Survey, 2001-02, p.166) observed, “ Technology led development in agriculture has made India self-sufficient in food grains and a leading producer of several agricultural commodities in the world. The Green revolution in crops, Yellow revolution in oil seeds, white revolution in milk production, blue revolution in horticulture bear an ample testimony to the contributions of agricultural research and development efforts undertaken in the country. The Primary focus of National Policy on Farmers, 2007 is on ‘Farmer’ defined holistically and not merely on agriculture.

### C. National Achievements in Seed Industry

There are several significant achievements relating to breeding crops either genetically higher in productivity or processing resistance to various biotic and abiotic stresses (ICAR, 1989, p.35-78) and to name a few, India stands first in the World to commercialise “Hybrid-Cotton H-4”. This was followed by other inter-specific hybrids such as “Varalakshmi”, DHC 32 etc. India is also the first country to produce Hybrid Castor and Hybrid Pigeon Pea (in collaboration with ICRISAT) and the advance made in Hybrid maize are in no way less significant than elsewhere in the world. The Indian Seed Act came into being in 1966 and the release and notification of varieties started in 1969. Since then, 1,937 varieties of different crops, commodities have been notified. Out of these, 115 varieties have been considered obsolete and been denotified. But the 1,822 varieties provide ample option to the farmers to select the right kind of varieties for enhancing their crop yields and minimizing also the risk under rain-fed cropping systems.

Andhra Pradesh has become the lead state in seed production with 440 national and multi-national companies in operation, out of 600 companies in the country, producing and supplying nearly 65% of the national seed requirements and thus has become virtually the “Seed State of India” and Hyderabad the “Seed Capital” of Andhra Pradesh. In A.P which has got about 400 seed companies registered with A.P Seedsmen Association companies (APSMA) are dealing only in Rice, producing and distributing Public Rice Varieties developed by Acharya N G Ranga Agricultural University (ANGRAO, Hyd.) and other Universities /Institutes.

When the issue of non-availability of production and distribution of subsidy to the private sector on the seeds of cereals, pulses and oil seeds was raised by the Indian Seed Industry Association (INSIA), the Government of India has responded favourably by consenting to provide subsidy to private sector also subject to pricing the seeds at par with National Seeds Corporation (NSC). This landmark declaration by the GOI resulted in more participation of the private sector in the Low Value and High Volume Crops enhancing the scope for Public-Private Partnership (P3/PPP) in Indian Seed Industry. The private sector seed industry in India is growing appreciably. The share of private sector in seed production is increasing whereas that of public sector is decreasing. In fact, the private seed supply has overtaken the seed sourcing from public sources (Table i)

### D. Changing Shares of Private and Public Sectors in Seed Production in India

YEAR	SHARE IN SEED PRODUCTION (%)	
	Private	Public
2004	49.11	50.89
2005	58.00	42.00
2006	57.75	42.25

Source: GOI, Planning Commission, Eleventh Five Year Plan (2007-12), vol.III, p.17.

We are particularly looking for **success stories from the farmers** that tell about:

1. Policies or Initiatives enabling farmers to save, use, exchange, and sell farm-saved seed;
2. Projects or Initiatives on Traditional knowledge related to plant genetic resources for food and agriculture—such as projects documenting traditional knowledge to be shared among farmers in order to avoid loss of such knowledge;
3. Benefit-Sharing Measures – such as national-level funding mechanisms that support farmers in conserving and using plant varieties in a sustainable manner.
4. Indigenous Technologies developed by the farmers in the localized conditions in conserving and using plant varieties in a sustainable manner.

#### *E. Preliminary Draft Questions*

What are the successes involved? Why they can be termed successes? We will then ask what the main achievements were and seek to get an idea of the number of farmers affected. We will also ask how the achievements affected the management of plant genetic resources for food and agriculture. As a next step, we will look into the reasons for the successes, as well as the barriers encountered. In particular, we will ask whether legislation in the country affected the success in any direction. We will also seek to find out whether other projects or activities served as models or inspiration. Finally we will try to elicit important lessons for others.

#### *F. Hypothesis*

*“It is possible to take steps by the farmers themselves to ensure Farmers’ Rights to Seeds while still complying with National and International Obligations”.*

#### *G. Need for the study*

- It is hoped that these stories will contribute to the work of the Governing Body of the State to constitute a mechanism under the National Policy for Farmers on how to implement Farmers’ Rights.
- Inspire further national and local-level efforts to promote and realize these rights.
- To provide a short overview of existing national initiatives and experiences for *sui generis* plant variety and traditional knowledge protection.
- To review and identify possible components and elements for *sui generis* systems of plant variety.
- To establish linkages between formal rights and protection systems (e.g. PVP systems, legal protection of farmers’ rights), and informal systems such as customary farmer practices of seed exchange;
- To identify options for protection and promotion of informal plant innovation systems, including domestic and local plant varieties.

#### *H. Micro-Research*

The Micro-research will be a Case Study in two villages using an evaluative methodology. Participant Observation, SWOT analysis, and RRA techniques (Focussed Group Discussions) were employed throughout the field work. An Interviewing structured Questionnaire (adopted from The Fridtjof Nansen



Institute ([www.fni.no](http://www.fni.no)) in Norway) was administered to the random selective sample of 47 primary stakeholders (farmers) from the selected villages. Wherever the data permitted statistical analysis was done to draw inferences. Dev info ver. 6.0 D16 and Project Management and Smart Sheet (Harwin Smart Sheet) tools have been used.

### *I. Collection Of Data*

Primary data was collected from the selected villages in Veeragattam Mandal of Srikakulam District of A.P in India. Secondary sources of information were relied upon for the purpose of remaining focused in the area of research as well as in drawing inferences wherever applicable.

### *J. Overview of Research*

India's law is unique in that it simultaneously aims to protect both breeders and farmers. The study is a humble attempt to analyze the achievements, barriers and limitations of States' approach to the realization of farmers' rights. India has framed a unique legislation and a national policy for farmers, but still faces the task of implementation. This research should serve as a signal nationally and internationally that establishing legislations and policies on paper is insufficient to effectively promote Farmers' Rights. A national mechanism is urgently required to promote some level of consensus on defining and implementing these vital rights to protect their livelihoods, secure their access to resources, protect their rights to seeds, and, above all, lift them above poverty.

The hypothesis analyzed is that:

*“It is possible to take steps to ensure Farmers' Rights to seeds by the farmers themselves while still complying with National and International Obligations until a suitable Implementation Authority is constituted for the purpose.”*

Some 28 marginal farmers of Nadukuru village had participated in the focused group discussion conducted at Gram Panchayat Building of Veeragattam Mandal on 11th may, 2012. The farmers were appraised to discuss and answer all the relevant questions pertaining to farmers' rights to seeds so that their aspirations could be well documented in the report. The Panchayat Secretary and the Village Revenue Officer of the G.P were present as the co-facilitators of the Group Discussion.

One of the farmers out rightly said that they had lost faith in such *saddassus* meaning public meetings but when they were informed that the Mandal Parishad Development Officer (MPDO) of Veeragattam is going to conduct the meeting, they consented to attend it. The reason, they mentioned was that, the 'Rythu Saddassus Programme' is held yearly once, and it does not actually address their problems; especially the issues of insurance claims, poor quality of seeds provided by the Agriculture Department, the complaints relating to arbitrary market-pricing of the food grains by the Sahukars (businessmen). The general complaint was that the sahuikars were not obliging to the price rate fixed as per rules and notified displayed by the Mandal Revenue Officer (MRO) of the Mandal.

The farmers showed their open vexation towards the government laxity in protecting the farmers' rights. They said suitable mechanisms should be in place so that the farmers could realize their rights guaranteed under the national legislations and policies. Successful examples of implementing Farmers' Rights, it appears, are limited. Most of the stakeholders revealed that they were not aware of any success stories. Farmers were asked about government or NGO programs that they found particularly beneficial. The reaction was quite negative in that many of them stated that there was no real help from any agency. Few farmers mentioned that subsidies granted by the government for Sprinklers and Drip Irrigation Schemes were beneficial. However, others stated that they had not been able to avail of the subsidies or had no information about subsidy schemes. Various farmers mentioned that though subsidies exist, the benefits are claimed by the middlemen and do not reach the farmers. They felt that government programmes are good but they are not reaching the farmer because the middlemen are deriving the benefits. They said that fertilizer subsidies are utilized by the shop-keepers rather than the farmers. They expressed their dissatisfaction as to the quality of seeds supplied to them and often they do not receive them in time which affects the grain production.

When asked what sort of seeds they are using for their agriculture. They said, "Swarna", RGL, Foundation seeds provided by the Department are being used by them in raising crops. The '1001' variety of rice is found to be the most popular seed variety of the farmers in the area. The farmers usually make a demand for its supply. The question remains as to the existence of any pro-active measure taken by the government or NGOs in supplying new and better varieties of seeds more suitable to their lands.

The agriculture is mainly done using traditional methods of ploughing the fields with the help of livestock. Agricultural labour is available in large numbers which provides an informal system of employment generation for the village population.

***Story of Success of S. Thurupathi Rao (Farmer):*** - There is an interesting case study of Sri. S Thirupathi Rao, the only farmer in the entire village who had adopted a new variety of rice supplied by the Arize Company of "4433" Hybrid variety of '1001' ( Barreck Co). He said that even though, he could grow 27-35 more bags for the same quantity of seeds as compared to the ordinary 1001 variety of rice grown by others, he is upset about the brittleness of the food grain which has lowered its marketability. Since farmers' societies are not present to take up his case, he is forced to sell his produce at a much lower price fixed by the sahkars of the mill, even though his food grains are of superior quality. The farmer is really happy about the food grain production in his land after the introduction of the new hybrid variety.

Sri. S.Thirupathi Rao holds a promise for innovations that he consented to adopt new technologies in food grain production by selecting a new hybrid variety of rice unlike others who were practicing the homogeneous variety throwing themselves at risk to pests and diseases. Better marketing and transport facilities with the help of Government/ NGOs/ Private Agencies could have made a remarkable difference to his earning capacity. Unfortunately, his successful attempt in diversifying the crop yield is not sending a good signal to the farmer communities and they are shying off in using the latest and beneficial technologies meant for increased production of food grains. Each farmer must take the initiative to select a particular variety of seed suitable to his soil climate. Only a raise in income of the farmer can create a difference for him to take up decisions independently and confidently relating to the farm activities. The recommendations

under the National Policy for Farmers 2007, is primarily intended to achieve this end. The proper implementation of which will make many more farmers to thrive in their livelihoods.

**Success Story of V. Srinivasa Rao, another farmer** from the same village says, 90% of the seed requirement is met with the farm-saved seeds stored by him using the traditional methods and only 10% seeds are taken from the department which are often found to be of a lower quality. He said, therefore, he does not depend upon the government supply of seeds but saves his farm seeds for the next cropping. He says, he has been watching how the other farmers are suffering from the adulterated/spurious seeds supplied by the government departments. He had developed his own technique of saving the farm produce from every harvest. He claims that he has developed a slightly variant variety of rice in his own land by the repeated use of the farm-saved seeds and was quite enthusiastic about its documentation. He does not seem to be aware of the right of Benefit-Sharing. The farmers of Nadukuru village were very proud to say that their produce is exported to other Districts in A.P, Raygada district in Orissa, Karnataka, some parts of Maharastra and Tamil nadu.

Since only one Rice Mill was functional in the area, a suggestion was given to involve the participation of Women SHGs with the help of Bank Credit to open another Mill. This should ensure price stability to the farmers instead of selling at a lower price to the Sahukars (Money lenders) of the existing mill. The implementation of one godown per village as per the National policy for Farmers 2007 must change this scenario completely in favour of these farmers. As they need not sell their entire produce at a lower price due to lack of storage facilities in the village.

**Vikrampuram Village:** - 19 marginal farmers attended the focused group discussion held at Gram Panchayat Building in the presence of the husband of the ex-Sarpanch of the Gram Panchayat. The Panchayat Secretary and the Village Revenue Officer were present to co-facilitate the session on 12th May, 2012. Vikrampuram village is known for its high literacy rates. The farmers were quite formal in their speech and they addressed their problems in a more refined manner. Vikrampuram village is blessed with many water channels and therefore, the villagers are wealthier than their counterparts at Nadukuru village. The Discussion was mostly centered on the low pricing rates by the sahkukars, adulterated /spurious seeds, fertilizers and manures were of poor grade supplied by the agricultural department. One farmer complained that due to the laxity of the Agriculture Officer of the Mandal, the indent was not made in time and as a result of which the farmers of this Mandal had missed important benefits (subsidies) that were to accrue to them under the scheme. This region which is contiguous with Nadukuru village uses IL64, 1001, Mussourie, RGL, foundation seeds supplied by the government departments. 6444 Arize (1001Variety) was introduced by one farmer also in the village. He says in the first year the yield was 100%, whereas the harvest was very low the next year. The farmer himself analyses the problem and tells us that to get our confidence the private agencies supply good seeds and from the following year onwards one finds the quality of the seeds supplied deteriorating. The Act does not provide sufficient deterrents for eliminating the sale of spurious seeds. The private companies are taking advantage of this fact. Also, since they were terminator seeds (GURT- based seeds), the farmers had to depend on the supply of the mini-kits and also there is no guarantee as to the success in the quantity and quality of grain production.

The farmers are aware of the soil testing measures of the government, however they are skeptical as to the copy of the reports; which they say, never reach them once the official of the geological department leaves

their field. Though MGNREGS has provided a timely succor to the poor agricultural laborers but it is causing a hurdle to the farmers who find a scarcity of labour during on-seasons. There is no available figure for the overall loss of crop diversity in this area, however, it is evident that there is a loss of traditional varieties and the farmers depend upon the government supplied foundation seeds only.

*The important demands of the farmers of these two villages* were the release of water from the nagavali canal starting at Thotapalli village by July 1<sup>st</sup>; Grant of pots and seeds to the farmers for agricultural purposes; good quality seeds should be supplied by the government and the fertilizers should reach the farmers; farmer training programmes should be initiated etc.

It was noted by the farmers that they can take steps by organizing themselves into societies to address their problems and many of the barriers can be overcome by their participation in the local decision-making processes. The establishment of the Farmers' Rights Authority needs to be sorted at the State level therefore, till then the farmers need to sort out their problems in an amicable way and create a history of success stories in the improvement of plant varieties realizing their strengths as 'natural stewards' of the ecosystem.

India's ability to be one of the first countries in the world to forge a national legislation on Farmers' Rights is a significant landmark. The fact that agreement on defining and implementing Farmers' Rights has not emerged in India, even after establishing a law on Farmers' Rights, should serve as a signal internationally that establishing legislations is insufficient. The political and strategic gains of defining Farmers' Rights as IPR type rights must be accompanied by measures to ensure economic benefits by focusing on Farmers' Rights as Development rights. Farmers' Rights must also incorporate mechanisms to promote access and sharing of resources rather than only ownership rights. Farmers themselves must be seen as important stakeholders in policy making (A. Ramanna, 2006).

The research findings and the analysis are based on the questionnaire administered to the stakeholders at the two villages of Veeragattam Mandal of Andhra Pradesh in India.

### CHAPTER - 3

### RESEARCH FINDINGS

How important are the following aspects of Farmers' rights	Very Important	Important	Less important	Not important	No Response
A. Protection of Traditional Knowledge	94	6	0	0	0
B. Participation in Benefit-Sharing	49	47	0	0	4
C. In Decision-Making Processes	74	17	4	0	4
D. To Save , Use, Exchange & Sell Farm-saved seed	60	34	4	0	2

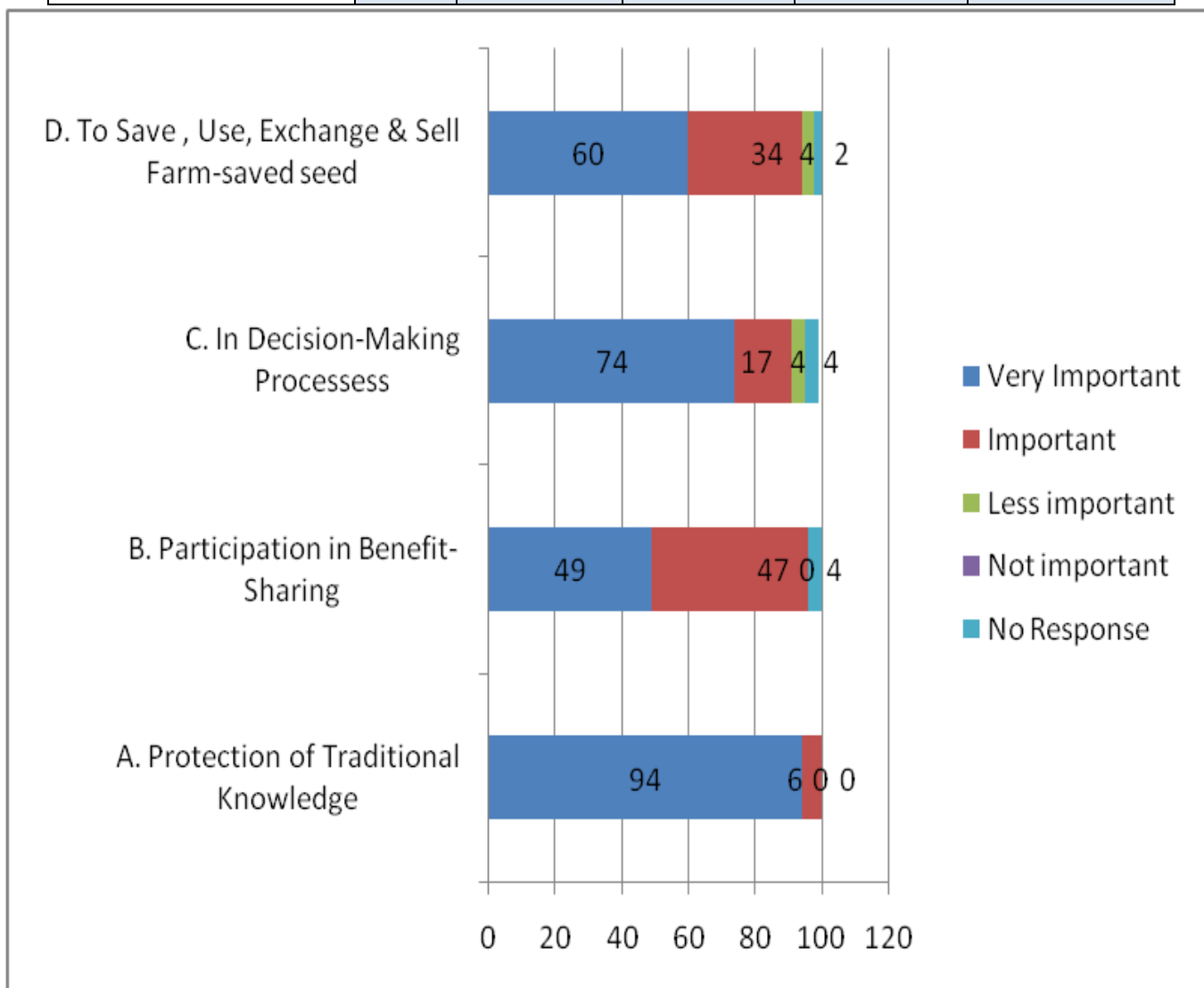


Table 2. What are The Major Achievements in Your Area With Regard to Farmers' Rights?

Farmers' Rights	Adopti on of conduc tive Law	Adoption of conducive Policy	Impleme ntation of conduci ve law policy	Govt program ming	NGOs Implement ed	Incre ased aware ness	othe r	No respon se
A. Protection of Traditional Knowledge	38	2	8	47	0	0	0	5
B. Participation in Benefit-Sharing	28	21	0	4	0	28	0	19
C. In Decision-Making Processess	19	21	2	4	0	6	30	18
D. To Save , Use, Exchange & Sell Farm-saved seed	77	4	0	4	0	0	0	15

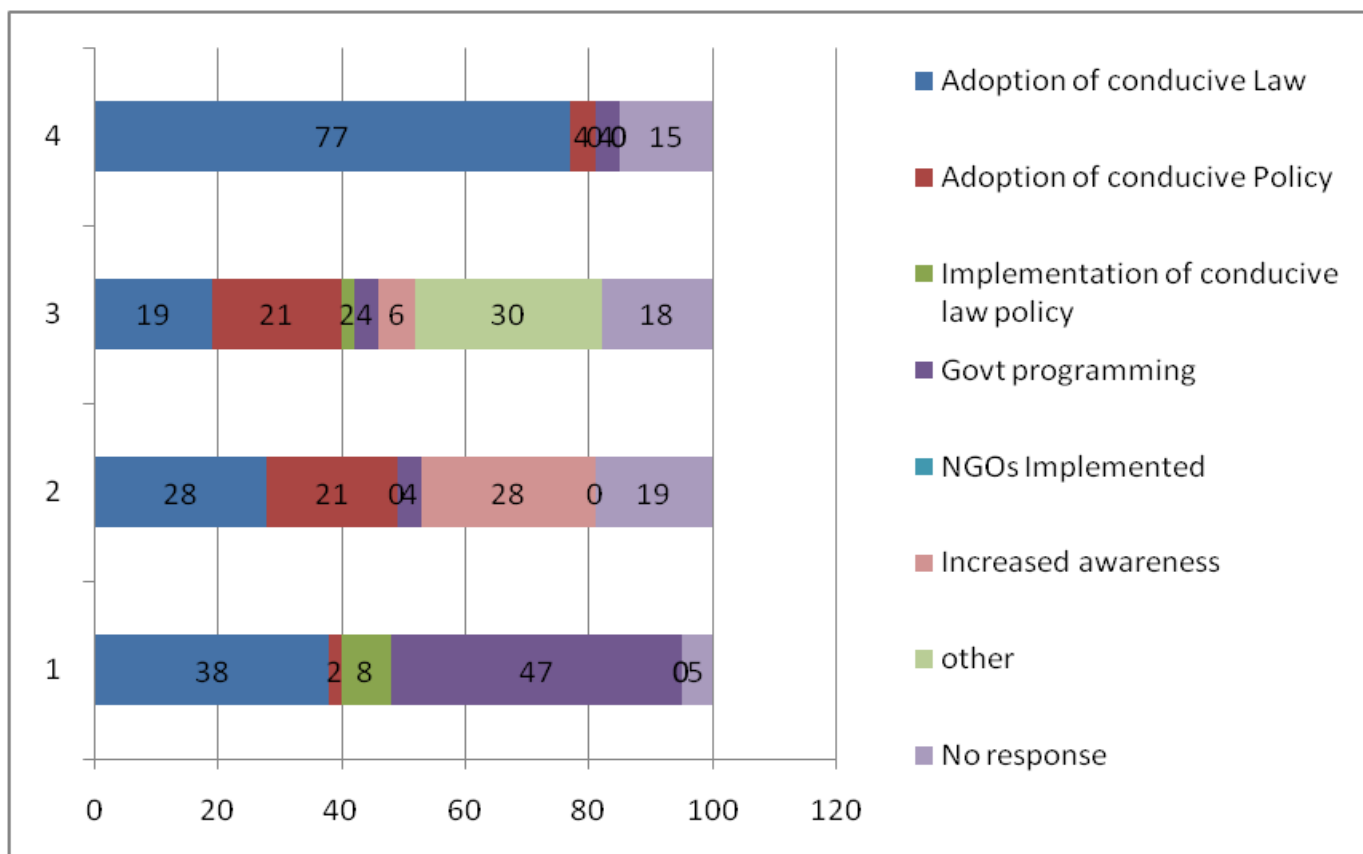


Table 3. Protection of Traditional knowledge relevant to Plant variety seeds

<p>What , in your view, is most important in order to protect traditional knowledge relevant to plant variety seeds in your area ?( Please choose as</p>	<p>A. To protect this knowledge against misappropriation</p>	<p>B. To protect this knowledge against disappearing</p>	<p>C. No response</p>
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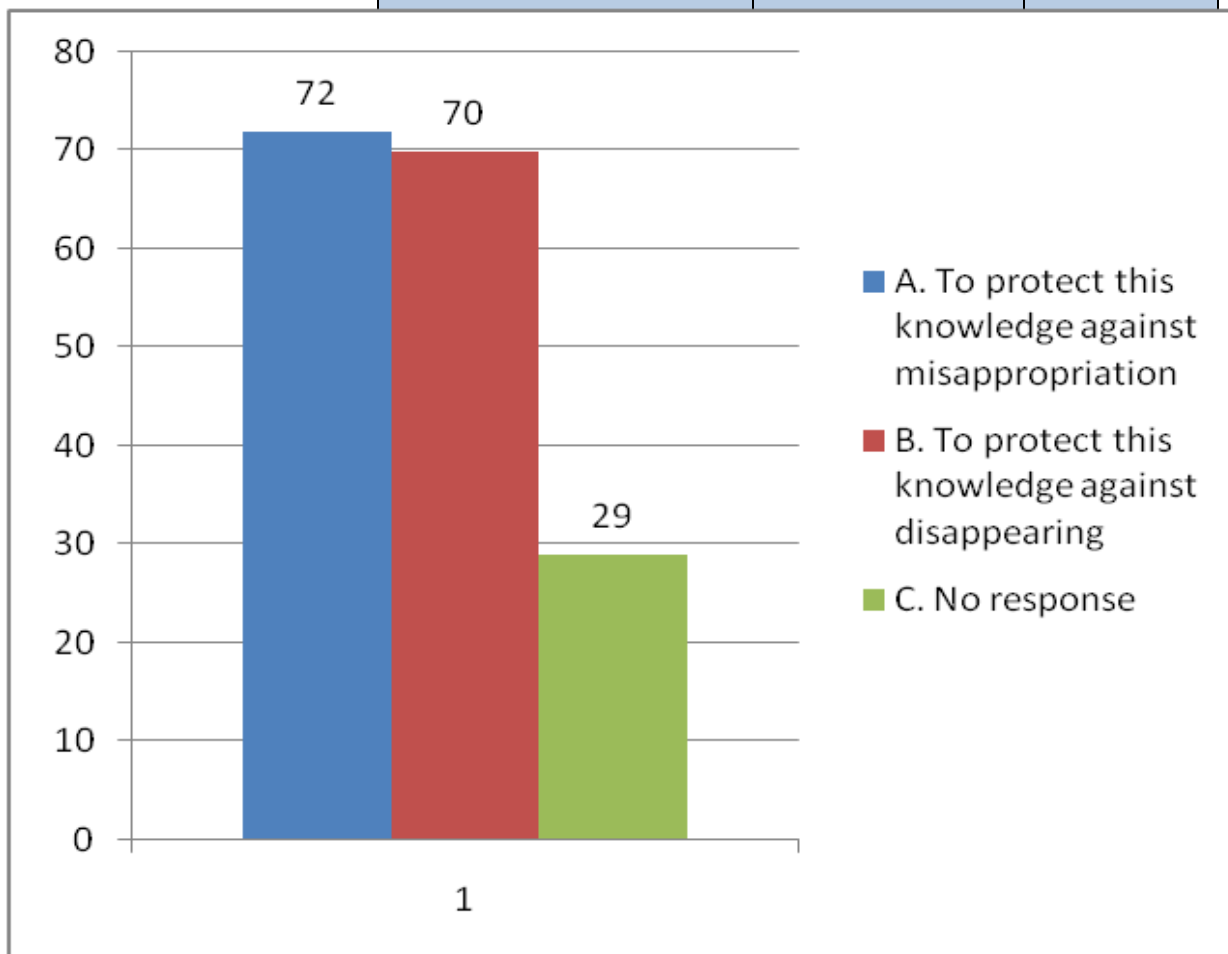
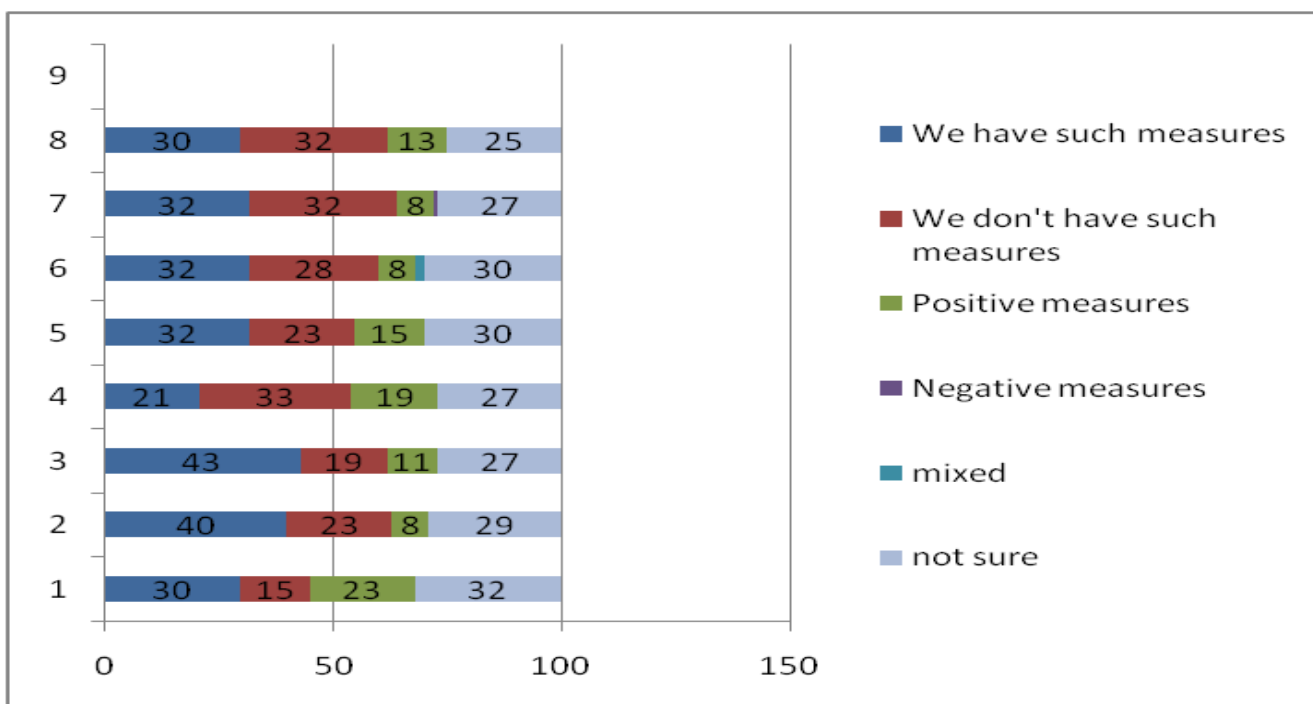


Table 4.

In your experience, which national measures affect the protection of traditional knowledge in your area?	We have such measures	We don't have such measures	Positive measures	Negative measures	mixed	not sure
Laws on protection of traditional knowledge	30	15	23	0	0	32
Laws on IPRs	30	15	23	0	0	32
Seed Laws	40	23	8	0	0	29
Other Laws	43	19	11	0	0	27
Policies / progs	21	33	19	0	0	27
Agricultural / relevant policies	32	23	15	0	0	30
Measures to document	32	28	8	0	2	30
Projects encouraging sharing of this knowledge	32	32	8	1	0	27
Other progs/ projects	30	32	13	0	0	25

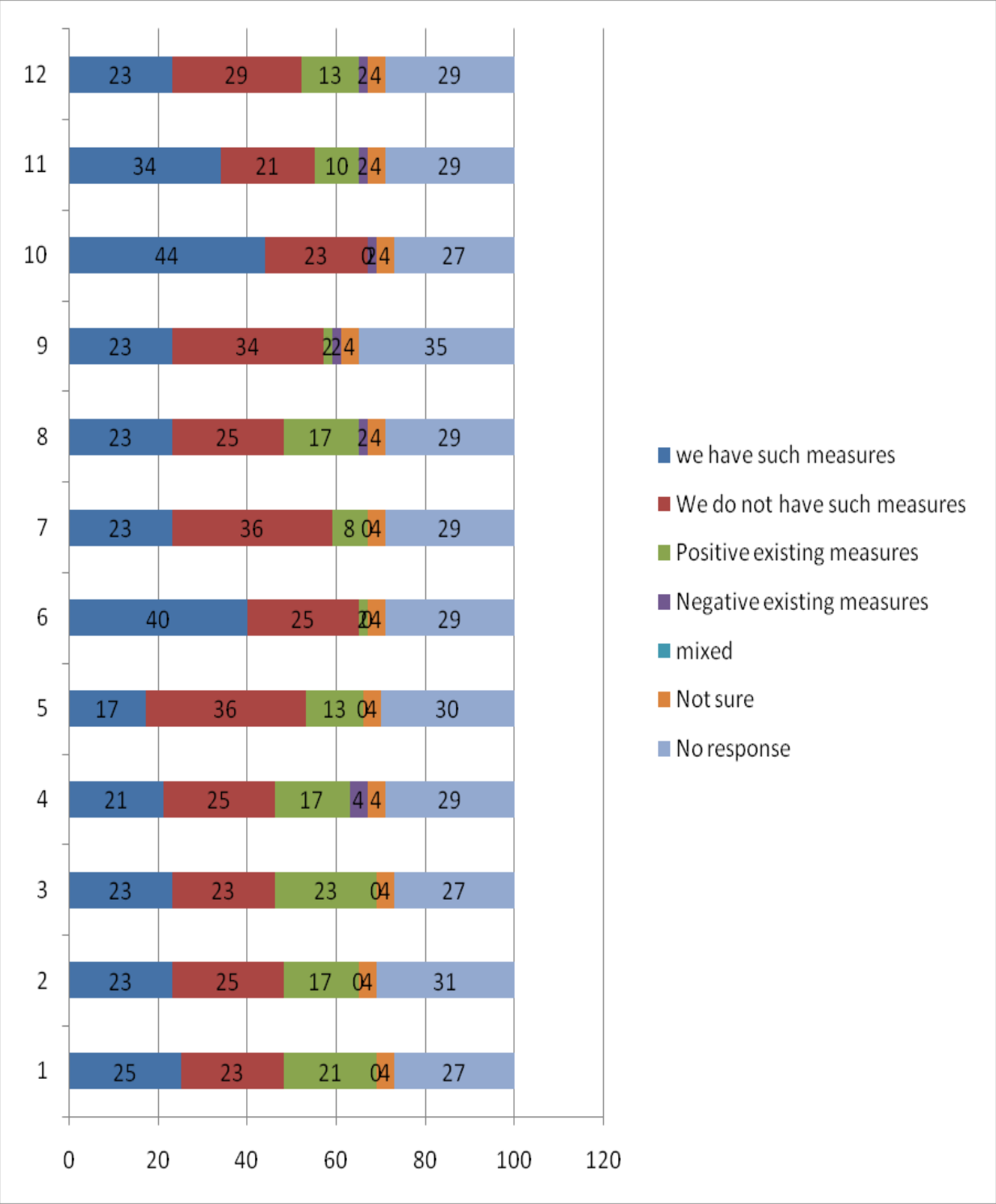




**Table 5. The Right of Farmers to Participate Equitably in the Sharing of Benefits Arising From the Utilization of Seeds**

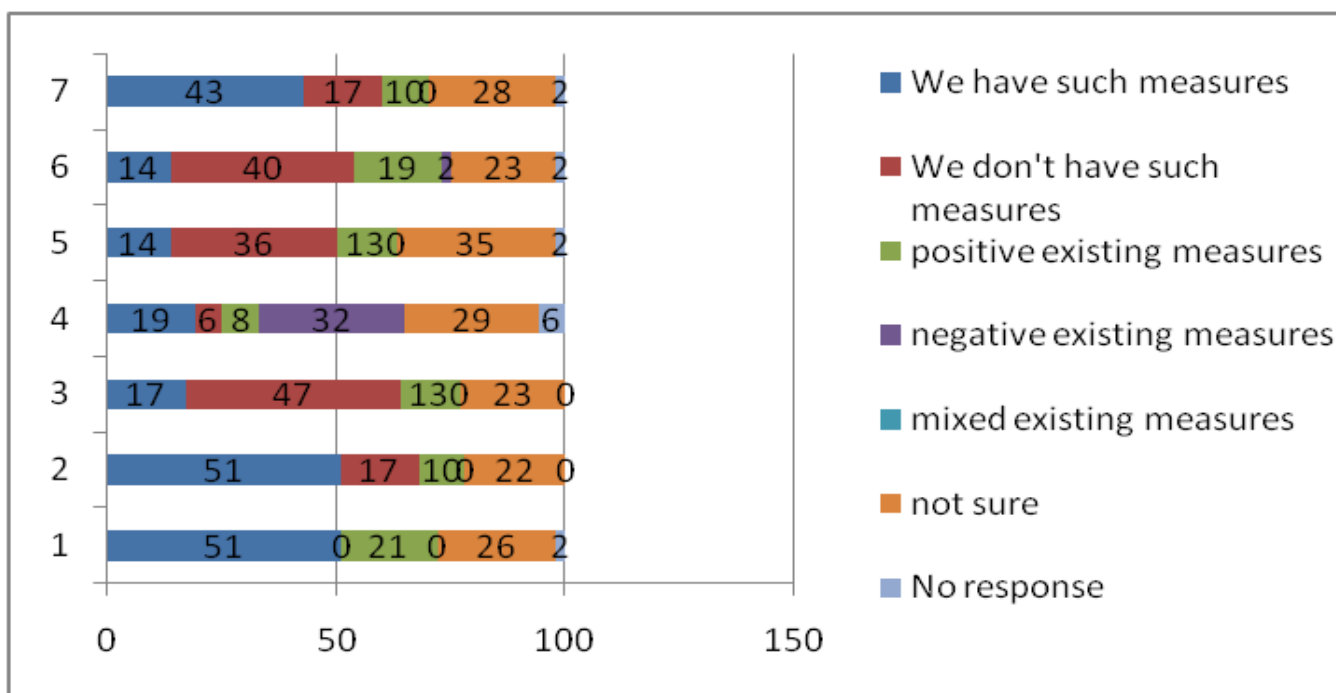
<b>Which national measures in your area affect the above rights</b>	<b>we have such measures</b>	<b>We do not have such measures</b>	<b>Positive existing measures</b>	<b>Negative existing measures</b>	<b>mixed</b>	<b>Not sure</b>	<b>No response</b>
<b>Right to benefit sharing is covered by law</b>	25	23	21	0	0	4	27
<b>National fund for benefit sharing in place</b>	23	25	17	0	0	4	31
<b>Financial support to diversity farming</b>	23	23	23	0	0	4	27
<b>participatory plant breeding projects</b>	21	25	17	4	0	4	29
<b>Community seed banks</b>	17	36	13	0	0	4	30
<b>Projects for marketing of diversity products</b>	40	25	2	0	0	4	29
<b>Capacity building for diversity farming</b>	23	36	8	0	0	4	29
<b>Capacity building for farmers' rights</b>	23	25	17	2	0	4	29
<b>Awards</b>	23	34	2	2	0	4	35
<b>Legislation on Plant Breeder's' rights</b>	44	23	0	2	0	4	27
<b>Patent Law</b>	34	21	10	2	0	4	29
<b>Agricultural policies and incentives in general</b>	23	29	13	2	0	4	29

**Table 6. The Right of Farmers to Participate Equitably in the Sharing of Benefits Arising From the Utilization of Seeds**



**Table 7. The rights of farmers to save, use, exchange and sell farm-saved seed and propagating material**

Which national measures in your locality affect the above farmers' rights	We have such measures	We don't have such measures	positive existing measures	negative existing measures	mixed existing measures	not sure	No response
Patent law	51	0	21	0	0	26	2
Plant breeders' rights legislation	51	17	10	0	0	22	0
variety release regulations	17	47	13	0	0	23	0
seed marketing regulations	19	6	8	32	0	29	6
seed fairs	14	36	13	0	0	35	2
seed exchange networks	14	40	19	2	0	23	2
Other projects/programmes	43	17	10	0	0	28	2



**Table 8: The Rights of Farmers to Participate In Making Decisions, At the Local Level, Regarding Seeds**

<b>National measures affecting the above rights</b>	<b>we have such measures</b>	<b>We do not have such measures</b>	<b>Positive existing measures</b>	<b>Negative existing measures</b>	<b>mixed</b>	<b>Not sure</b>	<b>No response</b>
<b>Legal right to participate is covered by law</b>	17	30	21	0	0	19	13
<b>Participation in relevant committees</b>	15	40	13	0	0	19	13
<b>Hearing procedures involving farmers' organizations</b>	10	38	19	0	0	19	14
<b>Decision - makers are trained in farmers' rights</b>	15	38	10	0	2	19	16
<b>Capacity building for farmers' rights</b>	23	28	15	0	0	19	15
<b>Facilitation of farmer activity / participation in major newspapers/ media</b>	15	36	10	2	0	19	18

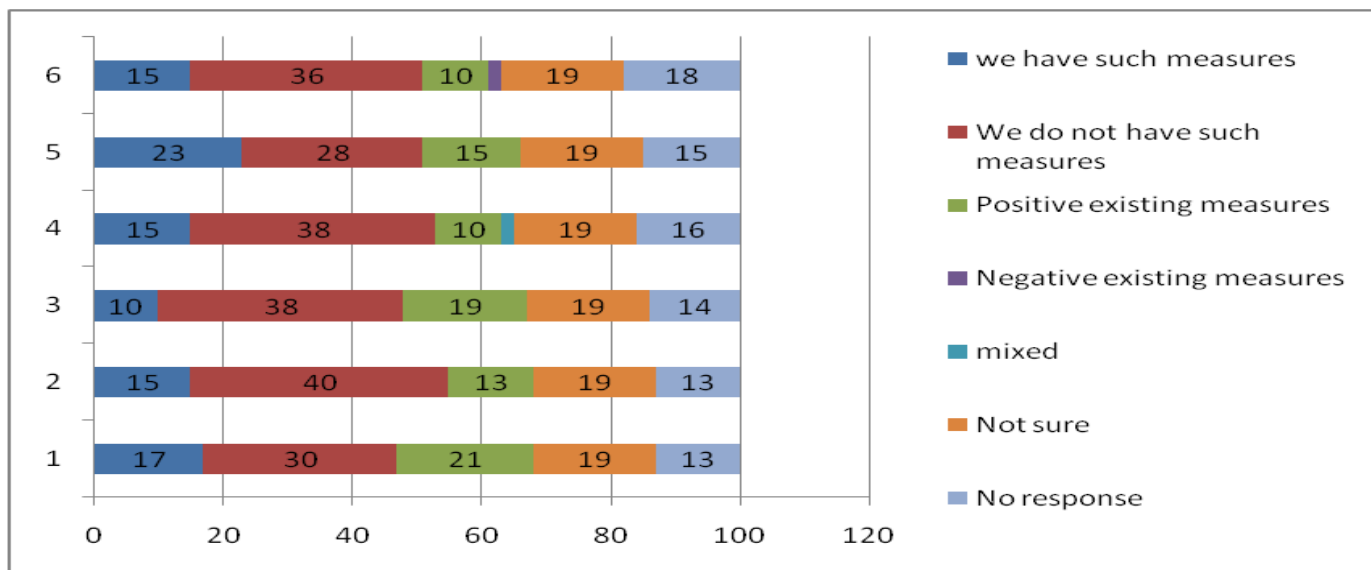
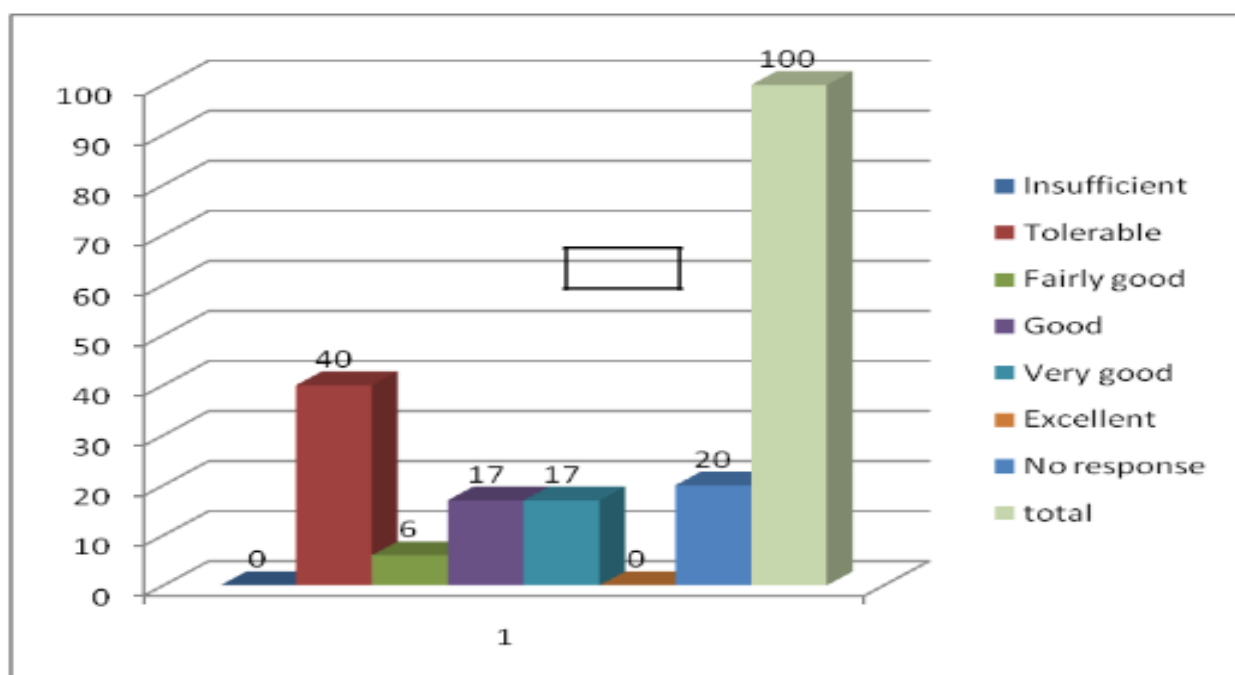


Table 9: Other views and Experience

**On a scale form 1 to 6, how would you rate the performance of your country with regard to the realization of Farmers' Rights? Please choose only one answer.**

Insufficient	Tolerable	Fairly good	Good	Very good	Excellent	No response	total
0	40	6	17	17	0	20	100



**TIMELINES**

Source: Lanke Balachandra Mauliswara Rao (Farmer)

Date : 11.05.2012

<u>Time zone</u>	<u>Cropping</u>
1900	Fear of using fertilizers, cow dung was used extensively Sugar cane, Groundnuts, Rice, Pulses, Bananas and Sweet- corn were major crops
1930	Fertilizers and New Varieties of Rice came into use, same crops were grown repeatedly.
1960	Not much change
1990	More usage of fertilizers, Crop medicine for more yield, increased water problems
2012	Although there is much water in the water reservoir, measures were not taken to release it due to some political influence. Dharnas were made in this regard before the District Collector's office. The estimate cost of the Canal project is Rs.70 millions and the tenders have been already called for, as per the reliable source the farmer said. Water is the main problem and if the arrangement for the release of water from the Nagavali canal is done, this part of Srikakulam will become another Punjab in terms of crop production. Agriculture is politicized unlike the earlier days. Water scarcity, lack of quality seeds, increased use of fertilizers, less number of crops grown as compared to earlier times, no government marketing facilities, only the sahumars buying the grains after every harvest are few constraints in the region.

## CHAPTER - 4

### RESEARCH FINDINGS AND ANALYSIS

#### Table 1. Farmers' Rights in General

A sample of 47 marginal farmers was selected randomly from two villages of Veeragattam Mandal of Srikakulam District, A.P for the purpose of study of the realization of farmers' rights to seeds that tells us about their success stories as regards to the adoption of new technologies, any initiatives, projects, policies reaching them; any new plant varieties developed by them through the traditional knowledge and other means; the level of their participation in the process of decision-making; their rights to save, sell and exchange farm-seed and finally their participation in Benefit-Sharing with the pre-breeders of the new varieties of seeds.

An interviewing questionnaire was administered to them to elicit their response about the various rights to which they are entitled.

94% of the sample said, it is 'very important' to protect traditional knowledge; 74% said their participation in decision-making processes is 'Very Important' because it relates to their livelihoods, more importantly to the production of food grains and as they are the primary stakeholders. 60% of the sample said it is a 'Very Important' to save, sell and exchange farm-saved seed and for which there should not be any kind of restrictions imposed by way of any law or policy. 49% of the sample said the right is important; only 4% of the sample said it is less important and it does not matter much to them whereas 4% of the sample chose not to respond.

#### Table 2. The major achievements with regard to the farmers' rights:-

87% of the sample said that the protection of traditional knowledge is possible because of the adoption of a conducive law & policy and mainly because it is a government programmed.

77% of the sample testified stating that participation in Benefit-sharing is possible because of the adoption of a conducive law & policy and also due to increased awareness in this regard.

70% of the sample said it is due to a mix of the usage of a conducive policy and law together with government programming that helps create increased awareness which is helpful in the increased participation of the farmers in decision-making processes. 30% of the sample, there are other issues that help the farmers in decision-making apart from these viz., socio-economico-political grounds.

77% of the sample said due to the adoption of a conducive law, they are protected under the provisions of law to save, sell, exchange and sell farm-saved seed; 15% of the sample did not respond and the rest said that the achievements in their area with regard to this right is due government programming and implementation of conducive law and policy.

**Table 3. When asked whether it is most important to protect traditional knowledge relevant to plant variety seeds against mis-appropriation or disappearing.**

29% of the sample chose not to respond;  
The remaining 70-72% of the sample said both the options were almost equally important in the given percentage.

**Table 4. When asked about the national measures that affect the traditional knowledge in the area:**

45% of the sample said they have laws to protect traditional knowledge and on IPRs.  
54% said they have other laws;  
Only 40% of the population said they have measures to document traditional knowledge and the projects encouraging sharing of this knowledge.  
43% said there are other programmes/projects affecting the protection of traditional knowledge.

**Table 5. The right of farmers to participate equitably in the sharing of benefits arising from the utilization of seeds:-**

- 46% of the sample said, they have such measures that protect the right of benefit-sharing;
- 39% said , there is a national fund for benefit-sharing in place,
- 46% of the sample said that there are measures that take care of financial support to diversity farming;
- 38% said that the participatory plant-breeding projects are existent in other regions;
- only 30% said that they have measures such as community-seed banks;
- 42% of the population said that the projects for marketing diversity products are there
- 31% said, there are measures for capacity-building for diversity farming;
- 40% said that there are certain measures for capacity-building for farmers rights;
- only 26% said that there are measures for awards;
- 44% said that there is a legislation that covers plant breeders rights;
- 44% said patent laws are present; and
- 34% said agricultural policies and incentives in general are present.

**Table 6: The rights of farmers to save, sell, use, exchange farm-saved seed and propogating material:-**

- 72% said they have measures that positively affect the above right in their locality;
- 61% said the measures are in place relatively to plant breeders' rights legislations;
- 30% said there are measures towards a variety of seed release regulations;
- 27% of the sample said there are measures relating to seed marketing regulations and seed fairs;
- 53% said there are measures such as other projects (MGNREGS, Subsidy schemes etc.) and programmes that positively affect their rights to seeds;

**Table 7: The rights of farmers to participate in making decisions, at the local level, regarding seeds:-**

- 38% said they have such legal rights;



- 25% said farmers committees are present for name-sake and their right to participate in relevant committees protects farmers' rights;
- 29% said hearing procedures involving farmers' organizations is existing in A.P;
- 25% said decision-makers are trained in farmers' rights ;
- 38% said they have measures that help in capacity-building for farmers' rights; and
- 25% said there is facilitation of farmer activity participation in major newspapers/media.

**Table 8: Other Views and Experiences: -**

- On a scale of 1-6, the respondents were asked to rate the performance of the area with regard to the realization of farmers' rights to seeds.
- 40% said it is tolerable and 40% said it is good and 20% gave no response.

**The overall realization of farmers' rights** in the two villages of Veeragattam Mandal of Srikakulam District, A.P was calculated taking the positive responses given for each set of farmers' rights and averaging them out.

1.	To protect traditional knowledge	46.44%
2.	To participate equitably in the sharing of benefits	38.33%
3.	To save, sell, use and exchange farm-saved seed	46.00%
4.	To participate in making decisions,	
	at the local level, regarding seeds	30.00%
	<b>Farmers' Rights in general</b>	<b>40.2%</b>

## CHAPTER - 5

### CONCLUSIONS AND RECOMMENDATIONS

- A sample of 47 marginal farmers was selected randomly from two villages of Veeragattam Mandal of Srikakulam District , A.P for the purpose of study of the realization of farmers' rights to seeds that tells us about their success stories as regards to the adoption of new technologies, initiatives, projects and policies; new plant varieties developed by them through the traditional knowledge and other means; the level of their participation in the process of decision-making; their rights to save, sell and exchange farm-seed and finally their participation in Benefit-Sharing with the pre-breeders of the new varieties of seeds;
- The overall realization of farmers' rights in the two villages was found to be 40.2% which is a remarkable achievement despite lack of proper Implementation Authority for the farmers' rights in the State.
- The hypothesis was found to be valid in the light of the success stories relating to farmers' rights to seeds:-The hypothesis analyzed was that: *"It is possible to take steps to ensure Farmers' Rights to seeds by the farmers themselves while still complying with National and International Obligations until a suitable Implementation Authority is constituted for the purpose"*
- Successful examples of implementing farmers' rights, it appears are limited. Most of the stakeholders revealed that they were not aware of any success stories;
- The right to save seed, sell & exchange and the right to protection of traditional knowledge is best understood by the farmers as compared to benefit-sharing and participation in decision-making processes;
- The success story of Nadukuru shows that the farmers are open to informal and formal innovations in agriculture and are ready to adopt new technologies for diversified cropping in spite of the lack of support systems;
- The success story of Vikrampuram tells us about the importance of traditional knowledge of saving farm-saved seeds for future usage by the prudent farmers;
- There has been a total loss of traditional varieties of crops in these villages and the farmers depend purely on the farm-saved foundation seeds provided by the government department;
- The Indian case provides important lessons for other countries in establishing Farmers' Rights, and demonstrates the complex and contentious issues that must be tackled to implement Farmers' Rights;
- The constitution of the implementation authority for the farmers' rights as recommended in the National Policy for Farmers, 2007 will pave the way for the realization of farmers' rights in its entirety and since

agriculture is a State subject, it needs to be sorted out at the State level. The political and strategic gains of defining Farmers' Rights as IPR type rights must be accompanied by measures to ensure economic benefits by focusing on Farmers' Rights as development rights.



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### ANNEXURE I

(Dev info 6.0 D16)

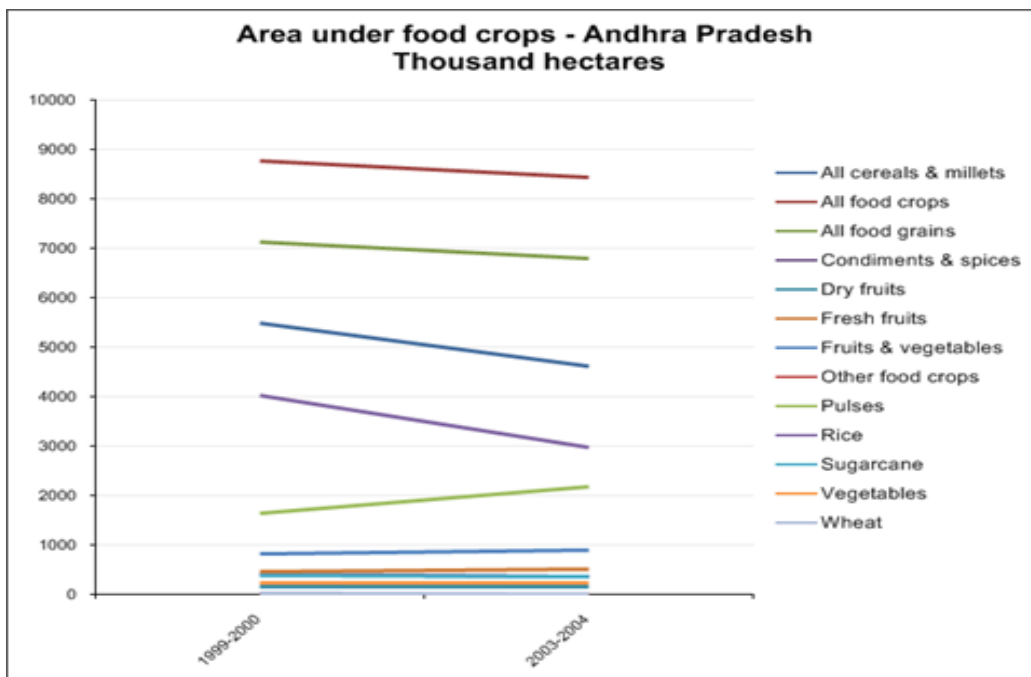
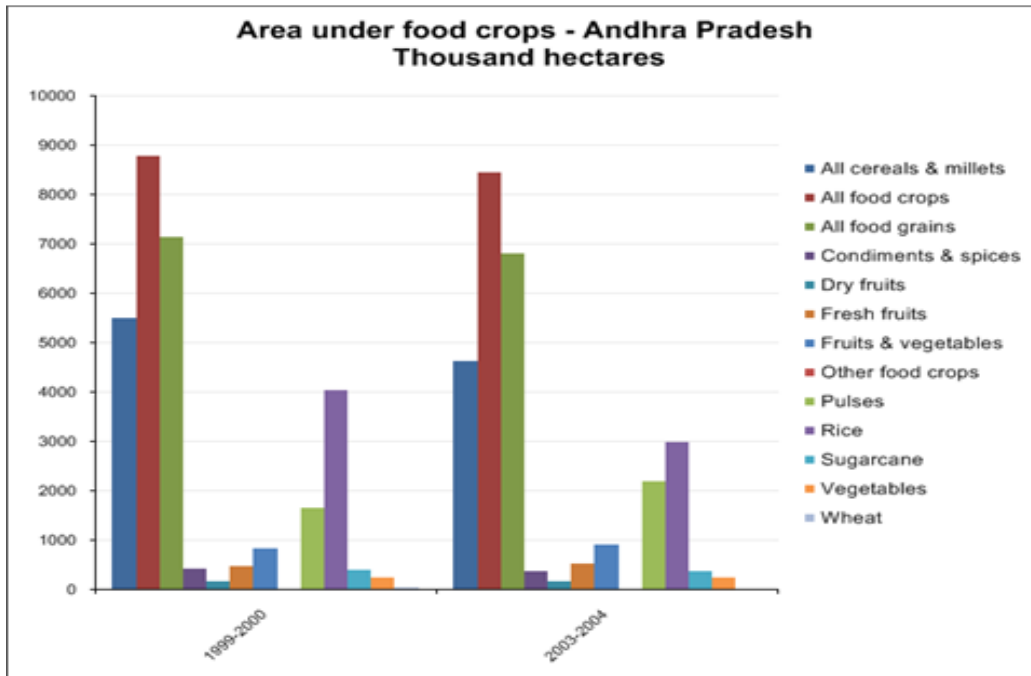


Figure 1

### Area under food crops - Andhra Pradesh

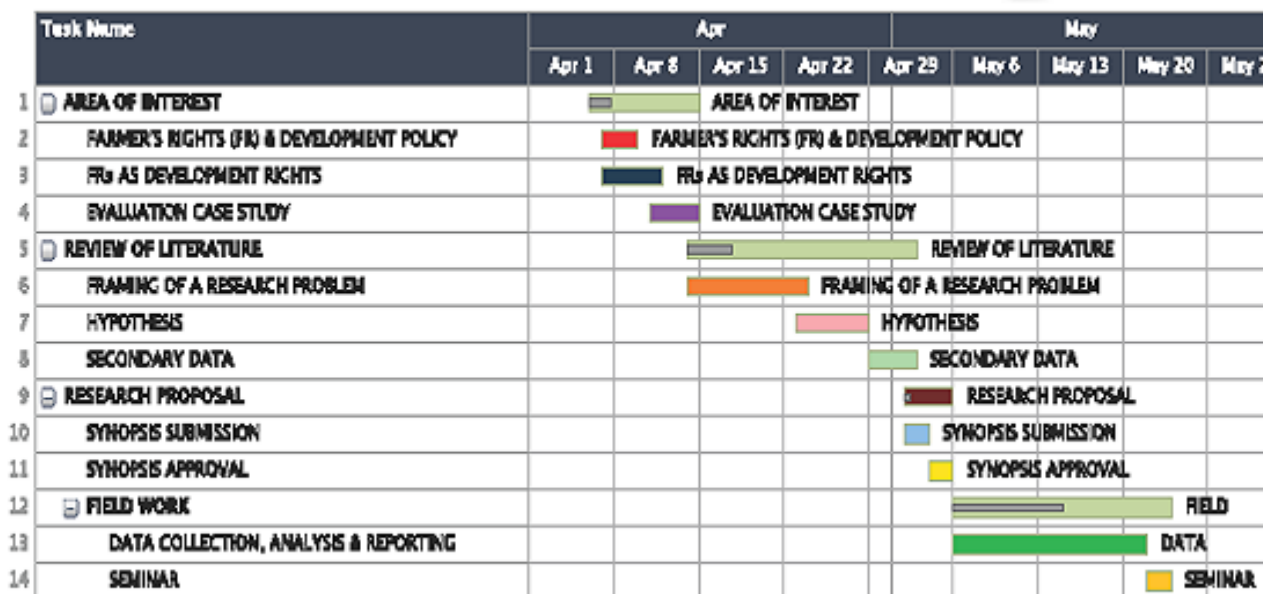
Thousand hectares

Time Period	All cereals & millets	All food crops	All food grains	Condiments & spices	Dry fruits	Fresh fruits	Fruits & vegetables	Other food crops	Pulses	Rice	Sugarcane	Vegetables	Wheat
1999-2000	5493	8763	7140	402	142	450	821	6	1647	4014	392	230	14
2003-2004	4623	8428	6807	368	150	508	892	1	2185	2975	359	234	12

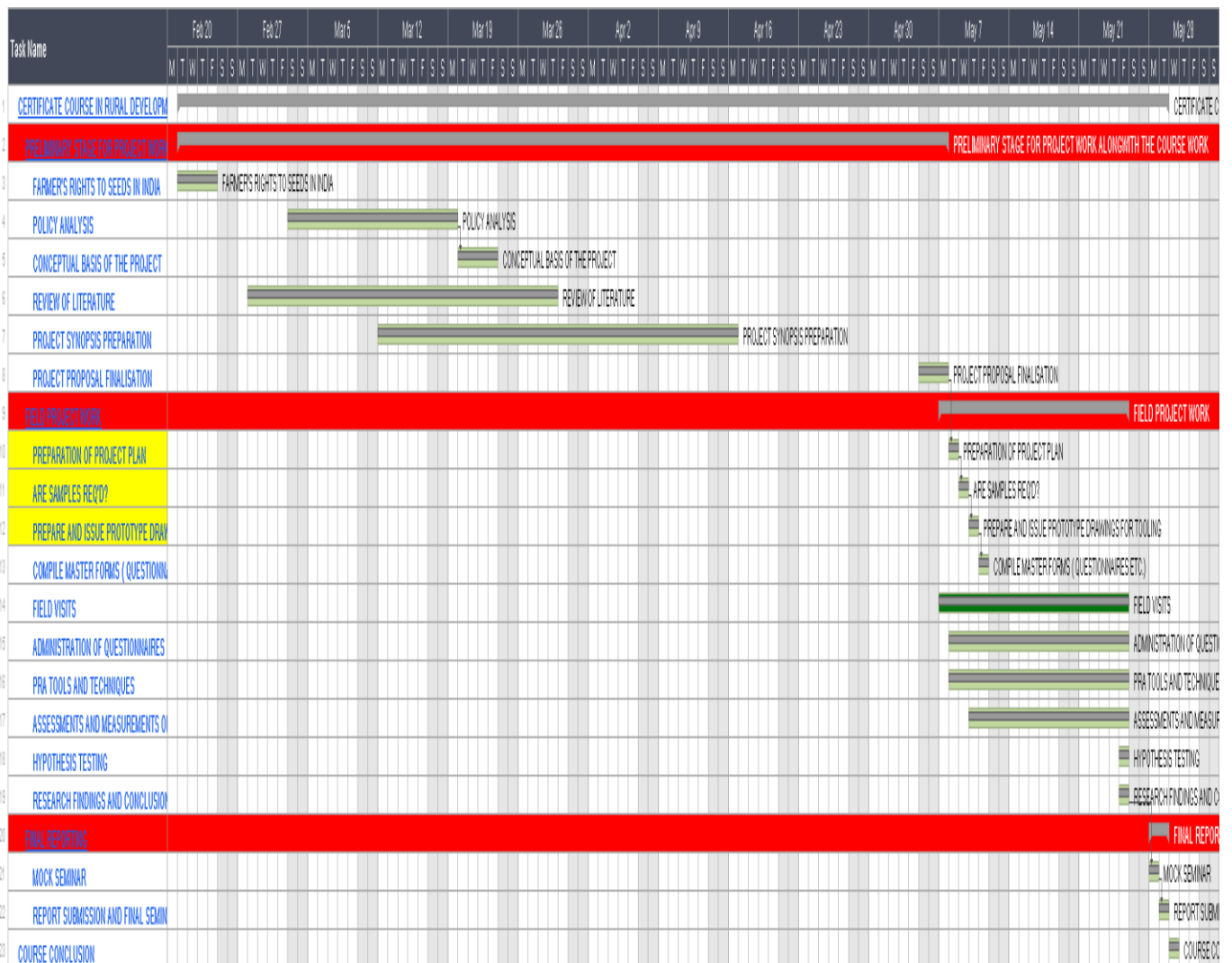
Source: (Dev info 6.0 D16)

### MoAG\_Ministry of Agriculture, Government of India, New Delhi

#### Project Management



# Harwin Master Template



✓ Smart sheet

## ANNEXURE II

**Questionnaire on the Topic :**

**The Realization of Farmers’ Rights in the Villages of Veeragattam Mandal of Srikakulam District of Andhra Pradesh in India.**

**1. Respondent information:**

<b>Name:</b>			
<b>Country:</b>			
<b>Affiliation:</b>		<b>Web-site (if any):</b>	
<b>Position:</b>		<b>E-mail address:</b>	

<b>Stakeholder category:</b>	<b>Farmers</b>	<b>Seed industry</b>	<b>Research</b>	<b>Ministry</b>	<b>NGO</b>	<b>IGO</b>	<b>Other, please specify :</b>

<b>In which capacity are you sharing your views and experiences here?</b>	<b>Personal capacity:</b>	<b>As representative of my institution:</b>	<b>On behalf of a group (see below)</b>

<b>If you have consulted a group of people, how many? Please attach a list of names</b>	<b>1-10</b>	<b>11-20</b>	<b>21-30</b>	<b>31-40</b>	<b>41-50</b>	<b>More (please specify)</b>

<b>We will present your input as part of a report. Will you also:</b>	<b>Yes</b>	<b>No</b>
<b>- allow us to publish this questionnaire online?</b>		
<b>- allow us to cite you by name in the report?</b>		

**2. Farmers’ Rights in general**

<b>2.1 In your view, how important are the following aspects of Farmers’ Rights in your area?</b>	<b>Very important</b>	<b>Important</b>	<b>Less important</b>	<b>Not important</b>



				t
A. protection of traditional knowledge relevant to plant genetic resources for food and agriculture				
B. the right to participate equitably in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture				
C. the right for farmers to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture				
D. the rights to save, use, exchange and sell farm-saved seed/propagating material				
E. other aspect (please specify):				
F. other aspect (please specify):				
Please explain why (you may select one or two aspects):				

<b>2.2 What do you regard as the major achievements of your area with regard to Farmers’ Rights? (choose one or more, as appropriate)</b>	Adoption of conducive law	Adoption of conducive policy	Implementation of conducive law/ policy	Government programme running	Project(s) implemented by NGO/IG O	Markedly increased awareness	C
A. protection of traditional knowledge relevant to plant genetic resources for food and agriculture							
B. the right to participate equitably in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture							
C. the right for farmers to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture							
D. the rights to save, use, exchange and sell farm-saved seed/propagating material							
E. other (please specify here):							

**2.3 What do you see as the major obstacles to the realization of Farmers’ Rights in your area?**

**3. Protection of traditional knowledge relevant to plant genetic resources for food and agriculture:**

<b>3.1 What, in your view, is most important in order to protect traditional knowledge relevant to plant genetic resources for food and agriculture in your Area? (please choose only one response)</b>	A. to protect the this knowledge against misappropriation	B. to protect this knowledge from disappearing	C. other (please specify):

**3.2 If you answered ‘A’ (protection against misappropriation): do you know of any cases of misappropriation of traditional knowledge relevant to plant genetic resources for food and agriculture in your area? (please specify)**

**3.3 If you answered ‘B’ (protection against disappearing): how would you describe the current situation of the disappearance of traditional knowledge relevant to plant genetic resources for food and agriculture in your area?**

<b>3.4 In your experience, which national measures affect the protection of traditional knowledge in your area, and how?</b>	We have such measures	We don’t have such measures	The effects of the existing measures are:			N o t s u r e
			Positive	Negative	Mixed/none	
laws on protection of traditional knowledge						
laws on intellectual property rights						
seed laws						
other laws (please specify):						
policies/programmes on traditional knowledge						
agricultural or other relevant policies:						
measures to document traditional knowledge						
projects encouraging sharing of this knowledge						
other programmes/projects (please specify below)						
other (please specify below):						

**3.5 In your opinion, what are the most important gaps and needs when it comes to national measures affecting the protection of traditional knowledge in your area?**

**3.6 If you have any other views and experiences regarding the protection of traditional knowledge in your area, please write them here:**

**4. The right of farmers to participate equitably in the sharing of benefits arising from the utilization of plant genetic resources for food and agriculture**

4.1 Which national measures in your area affect farmers’ right to equitably participate in benefit-sharing, and how?	We have such measures	We don’t have such measures	The effects of the existing measures are (choose one):			N c t s u r e
			Positive	Negative	Mixed/none	
Right to benefit sharing is covered by law						
National fund for benefit sharing in place						
Financial support to diversity farming <sup>1</sup>						
Participatory plant breeding projects						
Community seed banks						
Projects for marketing of diversity products						
Capacity building for diversity farming						
Capacity building for farmers’ rights						
Awards						
Legislation on plant breeders’ rights						
Patent law						
Agricultural policies and incentives in general						
Other (please specify below):						

**4.3 In your opinion, what are the most important gaps and needs with regard to benefit sharing in your area?**

**4.4 Do you have any other views and experiences regarding benefit sharing in your area? Please indicate them here.**

<sup>1</sup> ‘Diversity farming’ here refers to farming practices where plant genetic resources are utilized and maintained. ‘Diversity products’ are the products resulting from such farming.

**5. The rights of farmers to participate in making decisions regarding plant genetic resources for food and agriculture**

5.1 Which national measures affect the participation of farmers in decision-making	We have such measures	We don't have such measures	The effects of the existing measures are (tick one):		
			Positive	Negative	Mixed/none
Legal right to participation is covered by law					
Participation in relevant committees					
Hearing procedures involving farmers' organisations (consultations of farmers)					
Decision makers are trained in farmers' rights					
Capacity building for farmer participation					
Facilitation of farmer activity/participation in major newspapers/media					
Other (please specify below):					

**5.2 In your opinion, what are the most important gaps and needs with regard to the participation of farmers in decision making regarding plant genetic resources for food and agriculture in your area ?**

**5.3 Do you have any other views and experiences regarding farmers' participation in decision-making in your area ? Please indicate them here.**

**6. The rights of farmers to save, use, exchange and sell farm-saved seed and propagating material:**

6.1 Which national measures in your country affect the rights that farmers have to save, use, exchange and sell farm-saved seed and propagating material, and how?	We have such measures	We don't have such measures	The effects of the existing measures are (tick one):		
			Positive	Negative	Mixed/none
patent law					
plant breeders' rights legislation					
variety release regulations					
seed marketing regulations					

seed fairs						
seed exchange networks						
other programmes/projects supporting seed saving and exchange practices						
other (please specify below):						

**6.2 In your view, what are the most important gaps and needs with regard to farmers’ rights regarding the saving, use, exchange and sales of farm-saved seed and propagating material?**

**6.3 Do you have any other views and experiences regarding the rights of farmers to save, use, sell and exchange farm-saved seed in your area? Please indicate them here.**

**7. Other views and experiences**

**7.1 On a scale from 1 to 6, how would you rate the performance of your area with regard to the realization of Farmers’ Rights? Please choose one answer only.**

1	2	3	4	5	6
Insufficient	Tolerable	Fairly good	Good	Very good	Excellent

**7.2 What do you see as the most important measures that still remain to be taken in your area in order to promote the realization of Farmers’ Rights?**

**7.3 Do you have any other views and experiences regarding the realization of Farmers’ Rights under the Plant Treaty that have not been covered in the above? Please indicate them here.**

**8. Recommendations to the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture as to how it can support the realization of Farmers’ Rights at the national level:**

**8.1 Please list the points you would recommend to the Governing Body:**

**Source:** The Fridtjof Nansen Institute ([www.fni.no](http://www.fni.no)) in Norway

**Thank you very much!**