



# AWARDS AND SUPPORT GRANTED TO THE FARMERS - AN INTERNATIONAL PERSPECTIVE

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## ABSTRACT:

The activities relating to the cultivation of the soil, growing of crops and livestock breeding come under the ambit of agriculture. Human existence becomes nearly impossible without agriculture. The farming communities are considered to be the vulnerable set of communities due to the lack of awareness among them in accessing their rights and prevailing illiteracy. Various countries have legislated laws to protect farmer's rights and conferred them some benefits by way of suitable awards. The research temperament among the farmers and other allied activities need to be encouraged so that the farmers breed variety of plants adding on to the diversity of the agricultural activity. In addition to it, the traditional knowledge possessed by the indigenous communities and farmers aid in the research processes and breeding techniques carried on by the scientists. This article discusses about the benefits and other special awards granted to the farmers and breeders all over the world. The article further elaborates on the establishment of National Gene Fund established by the Indian government by virtue of The Protection of Plant variety and Farmer's Rights Act, 2001. Benefit sharing from the breeders of a particular variety or other varieties are discussed. Finally, the awards like the plant genome saviour awards, and several other rights of the farmers are stated in the article. The breeder's privileges by virtue of provisions relating to research exemptions and other statutory principles are also analysed in the international perspective. The Food and Agriculture Organisation of the United Nations, The International Treaty on plant genetic resources for food and agriculture and the relevant provisions regarding the benefits conferred on farmers had also been indicated in the article.

## KEYWORDS:

Plant genome saviour community awards, Breeder's privilege, Food and Agriculture Organisation of the United Nations, The Protection of Plant variety and Farmer's Rights Act, 2001.

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## 1. INTRODUCTION:

Agriculture had contributed to the growth of civilisation over these centuries. Ancient men had searched for food by hunting animals and consuming plants for his survival. Field of Agriculture had witnessed gradual growth since people begun their agricultural activities by growing crops, cereals. Agricultural field had witnessed numerous path-breaking advancements including the bio technological innovations. Ancient men few centuries ago, had grown few cereals, crops and other varieties of food which had made him practice agriculture as a way of culture. It had been an undisputed fact that the considerable size of the world population had become dependent on agriculture either directly or indirectly<sup>3</sup>. Agricultural activity enabled the people settle down in permanent villages as opposed to a nomadic life. Nevertheless, the growth of agriculture in the world for over several years was sluggish. It was due to the advent of new farming tools and methods of breeding, agriculture started growing in leaps and bounds. This in turn spurred the businesses of trade and commerce in and around the agricultural areas. As a result, new economies became successful and civilisations were developed. The impacts which the Genetically modified foods had left on the agriculture and the society is enormous which even raises controversies. Farmers growing genetically modified foods have the benefit of increase in production and low cost and labour. However, consumers have affinity towards genetically modified crops due to the different taste and texture of the foods. Due to the negative effects of inorganic methods in agriculture organic food industries had grown to greater extent as opposed to the concept of factory farming. Hence, the labour and hard work put by the farmers towards breeding new varieties of crops and the efforts taken in conservation of the native crops need to be suitably awarded. The various awards and recognitions conferred on the farmers at the international level to encourage the native farmers are detailed as follows.

## 2. INTERNATIONAL CONVENTIONS FOR PLANT VARIETY PROTECTION:

Agriculture being the indispensable activity for the human race and the existence, several international instruments had been convened to grant protection and assistance to the farmers and breeders. In addition to it, few awards and monetary support by way of cash prizes, memento and citation is also provided. Below mentioned are the global conventions which points out to the various benefits and supports to the farmers.

### 2.1 International Treaty on Plant Genetic Resources for Food and Agriculture:

This treaty was adopted by the United Nation's Conference of the Food and Agriculture Organisation (FAO) in its thirty first on third of November in the year 2001. The aims and objectives of the treaty are three-fold.

- Recognises contribution of the farmers towards maintaining diversity of crops which satisfies the hunger of the world.
- Establishes a system globally to provide access to plant genetic materials for the farmers, breeders, scientists and researchers who carry on with research activities.
- Ensures that the recipients from the usage of genetic materials share the benefits with other countries where they originated<sup>4</sup>.
- The treaty provides for an innovative multilateral system for access and benefit sharing that gathers sixty-four important crops accounting for eighty percentage of the food derived from plants. It transforms into

<sup>3</sup> <https://education.nationalgeographic.org/resource/agriculture>, last visited, .01.12.2022, 11.00 am

<sup>4</sup> <https://www.fao.org/plant-treaty/overview/en/>, last visited 01 December, 2022, 05.00 pm.

easily accessible universal pool for genetic resources that can be freely utilised for some uses by the ratifying nations of the treaty.

### 2.1.1 PROVISIONS FOR ACCESS AND BENEFIT SHARING:

The International Treaty on Plant Genetic Resources for Food and Agriculture provides for access to genetic materials of various varieties of crops which paves way for research, development, breeding techniques, and the needed training for the expansion of agricultural activities. It prevents the recipients of the genetic resources from enjoying the intellectual property right protection over the resources which they received. The treaty further ensures that the rights are consistent with both international and national laws. The benefit sharing mechanisms of the treaty ensures that those who access genetic materials through multilateral system agree to even share the benefits.

### 2.1.2 FARMER'S RIGHTS:

Treaty also recognises the farmer's contribution made towards the breeding of the plant genetic resources. Protection of traditional knowledge of the local inhabitants and farmers, encouraging the participation of farmers in decision-making works and the share of benefits towards use of the resources are provided for in this treaty.

### 2.1.3 SUSTAINABLE USE OF RESOURCES:

Most of the global food consumption is from rice, potatoes, wheat and maize. The local crops even serve as a primary or even major source of food for people belonging to particular locality and provide for nutrition and diet to several millions of people. Thus, the treaty aims to maximise usage and breeding of all variety of crops and it strives to develop and maintain vibrant different farming methods and systems<sup>5</sup>.

## 3. INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS, UPOV AND ITS ROLE IN PROMOTING PLANT VARIETIES:

The UPOV, which is the “International Union for the Protection of New Varieties of Plants” was recognised by The International Convention for the protection of new varieties of Plants, the UPOV Convention. It was adopted at Paris in the year December, 2,1961. UPOV was enforced on August, 10, 1968. It was ratified by the state of Netherlands, United Kingdom and Germany.<sup>6</sup> The convention was revised in the year of 1972, 1978 and 1991 so as to be aligned with the recent technological improvements in the field of plant breeding and UPOV convention applications in the field. The convention's aim and objective are as follows

“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”<sup>7</sup>. Furthermore, the states and organisations in order to accede to UPOV will have to incorporate laws in line with 1991 Act of the said convention<sup>8</sup>.

<sup>5</sup> *ibid*

<sup>6</sup> <https://upovlex.upov.int/en/convention>, last visited 15, December, 2022.

<sup>7</sup> <https://www.upov.int/about/en/>, last visited 19.12.2002, 05.11 pm

<sup>8</sup> <https://www.upov.int/portal/index.html.en>, last visited 16.12.2002, 04.09 pm

### 3.1 BENEFITS CONFERRED THROUGH UPOV:

The UPOV convention had paved the way for the farmers to reap the benefit due to the increase in new varieties of plants as they provide higher yield, pest resistant in nature. The new varieties are even tolerant to stress created due to drought or heat giving huge harvest and enhanced crop quality. This would help them progress by accessing the international and national markets.

Article 14 of the UPOV discusses about the breeder's rights in respect of a propagating material and provides that it requires the approval of the breeder in production or reproduction, conditioning it for the propagation purposes, offer for sale and other activities relating to marketing, export or import the product and stocking for any of aforementioned purposes<sup>9</sup>.

## 4. ABOUT THE CONVENTION ON BIOLOGICAL DIVERSITY:

The Convention on Biological Diversity came into force on 29<sup>th</sup> of December in the year 1993. The convention has three main objectives.

- a. It provides for the conservation of biological diversity.
- b. The adoption of sustainable use of various components of biological diversity.
- c. Benefits that are arising out of the usage of genetic resources are to be shared in a fair and equitable manner<sup>10</sup>.

### 4.1 CONNECT BETWEEN THE AGRICULTURAL BIODIVERSITY AND FOOD SYSTEMS:

Agricultural biodiversity contributed not only for food and income but also for raw materials needed for shelter, medicinal purposes, clothing, items needed for breeding new varieties and numerous other activities essential for human survival. Studies reveal that nearly one third of the total world area is utilized for food production<sup>11</sup>. Biodiversity contributes to the livelihood of the food producers by reducing the adverse impacts on the environment.

Further, they provide some basic services like the pest control, nutrient cycling and other related ecosystem services which in turn minimizes the need for other expensive external products. Increased diversity of genes, species and ecosystems increases the production by making the livelihoods more resilient to stresses and shocks making the ecosystems more stable and consistent.

### 4.2 BENEFIT SHARING AND THE TRENDS:

Benefit sharing and access to genetic resources agreements have been framed across all areas in the globe, concentrating especially on areas of richness in biodiversity. While taking a sample of 44 countries observing the agreements on benefit sharing, 65 percentage of the countries belonged to top 40 nations. Monetary gains and welfare towards accessing genetic resources and benefit sharing is enormous. The benefits conferred are multiple including the access fee to be collected for samples, up-front payments, "milestone payments", special fees for trust funds that support conservation and sustainable use of biodiversity, funding for research, salaries and other supportive measures based on mutual agreement<sup>12</sup>. These "agreements on access to genetic resources and benefit

<sup>9</sup> [https://www.upov.int/edocs/pubdocs/en/upov\\_pub\\_221.pdf](https://www.upov.int/edocs/pubdocs/en/upov_pub_221.pdf), last visited 19.12.2002 , 04.09 pm

<sup>10</sup> <https://www.cbd.int/agro/>, last visited 21.12.2002, 11.51 p.m.

<sup>11</sup> *ibid*

<sup>12</sup> <https://www.cbd.int/financial/0002.shtml>, last visited 23.12.2022, 03.17 pm.

sharing” provide for financial reward ranging from thousands of dollars to one million dollars. In addition to it, exact sum of payments for other monetary benefits such as royalty payment, license fee for commercialization, joint ownership of intellectual property rights cannot be tracked exactly. Documentations for the accurate profits arising out of benefit sharing agreements cannot be obtained without huge expense. Favourable tax schemes and several other measures are available for the revenue arising from benefit sharing and other agreements.

## 5. UN FOOD SYSTEMS SUMMIT 2021:

In order to achieve the “Sustainable Development Goals” by the year 2030, the Food Systems Summit was convened to create a transformation on the way the world creates and consumes food. In addition to it, it brings the key players together and utilizes the expertise of the people involved across the globe.

Other essential aspects of the summit are to ensure proper access and nutritious food for all consumers, stressing the need for sustainable consumption patterns, to spur the “nature- positive production”, promoting “advance equitable livelihoods” and to “build resilience to vulnerabilities, shocks and stress”<sup>13</sup>

## 6. INDIAN LAW FOR FARMER’S RIGHTS AND “THE PLANT GENOME AWARD”:

The Trade Related Aspects of Intellectual Property Rights (TRIPS) mandated the members of The World Trade Organisation (WTO) to implement an “effective system” for plant variety protection and other matters connected with. Article 27.3(b) of the TRIPS provides for

Governments to exclude from its ambit the inventions relating to plants, animals and “essentially” biological processes from granting patents. It further clarifies that the plant varieties can be given a protection either through patents, by adopting a “sui generis” system or by a combination of the two methods.

‘The Protection of Plant Varieties and Farmers’ Rights’ (PPVFR) Act, 2001, for plant variety registration. Indian law for the protection of plant varieties and farmer’s rights, “The Protection of Plant Varieties and Farmer’s Rights Act, 2001” also referred to as The P.V.P.ACT, was enacted and came into force in the year 2006. India had adopted an effective “sui-generis” system of plant variety protection. The Act also intends to provide for farmer’s rights and breeders of plants. In addition to this, it also aims to promote research in the field of agriculture thereby increasing the variety of plants. The Act also safeguards the interests of indigenous communities and makes provisions for benefit sharing and compulsory licencing. The constitution of the GENE fund named as “National Gene Fund” is yet another flagship initiative and remarkable achievement of the government of India which deposits the money and royalty for the purposes of benefit sharing, annual fee and similar other activities into the Gene fund. Compensation to village and local community people are also given through the gene fund. The “in-situ and exsitu conservation” supporting biodiversity and sustainable use of genetic resources strengthens the panchayat’s capability too in carrying out activities related to conservation and sustainable use.

### 6.1 “PLANT GENOME SAVIOUR COMMUNITY AWARD” – A BOON FOR THE FARMERS:

The Protection of Plant Variety and Farmers Rights (PPVFR) authority has established the “plant genome saviour awards” to the farmers, community awards and the individual farmers award and recognition. The hard work and labour contributed by the agricultural scientists towards the advancement in the field of agriculture is to be suitable rewarded since many of the times the role of the poor farmers towards conservation of plant genetic resources go unnoticed. Hence, the PPVFR authority recognises the contributions made by the farming community people and confers annually the “Plant Genome Saviour Community” awards out of the National Gene Fund. This particular award consists of Rs. 10 Lakhs cash together with citation and memento. Five awards

<sup>13</sup> <https://www.un.org/en/>, last visited 23.12.2022, 11.35 pm.

of this category are being conferred yearly to the tribal communities and other farming communities preserving the agro-biodiversity hot spots. High level national committee takes care of the selection of awardees for the award. The applicants for the grant of this award, are required to furnish evidences for the conservation works done by them. They should provide the seeds, planting materials of the varieties, the plan for utilisation of award money for the purposes of community welfare and to report whether the materials had been utilised by other breeders that could result in development of other improved varieties<sup>14</sup>.

Rule 70(2)(a) of Plant Variety Protection and Farmer's Rights (PPV & FR) Rules passed in the year 2003 clarifies that the purpose behind using the "Gene Fund" is to offer support and reward the farmers especially the tribal and rural folk involved in development and conservation of genetic resources in potential areas. In order to grant more life and energy to the said scheme, the PPV & FR authority had begun with "Plant Genome Savior Community Awards"

In addition to it, Sec. 39 of The PPV & FR Act, 2001 confers power on the central government to enact rules for providing rewards and recognition to farmers which is namely the "Plant Genome Savior Farmer Awards". Ten eligible farmers are rewarded with citation, memento and cash award which comes to Rs. 1 Lakh each.

## 6.2 ENCOURAGING PROGRAMS FOR FARMING COMMUNITITES:

In the year 2019, personals from Agriculture & Farmers Welfare from The Government of India and officials from the Protection of Plant Variety & Farmer's Rights Authority had graced the exhibition that showcased the agro-biodiversity conserved by the awardees. Honourable Agriculture Minister had praised the commendable job done by the traditional communities in conserving bio-diversity by announcing suitable awards and rewards for them<sup>15</sup>. Study reveals that in the year 2013, ten farming communities were rewarded with "Plant Genome Savior Community Awards" and twenty-nine farmers with their award for their contribution towards conservation of varieties. Thus, in the year 2012 to 2016, 114 awards were distributed<sup>16</sup>. Thus, the program had come to an end with an encouraging set of rewards by the government launching several welfare schemes for the farming communities. Indian Council of Agricultural Research (ICAR) gives annual award worth Rs.1,00,000/- in the caption "N.G.Ranga Farmer award" for recognizing and encouraging innovations done farmers for diversified agricultural activity.

Judging of the awards is by a five- member committee appointed by the Director- General, (ICAR) including another representative from the farming community to evaluate nominations and suggest appropriate recommendations. to assess nominations and make suitable recommendations. Any farmer involved in diverse rural activity which includes horticulture, animal husbandry, fisheries, rural artistic works, handicraft products for a minimum period of 10 years is eligible to receive this award. The award shall be intimated to the awardees so that it enables them to receive the awards at the presentation ceremony held on "Foundation Day" of ICAR which falls on 16<sup>th</sup> July every year or any other date fixed.

The recipient awardees shall showcase their achievements before the entire audience and the same shall be publicized widely in the press and other social media platforms<sup>17</sup>.

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<sup>14</sup> "Protection of Farmers' and Community Rights on Indigenous Genetic Resources"- R.C. Agrawal Registrar General, Protection of Plant Varieties and Farmers' Rights Authority, [http://www.nbpg.ernet.in/Training\\_Management\\_PGR/Compendium/06\\_Protection\\_of\\_Farmers\\_and\\_Community\\_Rights\\_RC\\_Agrawal.pdf](http://www.nbpg.ernet.in/Training_Management_PGR/Compendium/06_Protection_of_Farmers_and_Community_Rights_RC_Agrawal.pdf), last visited 29.12.2022, 01.10. pm

<sup>15</sup> *ibid*

<sup>16</sup> <https://plantauthority.gov.in/plant-genome-saviour-awards-ceremony-functions-and-awards>

<sup>17</sup> <https://plantauthority.gov.in/plant-genome-saviour-awards-ceremony-functions-and-awards>, last visited 21.12.2022, 2.30 p.m.

## 7.” WORLD FOOD DAY AWARDS”:

On 16<sup>th</sup> of October, 2013, World Food Day awards were conferred on the farmers of Philippines. Princess of Thailand Maha Chakri Sirindhorn had presided over the annual Asia-Pacific award event. Mr. Myrna Congio Asor and three farmers from Bhutan, Thailand and Tonga state were awarded the Food and Agricultural Organisation’s (FAO) “World Food day Model Farmer Award” for the untiring efforts and achievements in agricultural field, food production, in the field of organic farming and for guidance and training to the researchers and agricultural students. Non Governmental Organisations other workers and technical staff had guided Mr. Myrna Congio Asor to make arrangements for pest management, creation of seed bank and to produce his own natural fertilizer,

The said award ceremony was the part of FAO’s Asia-Pacific 2013 event in commemoration of “World Food Day”. The event marked the 68<sup>th</sup> anniversary of founding of The FAO in Canada in the year 1945.

The theme for the program was “Sustainable Food systems for food security and nutrition”. The entire theme revolves around the promotion and development of food systems for creating a healthy world. It sternly believes that food system comprises of environment, people around and the process by which products are produced and delivered to the consumers. The minute aspects of food systems have an impact on availability and accessibility of variety of nutritious food to the customers and consumer’s ability to purchase and choose healthy diets<sup>18</sup>.

In the present system of agricultural activity, the farmers involve in buying seeds, manures, fertilizers and other related items on credit from corporate organisations. This will result in relying on harvest of one kind of crop only, leaving them struggle for their yield.

## 8. CONCLUSION:

Agricultural activities and the techniques involved in it help the nations resort to potent methods of food productivity. Agricultural research carried out by scientists had resulted in crops that require low fertilizers and manures for its growth. Many countries had devised legislations to protect their plant varieties or grant patent protection to its invention. Member nations of TRIPS convention are being mandated to either adopt a *sui generis* protection or patent grant to protect their plant varieties. Indian scenario with regards to the awards for the contribution of farmers towards the conservation and diversification of plant varieties is granted by virtue of “Protection of Plant Varieties and Farmers Rights (Recognition and Reward from the Gene Fund) Rules, 2012”. Farmers who are engaged in the said activity shall entitled to “Plant Genome Saviour Farmer Reward & Farmer Recognition” with the cash prize sponsored from the National Gene Fund.

The deadly challenge that the world nations would face comes while feeding the hungry creatures and human beings in the earth. Agricultural methods and practices adopted by the nations had led to soil erosion, loss of water and several other valuable resources. Certain developing and even developed nations need to adopt better programs for afforestation and replanting forests. Population explosion is yet another crushing concern and pushed several farmers to leave their valuable agricultural lands and resort to other trade to meet their bare needs of their families. To add on to this evil, demand for food by the growing population had led to enlarging irrigation facilities globally<sup>19</sup>. This have an adverse impact on water bodies which goes dry and empty. Harmful chemicals employed for agriculture had contaminated groundwater and spoiled food chains too. Humans need to carry on with agriculture without causing degradation to environment. Thus, by adopting sustainable methods of

<sup>18</sup> <https://www.fao.org/asiapacific/news/detail-events/en/c/202857/>, last visited, 22.12.2022, 09.00 am

<sup>19</sup> <https://education.nationalgeographic.org/resource/agriculture>, last visited, 22.12.2022, 10.00 am

agriculture and eco-friendly practices the needs of rapidly growing population could be easily met. Furthermore, the encouraging rewards, cash incentives for the farmers for their self-less contributions to the ecosystem need to be enhanced. The research temper among the world farming communities need to be spurred, so that exchange of ideas and knowledge could happen among the farmers and breeders. Several nations across the globe should enact laws that encourage and develop the skills of farmers by awarding suitable incentives too so.

