



The Legal Nexus Between Wto Commitments And Farmers Rights In India: A Critical Study

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Abstract

The advent of the World Trade organization (WTO) introduced many policy– based international trading system aimed at liberalizing markets, including the farmers rights in agricultural sector. For India- like country agrarian economy- the obligations under the WTO's agreement on Agriculture (AOA) and the agreement on Trade-related Aspects of Intellectual property Rights (TRIPS) have led to significant legal and policy changes. The Study examines how WTO provisions have influenced Indian agricultural law and policy, with a special focus on the farmers' rights. It critically evaluates whether these changes have supported or undetermined the socio-economic and traditional rights of Indian farmers in the view of legal frame work.

Key words: legal, policy, agriculture, socio-economic, traditional rights, farmers rights

1. Introduction:

Since India joining the WTO in 1995, country has been a participant in the global restructuring of agricultural trade under the framework of the Agreement on Agriculture (AOA) and Trade-Related Aspects of Intellectual Property Rights TRIPS¹. These agreements aimed to remove trade barriers, reduce subsidies and enforce intellectual property standards in the country. While they were designed to foster a more level playing field in agricultural trade, their impact on developing countries, particularly India, has been mixed in many ways. India being most populated country in the globe. It's agricultural sector is played a vital to its economy and society, employing nearly 50% of the workforce and ensuring food security for over a billion people². The country's accession to the WTO in 1995 necessitated compliance with various international obligations, particularly under: 1. The Agreement on Agriculture (AOA): Mandating reductions in subsidies and tariff barriers. 2. The TRIPS Agreement: Requiring protection of intellectual property rights, including those over plant varieties³.

¹ Economic and Political Weekly. "The WTO and Indian Agriculture: Implications for Policy and Development", Narayanan, S. 50(2), pp. 45–52. (2015)

² Indian Journal of Agricultural Economic. "Farmers' Rights in India: A Legal Perspective on WTO and TRIPS Agreements." Singh, K.M., Meena, M.S., & Swanson, B.E. 68(3). (2013)

³ WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1995 – <https://www.wto.org>.

The liberalization of agriculture through WTO agreements agriculture sector in India is marked by small and marginal landholdings, traditional seed-saving practices, and dependence on public procurement systems^{4,5}. WTO disciplines on domestic support and intellectual property—especially under the AoA and TRIPS—have led to significant policy shifts. This includes reduced subsidies, exposure to volatile international markets, and the patenting of seeds and genetic materials. However, in countries like India—where more than 60% of the population depends on agriculture—these reforms have created a complex interplay between trade obligations and social justice⁶. To balance international obligations with national interest, India enacted the Protection of Plant Varieties and Farmers' Rights Act in 2001, a sui generis legislation designed to balance breeders' rights with farmers' traditional practices⁷. Simultaneously, India faced repeated scrutiny at the WTO for its Minimum Support Prices (MSP) and food procurement programs, sparking debates about the compatibility of farmers' rights with global trade rules^{8,9}. Here author has tried to investigate the legal implications of WTO mandates on Indian agriculture and evaluates how effectively Indian law has protected the rights and livelihoods of its farmers through this article. Apart from this paper explores the legal frame work, implementation challenges and the broader consequences of this interaction on food sovereignty and seed rights

2. Materials and Methods:

2.1 Research Design: This study adopts a doctrinal legal research approach, focusing on analysis of legal texts, case law, and policy frameworks. It is complemented by comparative and empirical insights where relevant.

2.2 Data Sources: a. Primary Sources: from the WTO Agreements (AOA, TRIPS), Indian legislation (PPV&FR Act, Seeds Act, Essential Commodities Act), Judicial decisions such as Monsanto v. Nuziveedu Seeds and Pepsi Co v/s Farmers of Gujarat b. Secondary Sources: the Government reports (Ministry of Agriculture, WTO submissions) and also from the case studies in the form of secondary sources

3. Observations:

3.1 Legal Tensions between WTO Commitments and Domestic Policy

Legal tensions between WTO commitments and domestic policy arise when a country's internal laws conflict with the obligations internationally which has undertaken under WTO agreements. While WTO rules aim to promote fair and free trade, they may limit a nation's ability to implement domestic policies related to food security, public health, environmental protection and industrial development over development of the nation.

⁴ WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1995 – <https://www.wto.org>

⁵ Ghosh, J. Globalization and the Indian Economy. Oxford University Press. (2005).

⁶ Economic and Political Weekly. Trade Liberalization and Indian Agriculture: Re-examining the Evidence. Ghosh J. 39(3), 233–241. (2004)

⁷ Government of India. (2001). The Protection of Plant Varieties and Farmers' Rights Act, 2001

⁸ Food and Agriculture Organization (FAO). The State of Agricultural Commodity Markets, 2022

⁹ Food and Agriculture Organization FAO. Impact of WTO on Food Security and Agriculture in Developing Countries. Rome: UN FAO. (2021)

For example, developing countries like India face challenges balancing WTO rules on agricultural subsidies (under the Agreement on Agriculture) with the need to support farmers through programs like the Minimum Support Price (MSP). Similarly, obligations under the TRIPS Agreement may restrict access to affordable medicines unless flexibilities like compulsory licensing are used. These tensions highlight the challenge of maintaining national sovereignty while adhering to international trade rules¹⁰. Though WTO agreements provide some exceptions (e.g., GATT:Article XX) and special treatment for developing countries, conflicts still arise, often leading to disputes before the WTO. In essence, these legal tensions reflect the ongoing need to balance global trade commitments with domestic socio-economic priorities.

Key Areas of Tension:

1. Agricultural Subsidies v/s Food Security

WTO Rule: The Agreement on Agriculture (AOA) limits trade-distorting domestic support. This will tensioned India's Minimum Support Price (MSP) system and public stockholding for food security have been criticized for breaching subsidy limits. This has been observed in case where India-Certain Measures on Import of Iron and Steel Products where WTO members questioned India's trade-restrictive policies. For this purpose the WTO Peace Clause (2013 Bali Ministerial Decision) will temporarily protect developing countries food stockholding programs from legal challenge, subject to conditions.

2. Public Health v/s TRIPS agreement:

WTO Rule: TRIPS Agreement mandates protection of intellectual property, including patents on and crop varieties and also medicines. The compulsory licensing by countries like India will ensure affordable access to medicines. Example: Bayer v. Natco (India) – India's first compulsory license for a cancer drug (Nexavar) in India. This was upheld under TRIPS Article 31. This was favored in 2001 Doha declaration on TRIPS and Public Health affirms members right to protect public health and promote access to medicines.

3. Environmental Protection v/s Trade:

WTO Rule: GATT prohibits quantitative restrictions but allows general exceptions under Article XX for environmental protection. This was seen in the case US – Shrimp U.S. banned shrimp imports from countries not using turtle-excluder devices. WTO Appellate Body ruled the policy was legitimate in objective but discriminatory in implementation. This was reaffirmed that environmental concerns can justify trade restrictions if applied in a non-arbitrary, non-discriminatory way. In Indian scenario agricultural support measures, food security, health measures are often at odds with WTO disciplines, creating legal uncertainty. This can critically analyses when countries seek flexibility to implement social, economic, and environmental policies. However, WTO rules can constrain this space. Example; India's agricultural subsidies under the Minimum Support Price (MSP) system have faced scrutiny under the WTO's Agreement on Agriculture (AOA), which limits trade-distorting domestic support. India argues that its policies are for food security and livelihood protection.

¹⁰ Oshin Beniwal, WTO v/s. MSP: The Battle for Fair Trade and Farmer Welfare; Modern Economy, (2025) <https://moderndiplomacy.eu/2025/02/16/wto-vs-msp-the-battle-for-fair-trade-and-farmer-welfare/>

¹¹ Bayer Corporation v. Natco Pharma Limited, 2014(60) PTC 277 (BOM) <https://www.drishtijudiciary.com/landmark-judgement/intellectual-property-rights/bayer-corporation>

3.2 Implementation of the PPV&FR act:

The PPV&FR Authority was established in 2005 to administer the Act. This act provides Farmers, researchers, and plant breeders can register plant varieties. Here DUS (Distinctness, Uniformity, and Stability) criteria are used to evaluate varieties. Today, More than 4,000 varieties have been registered, including farmer-bred ones. Along with this act also has its own pros and cons the pros are a) Recognition of Farmers' Rights such as Farmers can save, use, sow, re-sow, exchange, or sell farm produce including seed (except branded seed). Farmers can register and protect their own varieties. b) Encourages Breeding Innovation this provides plant breeders with exclusive rights to commercialize new varieties, promoting private and public investment in R&D. c) Benefit Sharing Mechanism this led Farmers and communities contributing to the development of varieties are eligible for benefit sharing. d) Protection against biopiracy Prevents unauthorized use or patenting of Indian germplasm by foreign entities. e) Legal Framework in Line with TRIPS with this it balances IP protection with traditional agricultural practices. Along with one can also seek there are cons and challenges in implementation of act a) Many farmers are unaware of their rights or the registration process due to their low accessibility. b) Complex and Costly Procedure in DUS testing and documentation can be time-consuming and expensive, especially for small holders. c) Limited Capacity and Infrastructure often PPV&FR Authority faces resource constraints in processing applications efficiently. d) Enforcement difficulties in protecting registered rights and preventing infringement at the

grassroots level is challenging. e) Risk of seed monopolization of private seed companies registering hybrids may dominate the market, potentially marginalizing traditional practices. Author has observed that While, the legal framework is robust, its benefits are inaccessible to most smallholders due to lack of awareness, literacy, and institutional support.

3.3 WTO Alignment and the PPV & FR act:

Under Article 27.3(b) of TRIPS, WTO members must protect plant varieties either by patents or by an effective sui generis system. India chose the sui generis route and enacted the PPV&FR Act instead of adopting the UPOV 1991 model, which is more breeder-centric this was proved in the judicial system in the case of PepsiCo India Holdings Pvt. Ltd. v. Gujarati Farmers, (2019)¹². The Indian law attempts to align with WTO rules while preserving farmers' rights to save, sow, replant, and exchange seeds. This recognized the farmers as plant variety developers and entitled to registration and benefit-sharing along with empowering some traditional communities, especially those involved in seed conservation. But critics argue that alignment with TRIPS has opened doors for private seed companies to register hybrids, potentially leading to market dependency and erosion of seed sovereignty. This has led Marginal and tribal farmers fear the commoditization of seeds, which are traditionally seen as shared community resources. Related to the above matter there was a protest and criticisms. In country India Farmer groups have protested against corporate dominance in seed supply (e.g., Monsanto's Bt cotton), fearing erosion of farmers' rights despite PPV&FR protections. Apart from this there was strong resistance to any move to align Indian law more closely with UPOV 1991, which prohibits the sale and exchange of protected seeds by farmers.

¹² PepsiCo India Holdings Pvt. Ltd. v. Gujarati Farmers, Supreme Court of India (2019)

¹³ Monsanto Technology LLC v/s. Nuziveedu Seeds Ltd., Supreme Court of India, (2018)

3.4 Judicial and Corporate Challenges:

The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001 was enacted by India to fulfill its WTO and TRIPS obligations while, safeguarding farmers rights. However, several judicial interpretations and corporate practices have posed serious challenges to the protection of these rights in practice. Example in case of PepsiCo India v/s Gujarat Farmers (2019)¹² the Issue was PepsiCo sued farmers in Gujarat for allegedly infringing its registered potato variety used for Lay's chips under the PPV&FR Act. The Legal challenge was farmers claimed they had the right to grow and sell the variety under section 39(1)(iv) of the PPV&FR Act, which allows farmers to save, use, sow, re-sow, exchange, share, or sell farm produce including seed. The Outcome of the case after public and legal pressure, PepsiCo withdrew the case. The impact of this case revealed how corporate breeders could misuse judicial processes to intimidate farmers, undermining the Act's intent. From this one can identify the lack of judicial awareness and precedents from these courts are often unfamiliar with the nuances of the PPV&FR Act. The result is due to lack of consistent jurisprudence, making it difficult for farmers to assert their rights confidently. Along with this Rural farmers rarely have the legal aid needed to defend themselves effectively in such disputes.

Global agri-business companies often register hybrid or genetically modified seeds under the Act and control the commercial seed supply. From TRIPS compliance allows companies to enforce breeders' rights, which may conflict with traditional seed-sharing practices. This shows there is dominance of seed corporations this can be seen in case of Monsanto (now Bayer) v/s Indian seed companies the issues was Monsanto licensed its Bt Cotton gene to Indian companies and demanded royalties¹². Disputes arose over patent rights, and Indian courts had to intervene. Though Monsanto claimed IP protection under TRIPS, Indian courts recognized that seeds are subject to sui generis rules (not patentable as life forms under Indian law).

However, International seed corporations have lobbied for India to amend the PPV&FR Act to align more closely with UPOV 1991, which restricts farmers' rights to reuse or exchange protected seeds. India has resisted joining UPOV, but corporate influence remains a challenge. Author has observed that the courts

have hesitated to firmly prioritize farmers' customary rights over corporate IPRs, leading to legal ambiguities.

3.4 Social Impact and Farmer Protests:

Liberalization and WTO-aligned reforms contributed to reduced state intervention. The Rising input costs, volatile markets, and debt burdens have led to widespread agrarian distress. The 2020–21 protests against three farm laws reflected farmers fear of losing guaranteed procurement and protections and entry of the international corporate companies to the field of Indian agricultural system. Here author has observed that there is a deepening disconnect between market-oriented legal reforms and ground realities of smallholder farmers and their conditions and lack of the knowledge about the agents and real farmers and their conditions in the Indian social condition¹⁴. This may also due to misunderstanding between the real farmers and agents in the market who are setting the price for the commodities grown by the farmers.

¹⁴ Ministry of Agriculture and Farmers Welfare, GoI. Annual Reports (2020–2023).

4. Results and Discussion:

4.1 Positive Legal Adaptations:

India's PPV&FR Act is a global model in balancing TRIPS with farmers' rights by adopting sui generis approach shows India's commitment to protect seed sovereignty. India adopted Sui Generis Model in Compliance with TRIPS India developed a sui generis legal framework — the PPV&FR Act which recognizes the rights of breeders over new varieties. India's model has seen as an alternative to the UPOV system, particularly suitable for developing and agrarian economies. Whatever it may be there should be benefit sharing and community rights of farmers by the National Gene Fund facilitates monetary rewards and benefit sharing for communities that contribute to the conservation of genetic resources. Farmers or communities can claim benefits when their varieties are used in registered new varieties. This aligns with international principles in the Convention on Biological Diversity (CBD) and Nagoya Protocol, promoting equitable access and benefit-sharing (ABS). However, Farmers seldom benefit from the legal protections available due to lack of institutional reach and also Procedures for benefit-sharing and variety registration are underutilized this led to the weak implementation and awareness¹⁵.

4.1 Trade Rules v/s. Food Security:

The intersection of international trade rules and national food security presents a critical area of legal and policy debate, especially for countries like India that have large agrarian populations. The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001, enacted in response to WTO's TRIPS Agreement, reflects India's effort to balance trade-related intellectual property rights (IPR) with domestic food security goals. India has consistently pushed for flexibilities in TRIPS to prioritize public interest and food security, including: Preservation of farmers' rights, Opposing patentability of seeds and life forms, Advocating for technology transfer and benefit sharing^{14,15,16,17}. WTO norms on domestic support challenge India's procurement policies that are essential for food security. India has argued for permanent solutions within the WTO but progress has been slow. The impact of WTO on Indian agriculture is mixed. While some reforms have modernized the sector, they have also exacerbated inequities. Legal protections exist but require strengthening, especially in implementation and judicial enforcement.

¹⁵ GRAIN. Trade Deals and the Right to Food in India. (2020) [https://www.google.com/search?q=5.%09GRAIN.+\(2020\).+Trade+Deals+and+the+Right+to+Food+in+India](https://www.google.com/search?q=5.%09GRAIN.+(2020).+Trade+Deals+and+the+Right+to+Food+in+India)

¹⁶ Shiva, V. Earth Democracy: Justice, Sustainability and Peace. South End Press. (2005)

¹⁷ Economic & Political Weekly, The Farm Laws and the Crisis of Trust. Narayanan, S. 56 (7). (2021)

5. Conclusion:

India's WTO membership has profoundly influenced its agricultural policies and legal frameworks. While it has initiated legal reforms like the PPV&FR Act to comply with TRIPS while safeguarding farmers rights, these reforms remain ineffective in practice without institutional support. The tension between WTO commitments and domestic policy reflects a broader struggle between global trade integration and national sovereignty. While the WTO provides for some flexibility through exceptions (GATT Article XX) and special and differential treatment for developing countries, disputes often arise when trade obligations seem to override domestic priorities. The PPV&FR Act is a progressive and farmer-friendly legislation, unique for its recognition of farmers' rights alongside breeders' rights. However, effective implementation requires enhanced awareness, institutional support, and simplification of procedures to ensure that both innovation and traditional knowledge are equally promoted and protected in India's agricultural landscape.

India's PPV&FR Act represents a nuanced approach to WTO compliance, aiming to protect both intellectual property and farmers traditional rights. However, its alignment with WTO norms continues to evoke social tensions, especially regarding seed ownership, food sovereignty, and corporate control. Effective implementation, greater awareness, and resistance to UPOV-style restrictions are key to addressing farmer concerns and ensuring social justice in agriculture. While the PPV&FR Act is globally lauded for including farmers rights, its effective implementation faces judicial gaps and corporate overreach. The WTO/TRIPS framework, though allowing flexibility, is often used by multinational corporations to push for stricter IP enforcement that could undermine India's sui generis system. To truly protect farmers legal awareness must increase. The Courts must build capacity in PPV&FR jurisprudence and India must resist UPOV-style amendments that erode seed sovereignty. Moreover, the WTO's emphasis on liberalized markets conflicts with India's development needs, particularly in ensuring food security and protecting smallholders. The legal system must play a proactive role in reconciling global trade obligations with domestic socio-economic realities.

Recommendation: 1. strengthening legal aid and awareness programs for farmers 2. Simplify procedures for crop variety registration and benefit-sharing 3. Building negotiation capacity at WTO to protect the MSP 4. Promote inclusive policy making that centers for and from the voices of small and marginal farmers.

Ultimately, the goal must be to create a legal framework that not only aligns with global trade rules but also upholds the dignity, knowledge, and livelihood of Indian farmers.

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