

THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

ARRANGEMENT OF SECTIONS

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THE PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001

ACT NO. 53 OF 2001

[30th October, 2001.]

An Act to provide for the establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants.

WHEREAS it is considered necessary to recognise and protect the rights of the farmers in respect of their contribution made at any time in conserving, improving and making available plant genetic resources for the development of new plant varieties;

AND WHEREAS for accelerated agricultural development in the country, it is necessary to protect plant breeders' rights to stimulate investment for research and development, both in the public and private sector, for the development of new plant varieties;

AND WHEREAS such protection will facilitate the growth of the seed industry in the country which will ensure the availability of high quality seeds and planting material to the farmers;

AND WHEREAS, to give effect to the aforesaid objectives, it is necessary to undertake measures for the protection of the rights of farmers and plant breeders;

AND WHEREAS India, having ratified the Agreement on Trade Related Aspects of Intellectual Property Rights should, *inter alia*, make provision for giving effect to sub-paragraph (b) of paragraph 3 of article 27 in Part II of the said Agreement relating to protection of plant varieties.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Protection of Plant Varieties and Farmers' Rights Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Authority” means the Protection of Plant Varieties and Farmers' Rights Authority established under sub-section (1) of section 3;

(b) “benefit sharing”, in relation to a variety, means such proportion of the benefit accruing to a breeder of such variety or such proportion of the benefit accruing to the breeder from an agent or a licensee of such variety, as the case may be, for which a claimant shall be entitled as determined by the Authority under section 26.

(c) “breeder” means a person or group of persons or a farmer or group of farmers or any institution which has bred, evolved or developed any variety;

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(e) “Chairperson” means the Chairperson of the Authority appointed under clause (a) of sub-section (5) of section 3;

(f) “convention country” means a country which has acceded to an international convention for the protection of plant varieties to which India has also acceded, or a country which has a law on

1. 11th November, 2005, ss. 2 to 13 (both inclusive) and ss. 95, 96 and 97, *vide* notification No. S.O. 1588(E), dated 11th November, 2005, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

19th October, 2006, s. 1 and ss. 14 to 94 (both inclusive) *vide* notification No. S.O. 1797(E), dated 19th October, 2006, *see* Gazette of India Extraordinary, Part II, sec. 3(ii).

2. Clause (d) omitted by Act 33 of 2021, s. 23 (w.e.f. 4-4-2021).