

COMMUNITY RIGHTS UNDER THE PPV&FR ACT, 2001: SYMBOLISM AND GAPS IN BENEFIT SHARING IN NORTHEAST INDIA

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Abstract

The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001 is a landmark legal development in India, recognizing both farmers' rights and community rights in the conservation and development of plant varieties. This article examines the legal contours of community rights under the regime of this Act, with a specific focus on Northeast Region (NER) of India - a region rich in biodiversity but often overlooked in legal implementation. Through doctrinal analysis and case studies from Manipur, Meghalaya, and Assam, the article evaluates the practical application of the statutory benefit-sharing mechanisms. The findings highlight a gap between the legislative intent and ground level execution owing to factors like regional marginalization, lack of legal knowledge, lack of institutional support etc. It concludes with policy suggestions aimed for enhancing legal literacy, expanding access to institutional systems, and promoting inclusive governance for fair benefit distribution and traditional knowledge preservation.

Keywords: Community Rights, Traditional Knowledge, PPV&FR Act, Agro-Biodiversity, Northeast Region, Legal Recognition, Benefit Sharing

1. Introduction

In recent years, the intersection between traditional knowledge (TK) and intellectual property (IP) law has received growing attention in global discussions on biodiversity conservation and sustainable agriculture. India, as a party to key international instruments such as the Convention on Biological Diversity (CBD) and the Nagoya Protocol, has committed to creating legal frameworks that ensure benefit-sharing and acknowledge the custodianship of traditional communities over plant genetic resources. Among these frameworks, the PPV&FR Act, 2001 stands out as a pioneering national legislation that recognizes the historical contribution of farmers and local communities to the preservation and advancement of plant genetic resources in addition to safeguarding the interests of breeders.

The individual rights of farmers under this Act have received a lot of scholarly and policy attention, but less is known about its provisions on community rights, which are incorporated mainly in Section 41. These provisions are unique in that they go beyond individual-centric intellectual property regimes to acknowledge collective custodianship of biodiversity. Community rights are often classified as third-generation human rights which are collective¹ in nature, unlike the primarily individual-focused civil and political rights (first-generation) or socio-economic rights (second-generation). These community rights hold

¹ Agarwal, H. O., *International Law and Human Rights* (23rd edn, Central Law Publications 2021) 786.

particular significance in the Indian context, where the indigenous communities have historically conserved agro-biodiversity through various informal and generational practices.²

Community rights not only affirm the value of traditional knowledge systems but also establish the basis for equitable benefit-sharing by virtue of innovations derived from such knowledge.³

In this context the Northeast Region (NER) of India offers a valuable perspective for examining how these rights are actually implemented. The spirit of the PPV&FR Act is best represented by the NER, which is home to abundant agro-biodiversity and indigenous populations that have preserved distinctive landraces and traditional varieties. However, the region's lack of legal outreach, institutional infrastructure, and geographical isolation pose serious obstacles to successful implementation. The provision of awarding the communities with the Plant Genome Saviour Community Award under the Act has been availed by only three communities from NER till now and this shows that there is a kind of gap between the legislation's progressive goals and its practical impact at the ground level. This discrepancy calls into question the efficacy of India's community rights framework - Does the PPV&FR Act only serve as a one-time award or does it actually result in benefit-sharing for indigenous communities?

In order to answer the question, this article analyzes three communities that were awarded the Plant Genome Saviour Community Award in Manipur, Meghalaya, and Assam using doctrinal and case research methods. The article shows the possibilities and limitations of the PPV&FR Act in empowering biodiversity custodians in the NER by critically analyzing how these awards have influenced benefit-sharing, conservation practices, and community recognition.

2. Methodology

The article is mainly based on doctrinal legal research approach and it emphasizes on the interpretation and analysis of statutory regimes, institutional mechanisms available under the PPV&FR Act. The primary sources include statutory documents, notifications and official government reports published by the PPV&FR Authority. To supplement this legal analysis, the article incorporates a qualitative case study approach. It examines three communities from the NER, namely, Manipur, Meghalaya, and Assam that have received the Plant Genome Saviour Community Award. These case studies are selected based on publicly available documentation and award justifications provided by the Authority which emphasizes on regional representation and biodiversity significance. The analysis revolves around assessing the legal recognition, benefit-sharing provisions and challenges in implementation by these communities. Secondary sources like scholarly articles, policy documents, and global treaties are also used to interpret the legal and ethical debates concerning the subject matter.

3. Community Rights under the PPV&FR Act

India is a home to a number of diverse tribal and indigenous communities and owing to their unique nature and characteristics, each of the members of these communities are entitled to be treated equally without any kind of discrimination.⁴ In India initiatives have been undertaken to protect the rights of the members belonging to various communities. Various

² Rajesh Dev, 'Human Rights, Relativism and Minorities in North East India' (2004) 39, 43 *Economic and Political Weekly* 4748.

³ Selvan Theepa, 'Gandhi's Approach to Human Rights' (2020) <<http://dx.doi.org/10.2139/ssrn.3604024>> accessed 01 May 2024.

⁴ Aryan Mohindroo, 'Rights of Tribals and Indigenous Persons in India' (February 14, 2022) <https://nyaaya.org/guest-blog/rights-of-tribals-and-indigenous-persons-in-india/#footnote_0_2419> accessed 04 June 2024.

attempts have been made under the Indian Constitution to protect the rights of the indigenous community members and it has been perceived that the post-Independence Indian administration has handled its tribal populace equitably.⁵

While discussing about community rights in India, people are more acquainted with the concept of land rights, rights of the forest dwellers, grazing rights, fishing rights etc. However, owing to the lack of awareness, these communities are ignorant about the entitlements and benefits from their intellectual property endowed in rich traditions, culture and knowledge of the indigenous community which forms a new jurisprudence in the field of IPR.⁶

To address and protect the IP associated with the plant varieties alongwith ensuring the rights of the communities, the Legislature have taken initiatives from time to time. In an effort to balance IPR with the preservation requirements of traditional agricultural communities, India introduced the PPV&FR Act, 2001.

3.1. The Protection of Plant Varieties and Farmers Rights Act, 2001

The PPV&FR Act was enacted by complying with the various international mandates as stated under the instruments like CBD, Nagoya Protocol, TRIPs Agreement, UPOV, ITPGRFA etc. The Act is a remarkable initiative as it intends to protect the farmers as well as plant breeders and thus Anitha Ramanna, in her project on Farmers' Rights has mentioned this legislative approach to be a holistic one.⁷ As compared with the international and national successors of this document, it is also unique in the sense that it has enriched the concept of the farmers' rights and genuinely addressed the concerns of farmers as breeders, innovators, conservers, etc.

In this context it needs to be pointed out that the PPV&FR Act, 2001 mainly recognizes and secures the rights of the farmers in light of their commitment to the preservation, advancement and availability of plant genetic resources for the creation of new varieties of plant, while the community rights find its place only in fewer provisions. Further unlike the term farmer, the term community is also not defined under the Act.

3.1.1. Status of community under the Act

The term "community" finds its place under the Act in few contexts. Section 16 which deals with the persons entitled to make application under the Act stipulates that the farmers' community which claims to be the breeder of a variety is also entitled to apply for its registration.⁸ Along with recognising the rights of individual farmers, it is also focussed on safeguarding the interest of "community of farmers" involved in breeding any variety. This provision thus places the individual farmers and farmers' community at par with the other breeders, their successors etc.

Thereafter the rights of the communities are mentioned under Section 41 of the Act. This provision is regarded as a remarkable one with regards to recognising and rewarding the community of farmers for their contributions. This provision is expressly dealing with the rights of communities and how they can avail the benefit of recognition and reward mandated under the Act. However, unlike the specific types of rights that are enjoyed by the farmers under this enactment, there is no such entitlements or privileges specified for the communities

⁵ Rajat Ghai, 'Tribal Rights in India are a grey picture: experts' (November 22, 2018), <<https://www.downtoearth.org.in/news/environment/tribal-rights-in-india-are-a-grey-picture-experts-62230>> accessed 04 June 2024.

⁶ Manoj Kumar Sinha & Jupi Gogoi, *IPR and Human Rights with Special Emphasis on India* (New Delhi, Shivam Offset Press, 2018) 291.

⁷ Anitha Ramanna, Farmers' Rights in India- a Case Study, *The Farmers' Rights Project 9* (The Fridtjof Nansen Institute, 2006).

⁸ Section 16(d).

even if the nomenclature of the provision speaks expressly about “rights”. Section 41 is mainly devoted to submission of claims by the rural and tribal communities by which their contributions towards conservation and preservation of resources and traditional varieties get acknowledged.

3.1.2. Application and Evaluation Process for Community Award

As per Section 41 of the Act, the local communities who are involved in developing or conserving any plant variety can submit claims for recognizing or acknowledging their contributions. Such claims may be filed by any of the following:

- a) any person or group of persons, regardless of whether they are actively engaged in farming or not; or
- b) any governmental organization; or
- c) any non-governmental organization.

However, before filing any such claims, the Authority has to obtain prior approval of the Central Government. Once such claim is made, the designated centre has the responsibility to investigate such claim according to the appropriate manner and if it determines that the village or local community has made significant contribution to the development of the variety that has been registered under this Act, it must then inform the Authority of its findings.

After receiving the report, the Authority conducts necessary inquiry about the registration of the variety mentioned in the report. If it is found that the variety has been registered as per the mandates of the Act, then the Authority notifies the breeder of that variety and give the breeder an opportunity to file an objection in the manner prescribed by law. After being heard, the Authority grants the payment of compensation to the applicant of the claim (be it the person or group of persons or governmental or non-governmental organization). The payment of compensation is restricted as per the limit notified by the Central Government.

The breeder of the variety is required to contribute the compensation granted to the Gene Fund and the compensation provided shall be considered as an arrear of land revenue and the Authority shall have the right to recover it in accordance therewith.

The Act further intends to grant recognition to the communities and farmers by way of giving them awards for the contributions made by them towards protecting and preserving any variety of plant. The award granted to the communities is known as the Plant Genome Savior Community Award under Section 45 of the PPV&FR Act, 2001 and Rule 70(2)(a) of the PPV&FR Rules, 2003.

All Indian farmers, group of farmers, communities of farmers particularly tribal and rural communities, who are involved in the maintenance, enhancement, and preservation of genetic resources of economic plants and their wild relatives, predominantly in those regions which are identified as agro bio-diversity hotspots.⁹ The community of farmers'/farming community-based organisations need to have a long history of plant agro-biodiversity conservation in order to be eligible for receiving this award.

The Act mandates the appointment of an Authority known as the Protection of Plant Variety and Farmers' Rights Authority which is responsible for presenting the award to the concerned community. The award package includes the following:

- i. A monetary prize (Rs. ten lakhs),
- ii. A citation, and
- iii. A memento.

3.1.3. Requirements

⁹ Preeti Mamgai, Ashish Murai, *et.al.*, *Conservation of Farmers' Varieties through PPV&FR Act* (ICAR-Agricultural Technology Application Research Institute, 2017) 27.

In order to qualify to receive this award, the applicant (rural and tribal communities) need to submit a prescribed application form as provided under Schedule-I of the Act. The following requirements are to be fulfilled as per this Schedule:

- i) **Identity and legal recognition:** The communities firstly have to provide their own identity details and also information about the region or area to which the community have its place. They also have to show their status of registration, whether there is any prior registration of the community or not. In case of any prior registration, they have to provide the registration number as well. These information helps the Authority to prevent double registration and to ensure that the rural communities get acknowledged for their efforts.
- ii) **Conservation and innovation:** Thereafter the communities are required to specify the location of their conservation site, illustrate about the particulars of any strategies relating to conservation, preservation adopted by them, any improvement efforts and details of plants and crops whose qualities have been enhanced by them. Details of whether any unique approaches, procedures, storage strategies, etc. have been created or implemented also have to be emphasized. Providing such details helps the Authority to ensure how different communities are unique from each other and how they become entitled to such recognition and reward under the Act.
- iii) **Knowledge sharing and collaboration:** The next requisite is regarding the particulars of the cultivars that were shared or transferred with others for varietal development. If any transfer agreement has been signed for sharing of knowledge or in case of any benefit sharing agreement for commercialization of varieties, the same is to furnished by the communities. Further in case of any collaboration, the name of the organisation, that determined the valuable characteristics of the conserved varieties and also any other organization that recognizes, rewards, or acknowledges the efforts made by the farming communities in conserving any particular variety or varieties is to be also furnished.
- iv) **Integration with legal framework:** There are instances where the PPV&FR Act and the Biological Diversity Act overlaps with each other and thus in order to maintain harmony between these two legal frameworks, a confirmation as to inserting the variety or varieties in the Peoples' Biodiversity Register maintained by the Biodiversity Management Committee is also essential. However, in practice the overlaps and inconsistencies often result to confusion.

These procedural requirements are meant to guarantee accountability and incorporate community contributions into the legal framework, but in reality, they frequently serve as obstacles for marginalized and remote communities. Communities of this type find it challenging to successfully navigate the process due to low literacy, a lack of institutional support, and overlap with Biodiversity Management Committees.

4. Scenario of community recognition at regional level

Delving upon the regional context, the NER of India is rich in natural resources and most of the indigenous people of this region are involved in the conservation and preservation of these resources.¹⁰ Each States of this region has a rich history of traditional knowledge and it is among the world's hotspots for biodiversity. The list of agro-biodiversity hotspots of India has been provided in the Act under Annexure 3 and there are many areas from the entire NER which are covered under different hotspot regions. Among the agro-biodiversity hotspots from

¹⁰ Khumukcham Shynyan, 'North East India is the flagbearer for Community Based Conservation' (May 06, 2023) <<https://thinkwildlifefoundation.com/north-east-india-is-the-flagbearer-for-community-based-conservation/>> accessed 19 June 2024.

India,¹¹ the hotspot regions of NER includes: Eastern Himalayan (Arunachal Pradesh and Sikkim – all districts), Brahmaputra Valley (Dhubri, Kokrajhar, Bongaigaon, Barpeta, Nalbari, Goalpara, Kamrup, Golaghat, Darrang, Morigaon, Nagaon, Sonitpur, Jorhat, Lakhimpur, Sivasagar, Dibrugarh, Dhemaji, Tinsukia), Khasia-Jaintia-Garo Hills (Meghalaya – all districts – East Garo Hills, West Garo Hills, South Garo Hills, East Khasi Hills, West Khasi Hills, Jaintia Hills, Ri-Bhoi) and North-Eastern Hills (Manipur, Mizoram, Nagaland, Tripura – all districts, adjoining Cachar and North Cachar districts of Assam).

The traditional knowledge of different resources is borne by the local inhabitants of these regions and it is passed from one generation to another.¹² Basically, the indigenous peoples living in the remote areas of these States are the primary custodians of the various plant varieties and herbs possessing important properties including medicinal properties.

The PPV&FR Act is considered to be a remarkable legislation but its success depends upon its proper implementation. Its implementation should be ensured not only at the national level but also at the regional level. It has been observed that initiatives have been taken by the Government to execute the legislation from different aspects.

Various provisions of the PPV&FR Act have been implemented in this region also. Apart from increase in the number of registrations of plant varieties under different categories of the Act, research in the field of agriculture have also been strengthened from the States of NER. The facility of providing recognitions and rewards encouraging the farmers and related communities engaged in the conservation, preservation of diverse plant varieties has been witnessed from this region.

Further in order to initiate the testing of the plant varieties, various DUS test centres have been established in different States of the country including the NER. For instance, DUS test centre for rice have been set up in Nagaland (ICAR -Regional Station for NEH, Jharnapani, Medziphema-797106), Manipur (ICAR-NEH, Langol Rd, Sinam Leikai, Thangmeiband, Imphal-795004) and Assam (National Seed Project (Crops), AAU, Jorhat-785013). Further, DUS Centre for tea has been set up in Assam (Dr. S. K. Singh, Scientist-B (Plant Physiology & Breeding), Department Tea Research Association, Tocklai Experimental Station, Jorhat-785008).¹³

For the first time, this award was given out in 2009–2010. Since then, this community award has been given annually to motivate them to engage in conservation. In 2009-10, only two number of awards were given followed by four in the next consecutive years. From 2012-13 to 2015-16 total five awards were distributed for the significant contributions made by the respective communities and thereafter the number of awards got reduced.¹⁴

As per the data and statistics available at the PPV&FR Authority website,¹⁵ the winners of this award is mainly from South India covering the States – Karnataka, Kerala, Tamil Nadu and Andhra Pradesh while only two awards have been received by the communities from Union Territories. While talking about NER, only three communities have been successful so far to receive this award - the Kachai Village Community from Manipur

¹¹ Protection of Plant Variety & Farmers Rights Authority, 'The Agro-biodiversity Hotspots of India' <<http://164.100.60.210/hotspots.htm>> accessed 30 May 2024.

¹² Mayuri Gogoi, Ipsita Kaushik., 'Protection of Traditional Knowledge in the State of Assam and Role of Geographical Indication' (2021) 2(4) *International Journal of Recent Advances in Multidisciplinary Topics* 36.

¹³ Department of Agriculture & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Government of India, 'DUS Centre' <<https://plantaauthority.gov.in/dus-centres>> accessed 30 July 2024.

¹⁴ Department of Agriculture & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Government of India, 'Plant Genome Savior Community Awards – Introduction' <<https://plantaauthority.gov.in/introduction-plant-genome-saviour-community-awards>> accessed 29 May 2024.

¹⁵ Ibid.

(2012-13), the Nonglawai Orchid Society from West Khasi Hills, Meghalaya (2014-15) and the Dansuri Agril Farming Co-operative Society, Karbi Anglong, Assam (2019-20).¹⁶

This is to highlight that the less number of awards received from the north eastern states implies that people from this region are unaware about their rights and also about the existence of such provisions under the law. All the states including Assam is considered to be a repository of various flora, fauna, medicinal and aromatic plants, spices plants, aesthetic and ornamental plants etc.;¹⁷ the people and tribal communities residing in the remote villages possesses various traditional knowledge concerning these plants, however, due to lack of proper guidance, awareness and management practices, they remain deprived of such benefits granted by the law. However, in these past years, only a few farmers from NER have been able to gain individual recognition namely the Plant Genome Savior Farmer Reward and Plant Genome Savior Farmer Recognition award under the Act because of their efforts in preserving certain plant varieties.¹⁸

In this background the authors seek to focus the success stories of the community award received by the abovementioned communities. The authors also intend to delve into the post award situation of these communities.

4.1. The Kachai Village Community, Manipur

Firstly, in the financial year 2012-13, the Kachai Village Community were successful in gaining appreciation for their impact in conserving the citrus variety - Kachai Lemon, locally called kachai champra which is found in the Ukhrul district, Manipur. This lemon is a member of the family Rutaceae and species *Citrus jambhiri* Lush. In addition to its rich flavor, the kachai lemon's exceptional nutritional value makes it a vital component of the communities' economy and sense of cultural identity.¹⁹

The community associated with this citrus species is the Kachai Village Community and they have been actively involved in preserving and conserving this species. Apart from acknowledging their contributions, the Plant Genome Saviour Community Award promotes the continuance and advancement of the essential farming methods. Further this lemon is famous and unique when compared to other citrus species found in the region because it has a sweet aroma, its ascorbic acid content is also high, no chemicals are used in its cultivation and it is grown completely under natural environment. The Award benefitted the community in a number of ways, including financial incentives to support conservation and agricultural infrastructure, national recognition that draws government and non-governmental organization support, and the dissemination of traditional farming knowledge that encourages the next generation to continue using indigenous agricultural methods.²⁰

¹⁶ Department of Agriculture & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Government of India, 'Details of Plant Genome Savior Community Awards Winners' <<https://plantaauthority.gov.in/details-plant-genome-saviour-community-awards-winners>> accessed on 29 May 2024.

¹⁷ Prosanta Hazarika, Nilakshi Kakati, *et. al.*, 'Indigenous Knowledge in Relation to Conservation and Management of Forest Biodiversity of Assam' (October, 2020) Life Sciences Leaflets <https://www.researchgate.net/publication/344729258_INDIGENOUS_KNOWLEDGE_IN_RELATION_TO_CONSERVATION_AND_MANAGEMENT_OF_FOREST_BIODIVERSITY_OF_ASSAM> accessed 10 May 2024.

¹⁸ Smita Sarmah, 'Geographical Indication as a tool to protect Traditional Knowledge: Assessing its Adequacy in reference to Assam's Agro-Medicinal Plants' (2022) Kashmir Journal of Legal Studies IX (2).

¹⁹ Heikham Narmila Devi and Gino A. Sangma, 'Agribusiness Prospects of Kachai Lemon Produced in Ukhrul District of Manipur, India: Status, Issues and Way Forward' (2024) 24(10) Archives of Current Research International 393.

²⁰ Ibid.

In addition to the community award under the PPV&FR Act, the Kachai Lemon has also received the Geographical Indication (GI) tag²¹ under the GI Act owing to the abovementioned features. However, in this point, it needs to be clarified that there is overlapping between both the legislations and there is every possibility that a product may receive recognition under both the PPV&FR Act and also the GI Act but it must be remembered that their objectives are different. On one hand, the former only offers recognition to the communities by providing them financial aid and certificate and this recognition is only availed once. While the latter bestows the community with an exclusive right over their goods or products signifying that it originates in the particular geographical region, possesses uniqueness thereby preventing unauthorized commercial exploitation.²²

Despite such recognitions, the access to markets by these communities remain restricted owing to inadequate infrastructure, absence of proper value chains and limited branding campaigns. The award gives visibility at the initial years but does not guarantee long-term economic empowerment. Furthermore, institutional follow-up after an award appears to be lacking, restricting prospects for capacity building or value-added processing. As a result, while the recognition helped confirm the community's traditional knowledge, its long-term conservation and commercial possibilities remain untapped without state-led or market-based actions.

4.2. The Nonglawai Orchid Society, Meghalaya

The next reference can be given of Nonglawai Orchid Society where people residing in the West Khasi Hills of Meghalaya were literally ignorant about such plant variety protection under the regime of intellectual property law relating to the orchids found in this region until Charles Tympuin took the initiative to preserve and protect these varieties before getting extinct.

Meghalaya is endowed with an abundance of orchid resources. The orchids are appreciated for their lovely colors, designs, therapeutic qualities and also these are used in traditional ways. There are varieties of orchids found in Meghalaya and they not only possess nutritional value but also possess medicinal values.

While discussing about the significance of orchid cultivation, mention need to be made about the role played by the Nonglawai Orchid Society which originated in West Khasi Hills, Meghalaya and Charles Tympuin is the person who started this society. Being a nature lover, Mr. Tympuin have been taking initiatives to save and preserve orchids which are rare and native in nature. Mr. Tympuin once happened to cross the West Khasi Hills while visiting one of his friend's place and during the journey he was amazed to see wild varieties of orchids growing here and there in the hills. On preliminary study he got to know that these orchids had high economic value but people from the region was not much keen or aware about its significance.

Accordingly, he decided to work for the preservation of these orchid varieties. He started this initiative from the nearby regions since 2009-2010 and at that moment he found that people of this region only collect orchids, they neither grow it nor care for it. Such lack of care may lead to extinction of orchid varieties in the next generation. Thus Mr. Tympuin decided to take measures and care for preserving and cultivating varieties of orchids in the region and he thereby got the society registered through the District Planning Department in Nongstoin by 2011. Subsequently he apprehended that in order to oversee their orchid

²¹ V. K. Ahuja, Sankar Sundaram, *et.al.*, 'Handbook on the Geographical Indications (With Special Focus on North-East Region)' (DPIIT-Intellectual Property Rights (IPR) Chair The National Law University and Judicial Academy Assam, 2022) 26.

²² Vikash Kumar, 'Protection of Indigenous Rice Variety and Agricultural Innovation in India Under GIs Act & PPV&FR Act' (2021) <<http://dx.doi.org/10.2139/ssrn.3870474>> accessed 29 May 2024.

production, he required official instruction. He and his team asked the IBDLP Basin Development Unit for assistance in this regard. To improve their identification skills and plant additional species, they were properly trained here. He was involved in conserving about 75 varieties of orchids and he was rewarded for such initiatives in 2014-15.²³

Mr. Tympuin's endeavour to conserve the orchids is worth mentioning, however, this only shows dependency on individual leadership rather than any institutional backing. This has ultimately resulted in issues like sustainability and scalability. Despite training and recognition, other factors like changes in the environment, cutting down of trees, lack of proper market facility to sell the orchids, lack of follow-up support continue to prevent broader community participation in the long run. Without proper benefit-sharing mechanisms or conservation measures for niche crops like orchids, the community remains exposed to both ecological and economic setbacks.

4.3. The Dansuri Agril. Farming Co-operative Society, Assam

The Dansuri Agril. Farming Co-operative Society from Karbi Anglong, Assam has been successful in receiving the award in 2019–20. This society is run by the tribal farmers and they have been taking efforts in cultivating and preserving various traditional landraces of crops. At the Assam Agricultural University-Regional Agricultural Research Station, Diphu, a high-yielding variety called DIKRUT (IC621832) was developed by using a local sesame landrace known as Nampho Karjang (Diphu Local) which was mainly shared by this community. Similarly, they are also taking measures to conserve "unique and endemic" plant genetic resources. In order to conserve local land races and wild edible fruits, vegetables, and nuts that the Karbi tribe has historically used for conservation, demonstration, and awareness-raising, the society's main goals are to support scientific farming, build primary processing and storage facilities for ginger, turmeric, black pepper, oil seeds, and pulses, and add value.²⁴

Despite such acknowledgement after collaborative efforts, the legal and financial arrangements for benefit-sharing remain unclear. There is no evidence that the community obtains royalties or other long term pecuniary advantages from the use of its traditional variety. This highlights a fundamental flaw in the Act's implementation, as community acknowledgment does not always convert into actual or recurring benefits.

5. Issues at the regional level

The PPV&FR Act is a beneficial legislation helping the farmers to get their rights recognized by the law and various initiatives have been undertaken by the Government in order to implement the Act, but despite providing various facilities and schemes to the farmers and the breeders, there are still much to be achieved. By reviewing various literatures and also by communicating with people from the rural areas, it is found that much is yet to be executed at the regional level, mainly in the remote and rural areas. It is a matter of concern that people possessing the traditional knowledge are deprived of their rights.

Some of the issues or barriers prevailing at the community level identified by the authors which hampers the effective implementation of the Act includes: geographical remoteness, language barriers, communication challenges, lack of awareness about IPR, the PPV&FR Act, provisions and benefits available, registration facilities and mandates among the rural and tribal communities residing in the remote areas of the NER. Although recently Geographical Indication have received some recognition in these states but maximum of them are ignorant about the same. The Act mandates the establishment of the regional offices which shall ease the communication barrier faced by the people. However, only one regional office

²³ Baishali Thapa, 'Meet the orchid man: on a journey to preserve orchids' (2021) <<https://www.syllad.com/meet-the-orchid-man-on-a-journey-to-preserve-orchids/>> accessed 06 June 2024.

²⁴ 'Plant Genome Saviors', Protection of Plant Varieties and Farmers' Rights Authority, Ministry of Agriculture and Farmers Welfare, Government of India, 87.

for the entire NER have been established and it becomes difficult for these people to approach the office with their grievances. Due to their lack of literacy and financial stability, the majority of farmers in distant locations eventually find it impossible to speak out against violation of their rights and to take part in numerous programs designed to help farmers. Furthermore, it is observed from the case studies that the recognition and acknowledgement granted under the Act is only one-time recognition, the communities do not get the benefit for a longer term and there is no follow-up after the award is granted.

Thus, in view of the above, certain suggestions have been put forward so that the rights granted to the communities are enjoyed to the fullest extent:

- i. **Disseminating awareness about the right enshrined in the Act:** It is evident that many farmers, mostly small farmers and traditional communities, are still ignorant of their rights under the Act, despite the fact that the Act acknowledges the rights of farmers and communities. They continue to farm without understanding the rights and recognition outlined in the Act, while third parties continue to take advantage of them. In order to persuade these farmers to register their cultivars that meet the Act's requirements, awareness must be raised among them and action must be done.
- ii. **Supporting the indigenous communities:** In order to ensure that the traditional communities contribute towards the evolution, conservation, enhancement, assessment, and sustainable use of plant genetic resources for food and agriculture, the government should offer them adequate assistance. They should support farmers' and traditional groups' involvement in national and regional germplasm programs and take steps that not only stimulate the use of underutilized crops but also support their research
- iii. **Encourage research and training at the grassroots level:** Government should initiate measures for research, training and institutional capacity building activities at the grassroots level in order to enhance the traditional genetic resources, also focusing on its development, exchange and transfer so that the traditional knowledge of the farmers and practices are developed and protected.
- iii. **Establishment of more regional offices:** Steps must be taken to establish more regional offices as the lack of regional offices among the local communities could give rise to the procedural complications for them, requiring them to apply to distant offices. To overcome this problem, it is imperative that NGOs or some other Government bodies should be permitted to apply for benefit sharing on a farmer's behalf so that the communities are not deprived of their rightful entitlements.
- iv. **Organising capacity building programmes:** Periodic training programmes should be organized for scientists and technical personnel involved in the DUS system of testing and in local languages for tribal communities and farmers on various aspects of the Act. Rural knowledge centres can be organized with regard to the different legislations relating to seeds, biodiversity conservation, and plant breeding. In addition, agricultural universities can include information on relevant legislations in their curriculum for undergraduate courses.
- v. **Initiatives to be taken by Panchayat or local body:** As majority of the farmers in India are illiterate and poor, thus they are unable to fight for their rights when violated. They are not organized and thereby require the backing of strong organizations behind them. In this context the Panchayat or such other local bodies must take initiatives to create Farmers' Organizations in their locality in order to help these farmers.

- vi. **Translating recognition to long-term benefits:** As the Community Award under the PPV&FR Act does not give any long term benefit, it ought to be linked with some follow-up schemes whereby the communities can avail the market linkage facilities, branding assistance etc. Further a mandated monitoring system must be set up in which communities that receive awards are given recurring assistance for a minimum of five years.
- vii. **Clarifying the overlap between PPV&FR Act and the GI Act:** As observed there are instances under the Act where the provisions of both the Acts overlap with each other, thus the Authority need to create convergence guidelines that explain how PPV&FR recognition and GI protection can work in conjunction for communities whose products are covered by both laws. Also the regional PPV&FR offices must work with GI authorities in order to guarantee a single-window approach for the communities.

6. Conclusion

The PPV&FR Act, 2001 is pivotal in recognising and protecting the contributions of farming communities, especially in areas which are rich in agricultural biodiversity. In the NER, where indigenous communities have preserved different crop varieties and sustainable farming systems for generations, the Act offers an important framework of law through which the local communities can become empowered economically as well as culturally.

The study shows that while the Act protects farmers' rights over their traditional knowledge and seed varieties and also incentivizes their conservation efforts through awards like the Plant Genome Saviour Community Award, the actual implementation in NER remains limited. The less number of awards from the region reflects the presence of ongoing issues like institutional gaps, presence of language and geographical constraints, lack of awareness and minimal outreach. Despite the presence of biodiversity hotspots and traditional knowledge systems, many communities remain outside the legal benefit-sharing framework.

To bridge this gap, there is a pressing need to enhance awareness and capacity building, policy implementation in these regions so that communities can benefit as much as they can from the Act. Strengthening the recognition and support for traditional knowledge systems in the region can foster biodiversity conservation and sustainable agricultural development, making the PPV&FR Act a cornerstone for protecting both farmers' rights and the nation's agro-biodiversity. Collaborations between local communities, governments, and civil society organizations can be strengthened to promote more inclusive governance models. Empowering communities through legal knowledge and facilitating their participation in registration, conservation, and innovation procedures will be critical to guaranteeing fair and equitable benefit sharing.

Finally, the PPV&FR Act has revolutionary potential—not only as a legal tool to defend farmers' rights, but also as a means of preserving traditional knowledge and promoting sustainable agricultural growth. Unlocking this potential in biodiversity-rich but legally underrepresented regions like the Northeast necessitates a collaborative, multi-stakeholder strategy that prioritizes community knowledge and promotes equitable access and benefit sharing.