



पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण
(संसद के अधिनियम द्वारा निर्मित सांविधिक निकाय)
Protection of Plant Varieties & Farmers' Rights Authority
(A Statutory Authority Created by an Act of Parliament)

कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार
Ministry of Agriculture & Farmers Welfare, Govt. of India
एन ए एस सी कॉम्प्लेक्स, डी पी एस मार्ग, निकट टोडापुर गांव, नई दिल्ली-110012
NASC Complex, DPS Marg, Opp. Todapur Village, New Delhi 110012
Tel: 011 - 25843388, Fax: 011-25840478, E-mail:- la-ppvfra@nic.in

F.No. PPV&FRA/Legal/02/2019

Dated: 26.02.2021

PUBLIC NOTICE

(2 of 2021)

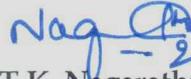
Subject :- Farmers' Rights in case of failure of expected performance of a registered variety under given cultivation/ production conditions as per the source of the seed such as Authorised Seller/ Registered Breeder /Agent/Licence-Section 39(2) of PPV&FR Act, 2001 read with Rule 67 of PPVFR Rules 2003.

A farmer has a right to claim for compensation from the authorised producer/ agent/licensee/registered breeder as the case may be, by writing with prima facie evidences to the Authority in Form PV-25, if the registered variety he had purchased from authorised/legitimate agent/licensee of the registered variety, is not performing or did not perform agronomically as claimed on the packaging of the seed. The procedures as described in the Act (Section 39 (2) of PPV&FR Act, 2001 and Rule 67 of PPV&FR Rules, 2003) shall be followed by the Competent Authority before a decision is made to award the compensation as due. The liability of compensation shall be with the Registered Breeder only in event the seed is legitimately sold by an authorised person as in Section 28 (2) or by the Registered Breeder. The liability however, will be lying with the Registered Agent or Registered Licensee only as the case may be, when the seed is sold by the Registered Agent or Registered Licensee.

However, the right for claim of compensation shall not be valid in the case of the crop grown from seed of a registered variety sold either by unauthorised seller (other than authorised, licensed or agent of the registered breeder) or by another farmer (including shared seed/exchanged seed/propagating material) as his farm produce under the farmers' right under Sec 39(1)(iv) of PPV&FR Act, 2001.

Accordingly, the Registered Breeder while executing MoU with the Registered Agent or Licensee or by Licensee of the Registered Agent must incorporate a clause to the affect that the liability to settle the claim of compensation by farmers under Section 39(2) is on the respective Registered Agent/Registered

Licensee for the claims limited only to the produce from seed sold by them and not on the Registered Breeders. Registered Breeders may resort to fixing separate trading name by each agent, licensee of the registered variety with its correct denomination and REG No. in paranthesis on each seed packet prominently under "Registered with PPVFRA as _____". in the logo of the Authority (Public Notice 1 of 2021). However, the above is not applicable in the case of Authorised Person(s) authorised for any of the Rights by the Registered Breeder as the latter shall own the liability in the event of a compensatory action, if any, imposed by the Authority in respect of the proceedings on the seed obtained by the farmers from Authorised Person.

Nag 
(T.K. Nagarathna)
Registrar

26/2/2021