Pakistan’s Piracy of Indian Basmati Rice Varieties

Why in news?

Indian Agricultural Research Institute (IARI) scientists and exporters have red-flagged the “illegal” cultivation of its improved basmati rice varieties in Pakistan.

Status of India’s basmati rice industry
• Basmati is long grain aromatic rice grown for many centuries in a specific geographical area, in the Himalayan foothills of the Indian sub-continent, • **Market size-** As of 2023, the market size reached Rs 490.5 billion and is projected to grow to Rs 533.6 billion by 2032. • **Cultivation areas-** They are grown in the Jammu and Kashmir, Himachal Pradesh, Punjab, Haryana, Delhi, Uttarakhand and western Uttar Pradesh. • **Major export destinations**- Saudi Arab, Iran, Iraq, United Arab Emirates and Yemen • The industry is driven by consumer preferences for long-grain specialty rice and the rising consumption of brown basmati rice due to its nutritional value. • **Varietal improvement**- IARI and other research institutions continuously work on developing and improving basmati rice varieties to enhance yield, quality, and resistance to pests and diseases. Example- Pusa Basmati 1509, Pusa Basmati 6 etc.,

What is the issue?

- **Illegal cultivation-** Indian Agricultural Research Institute’s (IARI) improved basmati rice varieties are being unlawfully grown in Pakistan.
- **Violates IPR-** IARI-bred basmati rice varieties in Pakistan constitutes an infringement of intellectual property rights as they are protected under India's Protection of Plant Varieties and Farmers’ Rights Act, which restricts their cultivation and distribution to Indian farmers only.
- **Market competition**- India's basmati rice exports are likely to fall in 2024 as Pakistan is offering the grain at competitive prices amid a rebound in production which indicates a competitive challenge from neighbouring countries in the basmati rice market.
- **Loss of quality**- IARI basmati rice varieties are known for their superior quality and yield characteristics, unauthorized cultivation in Pakistan may result in quality dilution if not grown under controlled conditions, potentially affecting India's reputation as a supplier of premium basmati rice.
- **Undermine GI protection**- Basmati rice is a Geographical Indication (GI) product, and its cultivation is restricted to specific regions in India, any cultivation of basmati rice outside these designated areas, such as in Pakistan, undermines the GI protection and authenticity of Indian basmati rice.

Key provisions of Protection of Plant Varieties and Farmers' Rights Act, 2001	
Key aspects	**About**

Aim	To establish an effective system for the protection of plant varieties, the rights of farmers and plant breeders, and to encourage the development and cultivation of new varieties of plants.
Authority	The Central Government will set up an Authority to be known as the Protection of Plant Varieties and Farmers' Rights Authority to implement the provisions of the Act.
Rights under the Act	The Act provides provision for farmers rights, breeders rights and researchers rights.
Breeders' rights	• They have exclusive rights to produce, sell, market, distribute, import, or export the protected variety, • They can also appoint agents or licensees and seek civil remedies for infringement.
Researchers' rights	They may use registered varieties for research, including as a source for developing new varieties, though repeated use requires the breeder's permission.
Farmers' rights	• Farmers who develop new varieties can register and protect them. • They can save, use, sow, re-sow, exchange, share, or sell their farm produce, except for branded seeds of protected varieties. • They are also eligible for recognition, rewards, and compensation related to plant genetic resources conservation.
National Gene Fund	It is designed to support the conservation and sustainable use of plant genetic resources, which are vital for food security, agriculture, and biodiversity
National Gene Bank	The Authority has established the Bank to store the seed material including parental lines submitted by the breeders of the registered varieties.
Benefit sharing	• It allows citizens of India, firms, or non-governmental organizations (NGOs) formed or established in India to submit claims for benefit sharing. • Upon assessment of the claim, the variety breeder is required to deposit the determined amount into the Gene Fund, which serves as a repository for benefit-sharing payments.
Align with WTO	The Act aligns India's obligations under Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement of the World Trade Organization (WTO), aiming to stimulate investment in agriculture, accelerate agricultural development, and facilitate the growth of the seed industry

What India can do to address the illegal cultivation?

- **Diplomatic engagement**- India should engage diplomatically with Pakistan, it can involve raising concerns through bilateral channels and urging Pakistan to enforce intellectual property laws to prevent such infringements.
- **International forums**- India can raise the issue of Intellectual Property Rights violation at World Trade Organization (WTO) so that it can garner support for addressing the violations.
- **Legal measures**- India should explore legal options to enforce its rights under domestic and international laws which may involve pursuing legal action against entities in Pakistan involved in the unauthorized cultivation and distribution of IARI

basmati rice varieties.

- **Proper monitoring**- Strengthening monitoring mechanisms to detect and prevent the illegal trade of IARI basmati rice varieties is essential.

References

1. Indian Express- Pakistan's piracy of India's basmati variety
2. TNAU- PPVFR Act
3. APEDA- Basmati rice

