

SPEED POST



सत्यमेव जयते

REGISTRAR GENERAL

रजिस्ट्रार जनरल

GOVT. OF INDIA, MINISTRY OF AGRICULTURE

भारत सरकार, कृषि मंत्रालय

PROTECTION OF PLANT VARIETIES AND
FARMERS' RIGHTS AUTHORITY

पौधा किस्म और

कृषक अधिकार संरक्षण प्राधिकरण

NASC Complex, DPS Marg,

(Opp. Todapur Village), New Delhi-110012 (INDIA)

एन.ए.एस.सी. कॉम्प्लेक्स, डी.पी.एस. मार्ग,

(टोड़ापुर के सामने), नई दिल्ली-११००१२ (भारत)

F. No. PPV&FRA/Registrar/1-08/08/10187/10201
Dated: 4th May, 2009

To

All the members of the PPV&FR Authority

Subject: Proceedings of the Seventh meeting of the PPV&FR Authority held on 27th March, 2009.

Sir,

I am forwarding a copy of the proceedings of Seventh meeting of the Protection of Plant Varieties and Farmers' Rights Authority held on 27th March, 2009 at Committee Room-II, NAAS, NASC Complex, New Delhi duly approved by the Chairperson, PPV&FR Authority for kind information.

Yours faithfully,

(Prem Narain)

Registrar General

Encl: As above

Copy to: ✓ PS to Chairperson for information.

**Proceedings of the Seventh meeting of the PPV&FR Authority held on
27th March, 2009 at Committee Room No. II, NAAS, NASC Complex,
New Delhi-110 012**

The seventh meeting of the PPV&FR Authority under the Chairmanship of Dr. S. Nagarajan, Chairperson, PPV&FR Authority was held on 27th March, 2009 in the Committee Room-II, NAAS, NASC Complex, New Delhi-110 012.

Following members were present in the meeting:-

- 1) Dr. S. Nagarajan, Chairperson, PPV&FR Authority, Government of India, NASC Complex, New Delhi
- 2) Smt. Upma Choudhary, Joint Secretary (Seeds), Govt. of India, Department of Agriculture and Cooperation, Krishi Bhawan, New Delhi – 110 001
- 3) Shri Satish Chandra, Joint Secretary & GC, Department of Legal Affairs, Ministry of Law & Justice, Government of India, New Delhi
- 4) Dr. S. K. Sharma, Director, National Bureau of Plant Genetic Resources, New Delhi-110 012
- 5) Dr. S. Natesh, Adviser Grade – I, Government of India, Dept. of Biotechnology, CGO Complex, Lodi Road, New Delhi – 110 003

Member Secretary

1. Shri Prem Narain, Registrar General, PPV&FR Authority, New Delhi.

Non members

1. Shri R. K. Trivedi, Registrar, PPV&FR Authority, New Delhi


4/3/09

The members who could not attend the meeting:-

- 1) Shri Sanjeev Chopra, Secretary (Agriculture), Department of Agriculture, Government of West Bengal.
- 2) Dr. N. B. Singh, Agriculture Commissioner, Ministry of Agriculture, Department of Agriculture & Cooperation, New Delhi
- 3) Dr. Roytre Christopher Laloo, Mission Compound, Jowai District, Jaintia Hills, Meghalaya.
- 4) Dr. M. L. Chowdhury, Horticulture Commissioner, Department of Agriculture & Cooperation, New Delhi
- 5) Dr. P. S. Minhas, Director (Research), Punjab Agricultural University, Ludhiana.
- 6) Dr. Manvendra S. Kachole, Head, Deptt. of Biotechnology, Shetkari Sangathan, Dr. B. R. Ambedkar Vidyapeeth, Aurangabad (Maharashtra).
- 7) Dr. F. B. Patil, Director (Technical), M/s Ajeet Seeds Ltd., Secretary, All India Crop Biotechnology Association, Chitegaon, Aurangabad, Maharashtra.
- 8) Secretary (Agriculture), Government of Maharashtra, Agriculture & Horticulture Department Mantralaya, Mumbai.
- 9) Joint Secretary (Conservation), Government of India, Ministry of Environment & Forest, CGO Complex, New Delhi

The Chairperson welcomed Smt. Upma Choudhary, Joint Secretary (Seeds), who first time attended the Authority meeting and hoped that her experience in seed sector would help Authority in sorting out various issues particularly relating to the issue of various Gazette notifications for implementation of PPV&FR Act, 2001. He also,

welcomed other participants and mentioned that after the last Authority meeting which was held on 5th September, 2008 considerable progress has been made by the Authority particularly in respect of registration of plant varieties. After formal welcome and introduction of the members, the Agenda Items were presented by the Member Secretary.

Agenda No. 1 Confirmation of the minutes of the 6th meeting of the Authority

The proceedings of the 6th meeting of the Authority held on 5th September, 2008 was circulated by Authority's letter No.PPV& FRA/Reg/1-07/08/8435-8449, dated 1st October, 2008. The same was confirmed and adopted by the Authority.

Agenda No. 2 Action Taken Report (ATR) on the proceedings of the last meeting

The Action Taken Report on the proceedings of the Sixth meeting of the Authority held on 5th September, 2008 was noted and approved by the members with the observation that in respect of Agenda Item 14 pertaining to inclusion of PPV&FR Authority in the ambit of Central Administrative Tribunal, the Seed Division of Department of Agriculture and Cooperation has sought some information which may be supplied to them for further action in the matter.

Agenda No. 3 Position of filled and vacant posts in the Authority

The members noted the progress of selection process for various posts in the Authority. The members also made observation that for all planned posts the matter should be taken up with the Department of Agriculture and Cooperation for their continuation during the next financial year.

Agenda No. 4 Progress of Registry

The updated position of the applications received in the plant varieties Registry was noted by the members. The members expressed happiness that the Authority had issued 40 Certificate of Registration for extant varieties notified under Seed Act in a function organized on 12th February, 2009. They commended the work of the staff of the Registry for taking speedy and effective action in examining the applications and sending the seeds for conducting DUS tests.

It was informed by the Registrar that so far 1043 applications have been received for registration in 18 notified crop species. The DUS test has been conducted in respect of 58 candidate varieties. Further, 63 applications have been accepted for conducting DUS trial in Kharif 2009. As regard extant varieties, which have been notified under Seed Act, 370 varieties had been submitted to Extant Varieties Recommendation Committee (EVRC) for consideration. The EVRC recommended 226 applications for registration. Fees for 109 extant varieties and seeds for 95 extant varieties have been received in the Registry. The Registry also examined transgenic varieties applications which have been cleared by GEAC for commercial cultivation. These varieties would also go for DUS testing in Kharif 2009.

Agenda No. 5 Progress of EFC proposal and creation of posts.

The members noted that the EFC memo for continuation of the scheme for implementation of PPV&FR Act during the XI plan period has been circulated to the relevant Departments and comments have also been received from some of the Departments. The members desired that the Office of the Authority may furnish

response on all these comments to the Seed Division, Department of Agriculture and Cooperation, for early convening the meeting of EFC. This is necessary to ensure that the 11th Plan targets are fully realized.

Agenda No. 6 Placing the Annual Report (2007-08) on the floor of both the Houses of Parliament

The members noted that the Annual Report of the Authority for 2007-08 has been laid in both the Houses of Parliament.

Agenda No. 7 DUS criteria for farmers' variety and Registration of Common Knowledge variety

The members noted that the DUS criteria of farmers' variety and extant varieties about which there a common knowledge have been prepared in the form of regulations and sent to the Department of Agriculture and Cooperation for notification. The members desired that the Registrar and Legal Advisor may inter-act with the Department of Agriculture and Cooperation and Legislative Department, Ministry of Law, for early vetting of draft regulations.

Agenda No. 8 Publication of list of varieties under Section 25 and publication of details of certificate under Rule 40 of PPV&FR Rules, 2003 for inviting claims of benefit sharing under Section 26 (1)

The members noted that the certificate of Registration have been issued for 40 extant varieties which have been notified under Seed Act, 1966 and authorized Chairperson's to publish the details of these varieties in the Plant Variety Journal of India as required under Section 25 of PPV&FR Act, 2001 and Rule 40 of PPV&FR

Rules 2003. The list may be published in Plant Variety Journal of India on quarterly basis. The Authority may also forward a copy of the registration certificate to National Biodiversity Authority in accordance with Section 6(4) of Biological Diversity Act 2002.

Agenda No. 9 Annual fee proposal

The members noted and approved the Annual fees structure as required under Section 35 of the Act which has been developed after broad consultation with stakeholders/policy makers/scientists, etc. The Annual fees structure would be as follows:-

1. The Annual fee for the new varieties shall be equal to Rs.2000 + 0.2% of the sales value of the previous year + 1% of royalty received in the previous year (if any).
2. The annual fee for the extant varieties shall be as follows:-
 - a) For extant varieties notified under section 5 of the Seeds Act, 1966, the annual fee shall be Rs. 2000/- (Rupees Two Thousand Only) per annum.
 - b) For other extant varieties, the annual fee be equal to Rs, 2000 + 0.1% of the sales value in the previous year + 0.5% of the royalty received in the previous year (if any)
3. The above patterns shall be common for all types of varieties and hybrids including transgenic, inbred lines etc.
4. The amount of annual fee shall be worked out based on a declaration given by the registered breeder/agent/licensee regarding the royalty received/sale value of the seed of registered variety during the previous year in a manner specified by the Authority.

The member desired that this fee structure may be sent to Department of Agriculture and Cooperation for notification in the Gazette of India.

Agenda No. 10 Registration fee proposal

The members noted and approved the following fee structure for registration of new varieties and varieties about which there is a common knowledge.

1. **The new variety:-** The fee structure for registration for new varieties shall be similar as is prescribed for essentially derived varieties in the Second Schedule of PPV&FR Rule 2003.

2. **The extant variety about which there is common knowledge:-** For registration of extant varieties about which there is a common knowledge the fee structure will be is as under:-

Individual-Rs.2000

Educational-Rs.3000

Commercial-Rs.5000

The members desired that this may also be sent to Department of Agriculture and Cooperation for Gazette notification.

Agenda No. 11 Significant Accounting Policies of the Authority

The members noted the proposed accounting policies of the Authority and observed that this policy is OK as long as it fulfills the CGA procedures and norms and are based on accepted accounting principles.

Agenda No. 12 Procedure for managing the Authority Fund

The members noted and approved the procedures for managing the Authority fund and also approved the following delegation of powers for signing the cheques for Authority fund.

S. No .	Name of the officers	Limit of Power
1.	Senior Accounts Officer independently	Up to Rs. 2000
2.	Senior Accounts Officer and Joint Registrar Jointly	Up to Rs. 1, 00, 000
3.	Senior Accounts Officer and Registrar Jointly	Full Power
4.	Joint Registrar and Registrar Jointly	Full Power

**Agenda No. 13 Progress of Funds released to DUS centres/projects
during 2008-09**

The members noted the progress of funds released to DUS test centres/new projects during 2008-09.

Agenda No. 14 Information on PVIS and its implementation

The members noted the progress of important initiative on implementation of Plant Variety Information System (PVIS) in the Authority.

Agenda No. 15 2nd Plant Genome Savior Community Recognition

The members noted that the selected farmers were honoured with 2nd Plant Genome Savior Community Recognition in a function organized on 12th February, 2009 under the Chairmanship of Union Agriculture Minister. They also *ex post facto* approved the names of four farmers'/farming communities which were selected for 2nd Plant Genome Savior Community Recognition.

Agenda No. 16 Executive summary of the projects

The members noted the executive summary of the running projects sanctioned by the Authority during 2008-09 and before.

Agenda No.17 Anomalies if any in the PPV&FR Act, PPV&FR Rules and Regulations that need attention.

The members noted that the office of the Authority had sent a detailed note on the discrepancies observed between PPV&FR Act, 2001 and Rule 2003 to Seed Division, Department of Agriculture and Cooperation for taking further action in the matter. Members observed that this should be pursued with the DoAC for expeditious resolutions.

Agenda No. 18 Budget of Authority for 2009-10

The members approved the proposal budget of Rs. 879.75 lakhs for the Authority for 2009-10. They also observed that the office of the Authority should have regular consultation and dialogues with the Department of Agriculture and Cooperation for timely release of funds.

The members also approved the proposal for fund allocation to DUS centers/projects for year 2009-10 as given in Appendix-1 to the Agenda item. Rs. 232 lakhs for existing DUS centers, Rs. 48.5 lakhs for on going DUS project and Rs. 99.682 lakhs for the new DUS projects sanctioned in 2009-10 were approved totalling Rs. 380. 182 lakhs out of the budget allocation of Rs. 400 lakhs only. The gap may be utilized for sanctioning of new DUS projects/special projects.

Agenda No. 19 Implementation of revised emoluments to RA/PVE

The members approved that the revised emoluments to PVEs and RAs which was approved in 6th Authority meeting would become applicable with effect from 1st April, 2008.

Agenda No. 20 Implementation of 6th Pay Commission in the Authority

The members noted and approved the implementation of 6th Pay Commission to the officers and staff of the Authority.

Agenda No. 21 The period of protection for extant varieties

The members approved that the Certificate of Registration to be issued by the Authority for extant varieties about which there is a common knowledge shall be valid for nine years in the case of trees and vines and six years in the case of other crops and may be reviewed and renewed for the remaining period on payment of prescribed fees subject to the condition that the total period of validity shall not exceed 18 years for trees and vines and 15 years in other cases from the date such varieties has been first sold or otherwise disposed of for the purposes of exploitation of such variety.

Agenda No. 22 Welfare Policy to be adopted for the employees of the Authority

The members approved the Group Insurance Policy, proposed to be implemented through. L I C of India on the proposal submitted by them.

Similarly, Authority also approved the coverage of all employees of the Authority under the New Pension Scheme of Government of India except those covered under the other pension scheme. Regarding medical benefits, the members noted the contents of the letter of DoAC dated 3rd November, 2008 informing that Ministry of

Health and & Family Welfare have not accepted the coverage of PPV&FR Authority employees under CGHS and have suggested that PPV&FR Authority may adopt CCS (MA) rules and /or the Health Insurance Scheme ready with the Department of Administrative Reforms and Public Grievances .The members approved to take up the issue of CGHS coverage at the highest level .It was also desired that the letter of the Ministry may be examined urgently and the more beneficial scheme should be adopted by the Authority.

Members also noted the office order dated 15th September, 2008 regarding the reimbursement of medical expenses to the employees of the Authority as per the decision of the Authority taken in its 6th Meeting held on 5th September, 2008. The members approved that in cases of emergency the employee may take treatment in a private hospital and re-imburement of such cases may be allowed up to the ceiling limits allowed under CGHS Rules and accordingly the office order dated 15th September, 2008 may be amended.

The meeting ended with a vote of thanks to the Chairperson and members of the Authority.