



सत्यमेव जयते

रजिस्ट्रार जनरल  
REGISTRAR GENERAL

OFFICE COPY

कृषि मंत्रालय, भारत सरकार  
पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण  
एन.ए.एस.सी. कॉम्प्लेक्स, डीपीएस मार्ग,  
नई दिल्ली-110012

Ministry of Agriculture, Govt. of India  
Protection of Plant Varieties and  
Farmers' Rights Authority  
NASC Complex, DPS Marg,  
New Delhi-110012  
Tel: 011-25843316  
Fax: 011-25840478

DO. NO.PPV&FRA/PS-2/09 / 5293-5307  
Dated: 8<sup>th</sup> March, 2011

To,

All Members of the PPV&FR Authority,


**Subject: Proceedings of the 12<sup>th</sup> regular meeting of the PPV&FR Authority held on 18<sup>th</sup> February, 2011.**

Sir,

Kindly find enclosed a copy of the proceedings of the 12<sup>th</sup> meeting of the Protection of Plant Varieties and Farmers' Rights Authority held on 18<sup>th</sup> February, 2011 in Committee Room No. 3, NAAS, NASC Complex, DPS Marg, New Delhi.

Your comments, if any, may kindly be communicated to the undersigned at the earliest.

Yours faithfully

  
8/3/11  
(A.K. Malhotra)  
Registrar General

Encl.: As above

Copy to : PS to Chairperson



# **Proceedings**

## **12<sup>th</sup> Meeting of PPV & FR Authority**

**18<sup>th</sup> February, 2011**

**Time: 10:00 AM**

**Venue: NASC Complex, New  
Delhi**

**Proceedings of the 12<sup>th</sup> Meeting of the PPV & FR Authority held on  
18<sup>th</sup> February, 2011 at 10 a.m.**

The 12<sup>th</sup> Regular Meeting of PPV&FR Authority under the chairmanship of Dr. P.L. Gautam, Chairperson of the Authority was held on 18<sup>th</sup> February, 2011 in the Committee Room No. 3, NAAS, NASC Complex, New Delhi.

Following members were present in the meeting:

- 1) Dr. P.L. Gautam, Chairperson, PPV&FR Authority, Government of India, NASC Complex, New Delhi.
- 2) Dr. Swapan Kumar Dutta, Deputy Director General (Crop Science) Division of Crop Science, ICAR, Krishi Bhawan, New Delhi – 110114
- 3) Dr. Gorakh Singh, Horticultural Commissioner, Department of Agriculture & Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi – 110001
- 4) Dr. Gurubachan Singh, Agriculture Commissioner, Department of Agriculture & Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi – 110001
- 5) Shri Satish Chandra, Joint Secretary & GC, Department of Legal Affairs, Ministry of Law & Justice, Government of India, New Delhi
- 6) Dr. S. Natesh, Adviser Grade – I, Government of India, Dept. of Biotechnology, CGO Complex, Lodi Road, New Delhi – 110 003
- 7) Dr. K.C. Bansal, Director, National Bureau of Plant Genetic Resources, New Delhi – 110012
- 8) Shri P. Narayanan Unny, Navara Eco Farm, Karukamani Kalam, Chittor College P.O. Distt. Pallakad, Kerala – 678 104
- 9) Dr. A.K. Malhotra, Registrar General, PPV&FRA, New Delhi - **Member Secretary**

**The members who could not attend the meeting:-**

- 1) Dr. S.N. Puri, Vice Chancellor, Central Agricultural University, Imphal, Manipur– 795004
- 2) Sh. Hem Pandey, Joint Secretary (looking after bio-safety), Ministry of Environment & Forest.
- 3) Sh. A. Majumdar, IAS, Joint Secretary (Seeds), Department of Agriculture & Cooperation, Ministry of Agricultural, Government of India Krishi Bhawan New Delhi
- 4) Sh. V. Nagireddy, IAS, Principal Secretary, Government of Andhra Pradesh, Andhra Pradesh Secretariat, D Block, 1st Floor, Hyderabad – 500 022
- 5) Sh. Roshan Lal, IAS, Finance Commissioner & Principal Secretary, Agriculture Department, New Haryana Secretariat Building, Room- 430, 4th Floor, Sector – 17, Chandigarh-160017

- 6) Sh. Raju Barwale, Managing Director, Maharashtra Hybrid Seed Corporation Ltd. (Mahyco), Jalna – 431 203, Maharashtra
- 7) Dr. (Mrs.) Vanaja Ramprasad, Green Foundation, 570/1, Padmavathi Nilaya, 4<sup>th</sup> Cross, 3<sup>rd</sup> Main, N.S. Palya, BTM 2<sup>nd</sup> Stage, Bangaluru – 560 076, Karnataka
- 8) Shri A.C. Zonunmawia, Coordinator & Chairman, Centre for Environment Protection (CEP), B-27/1, Tuikual South, Aizawl – 796 001, Mizoram

With the approval of the Members present, permission was taken for the following non-voting member to be present in the meeting to provide information, as and when sought.

**Non Members Representing the Members of the Authority**

1. Shri A.K. Yadav, IAS, Director General Agriculture-cum- Special Secretary, Agriculture Department, Government of Haryana, Haryana
2. Dr. (Ms.) R. Warriar, Director, MoEF, New Delhi
3. Dr. Pratibha Brahmi, Sr. Scientist, NBPGR, New Delhi

**Non Member from the Authority**

1. Dr. P.K. Singh, Registrar
2. Dr. Manoj Srivastava, Registrar
3. Shri. J.P. Singh, Financial Advisor
4. Shri. D.R. Choudhry, Joint Registrar
5. Shri. D.S. Misra, Joint Registrar
6. Shri. D.S. Rajganes, Legal Advisor
7. Shri R.R. Pradhan, Legal Advisor

On the confirmation of the required Quorum from the Registrar General, the Chairperson set the ball rolling by welcoming the members and requested the Registrar General to take up the official agenda of the Meeting.

**Agenda Item No. 1: Joining of new Chairperson**

The Registrar General informed the members about the appointment of Dr. P.L. Gautam as the new Chairperson of the Authority vide Government of India Gazette Notification No. S.O. 195(E) dated 31.01.2011. Dr. Gautam joined his duties as Chairperson w.e.f. 03.11.2010 A.N. The Authority recorded its warm welcome to the new Chairperson and hoped that with his long and varied experience, the Authority will be able to achieve its mandate expeditiously.

The members were also informed about Shri R.K. Trivedi, Registrar having successfully completed his tenure in the Authority and having been relieved on 12<sup>th</sup> November, 2010 to join his parent department that is DoAC.

**Agenda Item No. 2: Confirmation of the minutes of the 11<sup>th</sup> Authority meeting held on 27<sup>th</sup> August, 2010 and Special Meeting of the Authority held on 19<sup>th</sup> October, 2010.**

The minutes of the 11<sup>th</sup> Authority Meeting held on 27<sup>th</sup> August, 2010 were circulated to all the members of the Authority vide letter No. PPV&FRA/01-12/2010/3183-98 dated 8<sup>th</sup> September, 2010. In response to this, the Director (Seeds), DoAC vide letter No. 1-12/2008 SD.V dated 17<sup>th</sup> September, 2010 requested for detailed information regarding Agenda Item No. 6,7,8 and 11 which were duly responded to on 29<sup>th</sup> September, 2010.

The proceedings of the Special Meeting of PPV&FR Authority for adoption of Annual Accounts for the financial year 2009-10 which was held on 19<sup>th</sup> October, 2010 were circulated among all the members vide letter No. PPV&FRA/01-13-2010/3386-3401 dated 25<sup>th</sup> October 2010. There was no comment from any member on the proceedings of the 11<sup>th</sup> Meeting of the Authority.

The minutes of the 11<sup>th</sup> Meeting and the Special Meeting of the Authority were adopted.

**Agenda Item No.3: Action Taken Report on the minutes of 11<sup>th</sup> Meeting of the Authority held on 27<sup>th</sup> August 2010 and Special Meeting of the Authority held on 19<sup>th</sup> October 2010.**

Item wise action taken report of the 11<sup>th</sup> meeting of the Authority held on 27<sup>th</sup> August, 2010 and Special Meeting of the Authority held on 19<sup>th</sup> October, 2010 was presented for information and consideration of the members.

The members found the same in order and as such they were accepted.

**Agenda Item No.4: Progress of Plant Variety Registry**

The progress of the Registry was presented by the Registrar (FC) for the information of the members. He also informed that the Central Government, after approval of the Authority, has notified 11 more crop species viz. rose, chrysanthemum, mango, potato, brinjal / eggplant,

tomato, okra /lady's finger, cauliflower, cabbage, onion and garlic vide Gazette notification S.O. 2883 (E) dated 02<sup>nd</sup> December, 2010 to become eligible for registration under Section 29(2) of the Act. This makes total crop species eligible for registration to 45.

The members expressed satisfaction about the progress reported and advised the Registry to speed-up the process of examination and DUS testing.

**Agenda Item No.5: Fixation of DUS Test Fees for New Varieties of Black Pepper, Small Cardamom, Ginger, Turmeric and Crop species Notified vide S.O. 2883(E) dated 02.12.2010**

Based on the estimate suggested by respective institutes of ICAR, the following DUS test fees for different crop species were proposed:

S. No.	Crop Species	Proposed DUS Test Fees (Rs)
1.	Black Pepper, Small Cardamom, Ginger and Turmeric	45,000/- Per Variety
2.	Potato	48,000 / - Per Variety
3.	Tomato, Brinjal, Okra, Cabbage, Cauliflower, Onion and Garlic	40,000/- Per Variety
4.	Rose and Chrysanthemum	45,000/- Per Variety
5.	Mango	30,000/- Per Variety

The Authority approved the same.

**Agenda Item No.6: DUS guidelines for additional crop species for the purpose of registration under the Act**

The DUS test guidelines of Durum wheat (*Triticum durum* Desf.), Dicoccum wheat (*Triticum dicoccum* L.) and other *Triticum* species, Coconut (*Cocos nucifera* L.), Periwinkle (*Catharanthus roseus* L.; G Don), Brahmi (*Bacopa monnieri* L.; Pennell), Damask Rose (*Rosa damascena* Mill) and Menthol mint (*Mentha arvensis* L.) as finalized by the respective Task Forces were presented before the members for comments and suggestions.

The Authority found the same in order and the guidelines were approved for further processing and notification of crop species.

**Agenda Item No. 7: Completion of the period of protection of some varieties: Guidance for procedures to be adopted for such varieties**

It was brought to the notice of the members that in accordance with section 27 of PPV&FR Act, the breeders deposit the prescribed quantity of seed or propagating material of the registered variety in the National Gene Bank. A true (orthodox) seed of registered variety is safely kept in the National Gene Bank under medium term storage conditions. Accordingly, seed samples of 207 varieties registered under the Act are stored in the National Gene Bank. The period of protection of the some varieties has been completed/ near completion and these varieties will be in public domain after the registration period is over. Accordingly, the guidance and approval of the Authority was sought for the procedures to be adopted for further handling the seeds or propagating material of such varieties.

After considering various options, the members were of the view that the maintenance of the varieties which are in public domain should be the responsibility of the National Germplasm Repositories like NBPGR (ICAR). Thus, it was approved that necessary MoU may be worked out between PPV&FRA and NBPGR, wherein the seeds/planting materials of the varieties which complete the registration period will be transferred to NBPGR for safe storage and conditional usage by the public.

**Agenda Item No. 8: Adoption of “Guidelines for Storage and Maintenance of Registered Plant Varieties in the National Gene Bank”**

The manual entitled “Guidelines for Storage and Maintenance of Registered Plant Varieties in the National Gene Bank”, describing the process for handling orthodox seeds and to provide the guidelines for their storage and maintenance as per the acceptable norms of plant variety protection has been developed under the guidance of the Task Force led by Dr Bhag Mal, Honorary Research Fellow, Bioversity International. The Gene Bank Manual was presented before the PPV&FR Authority for adoption.

The members found the same in order and adopted the Manual for official usage by the Authority. It was also suggested that the up-dating of the Manual would be a continuous

process depending upon the inclusion of new crop species for registration and other modifications for which secretariat was authorized for necessary action.

**Agenda Item No. 9: Adoption of “AGRO-BIODIVERSITY Hotspots in India: Conservation and Benefit Sharing” Vol. I and II**

PPV&FR Authority, established Task Force No. 06/2007, under the Chairmanship of Dr. M.P. Nayar, Former Director, BSI, Kolkata with a mandate to identify the Agro-biodiversity Hotspots in India for the purposes of Gene Fund usage. The Task Force had submitted a two volume report, viz., “Agro-biodiversity Hotspots in India: Conservation and Benefit Sharing: Vol I & Vol II. The report has identified 22 agro-biodiversity hotspots in India and also recommended a “Community Agro-biodiversity Conservation Award”. The two volume report was placed before the PPV&FR Authority for adoption.

The Authority approved the adoption of this report.

**Agenda Item No. 10: Seed Testing Procedures to be adopted in the National Gene Bank of PPV&FRA**

PPV&FR Authority receives seed samples for varieties under registration process along with a seed testing report (on specified quality parameters for Germination, moisture content and purity) from notified/accredited/recognized seed testing labs from State Agricultural Dept/ICAR institutes/SAU's. These seeds are being transferred to the DUS Test Centres and National Gene Bank for DUS Testing and maintenance of referral sample respectively. For new varieties, once the DUS Test is completed and for extant varieties notified under Seeds Act, 1966, once EVRC gives its clearance and the variety is accepted for registration, the seeds of the variety are to be kept in the National Gene Bank for the period of registration i.e. 15 years from the date of the issue of the registration certificate.

As the seeds are to be stored for long duration, the need of testing the submitted material at the National Gene Bank was felt to reassure the quality of stored seeds. It is thus proposed that seeds of registered varieties may be tested on the three quality parameters viz. germination, moisture content and purity percentage to assure the quality as per the submitted seed testing report. Further, if needed, especially in case of extant/farmers' varieties, the



specifications as per crop specific guidelines for storage under medium and long term conditions can be maintained by minor processing. The standard protocols as per the Gene Bank Manual will be followed for the purpose.

The Authority accepted the proposal and suggested that latest techniques be used to test the quality parameters.

**Agenda Item No. 11: Time limit for Registration of Extant Varieties (Notified under Section 5 of the Seed Act, 1966)**

PPV & FR Authority started the process of registration of plant varieties initially for twelve crop species for which Gazette notification was published by the Central Government vide S.O. No. 1884 Dated 01<sup>st</sup> November 2006. Simultaneously, the DUS test guidelines for these twelve crop species were finalized and published in February 2007. Filing of applications in the New and Extant category for registration and protection in these twelve crop species was started from 21<sup>st</sup> May 2007.

As per provisions of PPV & FR Rules, 2003, under extant category, applications for registration under section 29(2) of PPV&FR Act, 2001 were to be filed within three years from the date of notification of crop species. For the first batch of 12 notified crop species, the time limit ended on 31<sup>st</sup> October 2009. Further, time limit for six more crop species was completed on 30<sup>th</sup> December 2010. Authority has since stopped accepting applications of these crop species under extant category.

Moreover, keeping in view the less number of applications filed by farmers probably due to lack of awareness and understanding of the process of filing applications, duration of filing of farmers' varieties under extant category was increased from three years to five years vide Gazette notification No. 783(E) dated 27<sup>th</sup> October 2009. But time limit for other categories of extant variety i.e. extant varieties notified under the Seeds Act, 1966 and Varieties about which there is a Common Knowledge (VCK) was kept as such i.e. three years.

Authority has received several requests from both public funded Institutions/ State Agricultural Universities and private seed companies for extending the time limit for filing applications under Extant category, as during the initial period there was a lack of understanding of the process of registration due to which they were not able to file applications

of many varieties which are still in the seed chain and important for the purpose of registration and protection.

After due deliberations the Authority approved that a proposal may be submitted to the GOI for increasing the time limit of filing of applications for extant varieties notified under the Seeds Act, 1966 from the existing three years to five years from the date of notification of crop species under Section 29(2) of PPV & FR Act, 2001.

#### **Agenda Item No. 12: Status of Court Cases**

Details of High Court Cases against Authority and UOI as on 20.01.2010 were placed for information of the members.

Members noted the details.

#### **Agenda Item No. 13: Engagement of Advocates/ Senior Counsels for Legal Works of the Authority**

On the proposal of empowering the Chairperson to engage suitable law firms/ senior counsels/ advocates after proper scrutiny of their credentials, for defending various cases against the Authority in future, Joint Secretary, Ministry of Law observed that the Authority should as a matter of first preference make use of the services of the lawyers in the panel of standing counsels since government through Secretary, DoAC is also one of the respondents in these cases of the Authority. Only under special cases, depending upon the need based assessment, the Chairperson was authorized to engage the services of a private advocate.

#### **Agenda Item No. 14: Government Notifications related to the Authority**

The members noted the following important notifications which were issued by the central government and annexed as Annexure H with the agenda:

1. Notification of 11 crop species for registration {vide S.O. 2883 (E) dated 02.12.2010}
2. Amendment in Rule 29 of PPV & FR Rules, 2003 relating to on site DUS testing {PPV & FR (Amendment) Rules, 2010-vide G.S.R.949 (E) dated 03.12.2010}
3. Plant Variety Protection Appellate Tribunal (Applications and Appeals) Rules, 2010 {vide G.S.R. 772 (E) dated 21.09.2010}

4. Appointment of Chairperson of the Authority vide S.O. 195(E) dated 31.01.2011

**Agenda Item No. 15: The period of protection of an Extant Variety about which there is Common Knowledge**

The PPV & FR Authority in its seventh meeting held on 27<sup>th</sup> of March, 2009 approved the proposal that the certificate of registration issued in respect of Extant Varieties about which there is Common Knowledge shall be limited to fifteen years from the date such variety has been first time sold rather than fifteen years from the date of grant of certificate of registration. The proposal was forwarded to DoAC. The DoAC sought some clarifications thereof, which were replied to. It has been felt that this issue may be discussed again as limiting the period of protection of Varieties of Common Knowledge has several related issues involved. Accordingly, it was replied to DoAC that the matter will be taken up in the Authority for further discussion.

The Authority after due deliberations, decided that the matter needs to be thoroughly discussed in an In-house meeting in the secretariat and suitable proposal be submitted to the DoAC with the approval of the Chairperson.

**Agenda Item 16: Construction of Official Building of PPV&FRA**

After examination and evaluation of Technical and Financial bids from different agencies namely M/s Uttar Pradesh Rashtriya Nirman Nigam Limited (UPRNN), National Projects Construction Corporation Limited (NPCCL) and Telecom Communication India Limited (TCIL), M/s UPRNN was identified as the Project Management Consultant at a consultancy fee of 7.25% + Service tax as applicable.

To proceed further in the matter, the Deputy Conservator of the Forest (DCF, West) was requested to accord permission for felling of trees on the allotted land at Todapur site. The DCF vide letter no. F2(192) DCF(w) 09-10 6204-6206 has informed that the land allotted to PPV&FRA is a part of Central Ridge Reserve Forest and therefore no construction work can be undertaken on that site. The DCF has further suggested the Authority to change the site.

Faced with the situation, the Secretary, DARE & DG, ICAR was apprised of this sudden development and was requested for allotting some alternate land in lieu of the earlier allotment. After discussions with all the stakeholders in a meeting chaired by the Secretary, DARE & DG, ICAR held on 20.12.2010, an alternative plot measuring 2.62 acres between NASC

Complex and the proposed ASRB Office near Harbhajansingh Enclave has been allotted to the Authority for construction of the office building with the approval of the Hon'ble Minister of Agriculture. The further action is in progress in the matter.

It was decided that the Authority be kept informed about the progress in this matter from time to time as has been done so far.

**Agenda Item 17: Increasing the emolument to Plant Variety Evaluator (PVE)**

The Plant Variety Evaluators (PVE) engaged by the Authority on contract basis are being paid remuneration @ Rs. 18,000/- per month consolidated as decided in the 5<sup>th</sup> Authority meeting held on 3<sup>rd</sup> March, 2008. With a view to retain qualified persons for the sake of continuity of work and also taking into consideration the sensitive nature of work they are involved in, it is necessary to upwardly revise the emoluments of Plant Variety Evaluators without changing the qualifications. It was proposed to increase the emoluments of PVE at par with ICAR or at least 15% over and above the existing emoluments of Rs. 18,000 (consolidated) per month thereby making it to Rs. 20,700/- (consolidated).

Authority approved the emoluments of Plant Variety Evaluators at par with that of Research Associates working in Research Schemes funded by ICAR as per ICAR Circular No. 15(1)/2010-A&P (Edn) dated 26<sup>th</sup> October, 2010.

**Agenda Item 18: Replacement of Staff Car of the Authority**

Based upon the information provided in the agenda notes, the Authority gave its approval for the purchase of new car model Maruti SX4 (VXi) in replacement of the old Maruti Esteem after due sanction from DoAC.

**Agenda Item No 19: New Pension Scheme for the PPV&FRA**

The PPV & FR Authority has accepted New Pension Scheme for all its directly recruited employees. Consequent upon the necessary approval from the Ministry and adoption of the required procedure, the office has started depositing the regular contribution of employees along with the matching contribution of the PPV&FR Authority w.e.f. December, 2010.

For the contribution related to past period i.e. from the date of deduction of contribution till the actual deposition, an interest of 8% p.a. can be paid to all the employees on the total contribution (Employee + Employer). The finance ministry has issued a circular for this effect and all the government organizations/autonomous bodies have paid the interest while depositing the contribution for the past period.

Based upon the above information, Authority approved that an interest of 8% p.a. be paid to all the employees covered under the New Pension Scheme.

#### **Agenda Item 20: Annual Fee Return Form**

The Authority in its 10<sup>th</sup> Meeting had approved the form in which the breeder of the registered variety or his agent or licensee has to submit detailed information for the purpose of calculation of Annual Fees. The last date of submission of this form has been fixed for 31<sup>st</sup> October every year and the detailed documents to be enclosed along with the form have also been clearly spelt out.

To make this format more user friendly the same was revisited and the revised form annexed with the agenda was approved by the Authority.

#### **Agenda Item 21: Any other item with the permission of Chairperson**

##### **A. Filling up of the posts sanctioned for the Branch Offices of the PPV&FRA.**

It was brought to the notice of the members that the recruitment rules for the post of Deputy Registrar (for Regional Offices of the PPV&FRA at Ranchi and Guwahati) provide for filling it up on deputation/transfer including short term contract. Applications for filling up of these posts were invited by giving an advertisement in the newspapers. The Authority has received only 3 applications and on scrutiny of these applications, it has been observed that none of the applicant is eligible.

Without filling up of these posts, it is not possible to make the Branch Offices functional. For the purpose of facilitating the registration of Plant Varieties, making Branch Offices of the Authority functional at the earliest, is essential. Taking into consideration the qualifications and experience in the field of agricultural related sciences or seed development activities, prospective candidates may either be from

ICAR Institutes, SAUs or similar organizations. The scientists in ICAR Institutes, SAUs etc., being in UGC grades, the central govt. pay scales are not attractive for them to join these posts on deputation. In the circumstances, these posts may be filled up on short term contract basis from among the retired employees of ICAR/SAUs who are willing to join at the above mentioned locations, in relaxation of age limit which is 56 years in this case.

As regards filling up the posts of Plant Variety Examiner and Senior Technical Officer, no action to fill these posts have been taken as mode of the recruitment as per recruitment rules provide for 100% direct recruitment and filling any post on direct recruitment, its inclusion in the fourth schedule of PPV&FRA Act is pre-requisite. The matter has been taken up with the DAC. Further, the posts of STO have been sanctioned with grade pay of Rs.4200/- whereas it should be Rs.4600/- for which the matter has already been taken up with DAC. In the circumstances, the posts of PVEs and STO may be filled on contract basis on consolidated salary by giving on advertisement in the press. The work expected from Executive Assistants may be got done on outsourcing basis.

After due consideration and based on the information as provided above, the Authority approved for age relaxation up to 62 years for the post of Deputy Registrar to be appointed on contract basis, as the age of retirement is 60 years in most of the SAUs. The other staff may also be arranged on contract basis or consolidated salary as proposed, till the posts are filled on regular basis.

The meeting ended with a vote of thanks by the Member Secretary.