

SPEED POST

F. No. PPV&FRA/Registrar/1-7/08

Dated: 1<sup>st</sup> October, 2008

8435+

8449

To

All the members of the PPV&FR Authority

**Subject: Proceedings of the sixth meeting of the PPV&FR Authority held on 5<sup>th</sup> September, 2008**

Sir,

I am forwarding a copy of the proceedings of sixth meeting of the Protection of Plant Varieties and Farmers' Rights Authority held on 5<sup>th</sup> September, 2008 at Committee Room-I, 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.

OFFICE COPY

## **MEMBERS OF THE PPV&FR AUTHORITY**

8435. Dr. N.B. Singh  
Agriculture Commissioner  
Ministry of Agriculture  
Department of Agriculture & Cooperation  
Krishi Bhavan  
New Delhi-110 001
- 8436 Dr. Roytre Christopher Laloo  
Department of Botany  
North Eastern Hill University  
NEHU Campus  
Shillong-793022, Meghalaya
- 8437 Dr. P.L. Gautam  
Deputy Director General (Crop Sciences)  
Indian Council of Agricultural Research  
Krishi Bhawan  
New Delhi - 110 001
- 8438 Dr. F.B. Patil  
Director (Technical)  
M/s Ajeet Seeds Ltd. And  
Secretary, All India Crop Biotechnology Association  
Chitegaon, Aurangabad,  
Maharashtra-413105
- 8439 Smt. Upma Choudhary  
Joint Secretary (Seeds)  
Department of Agriculture & Cooperation  
Ministry of Agriculture  
Krishi Bhawan, New Delhi - 110001
- 8440 Dr. P. S. Minhas  
Director (Research)  
Punjab Agricultural University  
Ludhiana-141004, Punjab
- 8441 Dr. M.L. Chowdhury  
Horticultural Commissioner  
Department of Agriculture & Cooperation  
Ministry of Agriculture  
Krishi Bhawan, New Delhi - 110 001

- 8442 Shri N.P. Patil  
Secretary (Agriculture)  
Govt. of Maharashtra  
Agriculture & Horticulture Dept.  
Room No.509 Annex, 5<sup>th</sup> Floor,  
Mantralaya, Mumbai-400032
- 8443 Dr. S.K. Sharma  
Director,  
National Bureau of Plant Genetic Resources,  
New Delhi-110 012
- 8444 Shri Sanjeev Chopra  
Secretary (Agriculture)  
Dept. of Agriculture  
Govt. of West Bengal, Writers Building  
Calcutta: 700001
- 8445 Dr. S. Natesh  
Adviser Grade - I  
Government of India  
Dept. of Biotechnology  
CGO Complex, Lodi Road  
New Delhi - 110 003
- 8446 Shri Satish Chandra  
Joint Secretary & GC  
Department of Legal Affairs  
Ministry of Law & Justice.  
Room No.406-B, 4<sup>th</sup> Floor,  
Shastri Bhawan  
New Delhi - 110001
- 8447 Joint Secretary (Conservation)  
Government of India  
Ministry of Environment & Forests  
CGO Complex, Lodi Road  
New Delhi - 110003
- 8448 Mr. Manvendra Kachole  
Head  
Dept. of Biotechnology  
Shetkari Sangathan  
Dr. B.R. Ambedkar Vidyapeeth,  
Aurangabad (Maharashtra)

**Proceedings of the 6<sup>th</sup> meeting of the PPV&FR Authority  
held on 5<sup>th</sup> September, 2008 at Committee Room No. I,  
NASC Complex, New Delhi-12**

The sixth meeting of the PPV&FR Authority under the Chairmanship of Dr. S. Nagarajan, Chairperson, PPV&FR Authority was held on 5<sup>th</sup> September, 2008 in the Committee Room-I, 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) Shri Satish Chandra, Joint Secretary & GC, Department of Legal Affairs, Ministry of Law & Justice, Government of India, New Delhi
- 3) Dr. M. L. Chowdhury, Horticultural Commissioner, Department of Agriculture & Cooperation, New Delhi
- 4) Shri Sanjeev Chopra, Secretary (Agriculture), Department of Agriculture, Government of West Bengal.
- 5) Dr. S. K. Sharma, Director, National Bureau of Plant Genetic Resources, New Delhi
- 6) Dr. P. S. Minhas, Director (Research), Punjab Agricultural University, Ludhiana.
- 7) Dr. Manvendra S. Kachole, Head, Deptt. Of Biotechnology, Shetkari Sangathan, Dr. B. R. Ambedkar Vidyapeeth, Aurangabad (Maharashtra).
- 8) Dr. F. B. Patil, Director (Technical), M/s Ajeet Seeds Ltd., Secretary, All India Crop Biotechnology Association, Chitegaon, Aurangabad, Maharashtra.

### **Member Secretary**

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

### **Non members**

1. Dr. S. Maurya, ADG (IPR), ICAR represented DDG (CS), ICAR
2. Shri R. K. Trivedi, Registrar, PPV&FR Authority.

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

- 1) Dr. N. B. Singh, Agriculture Commissioner, Ministry of Agriculture, Department of Agriculture & Cooperation, New Delhi
- 2) Dr. Roytre Christopher Laloo, Mission Compound, Jowai District, Jaintia Hills, Meghalaya.
- 3) Smt. Upma Chawdhry, Joint Secretary (Seeds), Department of Agriculture & Cooperation, New Delhi
- 4) Dr. S. Natesh, Advisor Grade-I, Department of Biotechnology, CGO Complex, New Delhi
- 5) Secretary (Agriculture), Government of Maharashtra, Agriculture & Horticulture Department Mantralaya, Mumbai.
- 6) Joint Secretary (Conservation), Government of India, Ministry of Environment & Forest, CGO Complex, New Delhi

Chairperson welcomed the members and introduced Shri Prem Narain who joined in the Authority as Registrar General and Member Secretary of the Authority. He hoped that his long experience in Agriculture Sector would immensely help Authority in discharging its statutory obligations for protection of plant varieties. He also thanked Shri R. K. Trivedi, Registrar who acted as

Member Secretary in absence of the Registrar General and successfully conducted last five meetings of the Authority. He desired that in order to maintain continuity of proceedings of last meetings the Registrar may attend the Authority meetings without voting powers. The members endorsed the views of the Chairperson. 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 5<sup>th</sup> meeting of the Authority**

The proceedings of the fifth meeting of the Authority which was held on 3<sup>rd</sup> March, 2008 at Committee Room-II, NAAS, NASC Complex, New Delhi-110 012 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 5<sup>th</sup> meeting of the Authority which was held on 3<sup>rd</sup> March, 2008 was noted and approved by the members with the following observations:

- I. The DUS test centres which are presently conducting DUS test may also be got accredited by the Accreditation Committee of the Authority once the system is established.
- II. The name of the National Gene Bank of the PPV&FR Authority is matching with the name of the Gene Bank of NBPGR. This matter may be resolved in consultation with the ICAR and Department of Legal Affairs, Ministry of Law.

### **Agenda No. 3      Joining of Staff in the Authority**

The members noted the progress of joining of staff of the Authority. Members desired to know the total number of sanctioned posts, filled posts and vacant posts. It was informed by the Registrar General that in total 22 posts are sanctioned out of which 16 posts are filled and 6 posts are vacant as on today.

### **Agenda No. 4      Progress of Plant Variety Registry**

The status and progress of the applications received in Plant Variety Registry up to 31<sup>st</sup> August, 2008 was noted.

The members expressed satisfaction over the progress made by the Plant Varieties Registry in handling the large number of applications received for registration of plant varieties. It was informed that the Registrar office has taken effective and speedy steps in examining the applications and sending the seed for conducting DUS test for different crop species. It was informed by the Registrar that DUS test fee has been received for 62 new varieties but Seed has been received only for 56 new varieties. Seed received from all the 56 varieties have been sent for DUS test to the concerned centres. It was informed by the Registrar General that there has been a very good progress in the examination of applications of extant varieties particularly those notified under the Seeds Act. The meetings of the Extant Variety Recommendation Committee (EVRC) under the Chairmanship of Dr. R.B. Singh are being held on monthly basis and 150 applications have been recommended by the EVRC till 31<sup>st</sup> August, 2008. The members expressed satisfaction over the progress being made for registration of extant varieties particularly those notified under the Seeds Act; however they expressed concern for not taking up the cases of extant varieties relating to

varieties of common knowledge. It was explained by the Registrar General that the varieties registered under the Seeds Act and Farmers varieties have been taken up for registration, however the issue regarding registration of common knowledge varieties is still under examination and consideration of the plant variety registry of the Authority. Chairperson also informed the members that a clear cut definition of common knowledge is not available even in the PVP legislations of other countries as well as with UPOV and therefore the Authority had organized two workshops to understand and define common knowledge varieties. The Registrar General told that the results of the two workshops have not yielded clear results and it is proposed now to hold a workshop in Delhi on the subject of common knowledge varieties. Once the concept and the nature of common knowledge varieties becomes clear in the context of PPV & FR Legislation, the registration of common knowledge varieties will be taken up on priority.

**Agenda No. 5      Refund of DUS test fee in case of withdrawal of application by the applicants**

In the case of withdrawal of application by the applicant, members approved for refund of 70 % of DUS test fee where DUS test fee has been deposited along with the seeds or without seeds and DUS trial was not started. It was also decided that in other cases no refund will be allowed. They also desired that the administrative procedure and guidelines for withdrawal of applications may be developed and published in Plant Variety Journal.

**Agenda No. 6      Release of 50% advance DUS test fee to DUS test centres**

The members endorsed the amendment of Clause 12 of the Agreement executed between PPV&FR Authority and DUS test centres for conducting DUS test of candidate varieties. According to the amended Clause, 50% of total earmarked fee will be released as an advance to DUS test centres at the time of dispatch of seed to the centres for conducting DUS trial and remaining 50 per cent will be released to them after completion of trial and submission of results and report. The Chairperson will be the Competent Authority for release of DUS test fee to the DUS test centres.

**Agenda No. 7      Plan of Expenditure for Authority for 11<sup>th</sup> Plan**

The members noted the contents of the Expenditure Finance Committee (EFC) Memo submitted by the office of the Authority to the DoAC for implementation of PPV&FR legislation during 11<sup>th</sup> Plan period with the total plan outlay of Rs. 120 crores. Members also noted the proposed creation of 21 new posts for Head Office and 12 posts for two Branch Offices of the Authority. The members desired to know the places where the two branch offices of the Authority are proposed to be opened. The Registrar General informed that Hyderabad being the Hub of seed industry and Guwahati a rich centre for agro biodiversity have been proposed for opening of the branch offices during the 11<sup>th</sup> plan period in the first phase. It was also informed that the final decision will be taken with concurrence of the Department of Agriculture & Cooperation, Government of India.

**Agenda No. 8      Financial support to DUS Centres**

It was informed that from 01.04. 2008 the Department of Agriculture & Cooperation has given the power to the Authority for release of funds to the DUS test centres under 'Central Sector Scheme for implementation of PVP legislation'. Since old DUS test centres have completed their work of developing descriptors

and DUS guidelines in 35 crops, they now need fund for maintenance of infrastructure and reference/example varieties. In view of this, the Authority approved the changed pattern of assistance to DUS test centres as proposed in the Agenda. Now funds will be made available to them only for engaging JRF/SRF on the fixed emoluments as approved by DST and meeting contingency requirements. According to the changed pattern the Directorate and main centres handling major crops will receive Rs. 7.00 lakhs per centre. The centre dealing more than 3 crops will receive Rs. 5.00 lakh per centre and centres dealing one or two crops will receive Rs. 4.00 lakh per centre. The budget provision of Rs. 216 lakhs was approved for the old DUS test Centres for 2008-09. The Authority authorized the Chairperson to release funds to the DUS centres as per their requirement and with the norms being approved by the Authority and within the funds available with the Authority. Similarly for the projects, Chairperson was authorized to release the funds after careful scrutiny of the funds already spent and progress made and within overall financial limit of the project. For release of funds to DUS centres/projects following general guidelines will also be followed:-

- a) Funds will be released in two installments in a financial year.
- b) Funds will be released only to those centres that have no previous unspent balance as on 31<sup>st</sup> March of the previous year or the unspent balance is less than one month's expenditure.
- c) If the DUS centres have unspent balance of the previous year that unspent balance will stand automatically revalidated for expenditure up to first quarter of the next year.
- d) The centres will submit quarterly statements of expenditure in the proforma prescribed.
- e) Grants will be sanctioned as per the norms approved by the Authority.

It was also decided that the progress of the projects will be reviewed annually by the Scientific Advisory Committee of the Authority and members of the Authority will also be invited to attend that meeting.

**Agenda No. 9 Committees constituted in the Authority under Section 5 of PPV&FR Act, 2001.**

Three committees namely Scientific Advisory Committee (SAC), Programme Planning & Policy Committee and Project Appraisal Committee constituted under section 5 of the Act were ex post facto approved. The Members suggested that Chairperson has liberty to constitute operational type of Committees having short term period i.e. below one year and appoint committee members at his own level and inform to the Authority Members in the Authority Meeting.

Proposal for the Committees which are involved in the policy making or related with the implementation of the Act and having long term i.e. more than one year perspective should be brought before the Authority first and after the approval of the Authority members the committee will be constituted.

**Agenda No. 10 Annual Report of the Authority for 2007-08.**

With some minor corrections the Annual Report of the Authority for 2007-08 was approved by the Authority Members. Minor corrections in the Annual Report of the Authority are as under:-

- Page No. 10, 3<sup>rd</sup> row: deletion of Egyptian cotton
- Page No. 10, 3<sup>rd</sup> row: G. arboreum instead of G. arboretum
- Page No. 49: Changes in the name of Members to correctly reflect the names of actual members as on 31.03.2008.

**Agenda No. 11 Response to recognition to farmers under Gene Fund: “Plant Genome Saviour Community Recognition Award.”**

The members suggested that the Plant Genome Saviour Community Recognition Award for preservation and conservation of plant genetics resources by farmers

and farming communities should be awarded on annual basis. As this year less number of applications have been received, the applications which were received last year should be carried forward and may be taken into consideration for awarding Plant Genome Saviour Community Recognition Award this year. Once an application for Plant Genome Saviour Community Recognition is received in Authority it will remain valid for 3 years to be considered for recognition.

For this year award, Authority Members can also nominate two names of farmers' /farming communities up to 2<sup>nd</sup> November, 2008. All applications received in the Authority and nominations may be examined by the committee constituted in the Authority for this purpose and final recommendations may be put up before the Authority.

**Agenda No. 12     Executive summary of the projects**

The members noted the executive summary of the projects sanctioned by the Authority during 2007-08. It was pointed out that the figures given in the column of status of funds under the progress of NRC MAP, Anand for opening balances, funds received and balance available may be reconciled with the record of the Authority. It was also suggested that the progress for each project should be given in the same format.

**Agenda No. 13     Statements of Accounts of the Authority**

The members noted and approved the accrual basis accounting system for the Authority in the format prescribed by CGA, Ministry of Finance as applicable to the Central Government Autonomous bodies.

**Agenda No. 14     Inclusion of PPV&FR Authority within the ambit of  
Central Administrative Tribunal**

The members approved the proposal for inclusion of PPV&FR Authority within the ambit of CAT and passed the following resolution.

“Steps will be taken to include the PPV & FR Authority within the ambit of Central Administrative Tribunal by moving DoAC to request DoPT to issue a notification in this regard.”

**Agenda No. 15 Registration of Transgenic Varieties**

The members noted that large number of applications for registration of transgenic varieties have been received in the PPV&FR Authority. The PPV&FR Regulations 2003 specifies that for registration of transgenic plant variety, a copy of GEAC approval for the candidate variety is required to be attached with the application form. The members approved that the applications of transgenic varieties which have been cleared by GEAC should only be considered for further processing in the Authority.

**Agenda No. 16 Revised emoluments of Plant Variety Evaluator and Registry Assistants.**

The members approved the agenda proposal for the emoluments of Plant Variety Evaluators and Registry Assistants on the basis of DST approved consolidated pay structure with effect from September, 2008.

S. No.	Position	Revised Rates
01.	PVEs	Rs. 18000/- consolidated per month
02.	RAs	Rs. 12000/- consolidated per month for 1 <sup>st</sup> and 2 <sup>nd</sup> year Rs. 14000/- per month for 3 <sup>rd</sup> year.

They also approved for total period of contracts of RAs in the Authority for 3 years.

**Agenda No. 17 Providing medical facilities to the employees of the PPV&FR Authority**

The members noted with concern the problem being faced by the employees of the Authority as the Government has not yet approved the benefit of CGHS despite a clear provision in the PPV&FR Act and Rules for providing same service conditions to the employees of the Authority as for central government servants of equal ranks. The members noted that the office of the Authority has referred the matter to DoAC to write to the Ministry of Health for providing CGHS to the employees of the Authority and expected that the matter be pursued vigorously by the Authority. Pending the decision of the Ministry of Health following medical facilities for the employees of the Authority were approved.

- A. The employees of the Authority may take treatment in Central Govt./ State Govt PHC/ hospitals and they may get reimbursement for all fees and medicine in accordance with Rules.
- B. If treatment/test is taken in a CGHS approved hospital/test laboratory, then the reimbursement will be allowed as per the CGHS approved rates.
- C. In case of emergency, the employees may take treatment in a nearby Private Hospital and then can be shifted to Govt. /CGHS recognized hospital on getting relieved as per doctor's advice. The medical expenditure for such emergency cases may be reimbursed by the Authority on actual basis.

