

**Proceedings of the 10<sup>th</sup> meeting of the PPV&FR Authority held on  
10<sup>th</sup> May, 2010 at Aizawl in Mizoram.**

The 10<sup>th</sup> meeting of the PPV&FR Authority under the Chairmanship of Dr. S. Nagarajan, Chairperson of the Authority was held on 10<sup>th</sup> May, 2010 in the Committee Room of Central Agricultural University, Aizawl in Mizoram.

**Following members were present in the meeting:-**

- 1) Dr. S. Nagarajan, Chairperson, PPV&FR Authority, Government of India, NASC Complex, New Delhi.
- 2) Dr. S.N. Puri, Vice Chancellor, Central Agricultural University, Imphal Manipur- 795004
- 3) Dr. S. Natesh, Adviser Grade – I, Government of India, Dept. of Biotechnology, CGO Complex, Lodi Road, New Delhi – 110 003
- 4) Shri Satish Chandra, Joint Secretary & GC, Department of Legal Affairs, Ministry of Law & Justice, Government of India, New Delhi
- 5) Ms. Upma Choudhury, Joint Secretary (Seeds) , Department of Agriculture & Cooperation, Ministry of Agricultural, Government of India Krishi Bhawan New Delhi
- 6) P. Narayanan Unny, Navara Eco Farm, Karukamani Kalam, Chittor College P.O. Distt. Pallakad, Kerala – 678 104
- 7) A. C Zonunmawia, Coordinator & Chairman, Centre for Environment Protection (CEP), B-27/1, Tuikual South, Aizawl – 796 001, Mizoram.

**The following were granted the Leave of absence:-**

- 1) Dr. A.K. Malhotra, Registrar General PPV&FRA, NASC Complex, New Delhi.
- 2) Dr. S.K. Sharma, Director, National Bureau of Plant Genetic Resources, New Delhi – 110 012
- 3) Sh. Raju Barwale, Managing Director, Maharashtra Hybrid Seed Corporation Ltd. (Mahyco), Jalna – 431 203, Maharashtra

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

- 1) Sh. A.K. Goyal, Joint Secretary, Ministry of Environment & Forest.
- 2) Dr. Swapan Kumar Dutta, Deputy Director General (Crop Science) Division of Crop Science, ICAR, Krishi Bhawan, New Delhi – 110114
- 3) Smt. Rachel Chatterjee, IAS, Principal Secretary, Government of Andhra Pradesh, Andhra Pradesh Secretariat, D Block, 1st Floor, Hyderabad – 500 022
- 4) Sh. Roshan Lal, IAS, Finance Commissioner & Principal Secretary, Agriculture Department, New Haryana Secretariat Building, Room- 430, 4th Floor, Sector – 17, Chandigarh-160017
- 5) 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
- 6) Horticultural Commissioner, Department of Agriculture & Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi – 110001
- 7) Agriculture Commissioner, Department of Agriculture & Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi – 110001

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

**The following Non Member from the Authority were present.**

- 1) R. R. Pradhan, Legal Advisor, PPV&FRA

At the outset, the Chairperson welcomed the members and observed that the requirement of the quorum for conducting the meeting was complete. He permitted the Legal Advisor of PPV&FRA, Mr. R. R Pradhan to be present in the meeting and record the proceedings.

**Agenda Item No. 1: Welcome of the New Member.**

The Chairperson especially welcomed and introduced Sh. A.C. Zonunmawia, who is the new member of the Authority, and is attending the meeting for the first time.

**Agenda Item No. 2: Confirmation of the Minutes of the 9<sup>th</sup> Authority Meeting held on 12<sup>th</sup> March, 2010.**

The minutes of the 9<sup>th</sup> Authority Meeting circulated earlier to the members, and as no comments were received by the Member Secretary, the minutes were adopted.

**Agenda Item No. 3: ATR of the Minutes of the 9<sup>th</sup> Meeting of the Authority held on 12<sup>th</sup> March, 2010.**

The Action Taken Report (ATR) of the 9<sup>th</sup> Meeting of the Authority held on 12<sup>th</sup> March, 2010 was presented. There were no comments from any member on ATR of the 9<sup>th</sup> Meeting and it was accepted by the Authority.

**Agenda Item No. 4: Exercise of quasi judicial powers of PPV & FR Authority.**

The member from Ministry of Law & Justice mentioned that using a term quasi-judicial for proceedings before Authority or Registrar is not appropriate as under Section 11 of the Act the Authority or Registrar are vested with the judicial power.

It was informed that the Authority has now received the claim for determining benefits sharing (Section 26) for the varieties registered under the Act. In future also under section 39 (2) the Authority may receive claims for compensation to farmers. Since Authority is a body corporate it can not go in-depth of all such matters. The members, therefore, decided to delegate this power to a three member body with following composition (i) Registrar General- Chairman (ii) Two members of the Authority to be nominated by the Chairperson.

The term of reference of the body will mainly cover following two points: - (i) jurisdiction: Determine and decide cases of benefits sharing and compensation to farmers under section 26 & 39 (2) of the Act. (ii) Outline the procedures to determine or decide benefits sharing & compensation cases including appointment of commission to hold enquiry in such matters. The three member body will inform its decision to the Chairperson and also to the Authority members immediately in the next Authority meeting such committee will function on case to case basis. Since Plant Varieties Protection appellate tribunal is not in existence at this stage, it would be appropriate if an appeal

against the decision of the body may be filed before the Chairperson of the Authority who may act as an appellate for such cases. This point of referring to Chairperson as appellate may or may not be in the light of the provisions of the PPV&FR Act and therefore prior concurrence of DoAC and the Ministry of Law and Justice is necessary.

**Agenda Item No. 5: Official Seal and Paper Sheets to be used by the Authority in quasi judicial matter.**

Under section 11 of the Act the Authority has judicial power to decide the matters of benefits sharing, compensation to farmers, community rights etc. In this respect a seal of the Authority is required to be developed for using on various orders. Since the members opined that Plant Varieties Registry was established by the Central Government under section 12 of the Act and accordingly the Govt. of India seal is used by the Plant Varieties Registry. The Act has no mention about a separate or specific seal of the Authority for judicial matters. The Hon'ble members suggested to refer this matter to the Department of Agriculture & Cooperation, and to the Department of Law & Justice for using the Govt. of India seal in the above said judicial proceedings of the Authority.

**Agenda Item No. 6: Disclosure of information under RTI Act.**

The Member opined that the office of the Authority should prepare a detail list of all those items which are to be disclosed under RTI application as per the provisions given under RTI Act, and also keeping in view the provision of RTI Act that the information related to IPR may be not be disclosed. The Chairperson will have discretion to decide which information to be divulged under RTI Act. The members also observed that there is some inconsistency in the provisions of RTI Act and provisions of section 84 of PPV&FR Act read with rule 76 of PPV&FR Rule for furnishing information to applicant. This may be examined by the legal cell of the Authority and a proposal may be sent to the Department of Agriculture & Cooperation for amendment of Rule 76 to make it in consonance and consistent with the Section 84 of the Act by deleting the word "extract of Applications" from Rule 76.

**Agenda Item No. 7: Amendments in the PPV&FR Rules, 2003 for providing 'On-site Inspection of Varieties of Trees and Vines'.**

Chairperson explained the grounds for amendments of rule 29(1)(c) for providing On-site Inspection of Varieties of Trees and Vines. Members unanimously agreed for amendment of rule 29(1) (c) for providing on site inspection of varieties of trees and vines and desired to send it to Ministry of Law & DoAC for further action.

**Additional Agenda Items**

After completion of the main agenda items, the additional agenda items were submitted for the consideration of the Authority. In this respect following decisions were taken:

- 1) The Plant Genome Savior Community Award which carries a value of Rs. 10 Lakh each will be instituted from the year 2009-2010 was taken note of.
- 2) The document to be submitted along with annual fees return form and the last date for filing of return by 31 October was approved.
- 3) The revised budget of Rs. 20 crore for Authority for 2010-11 was taken note of.
- 4) The Authority noted about transfer of 0.45 acre land from IARI at Todapur site for construction of the office complex. The balance land is likely to be transferred by IARI after the settlement of dispute with Salwan Education Trust. The 0.45 acre of land have been earmarked for construction of Plant Registry Bhawan and Authority has invited EOI for construction of an office complex.
- 5) The members noted that various cases against the Authority have been filed in Delhi and A.P. High Courts. The Hon'ble Delhi High Court has given a verdict to refund the fees of applicant who filed the application before gazette notification for fees. The members approved for refund of fees as per High Court decision. As cases against the Authority are increasing, the Members also suggested that a panel of private lawyers may be prepared in the Authority to engage them for fighting the cases in various courts on behalf of the Authority.

The meeting ended with a vote of thanks to the Chairperson & Members of the Authority.