



प्राधिकरण की 27वीं बैठक की कार्यवृत्त
**Minutes of the
27th Meeting of the Authority**

स्थान : बोर्ड कक्ष, एनएससी कॉम्प्लेक्स, दिल्ली

Venue : Board Room, NASC Complex, Delhi

दिनांक : 31 मई 2017 (बुधवार)

Date : 31st May 2017 (Wednesday)

समय : 06:00 दोपहर बाद.

TIME : 06:00 P.M.

पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण
Protection of Plant Varieties & Farmers' Rights Authority

कृषि सहकारिता एवं किसान कल्याण विभाग

Department of Agriculture, Cooperation & Farmers Welfare

कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार

Ministry of Agriculture & Farmers Welfare, Government of India

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Minutes of the 27th Meeting of the Protection of Plant Varieties & Farmers' Rights Authority

Meeting Type	Authority Meeting	Date and Time	31 May 2017 at 16:00 hrs which was rescheduled at 18:00 hrs because of some unavoidable reasons
Subject	27 th Meeting of the PPV&FR Authority		
Venue	Board Room, IGH, NASC Complex, New Delhi		
Attendance	<p style="text-align: center;"><u>The following members attended the meeting:</u></p> <ol style="list-style-type: none"> 1. Dr. R.R. Hanchinal, Chairperson, PPV&FR Authority 2. Dr. S.K. Malhotra, Agriculture Commissioner, Ministry of Agriculture and Farmers' Welfare, Government of India 3. Dr. J.S. Sandhu, DDG, ICAR, New Delhi 4. Dr. Kuldeep Singh, Director, ICAR-National Bureau of Plant Genetic Resources, New Delhi 5. Dr. R. C. Srivastava, Vice Chancellor, Dr. Rajendra Prasad Central Agricultural University, PUSA, Samastipur 6. Sh. Bihari Lal Sharma, Executive Director, Youth for Sustainable Development, Shimla-171001 7. Sh. Aruna Kumar V.K., Director, Krishi Prayoga Pariwara, Krishi Nivas, Shivamogga, Karnataka-577432 8. Sh. M Prabhakar Rao, Chairman and Managing Director, Nuziveedu Seeds Pvt. Ltd., Hyderabad, Telangana-500034 9. Dr. Nikki Kumari (Hembrom), Hanuman Nagar, Kankarbagh, Patna-800020 10. Dr. R. C. Agrawal, Registrar-General, PPV&FR Authority (Member Secretary) <p>Leave of absence was given to :-</p> <ol style="list-style-type: none"> 11. Dr. Sujata Arora, Adviser, Ministry of Environment & Forests and Climate Change, Govt. of India, New Delhi – 110003 		

Introduction	At the outset, Dr. R. C. Agrawal, Member Secretary and Registrar-General, PPV& FR Authority welcomed all the members. He informed that Chairperson has completed his tenure today (31 May 2017) and he has contributed immensely in the progress of the Authority. All the Members unanimously appreciated contribution of Dr. Hanchinal
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	The Chairperson also welcomed the members and thanked the present Authority Members and earlier Members for their support and guidance they provided to the Authority for the overall progress of the Authority
Declaration of Conflict of Interest by Members	There was no conflict of interest by any member except Agenda item No. 10 on "Issue of NOC from technology provider for registration of plant varieties" by Shri M. Prabhakar Rao

Action Taken Report on 26th Authority Meeting

Agenda Number	Agenda description	Details
1.	Confirmation of the minutes of the of the last meeting held on 11 th November 2016	The minutes of 26 th Authority meeting held on 11 November 2017 were adopted by the Authority

2.	Action Taken Report on the minutes of 26 th Authority meeting held on 11 th November 2016	<p>It was informed that the office of the Authority has taken necessary action on all recommendations of the 26th Authority Meeting.</p> <p>Members wanted to know the quantum of compensation under section 41(3) of the PPV&FR Act, 2001 as per the interface meeting with NBA. It was informed that it is yet to be communicated by NBA.</p> <p>Members asked to communicate the modified minutes of the EDV Expert Committee meeting, held on 16.06.2016, based on the opinion of the Ld ASG.</p> <p>Members suggested that the office of the Authority should take action on the decisions taken by the Authority at the earliest, while pointing out that the proposals to extend the protection period for notified extant varieties to 15 years from the date of registration was sent on 17.05.2017 to the Nodal Ministry, when the decision had been taken almost six months back. Members stated that extension of protection period for notified extant varieties to 15 years on par with other categories is very important particularly to the varieties of public sector. Hence, it should have been hastened up.</p> <p>Members pointed out that there is a mistake in the Annexure–C. The draft amendment amends clause (iii) of sub-section (6) of section 24 instead of clause (ii). Members suggested that clause (ii) can be deleted and clause (iii) can be amended by substituting for the words “in the other cases” with “in the case of other crops” The amendment should take effect from 19.10.2006, when the original provision had come into force.</p> <p>Members expressed that the Authority is vested with several powers under various provisions of the Act and Rules, like section 3(3), 12(2), 12(3), 12(4), 26 and similar other provisions. Hence, the Authority may meet 3-4 times in a year instead of confining to minimum of two meetings in a year under rule 16(1) of the PPV&FR Rules, 2003 for better review and for taking timely decisions. Any proposal which has to be made and placed before the Government, the subject should come for discussion before the Authority members during the Authority meetings. After the meetings and decisions of Authority, the proposal should be placed before the Government for notification. The office of the Authority should not make any proposal without the decision of the Authority.</p> <p>Members noted the Action Taken Report of the 26th Authority Meeting and adopted the same with the above observations.</p>
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3.	Progress of Plant Varieties Registry	<p>Chairperson presented the progress of the Registry.</p> <p>Members appreciated the progress related to clearance of pendency, awareness programmes, and specially the progress in the registration of farmers' varieties. The Members were also informed that the Authority could conduct 2 award ceremonies (21 December 2016 and 19 April 2017) which was graced by Shri Radha Mohan Singh ji, Hon'ble Minister of Agriculture and Farmers Welfare, Govt. of India. During the program organized during April 2017, the Authority could give maximum awards (35) which was greatly appreciated by Hon'ble Agriculture Minister.</p> <p>The Members pointed out that the Registry has closed certain applications on the grounds that they have completed 15 years of sale, which is contrary to rule 22(2A) of the PPV&FR Rules, 2003. And that, as per rule 22(2A), the Authority shall register extant varieties (other than farmers variety), if at the date of filing of the applications for registration, such variety has not been sold or otherwise disposed of for the purposes of exploitation of such variety for a period of eighteen years in case of trees and vines and fifteen years in other cases. That the restriction of 15/18 years is for filing of the application and that once the application is filed within 15/18 years, as the case may, it cannot be rejected on the grounds that the said variety or the tree has completed 15/18 years during pendency for registration with the Registry. That NSAI and Seedsmen Association have already made representations on this. The Registry should look into this aspect immediately.</p> <p>Members also pointed out that the progress of registration of the plant varieties of private sector is very slow and is just around 18%. And that in the EDV category only one variety is registered so far in about 12 years.</p>
4.	Establishment of Branch Office of PPV&FR Registry.	<p>The Members appreciated the efforts of DAC&FW for approval of 3 branch offices and notifying them vide Gazette Notification No.182 dated 19.01.2017 establishing three Branch Offices of the Plant Varieties Registry at Palampur, Shivamogga and Pune with their respective jurisdiction as follows:-</p>

		<p>1. Palampur:- Himachal Pradesh, Jammu and Kashmir, Punjab, Uttarakhand and Chandigarh.</p> <p>2. Pune Maharashtra, Goa, Gujarat, Rajasthan, Dadar and Nagar Haveli, and Daman and Diu</p> <p>3. Shivamogga Karnataka. Andhra Pradesh, Telangana, Kerala, Tamil Nadu, Lakshadweep and Puducherry</p> <p>It was also approved that lease deed for land and building of the respective Branch offices duly stamped and registered in accordance with law will be executed between</p> <p>i) UAHS and PPV&FR Authority for Shivamogga,</p> <p>ii) MPKVV Rahuri and PPV&FR Authority for Pune and</p> <p>iii) CKSHPV, Palampur and PPV&FR Authority for Palampur.</p> <p>The Chairperson will authorize Registrar to execute the lease deed after complying the codal formalities.</p> <p>Seedsman Association representation on establishment of branch office of Registry at Hyderabad was deferred to next Authority meeting and Registrar General was asked to come up with all the details justifying the need for the additional branch at Hyderabad. Other representation of Seedsman Association on fee structure may also be included in the Agenda of the next meeting.</p>
5.	Designation of Branch Office of PPV&FR Registry as Branch Office of PPV&FR Authority.	The Branch Offices of the Plant Varieties Registry at Palampur, Pune and Shivamogga notified vide S.O. No.182 dated 19.01.2017 were approved as Branch Offices of the PPV&FR Authority under Section 3(3) of PPV&FR Act, 2001 and it was also approved to forward the proposal to Central Government under Section 3(3) of PPV&FR Act, 2001 for their approval and consequent notification in Plant Variety Journal.
6.	Approval of DUS test guidelines under Rule 29(9) of	The DUS Test Guidelines for Crop Species published in PVJs as per details given below were approved under Rule 29(9) of PPV&FR Rules, 2003 and for forwarding to Central Government for

	PPV&FR Rules, 2003	<p>notification under Section 29(2) of PPV&FR Act, 2001 for registration of new varieties</p> <table border="1" data-bbox="592 293 1426 600"> <thead> <tr> <th data-bbox="592 293 703 405">S. No.</th> <th data-bbox="703 293 1214 405">Name of crop species</th> <th data-bbox="1214 293 1426 405">Published in PVJ</th> </tr> </thead> <tbody> <tr> <td data-bbox="592 405 703 517">i.</td> <td data-bbox="703 405 1214 517">Cashew (<i>Anacardium occidentale</i> L.)</td> <td data-bbox="1214 405 1426 517">May 2017</td> </tr> <tr> <td data-bbox="592 517 703 600">ii.</td> <td data-bbox="703 517 1214 600">Arecanut (<i>Areca catechu</i> L.)</td> <td data-bbox="1214 517 1426 600">May 2017</td> </tr> </tbody> </table>	S. No.	Name of crop species	Published in PVJ	i.	Cashew (<i>Anacardium occidentale</i> L.)	May 2017	ii.	Arecanut (<i>Areca catechu</i> L.)	May 2017
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7.	<p>Fixation of time limit for registration of extant variety crop species notified vide S.O 1796 dated July 2, 2015 under Rule 22 (2) of PPV&FR Rules, 2003</p>	<p>The PPV&FR (Amendment) Rules, 2015 has amended Rule 22 (2) of PPV&FR Rules, 2003 wherein it has been provided that the time limit for registration of extant variety crop species shall be specified by the Authority. Accordingly, for the following 2 crop species</p> <ol style="list-style-type: none"> 1. Cashew (<i>Anacardium occidentale</i> L.) 2. Arecanut (<i>Areca catechu</i> L.) <p>the time limit for registration of extant varieties was fixed by the Authority under Rule 22 (2) of PPV&FR Rules, 2003 as follows:</p> <ol style="list-style-type: none"> a. Extant Notified varieties and VCK -6 years from the date of publication of approval of the Authority in the Plant Variety Journal of India. b. Farmers' varieties – 10 years from the date of publication of approval of the Authority in the Plant Variety Journal of India. 									
8.	<p>Fixation of DUS Fee</p>	<p>Rule 29 (1)(a) of PPV&FR Rules, 2003 provides that the Authority shall charge separate fees for conducting DUS test and special test on each variety. The maximum fee limit has been fixed in Second Schedule of PPV&FR Rules, 2003.</p>									

		<p>The Authority approved the On-site DUS Test fee for 2 crop species as given below-</p> <table border="1" data-bbox="555 331 1445 607"> <thead> <tr> <th data-bbox="555 331 667 465">Sl. No</th> <th data-bbox="667 331 1198 465">Crop Species</th> <th data-bbox="1198 331 1445 465">On-Site Test (Rs.) DUS Fees</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 465 667 539">1.</td> <td data-bbox="667 465 1198 539">Cashew (<i>Anacardium occidentale L.</i>)</td> <td data-bbox="1198 465 1445 539">30,000</td> </tr> <tr> <td data-bbox="555 539 667 607">2.</td> <td data-bbox="667 539 1198 607">Arecanut (<i>Areca catechu L.</i>)</td> <td data-bbox="1198 539 1445 607">30,000</td> </tr> </tbody> </table>	Sl. No	Crop Species	On-Site Test (Rs.) DUS Fees	1.	Cashew (<i>Anacardium occidentale L.</i>)	30,000	2.	Arecanut (<i>Areca catechu L.</i>)	30,000
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1.	Cashew (<i>Anacardium occidentale L.</i>)	30,000									
2.	Arecanut (<i>Areca catechu L.</i>)	30,000									
9.	Approval of proceedings of Standing Committee.	<p>Member Secretary informed that in pursuance to the proceedings of the 26th Meeting of PPV&FR Authority the first meeting of the standing committee of PPV&FR Authority was held on 24.04.2017 at Tirthahalli, Shivamogga, Karnataka. The issues examined by Standing Committee with recommendations are as:-</p> <ol style="list-style-type: none"> a) Farmers and Farming communities not within the agro-biodiversity hotspots identified by PPV&FR Authority but engaged in conservation of plant genetic resources in accordance with section 39(1)(iii) of PPV&FR Act, 2001 shall also be considered for Plant Genome Saviour Farmer Reward and Plant Genome Saviour Farmer Recognition. b) Compendium of registered varieties published by the Authority may be uploaded in the website of the Authority. c) PPV&FR Authority should co-ordinate with Biodiversity Management Committees through National Bio-diversity Authority to document, index, catalogue farmers varieties using PBRs. d) PPV&FR Authority will co-ordinate with NBA to collect statistics using PBR and also through BMCs, Agricultural Census Division of Ministry of Agriculture in this regard. e) Database of the PPV&FR Authority should further be updated and enriched. The PPV&FR Authority must make efforts to use latest technology for online availability and mobile apps. The server of NIC may be explored in this 									

		<p>regard.</p> <ul style="list-style-type: none">f) The PPV&FR Authority may procure details of use of crop variety in the country and bring the same into database in multiple modes including advertisement in newspapers, request to all the stakeholders, request through Seed Associations, co-ordination with NBPGR.g) Authority must obtain UPOV database through subscription or otherwise.h) The Standing Committee recommended that in future the PPV&FR Authority shall assist and facilitate the farmer(s) and farming communities who are selected for the Plant Genome Savior Community Award, Plant Genome Saviour Farmer Reward, Plant Genome Saviour Farmer Recognition in submission of application form for registration of their varieties which are notified for registration.i) Agro-biodiversity hotspots identified by the Authority must be revised.j) A committee must be constituted to study whether DUS testing could be restricted to one location instead of two locations which will submit its report to standing committee and thereafter the same will be placed before the PPV&FR Authority.k) Annual fees for farmers' varieties would be paid by the PPV&FR Authority from the Authority Fund to support the farmers' varieties. <p>The Members approved the recommendations of the Standing Committee with following modifications-</p> <ul style="list-style-type: none">1. The recommendation no. i) may be rephrased as-
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		<p>Agro-biodiversity hotspots identified by the Authority must be revisited</p> <p>2. The recommendation no. j) regarding restricting DUS testing location to 1 instead of two locations was not agreed by the Authority</p>
10.	Issue of NOC from technology provider for registration of plant varieties.	<p>The Member Secretary informed that in pursuance of the order dated 12.09.2016 of Hon'ble High Court of Andhra Pradesh and Telengana in WP No. 30734/2016 wherein the PPV&FR Authority has been directed to decide the application dated 29.8.2016 of NSAI and pass appropriate order on merits in accordance with law. The issue was placed in the 26th meeting of PPV&FR Authority wherein it was decided that the Authority will discuss the issue of NOC from technology provider thoroughly after obtaining the legal opinion. In pursuance to the same, the issue was sent for legal opinion through DAC&FW to Sh. Tushar Mehta, Addl. Solicitor General of India. The Ld. Addl. Solicitor General of India has given his considered and valuable opinion that there are no provisions in support for insistence of NOC and it may cause significant loss of revenue to the National Gene Fund. Consequently, the NOC cannot be insisted.</p> <p>The members meticulously deliberated on the issue and after taking into consideration the valuable opinion of Ld. Additional Solicitor General of India and examining the relevant provisions of the Act, the PPV&FR Authority unanimously decided that henceforth the requirement of submission of a No Objection Certificate from the concerned Technology Provider as a part of the application will be dispensed with for registration of the Bt cotton plant varieties. This decision shall come into force with immediate effect and it applies to all pending applications for registration also. However, the applicant has to submit a declaration under section 18(1)(h) of the Act, which is already incorporated in Form 1 and Form 2, under the title "Declarations", specified under Regulation 10 of the PPV&FR Regulations, 2006."</p>

11.	Adoption of Modified Assured Career Progression Scheme for the employees of PPV&FR Authority	<p>Member Secretary informed that section 6 of the PPV&FR Act, 2001 provides conditions of service of the employees of the PPV&FR Authority as prescribed in the PPV&FR Rules, 2003. Consequently, Rule 20(4) of PPV&FR Rules, 2003 provides that the service conditions of the employees of the Authority are on par with the service conditions of the employees of the Central Government. All the posts in the PPV&FR Authority are isolated posts and there are no promotional avenues provided for the same. Accordingly, the MACP scheme applicable for the employees of central government who have not been promoted and have spent 10 years continuously in the same grade pay may be made applicable for the employees of the PPV&FR Authority also.</p> <p>Members approved MACP scheme to the employees of PPV&FR Authority in a timely manner in accordance with the MACP scheme.</p>
12.	Proposal for Re-framing of regulations for fixing breeder's expense for depositing seeds or propagating material to National Gene Bank of PPV&FR Authority on registration.	<p>It was informed to the Members that the PPV&FR Act, 2001 provides that the breeder at his expense shall be required to deposit such quantity of seeds or propagating material including parental line seeds of registered variety for reproduction purpose within such time as specified in the regulations. The corresponding Regulation 12 is silent about the time and expenditure in this regard. Accordingly, after a variety is registered it has to be maintained till the expiry of registration period. Consequently, the Authority is doing this at its expense whereas as per Section 27 it should have been at breeder's expense.</p> <p>Accordingly, for the proposal to amend Regulation 12 of PPV&FR Regulations, 2006, the Members authorized the Chairperson of PPV&FR Authority to appoint a committee consisting of various stakeholders to re-frame Regulation 12 of PPV&FR Regulations, 2006 in accordance with Section 27 of PPV&FR Act, 2001. The recommendations of the committee should be placed before the Standing Committee of the PPV&FR Authority and thereafter before the PPV&FR Authority for its kind approval and for onward</p>

		transmission to Nodal Ministry for notification in official gazette.
13	Proposal to prescribe the particulars that is to be accompanied with the application form for registration of Plant Varieties.	<p>Section 18(1)(i) of PPV&FR Act, 2001 provides that the application form for registration of plant varieties be accompanied with such particulars as may be prescribed in the Rules. Section 96(2)(xii) of PPV&FR Act, 2001 also provides that the Central Government has power to make rules regarding the other particulars that shall accompany the application form for registration of plant varieties. There is no corresponding rule in PPV&FR Rules to Section 18(1)(i) of PPV&FR Act, 2001. There are certain particulars that have to be prescribed like agronomic and commercial attributes of the variety in accordance with Rule 30(3)(d) of PPV&FR Rules, 2003.</p> <p>The Members approved for a detailed agenda in this regard before the Authority for its next meeting.</p>
14.	Administrative matters	<p>The Member Secretary informed that Dr. Ritu Jain from IARI, New Delhi has joined as Joint Registrar on deputation basis with effect from 23.02.2017. The Members noted the same.</p> <p>The Members were also informed that presently the Authority has acute shortage of manpower and the day to day work of Finance, Administration is being run on outsourced experts, technical examiners, data entry operators, Stenos and MTS. It was also informed that one more post of Deputy Registrar has been selected and has been forwarded to Nodal Ministry for the approval.</p> <p>Members also asked to put up details about the manpower including existing, sanctioned and required manpower for discussion in the next meeting of the Authority.</p>
15.	Proposed Budget of the PPVFRA	The proposed budget and approved budget was noted by the Members.
16	Gazette Notification of crop species	The consolidated Gazette Notification relating to 140 crops species published by the Central Government in the Official Gazette vide S.O. No.1536 (E) dated 12 th May, 2017 was noted by the Members.
The meeting ended with vote of thanks to the Chair		