

**Dr. Kalyan B. Goswami**  
Executive Director

PROTECTION OF PLANT VARIETIES AND  
FARMERS' RIGHTS AUTHORITY  
GOVT. OF INDIA  
NASC COMPLEX, DPS MARG,  
NEW DELHI-110012

  
**nsai** National Seed  
Association of India  
(Registered under the Societies Registration Act.)

Ref. NSAI/2016/117

Date: 21-09-2016

To  
The Chairperson,  
The Protection of Plant Varieties & Farmers' Rights Authority,  
Govt. of India, NASC Complex,  
DPS Marg, Opp. Todapur Village,  
NEW DELHI-110 012.



Sir,

**Sub: Order dated 12.9.2016 of the Hon'ble High Court at Hyderabad in WP No.30734/2016 – Reg.**

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We wish to inform that Seedsmen Association, Hyderabad along with one of its members filed Writ Petition bearing No. 30734 of 2016, challenging the requirement of NOC from the technology provider, stipulated by PPV & FR Authority, for registering transgenic plant varieties under the provisions of PPV & FR Act, 2001. Seedsmen Association and the petitioner company are the members of National Seed Association of India (NSAI).

The Hon'ble High Court of Judicature at Hyderabad, on 12.9.2016, was pleased to dispose of the above WP with directions to decide the application of the petitioner dated 29.8.2016 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of the order. Copy of the WP No. 30734 of 2016 and order copy dated 12.9.2016 are enclosed herewith as **Annexure-I** and **Annexure-II** respectively.

In this connection, we submit that, recently, one of our members obtained certain documents pertaining to enactment of the Patents (Amendment) Act, 2002 from Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, under RTI Act. One of the documents contains copy of a news item, "The Monsanto amendment", published in the Economic Times dated 25.5.2002 after the Patent Amendment Act, 2002 was passed by the Indian Parliament in May 2002. On this news item, DIPP gave its comments on 27.5.2005.

The Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry has authored and piloted the Patent (Amendment) Act, 2002 after series of consultations with various ministries, NGOs, Industry Associations etc. Therefore, DIPP's comments are very relevant and pertinent in the present matter and shows the intention of the legislature in bringing out the amendment and in incorporating the new provision section 3 (j) to keep seeds and plants including transgenic varieties outside the purview of the Patents Act. The DIPP's comments, relevant to plants, seeds including genetically modified plants, are extracted from its note dated 27.5.2002 hereunder:

*"Seeds" have been specifically excluded from patentability through insertion of new clause, namely, clause 3(j) of the newly enacted law. This exclusion is also applicable to genetically engineered seeds.*

