

Ref. NSAI/2022/034

Date: 21-07-2022

To
Shri Manoj Ahuja, IAS
Secretary (Agriculture)
Department of Agriculture, Cooperation & Farmers Welfare,
Ministry of Agriculture & Farmers Welfare,
Govt. of India,
New Delhi - 110001

Sir,

Sub: Payment of Annual Fee and Renewal Fee for the Plant Varieties (Extant Notified Category) registered under the provisions of the PPV&FR Act, 2001 – Reg.

Ref: (1) Public Notice (13 of 2020) F. No. PPV&FRA/legal/02/2019 dated 09-11-2020, issued by the Registrar, PPV&FR Authority, New Delhi.
(2) Letter No. NSAI/2020/073 dated 18-11-2020 of National Seed Association of India, New Delhi.
(3) Letter No. NSAI/2021/005 dated 05-03-2021 of National Seed Association of India, New Delhi.
(4) Letter No. NSAI/2022/028 dated 13-06-2022 of National Seed Association of India, New Delhi.
(5) Letter F.No. PPV&FRA/Legal/15/2010(Vol-III)/881 dated 22-06-2022 of the Legal Advisor, PPV&FR Authority, New Delhi.

This has reference to:

- The Public Notice (13 of 2020) dated 19-11-2020, issued by the Registrar, PPV&FR Authority, 1st cited,
- NSAI's representations in the matter, 2nd to 4th cited, and
- The Legal Advisor Letter, PPV&FR Authority, 5th cited.

Copies of the above are enclosed herewith for kind ready reference.

The Registrar had laid down in the Public Notice that the Annual Fee and Renewal Fee have to be paid for the Extant Notified Varieties from the date of notification under section 5 of the Seeds Act, 1966. The Public Notice had been issued referring to Section 24(6) and Section 35 of the PPV&FR Act, 2001 based on the contention that the date of registration in case of Extant Notified Varieties takes effect from date of notification under Section 5 of Seeds Act, 1966.

We submit that the above contention is based on misinterpretation of Section 24(6)(ii) of PPV&FR Act 2001. Section 24(6)(ii) should have been read with Section 28(1) and other relevant provisions of the PPV&FR Act to arrive at correct interpretation. We have made detailed submissions in our letter, 4th cited. Hence, we are not reiterating the same herein for the sake of brevity and request to consider the said submissions as part and parcel of this letter. However, we will deal, herein, with the contentions of Judicial Proceedings, raised by the Ld. Legal Advisor, PPV&FR Authority in his letter, 5th cited.

The Ld. Legal Advisor without giving any due consideration to the provisions of the PPV&FR Act, which we had cited in our letters, 2nd to 4th cited, has sent reply, letter 5th cited. It is pertinent to extract hereunder the contents of the said letter:

*“..... I am directed to state that the public notice or any document issued by the Registrar/Authority is an order and is **deemed to be a judicial proceeding under Section 87 of PPVFR Act (2001)** and has to dealt accordingly, and not as any administrative or DO letter process in response endorsed to the administrative Ministry. The same may be brought to the notice of the Association which may be adhered to.”(Emphasis added)*

We submit that the above contention of the Ld. Legal Advisor, in general and particularly in the matters like, relating to Section 24(6)(ii), read with rule 39 and Section 35 *vis-a-vis* Section 87, is totally incorrect and misinterpretation of the said provisions. And particularly such misinterpretation coming from the Ld. Legal Advisor is matter of serious concern to stakeholders. We reproduce Section 87 hereunder for ready reference:

87. Proceeding before the Authority or Registrar:

*All proceedings before the Authority or the Registrar, as the case may be, **relating to registration of variety or essentially derived variety, registration of agent, registration of licence or registration of compulsory licensing under this Act shall be deemed to be judicial proceedings** within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code (45 of 1860) and the Authority or the Registrar, as the case may be, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)*

We submit that, from the above, it is clear that Section 87 of PPV&FR Act is applicable only in respect of proceedings relating to registration of variety or EDV, registration of agent, registration of licence or registration of compulsory licensing. Provisions of Section 35, which mandate payment of Annual Fee, do not fall within the ambit of Section 87. Similarly, Sub-section (6) of Section 24 also does not fall under the purview of Section 87.

Further, it is pertinent to note that powers under Section 35 are vested in the Authority. The Registrar is not vested with any power or authority to issue Public Notice (13 of 2020) F. No. PPV&FRA/legal/02/2019 dated 09.11.2019 under Section 35. Hence the Public Notice (13 of 2020) is not valid and is liable to be set aside. Section 35 is reproduced hereunder for kind reference:

“35. Payment of annual fee and forfeiture of registration in default thereof.—(1) *The Authority may, with the prior approval of the Central Government by notification in the Official Gazette, impose a fee to be paid annually, by every breeder of a variety, agent and licensee thereof registered under this Act determined on the basis of benefit or royalty gained by such breeder, agent or licensee, as the case may be, in respect of the variety, for the retention of their registration under this Act.*

(2) *If any breeder, agent or licensee fails to deposit the fee referred to in sub-section (1) imposed upon him under that sub-section in the prescribed manner up to two consecutive years, **the Authority shall issue notice** to such breeder, agent or licensee and on service of such notice if he fails to comply with the direction in the notice, the Authority shall declare all the protection admissible under the registration certificate issued to such breeder or agent or licensee forfeited.*(Emphasis added)

(3) *The arrears of fee imposed under sub-section (1) shall be deemed to be the arrears of land revenue and shall be recoverable accordingly.”*

Further, it is also pertinent to note that “*all orders and decisions of the Authority shall be authenticated by the signature of the Chairperson or any other member authorised by the Authority in this behalf*”, as per **Section 9 of the PPV&FR Act**.

In this regard, it is submitted that, under Section 2(p), “member” means a member of the Authority appointed under clause (b) of sub-section (5) of section 3 and includes the member-secretary.

Therefore, the Registrar has issued Public Notice (13 of 2020) without any authority or power and, hence, it is not legally valid and is liable to be set aside. Hence, no notices/letters can be issued to the breeder etc. by the Registrar under section 35(2). It is also pertinent to submit that even the Joint Registrar is also issuing notices/letters to the seed companies under Section 35(2) of the PPV&FR Act. It is submitted that no statutory powers under the PPV&FR Act, leave alone Section 35(2), are vested in the Joint Registrar to issue any statutory notice. The definition of Registrar [Section 2(t)] does not include the post of the Joint Registrar. Therefore, the Joint Registrar has issued notices/letters under Section 35(2) without powers and authority, when even the Registrar cannot issue the said notices. We, therefore, request that the Public Notice (13 of 2020) and the Notices/letters, issued by the Registrar/Joint Registrar, be declared as invalid and set aside and payment made towards Annual Fee and Renewal Fee in pursuance of such Notices/letters, issued under Section 35(2) in respect of Extant Notified Varieties, be directed to refund to the concerned breeders/seed companies.

Revised Format of Certificate of Registration Invalid (Form O-2)

We may also submit that **the Registrar is issuing Certificate of Registration (Form O-2) in the revised format. However, the revised format has not been prescribed by the Central Government** as required under Section 23(8) and Section 24(2) of the PPV&FR Act, read with rule 36 and 37 of the PPV&FR Rules, 2003. This has also been raised by us in our letter, 4th cited. We have also pointed out that the contents of the revised format of Certificate of Registration do not meet the requirements of the relevant provisions of the PPV&FR Act. Ld. Legal Advisor’s letter, 5th cited, is however silent on these aspects. If the revised format of Certificate of Registration is pending approval with the Central Government under section 23(8) and 24(2), the same may not be approved, as the contents of the revised format of Certificate of Registration do not meet the requirements of the relevant provisions of the PPV&FR Act.

It is submitted that there are various such misinterpretations of the provisions of the PPV&FR Act. A glaring example is of non-conducting of Authority meetings for the past about nearly three years, though it is mandatory under rule 16(1) of the PPV&FR Rules, 2003, read with Section 4 of the PPV&FR Act, 2001, to hold the meetings at least twice in a year. Earlier, there was no such default and the Authority meetings had been conducted even when there was vacancy in the post of Registrar General or he was on leave.

It is also submitted that there is only one Registrar for the past three years till date and that there has been vacancy in the post of Registrar General for more than two years and filled up recently in May 2022, due to which functioning of the Authority had been badly affected. Always, there were a minimum of two Registrars in place in the Authority. Added to this, various Public Notices, without approval by the Authority, have been issued by the Registrar/Registrar General and their validity is an issue and such Public Notices may kindly have to be examined by the Nodal Ministry. Further, there is threat that, by invoking the provisions of the Public Notices, the Registrar may close the applications, filed under Section 14 for registration without providing any reason thereof. The seed industry is very much worried and looks to Nodal Ministry for its kind intervention by invoking the powers under Section 93 at the earliest.

We further request the Government to kindly examine validity of Public Notice (13 of 2020) dated 09.11.2020. In this connection, we refer to our letter dated 11-06-2022, 4th cited, wherein we have quoted various provisions of the PPV&FR Act in support of our contentions that Public Notice (13 of 2020) is not valid under the eyes of law. In the instant letter, we have now quoted the provisions of Section 35(2), read with Section 9.

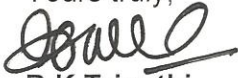
The Registrar/Joint Registrar are issuing notices/letters to seed companies to pay the Annual Fee and Renewal Fee threatening that, on non payment of the said fees, the protection admissible may stand forfeited and arrears of Annual fee may be recovered under Section 35(2). We reiterate that the Registrar/Joint Registrar is not authorised to issue such Notices. Therefore, there is need for the Central Government to protect the seed companies against the uncalled for and unlawful forfeiture of protection.

The Central Government may kindly hold the Public Notice (13 of 2020) dated 09-11-2020 as null and void *ab initio*. And the Central Government may kindly direct the Authority to refund the Annual Fee and Renewal Fee taken from the seed companies in respect of Extant Notified Varieties from the date of their Notification under Section 5 of the Seeds Act, 1966.

We request for immediate intervention of Central Government in the matter, so as to avoid harassment to the seed companies and to kindly ensure that the Authority functions in the true letter and spirit of Preamble of the Act. The Seed Industry takes great pride that our enactment is unique and protects breeders' rights as well as farmers' rights and aims at accelerated agricultural development and the growth of the seed industry in the country, which will ensure the availability of high quality seeds and planting material to the farmers.

Thanking you,

Yours truly,



R K Tripathi
Director – Technical

Copy to:

- 1) Sri Ashwani Kumar, Joint Secretary (Seeds), Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Govt. Of India, New Delhi – 110001.
- 2) Dr. Kumble Vinod Prabhu, Chairperson, Protection of Plant Varieties and Farmers' Rights Authority, Govt. of India, Ministry of Agriculture & Farmers Welfare, Department of Agriculture and Farmers Welfare, NASC Complex, DPS Marg, Opp- Todapur Village, New Delhi-110012
- 3) Sri Arun Kumar, Legal Advisor, Protection of Plant Varieties and Farmers' Rights Authority, Govt. of India, Ministry of Agriculture & Farmers Welfare, Department of Agriculture and Farmers Welfare, NASC Complex, DPS Marg, Opp- Todapur Village, New Delhi-110012
- 4) Sri V.Venkateshwarlu, Member, Protection of Plant Varieties and Farmers' Rights Authority, (Representative of Seed Industry), H.No.1-3-158/408B, Rajendra Nagar, Mahabubnagar-509001, Telangana State.



पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण,
(संसद के अधिनियम द्वारा निर्मित सांविधिक निकाय)
Protection of Plant Varieties & Farmers' Rights Authority
(A Statutory Authority Created by an Act of Parliament)

कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार
Ministry of Agriculture & Farmers Welfare, Govt. of India
एन ए एस सी कॉम्प्लेक्स, डी पी एस मार्ग, निकट टोडापुर गांव, नई दिल्ली-110012
NASC Complex, DPS Marg, Opp. Todapur Village, New Delhi
110012

Tel: 011 - 25843388, Fax: 011-25840478, E-mail:- la-ppvfra@nic.in

F. No. PPV&FRA/legal/02/2019

Dated: 09.11.2020

PUBLIC NOTICE

(13 of 2020)

Sub:- Annual Fee and Renewal fee to be paid from the date of notification under Section 5 of Seeds Act,1966 in respect of Extant Notified Varieties under Section 5 of Seeds Act, 1966-Section 24(6) read with Section 35 of PPV&FR Act, 2001.

On grant of certificate of registration in respect of Extant Varieties Notified under Section 5 of Seeds Act, 1966, the Annual Fees and Renewal Fees has to be paid by the registered breeder from the date of notification under section 5 of Seeds Act, 1966 as the date of registration in case of Extant Notified Varieties takes effect from date of notification under Section 5 of Seeds Act,1966.

Nag 9/11/2020
(T.K. Nagarathna)
Registrar

Ref: NSAI/2020/075

Date: 18.11.2020

To,
Dr. K.V. Prabhu,
Chairperson,
Protection of Plant Varieties and Farmers' Rights Authority
Govt. of India, Ministry of Agriculture & Farmers Welfare,
Department of Agriculture, Co-operation & Farmers Welfare,
NASC Complex, DPS Marg, Opp- Todapur Village,
New Delhi-110 012

Dear Sir,

Subject: Public Notice (13 of 2020) PPV&FR/legal/02/2019 dated 09.11.2020, issued by the Registrar, PPV&FR Authority - Reg

With reference to the subject, cited above, we state as follows:

Under section 35 of the Protection of Plant Varieties and Farmers' Rights Act, 2001 ("PPV&FR Act" or "Act"), the powers are vested in the Protection of Plant Varieties and Farmers' Rights Authority ("PPV&FR Authority") to impose annual fee by notification in the Official Gazette with the prior approval of the Central Government. Similarly, under section 96(2)(xxv) of the PPV&FR Act, read with rule 39 of the Protection of Plant Varieties and Farmers' Rights Rules, 2003 ("PPV&FR Rules, 2003") the powers to specify the fee for review and renewal of certificate of registration under sub-section (6) of section 24 lie with the Central Government. Therefore, Public Notice (13 of 2020) dated 09.11.2020, issued by the Registrar, PPV&FR Authority, cannot be held valid, as it is beyond the scope of his/her duties to issue such Public Notice. Regulation 3 of the Protection of Plant Varieties and Farmers' Rights Regulation, 2006 (PPV&FR Regulations, 2006), read with section 12(4) and section 95(2)(a) of the PPV&FR Act does not specify such duties to the Registrar.

Apart from the above, the Public Notice (13 of 2020) dated 09.11.2020 is not valid for the following reasons also:

- (i) The relevant provisions of the PPV&FR Act came into force on 19.10.2006 and none of these provisions, except section 24(6)(ii), has retrospective effect.
- (ii) The provisions of section 35(1) regarding payment of annual fee are applicable only on registration of a variety including the extant variety, notified under section 5 of the Seeds Act, 1966.
- (iii) Therefore, in view of section 35(1), the annual fee cannot be imposed on the notified extant variety prior to its registration under the PPV&FR Act, merely on the basis of its notification under section 5 of the Seeds Act, 1966. It amounts to imposing the annual fee, even when the PPV&FR Act was not there and had not been even enacted.
- (iv) Public Notice (13 of 2020) dated 09.11.2020 is issued without properly appreciating the provisions of section 24(6)(ii) of the PPV&FR Act.

- (v) Section 24(6)(ii) is related to validity of the certificate of registration and is in no way related to the date of registration. The date of registration of the Extant Notified Varieties does not take effect from the date of their notification under section 5 of the Seeds Act, 1966, as erroneously contended in the Public Notice.
- (vi) There is no denying of the fact that, as per section 24(6)(ii) of the PPV&FR Act, the total validity period of certificate of registration of the notified extant variety shall not exceed fifteen years from the date of its notification under section 5 of the Seeds Act, 1966. However, it is pertinent to note that the notified extant variety would have protection from the date of its registration under the PPV&FR Act and not from the date of its notification under the Seeds Act. In this connection, it is pertinent to refer to the provisions of sections 64 to 66 and 68 to 73, relating to infringement of rights, offences and penalties, which are very significant and are, collectively, heart of this Act and serve the very purpose of registration. These provisions shall be applicable only on registration of the variety/notified extant variety under the PPV&FR Act.
- (vii) Therefore, in the absence of protection prior to registration, the registered breeder shall not be liable to pay annual fee and renewal fee under sections 35(1) and 24(6)(ii) respectively and the same cannot be imposed by misinterpreting section 24(6)(ii). As it is, section 24(6)(ii) has a negative effect, as it drastically reduces the protection period of the notified extant variety and, thereupon, imposing annual fee for the entire period of 15 years and also renewal fee, by misinterpreting section 24(6)(ii) would be a double whammy.

We, therefore, state that Public Notice (13 of 2020) dated 09.11.2020 is bad in law and request to kindly advise the concerned Registrar to withdraw the same at the earliest.

Thanking you,

Yours truly,


Indra Shekar Singh

Copy submitted to:

- 1) Shri Sanjay Agarwal, Secretary (Agriculture), Department of Agriculture Cooperation & Farmers Welfare, Krishi Bhawan, New Delhi-110001
- 2) Shri Ashwani Kumar, Joint Secretary (Seeds), Department of Agriculture Cooperation & Farmers Welfare, Krishi Bhawan, New Delhi-110001



एन सी सी कॉम्प्लेक्स, डी पी एम मार्ग, नई दिल्ली-110012
National Seed Corporation, D.P.M. Marg, New Delhi-110012
(A Statutory Authority created by an Act of Parliament)
कृषि एवं किसान कल्याण विभाग, भारत सरकार
Ministry of Agriculture & Farmers Welfare, Govt. of India
एन सी सी कॉम्प्लेक्स, डी पी एम मार्ग, टोडापुर गाँव, नई दिल्ली-110012
NASC Complex, D.P.S. Marg, Opp. Todapur Village, New Delhi
110012
Tel: 011-25843358, Fax: 011-25840476, E-mail:- ia-dpvfra@nic.in

F. No. PPV&FRA/lega/02/2019

Dated: 09.11.2020

PUBLIC NOTICE

(13 of 2020)

Sub:- Annual Fee and Renewal fee to be paid from the date of notification under Section 5 of Seeds Act, 1966 in respect of Extant Notified Varieties under Section 5 of Seeds Act, 1966-Section 24(6) read with Section 35 of PPV&FR Act, 2001.

On grant of certificate of registration in respect of Extant Varieties Notified under Section 5 of Seeds Act, 1966, the Annual Fees and Renewal Fees has to be paid by the registered breeder from the date of notification under section 5 of Seeds Act, 1966 as the date of registration in case of Extant Notified Varieties takes effect from date of notification under Section 5 of Seeds Act, 1966.


(T.K. Nagarathna)
Registrar

Ref. NSAI/2021/005

Date: 05-03-2021

To,
Shri Sanjay Agarwal,
Secretary (Agriculture),
Ministry of Agriculture & Farmers Welfare,
(Department of Agriculture, Cooperation & Farmers Welfare),
Krishi Bhavan, Dr Rajendra Prasad Road,
New Delhi – 110001

Sir,

Sub: Public Notices, issued by Registrar General/Registrar, PPV&FR Authority- Reg.

* * * * *

We wish to bring to your kind notice that the Registrar General/Registrar has, from 2019 onwards, issued certain Public Notices, which are contrary to the provisions of the Protection of Plant Varieties and Farmers' Rights' Act, 2001 (Act), Rules and Regulations and such powers are not vested in them under the Act and Rules and Regulations.

The National Seed Association of India (NSAI) had made representations to the Chairperson, PPV&FR Authority, against such Public Notices, pointing out that the Registrar General/Registrar is not competent to issue the said Notices and that the said Notices are contrary to the provisions of Act/Rules/Regulations. But PPV&FA did not give any cognizance to the representations, made by the seed industry's apex association, NSAI. As, we left with no other alternative and, further, in order to avoid unwarranted litigations, we approach the Central Government to invoke provisions of section 93 of the Act and get expert legal opinion on all the contentious Public Notices and, based on such legal opinion, issue appropriate directions to the Authority. The cost of legal opinion may be borne by the Authority in the interest of its stakeholders.

We mention, hereunder, Public Notices, which are blatantly contrary to the provisions of the Act and Rules:

1) Notice on Plant Breeders' Rights (No. PPV & FRA/Legal/16/2016) Dated 23.01.2019

The above Notice was issued by the Registrar General, PPV& FR Authority, directing the Secretary, Ministry of Agriculture and Farmers Welfare, Secretary, Department of Agricultural Research and Education, Vice-Chancellors of State Agricultural Universities, Agricultural Production Commissioners of various states, Principal Secretaries of all State Governments and such high ranking other officials, to revise their existing procedures, laid down under the Seeds Act, 1966 and the Essential Commodities Act, 1955 in the case of registered varieties and etc.

It is stated that the Notice is contrary to the provisions of Act and Rules. There is no provision, under the PPV&FR Act, which provides for price fixation. However, there is provision of section 26 of the PPV&FR Act, which provides for claiming for benefit sharing by any person or group of persons etc. and the powers, under rule 43 of 2003 Rules, to determine the amount of benefit sharing by the Authority. But these provisions were not invoked by the Authority in the matter of Bt2 trait and, on the contrary, the Registrar had imposed requirement of NOC from the technology provider for registration of Bt cotton hybrids, contrary to the provisions of the Act and 2003 Rules. Furthermore, the requirement of NOC, which had been dispensed with by the Authority in the 27th meeting was again reopened in the 29th meeting. It is pertinent to mention that the Authority and the Chairperson are defending the said decision before the Hon'ble High Court of Telangana in WP No. 15930 of 2018 (Copy of the Counter Affidavit is enclosed herewith Annexure-1)

It is also pertinent to mention that the Central Government had issued directions, under section 93 of the Act with the approval of the Hon'ble Minister for Agriculture & Farmers Welfare, to withdraw the 'Notice on Plant Breeders' Rights' but, so far, the same has not been withdrawn.

2) Public Notice (1 of 2019) dated 17.05.2019

This Public Notice is also issued by the Registrar General. The Public Notice, as per the subject mentioned therein, seeks to lay down "*The guidelines/procedure for DUS testing of a hybrid variety compulsorily with its parent lines in the case of propagated notified species.*" However, the guidelines/procedure for DUS testing of a hybrid variety etc. can be laid down by the Authority only under sub-rules (8) and (9) of rule 29 of 2003 Rules, read with section 19(3) of the Act. Therefore, the Registrar General, by laying down the guidelines/procedures for DUS testing, has encroached upon the powers of the Authority.

NSAI has pointed out in its letter NSAI/2019/032 dated 19-07-2019 that the Registrar General does not have powers to issue the above guidelines/procedure for DUS testing. It has also been pointed out that there are discrepancies in the Public Notice 1 of 2019 vis a vis the provisions of the Act/Rules/Regulations. The worst part of the Public Notice is that it had also been made applicable to the pending plant varieties, which had already completed DUS testing and were just about to be registered. And like a bolt from the blue, comes the Public Notice 1 of 2019 and registration of all pending varieties, which had completed all processes for registration and were about to be registered, has been pushed back and are now inordinately delayed. NSAI has submitted yet another representation NSAI/2019/059 dated 30.11.2019 with regard to certain decisions, recorded in the Minutes of Interface Meeting, held on 26.08.2019 at PJTSAU, Hyderabad, Telangana. In view of the importance of the matter to the seed industry, NSAI has made one more representation NSAI/2020/065 dated 14.10.2020 to the Chairperson.

For the sake of brevity, NSAI is not reiterating herein its contentions raised in its letters on various issues of the said Public Notice and Minutes of Interface Meeting, however encloses herewith its letters dated 19-07-2019, 30.11.2019 and 14.10.2020 as Annexure-2.

It is pertinent to state that the Chairperson, PPV & FR Authority did not consider the NSAI representations and, on the grounds that there is no stay, the Registrar is going ahead with implementation of Public Notice No. 1 of 2019, when decision on the legality of the Public Notice is pending before the Hon'ble High Court of Delhi.

It is further to mention that the substitution of Subject of the Public Notice and insertion of Preamble therein, by way of amendment vide Public Notice dated 01.11.2019 i.e. after five and half months, are mere window dressing measures and do not alter the fact that the Public Notice 1 of 2019 still remains contrary to the provisions of Act and the Rules and, hence, require independent legal scrutiny.

The matter is before the Hon'ble High Court of Delhi in WP No. 11738 of 2019, filed by Federation of Seed Industry of India (FSII). The intervention of the Central Government is immediately required in the matter under section 93 of the Act, otherwise the stakeholders would suffer irreparable damage. The Central Government, in the interest of breeders and farmers, may direct the Authority/Chairperson to keep implementation of the impugned Public Notice (1 of 2019) dated 17.05.2019 and its amendment dated 01.11.2019 on hold and obtain independent legal opinion. Based on the legal opinion, the Central Government may direct the Authority/Chairperson to instruct the Registrar General/Registrar to withdraw the impugned Public Notice forthwith. Thereby, the WP would become infructuous. It is, further, submitted that, if the Central Government does not interfere and as the Registrar is implementing the impugned Public Notice (1 of 2019), the WP, filed by FSII, would be rendered infructuous and the stakeholders' rights and interest would suffer huge damage.

3) Public Notice (2 of 2019) dated 17.05.2019

The Public Notice (2 of 2019) dated 17.05.2019 is not in harmony with various sections of the Act like 14, 19, 20(1), 21(1), 24(1) and 24(5) of the PPV&FR Act, as explained hereunder:

- Date of filing would be the date on which an application is made to the Registrar for registration of the variety under section 14 of the Act.
- Under section 20(1) of the Act, the date of acceptance of the application, would be the date on which *the Registrar may, after making such inquiry as he thinks fit with respect to the particulars contained in such application, accept the application absolutely or subject to such conditions or limitations as he deems fit.*
- It is submitted that the applications, filed for registration, are specified under regulation 10 of PPV&FR Regulations, 2006. Therefore, Registrar's inquiry shall have to be restricted to the contents of application, as specified, and read with relevant sections from 15 to 19 of the Act.
- From the above, it is clear that the particulars contained in the application include the DUS Characters also, which could be determined by conducting tests under section 19 of the Act. Therefore, acceptance of the application, under section 20(1) of the Act, arises only after conducting tests under section 19.
- Section 21(1) is important, as it mandates that, as soon as the application is accepted under section 20(1) of the Act, it shall be advertised.

- Under section 24(1), the Registrar shall register the variety, if the application has not been opposed or the opposition has been rejected.
- From the above, it is clear that date of acceptance of the application shall be as laid down under section 20(1). Therefore, the Public Notice (2 of 2019) is not in consistent with the above-mentioned provisions. The Registrar General cannot define or fix the date of filing and date of acceptance, contrary to the provisions.
- Apart from the above, the Public Notice (2 of 2019) conflicts with section 24(5) of the Act also, which provides for protection of the interests of a breeder against any abusive act committed by any third party during the period between filing of application for registration and decision taken by the Authority on such application.
- As per section 14 of the Act, an application may be made to the Registrar for registration of a variety. Therefore, the date of filing shall be as under section 14 and date of acceptance shall be as laid down under section 20(1). This is the position of law. The Registrar General cannot fix the date of filing and date of acceptance arbitrarily at his own discretion contrary to the provisions of the Act.
- Rule 8 of the 2003 Rules has no relevance in the matter of Public Notice (2 of 2019) and is referred only with the intention of misleading the stakeholders. Application for registration of a variety is filed under section 14, read with section 18 of the Act and provisions of section 18(1)(g) of the Act, read with rule 26 of 2003 Rules, is relevant in respect of the fee and not the rule 8, which is mentioned in the Public Notice (2 of 2019).

In view of the above, there is need to obtain expert legal opinion on the Public Notice (2 of 2019).

In this connection, it would not be out of place to mention that our member seed companies had challenged section 24(5) of the Act in Writ Petition No. W.P.(C)250/2009 & W.P.(C) 7102/2011, C.M. APPL.16215/2011 & 18367/2012 and the Hon'ble High Court of Delhi had set aside section 24(5). The Authority, instead of appreciating the spirit of the above Writ Petitions and the Order of the Hon'ble High Court and instead of coming up with an appropriate provision and amendment in place of existing section 24(5), had routinely chosen, without application of mind, to file an appeal before the Hon'ble Supreme Court against the Delhi High Court Order and obtained Stay. Thereby, the provision of section 24(5) of the Act remains in the statute with its ambiguity. The Registrar General, instead of addressing the issue in legal way by appropriate amendment in the Act, has complicated the issue by coming up with his own interpretation of the date of filing of the application and date of its acceptance, contrary to provisions of the Act and Rules.

4) Public Notice (10 of 2019) dated 06.06.2019

Public Notice (10 of 2019), issued by the Registrar under section 20 of the Act, is contrary to the provisions of sub-sections (1) and (3) of section 15 of the Act. In this connection, NSAI had made representation NSAI/2019/033 dated 19.07.2019 to the Chairperson against the validity of the above Public Notice. This issue had also been discussed in the Interface Meeting between PPV&FRA and the Seed Industry held on 26.08.2019 at PUTSAU, Hyderabad. Based on the

Minutes of the Interface Meeting, NSAI submitted one more representation NSAI/2019/060 dated 02.12.2019 to the Chairperson.

The contentions, raised by NSAI in the above two representations, are not being reiterated herein for the sake of brevity. Copies of the said representations are annexed herewith as Annexure-3 (colly).

5) Public Notice (12 of 2019) dated 13.06.2019

The above Public Notice is contrary to the provisions of Act and NSAI made two representations to the Chairperson in the matter vide letter NSAI/2019/035 dated 19.07.2019 and NSAI/2019/061 dated 02.12.2019. The contents of these two representations are deemed to have been reiterated herein for the sake of brevity. Copies of these representations are annexed herewith as Annexure-4 (colly).

6) Public Notice (15 of 2019) dated 16.10.2019

The above Public Notice is issued by the Registrar General with the subject "*Imposition of penalty for disobedience to order issued by Registrar under Rule 22(6) of PPV & FR Rules, 2003*"

We regret to say that the Registrar General has, by the above subject, projected a non-issue, as if the PPV&FR Act and 2003 Rules are draconian law and not the beneficial enactment and rules, as enshrined under the pre-ambule of the Act.

The Registrar has quoted sub-rule (6) of rule 22 in isolation. It should be read with sub-rule (5) to appreciate its context. Sub-rules (5) and (6) of rule 22 of the PPV&FR Rules, 2003 are reproduced hereunder for kind reference:

"(5) The Authority shall be entitled to call for and procure the details of any crop variety under use in the country for the purpose of bringing the same into its database.

(6) Any public or private institution, community or individual involved in the production and use of seed of such varieties shall be required to provide full information on its characteristics or and a true sample of seed of such variety."

In this connection, we state as follows:

- (i) It is to be appreciated that the information under sub-rule (6) is required for the purpose of bringing the same into Authority's data base.
- (ii) There is no mention of registered varieties in the above sub-rules. Rightly so, as the information, required under sub-rule 6, is available with the Registry itself.
- (iii) In as much as the DUS test reports of the registered varieties are available with the Registry, the same may be brought into Authority's data base, as required under sub-rule 5.

- (iv) Further, it is to point out that DUS test reports are not being shared by the Registrar with the concerned registered breeders. The DUS test reports, without sharing the same with the concerned registered breeders, are being published as part of advertisement in the PV Journal, under section 21(1) of the Act. And whereas the registered breeder is being asked to obtain the DUS test report of his own variety under section 64 of the Act on payment of Rs.500/- (Rupees five hundred only) per page, which works out to huge amount.

With regard to invoking of Section 11 of the Act by the Registrar for imposing penalties, it is reiterated that sub-rule (6) is not applicable in the context of registered variety and, further, Section 11 is not relevant in the matter of non-compliance with sub-rule (6) of rule 22 of the PPV&FR Rules, 2003 by any public or private institution, community or individual.

Therefore, Public Notice is required to be referred for obtaining independent legal opinion.

7) Public Notice (1 of 2020) dated 01.01.2020

- The Public Notice, issued by the Registrar, defines Agent(s) and Licensee(s) as if they have separate roles under section 28 of the Act, which is not correct. A bare study of section 28 shows that there is no difference between the two i.e. Agent and Licensee. Either of two is entitled to produce, sell, market, distribute, import or export the variety, strictly in accordance with the rights conferred by the Registered Breeder in Form 1A "Form for Authorisation".
- The contention in the Public Notice that the "Registered Breeder appoints an agent or agents with permission to license to other companies to multiply the seed directly or produce through authorised seed production farmers and sell" is incorrect and contrary to sub-section (8) of section 28 of the Act.
- Sub-section (8) of section 28 lays down as follows:

"Nothing in this section shall confer on a registered agent or registered licensee of a variety any right to transfer such right further thereof." (Emphasis added)

8) Public Notice (13 of 2020) dated 09.11.2020

The above Public Notice is issued by the Registrar in the matter of payment of Annual Fee and Renewal Fee of Notified Extant Varieties, from the date of their notification under section 5 of the Seeds Act, 1966, instead of from the date of registration under the PPV&FR Act.

The above Public Notice is contrary to the provisions of PPV&FR Act and is beyond the powers of the Registrar.

NSAI, made a representation to the Chairperson on the above, vide letter NSAI/2020/073 dated 18.11.2020. The contents of the said letter are deemed to be reiterated herein. (Copy is enclosed as Annexure -5)

10) Public Notice (1 of 2021) dated 27.01.2021

The subject matter of this Public Notice is "Guidelines to use the Logo of PPV&FR Authority." The guidelines are issued, under section 17 of the Act and regulation 8(2)(a) of the PPV&FR Regulations, 2006 asking the Registered Breeder/Agent/Licensee/Authorised Breeder (The term "Authorised Breeder" is not defined/covered under the Act) to be followed on the packet/container or label on the package carrying the seed /seed material of the registered variety for selling. The provisions of section 17 and regulation 8(2)(a) have absolutely no relevance in the matter.

The notice lays down for its immediate implementation from the date of its issue and is made mandatory from 1st September 2021.

Section 17 of the PPV&FR Act and regulation 8(2)(a) of the PPV&FR Regulations, 2006 are reproduced hereunder for ready reference:

"17. Compulsory variety denomination.—(1) Every application shall assign a single and distinct denomination to a variety with respect to which he is seeking registration under this Act in accordance with regulations.

(2) The Authority shall, having regard to the provisions of any international convention or treaty to which India has become a party, make regulations governing the assignment of denomination to a variety.

(3) Where the denomination assigned to the variety does not satisfy the requirements, the Registrar may require the applicant to propose another denomination within such time as may be specified by such regulations.

(4) Notwithstanding anything contained in the Trade Marks Act, 1999 (47 of 1999), a denomination assigned to a variety shall not be registered as a trade mark under that Act."

Regulation 8(2)(a) of the PPV&FR Regulations, 2006:

"8. The manner in which a single and distinct denomination shall be assigned by the Applicant.—(1).....

(2) Notwithstanding anything to the contrary contained in these regulations—

(a) when a variety is advertised, offered for sale or marketed, it shall be permitted to associate a trademark, trade name or similar indication with a registered variety denomination after informing the Registrar in writing."

The above provisions, which were referred by Registrar as basis for issuing the Public Notice (1 Of 2021), were reproduced hereinabove to highlight that there is no such instructions in the above provisions and to show that the Registrar has blatantly misinterpreted the provisions. It is stated the Registered Breeders are complying with the PPV&FR (Use of Denomination of Registered Variety) Rules, 2012. The Registered Breeders are also complying with regulation "8. The manner



Registrar General of Plant Varieties and Farmers' Rights Authority,
Ministry of Agriculture & Farmers Welfare, Government of India,
New Delhi - 110001

in which a single and distinct denomination shall be assigned by the Applicant" of the PPV&FR Regulations, 2006.


It is also pertinent to state that there are several IPR laws and none of them requires use of their Logo by the respective person/company, whose rights are protected under such IPR Law.

Whether the above Public Notices were issued by the Registrar General/Registrars after duly consulting the Legal Advisor(s) on the aspect of their legal validity.

Therefore, we request for intervention of the Central Government under section 93 of the PPV&FR Act and to kindly direct the Authority to refer all the above-mentioned Public Notices, along with NSAI representations, to an independent competent legal counsel for expert opinion and to keep the above Public Notices in abeyance, till the receipt of legal opinion. We state that no prejudice would be caused, if the above-mentioned Public Notices are kept in abeyance. On the contrary, the seed industry would suffer hugely and irreparably, if the Public Notices are not stayed.

Thanking you,

Yours truly,



RK Trivedi

Copy to:

- 1) Dr. K.V. Prabhu, Chairperson, the Protection of Plant Varieties & Farmers' Rights Authority, Ministry of Agriculture & Farmers Welfare, (Department of Agriculture, Cooperation & Farmers Welfare), NASC Complex, DPS Marg, Opposite Todapur, New Delhi - 110012.
- 2) Shri.Ashwani Kumar, Joint Secretary (Seeds), Ministry of Agriculture & Farmers Welfare, (Department of Agriculture, Cooperation & Farmers Welfare), Krishi Bhavan, Dr Rajendra Prasad Road, New Delhi - 110001

R K Trivedi
Executive Director



Ref. NSAI/2022/028

Date: 13-06-2022

To
Dr. K.V. Prabhu,
Chairperson,
Protection of Plant Varieties and Farmers' Rights Authority,
Govt. of India, Ministry of Agriculture & Farmers Welfare,
Department of Agriculture, Co-operation & Farmers Welfare
NASC Complex, DPS Marg, Opp. Todapur Village,
New Delhi-110 012

Dear Sir,

Sub: Payment of Annual Fee and Renewal Fee for the Plant Varieties (Extant Notified Category) registered under the provisions of the PPV&FR Act, 2001 – Reg.
Ref: (1) Public Notice (13 of 2020) F.No.PPV&FRA/legal/02/2019 dated 09-11-2020 issued by the Registrar, PPV&FR Authority, New Delhi.
(2) Letter No. NSAI/2020/073 dated 18-11-2020 of the National Seed Association of India, New Delhi.
(3) Letter No. NSAI/2021/005 dated 05-03-2021 of the National Seed Association of India, New Delhi.

We invite kind attention to the Public Notice (13 of 2020) dated 09-11-2020, issued by the Registrar, PPV&FR Authority and also to our representations, cited above.

The said Public Notice stipulates the due date of payment of Annual Fee and Renewal Fee for the Extant Notified Varieties from the date of their Notification under Section 5 of the Seeds Act, 1966 instead of from the date of their registration under Sub-section (1) and (2) of Section 24 of the PPV&FR Act.

National Seed Association of India (NSAI) has made representations, vide letters 2nd and 3rd cited, in the matter of the said Public Notice. In both these representations, NSAI has pointed out that Public Notice (13 of 2020) is contrary to the provisions of the PPV&FR Act. Yet despite these representations, the Registrar/Joint Registrar, PPV&FR Authority, on the basis of the above impugned Public Notice, is issuing Notices to seed companies asking them to make payment of Annual Fee and Renewal Fee for extant notified varieties from the date of notification under Section 5 of the Seeds Act.

In view of the above, NSAI once again submits, through this representation, that Public Notice (13 of 2020) was issued by the Registrar reading Section 24(6)(ii) in isolation. It is submitted that Section 24(6)(ii) should be read along with other relevant provisions of the PPV&FR Act for proper and correct interpretation of the provisions of the PPV&FR Act for determining the due dates of payment of Annual Fee and Renewal Fee for extant notified varieties. There is no specific mention in the Act that for extant notified varieties the Annual Fee and Renewal Fee shall be applicable from the date of their Notification under Clause 5 of the Seeds Act, 1966.

Apart from the above, we refer, hereunder, to various provisions of the PPV&FR Act and state that, as per these provisions the Due Dates of payment of Annual Fee and Renewal Fee for extant notified varieties also shall be from the date of their registration under the provisions of the PPV&FR Act:

As per Section 28 of the PPV&FR Act, a certificate of registration issued for a variety shall confer an exclusive right on the breeder. Therefore, when the right and protection accrue over the variety from the date of its certificate of registration, then the payment of Annual Fee and/or Renewal Fee from date of its Notification under Section 5 of the Seeds Act does not arise. There is *quid pro quo* in the matter of payment of Annual Fee and Renewal Fee under the provisions of the PPV&FR Act. If there is protection and right granted under the Act, there shall be payment of Annual Fee and Renewal Fee and without protection and right thereof, there shall be no liability to pay the said fees.

As per Sub-section (1) of Section 35 of the PPV&FR Act, Annual Fee is liable to be paid by every breeder of a variety, registered under this Act. Under Sub-section (2) of Section 35 of the PPV&FR Act, on failure to pay Annual Fee despite notice, the Authority shall declare all the protection, admissible under the registration certificate issued to the breeder forfeited. The operative words are “*protection, admissible under the registration certificate issued to the breeder*”, which clearly means that there would be no protection prior to registration certificate. It is clear from the above provision that protection is available to a variety from the date of certificate of registration and not earlier than the said date. Therefore, Annual Fee has to be levied from the date of certificate of registration and not from any prior date in the light of Sub-sections (1) and (2) of Section 35 of the PPV&FR Act.

Section 24(6)(ii) of the PPV&FR Act is a negative provision, which curtails the period of protection of the varieties, notified under Section 5 of the Seeds Act, and provides protection for a period lesser than 15 years. Merely on the basis of this section and, further, by ignoring other relevant provisions of the PPV&FR Act, levying Annual Fee for the extant notified variety from the date of its notification is against law and unfair and unjust, in as much as the said variety gets protection from the date of its certificate of registration and not from its Notification under the Seeds Act.

Public Notice (13 of 2020) dated 09-11-2020 had been issued considering the provisions of Section 24(6)(ii) of the PPV&FR Act in isolation. The provisions of Section 24(6)(ii) of the PPV&FR Act should be read with the provisions of Sections 28(1) and 35(1) of the PPV&FR Act. Payment of renewal fee arises under Section 24(6)(ii) to the extent of balance period of validity of certificate of registration and not for the period of 15 years from the date of Notification.

Similarly, if the validity period of the extant notified variety is limited to six years or less, there shall be no scope for renewal of certification of registration and in case, there is scope for renewal, it will be for remaining period of far less than 9 years. It is also pertinent to mention that Sections 23 and 24 do not provide for giving retrospective effect to the certificate of registration and the rights thereof. Therefore, no Annual Fee can be levied prior to the date of certificate of registration.

It is also to be mentioned that provisions of Sections 64, 68, 69, 70, 71 etc. pertaining to “*Infringement, Offences and Penalties*” are applicable only after grant of certification of registration not earlier and, so also, not from the date of notification of the variety under Section 5 of the Seeds Act. It is reiterated that the Public Notice (13 of 2020) dated 09-11-2020 has been issued by the Registrar on the basis of Section 24(6)(ii) without considering the other relevant provisions of the PPV&FR Act.

It is further to mention that the Public Notice (13 of 2020), issued by the Registrar, does not have retrospective effect. However, it is being applied to the Certificates of Registration, which had been issued prior to Public Notice (13 of 2020). It is pertinent to mention that the Certificates of Registration, which had been issued prior to Public Notice (13 of 2020), very clearly mention “**grant of exclusive right for initial period of six years and renewable for remaining years from the date of registration**”. In case of such Certificates of Registration also, wherein the payments had already been made towards Annual Fee and Renewal Fee and the validity of such certificates is

also over, Registrar/Joint Registrar is issuing Notices to our member seed companies calling them to pay Annual Fee and Renewal Fee, as computed by them from the date of notification under Section 5 of the Seeds Act, 1966. The notices also state that, on failure to pay Annual Fee as per the notice, *"the protection admissible under registration in respect of registered variety (s) may stand forfeited and arrears of Annual fee may be recovered as arrears of land revenue under Section 35(2)"*.

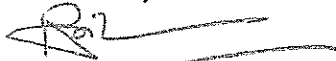
Revised Format of Certificate of Registration Not Valid

The Registrar, PPV&FR Authority is issuing Certificate of Registration (Form O-2) in revised format. It is submitted that the revised format has not been prescribed by Central Government, as required under Sub-section (8) of Section 23 of the PPV&FR Act, read with rule 36 of the PPV&FR Rules, 2003, and Sub-section (2) of Section 24 of the PPV&FR Act, read with rule 37 of the PPV&FR Rules. Further, apart from the above, contents of the revised format of Certificate of Registration (Form-O2) do not meet the requirements of the relevant provisions of the PPV&FR Act, referred in the paras.

It is requested to consider the above legal submissions and instruct the Registrar General/Registrar/Joint Registrar to withdraw Public Notice (13 of 2020) and also the Notices, issued calling for payments of Annual Fee and Renewal Fee from the date of notification of the variety under Section 5 of the Seeds Act. It is also requested to refund the amount paid towards Annual Fee and Renewal Fee by the seed companies as per Public Notice (13 of 2020) and/or as per the letters, received by them from the Joint Registrar/Registrar.

Thanking you,

Yours truly,



R K Trivedi

Copy to:

- 1) Shri Manoj Ahuja, Secretary (Agriculture), Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi-110001.
- 2) Shri Ashwani Kumar, Joint Secretary (Seeds), Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi – 110001.



पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण,
(संसद के अधिनियम द्वारा निर्मित सांविधिक निकाय)
Protection of Plant Varieties & Farmers' Rights Authority
(A Statutory Authority Created by an Act of Parliament)

कृषि एवं किसान कल्याण मंत्रालय, भारत सरकार
Ministry of Agriculture & Farmers Welfare, Govt. of India
एन ए एस सी कॉम्प्लेक्स, डी पी एस मार्ग, निकट टोडापुर गांव, नई दिल्ली-110012
NASC Complex, DPS Marg, Opp. Todapur Village, New Delhi
110012

Tel: 011 - 25843388, Fax: 011-25840478, E-mail:- la-ppvfra@nic.in

F. No. PPV&FRA/legal/02/2019

Dated: 09.11.2020

PUBLIC NOTICE

(13 of 2020)

Sub:- Annual Fee and Renewal fee to be paid from the date of notification under Section 5 of Seeds Act, 1966 in respect of Extant Notified Varieties under Section 5 of Seeds Act, 1966-Section 24(6) read with Section 35 of PPV&FR Act, 2001.

On grant of certificate of registration in respect of Extant Varieties Notified under Section 5 of Seeds Act, 1966, the Annual Fees and Renewal Fees has to be paid by the registered breeder from the date of notification under section 5 of Seeds Act, 1966 as the date of registration in case of Extant Notified Varieties takes effect from date of notification under Section 5 of Seeds Act, 1966.

Nag - 9/11/2020
(T.K. Nagarathna)
Registrar

पौधा किस्म और कृषक अधिकार संरक्षण प्राधिकरण
(संसद के अधिनियम द्वारा निर्मित सांविधिक प्राधिकरण)
Protection of Plant Varieties and Farmers' Rights Authority
(A Statutory Authority Created by an Act of Parliament)
कृषि एवं किसान कल्याण विभाग/ Dept. of Agriculture & Farmers Welfare
कृषि एवं किसान कल्याण मंत्रालय/ Ministry of Agriculture & Farmers Welfare,
भारत सरकार /Govt. of India
एन ए एस सी काम्प्लेक्स, डी पी एस मार्ग, निकट टोडापुर गांव, नई दिल्ली-110012
NASC Complex, DPS Marg, Opp. Todapur Village, New Delhi-110012
Tel.:011-25843388 Fax: 011-25840478
E-mail: la-ppvfra@nic.in <http://www.plantauthority.gov.in>

F. No. PPV&FRA/Legal/15/2010(Vol-III) / 287
Dated: 22nd June, 2022

To,

Sh. R.K. Trivedi ,
Executive Director,
909, Surya Kiran Building,
19, Kasturba Gandhi Marg,
New Delhi-110001.

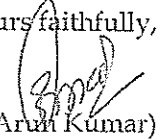
Sub:- Payment of Annual Fee and Renewal Fee for the Plant Varieties (Extant Notified Category) registered under the provision of PPVFR Act, 2001 -reg.

Ref:- Your Office letter No. NSAI/2022/028 dated 13.06.2022.

Sir,

With reference to the above referred letter, I am directed to state that the public notice or any other document issued by the Registry/ Authority is an order and is deemed to be a judicial proceeding under Section 87 of PPVFR Act (2001) and has to be dealt accordingly, and not as any administrative or DO letter process in response endorsed to the administrative Ministry. The same has already been brought to the notice of the Association which may be adhered to.

This issues with the approval of Chairperson, PPV&FR Authority.

Yours faithfully,

(Arun Kumar)
Legal Advisor

Copy to:

1. PPS to Secretary Agriculture, Department of Agriculture & Farmers Welfare, Ministry of Agriculture and Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi-110001 with reference to NSAI Letter No. NSAU/2022/028 dated 13.06.2022.
2. PS to Joint Secretary (Seeds) Department of Agriculture & Farmers Welfare, Ministry of Agriculture and Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi-110001 with reference to NSAI Letter No. NSAU/2022/028 dated 13.06.2022.