



**BEFORE THE PLANT VARIETIES REGISTRY  
AT NEW DELHI**

**In the matter of: *Suo motu* order passed dispensing with the requirement of charges of Rs. 200/- towards application forms as notified in PVJ Vol-1 No. 1 dated February 20, 2007.**

The issue that is *Suo motu* analysed and decided in the instant order is the legality of charges of Rs. 200/- for application forms for registration of plant varieties levied and collected by the Plant Varieties Registry in pursuance of a public notice published in the Plant Variety Journal Vol-1 No-1 dated February 20, 2007.

In the Plant Variety Journal (Vol-1 No-1) dated February 20, 2007 at page xii it has been notified that the charges for the application form for registration of plant varieties would be Rs. 200/-. The relevant portion of said public notice is extracted hereunder: -

*"..The charges for the application forms are Rs.200/- (Rupees Two Hundred). The application form can also be downloaded from the website of the Authority ([www.plantauthority.in](http://www.plantauthority.in)). If application is downloaded a Demand draft of Rs.200/- (Rupees Two Hundred) should be drawn in favour of "Registrar of Protection of Plant Varieties and Farmers' Rights Authority" payable at Delhi."*

There is no legal basis for fixing the charges for application form because there is no legal provision in PPV&FR Act, 2001 or in the PPV&FR Rules, 2003 to fix the charges for application form. Till registration, the law provides only for Registration fee under Section 18 (1) (g) of PPV&FR Act, 2001 and DUS testing fee under Section 23 (1) of PPV&FR Act, 2001. After registration annual fee under section 35 and renewal fee under section 24 (6) has to be paid till the expiry of period of protection that is 15 year in case of field crops and 18 years in case of trees and vines. The farmers are exempted from the payment of any fees in any proceeding under section 44 of PPV&FR Act, 2001.

Section 18 (1) (g) provides that every application shall be accompanied by such fees as may be prescribed. Consequently, the registration fee for all varieties has been prescribed in second schedule of PPV&FR Rules, 2003. Similarly, the DUS test fees under section 23 (1) and renewal fee under section 24 (6) have also been prescribed in the second schedule. The annual fee under section 35 (1) have been notified in official gazette S.O. 2182 (E) dated 26.08.2009. Accordingly there is no provision or enabling legislation to prescribe charges for application forms. The entire scheme of PPV&FR Act, 2001, PPV&FR Rules, 2003, PPV&FR Regulation, 2006 and 2009 does not whisper anything about charges for application forms and they are silent in this regard. I am