सत्यमेव जयते

जहाँ है हरियाली ।
वहाँ है खुशहाली ॥

NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 28TH AUTHORITY MEETING

7 – 8 MARCH 2014

Venue

Maple Conference Hall,
Habitat World,
Indian Habitat Centre (IHC),
Lodhi Road, New Delhi

Proceedings of the 28th Authority Meeting of National Biodiversity Authority

Date: 7th & 8th March 2014
Venue: Maple Conference Hall, Habitat World, Indian Habitat Centre (IHC), Lodhi Road, New Delhi

Twenty Eighth Meeting of the National Biodiversity Authority (NBA) was held on 07th and 08th March 2014 at New Delhi under the Chairmanship of Shri Hem Pande, IAS, Chairman, NBA to consider the agenda items circulated to the Members on 26th February, 2014 by email as well as by speed post on 27th February, 2014. The list of members who attended the meeting is placed as **Annex-1, Page no. 22**.

2. At the outset**,** Shri C. Achalender Reddy, IFS., Secretary, NBA, welcomed the members and briefed the activities carried out since last meeting of the Authority. He also apprised the members that Dr. Balakrishna Pisupati, the then Chairman, NBA submitted his letter of resignation to the Ministry of Environment and Forests, requesting to relieve him from the post of Chairman, NBA, which was accepted by the Competent Authority and Dr. Balakrishna Pisupati was relieved on 5th February 2014. Subsequently, Shri Hem Pande, IAS, Additional Secretary, Ministry of Environment and Forests assumed full additional charge of the post of the Chairman, National Biodiversity Authority *w.e.f.* 6th February, 2014 (F/N).

3. Shri Hem Pande, IAS, new Chairman, NBA while extending his warm welcome to all the Members, appreciated the good work done by Dr. Balakrishna Pisupati during his tenure as Chairman of the National Biodiversity Authority. Members also expressed their appreciation to Dr. Balakrishna Pisupati towards the service rendered by him during his tenure at NBA. Further, Members also extended their warm welcome and greetings to the new Chairman and expressed hope for smooth functioning in carrying out the associated activities of NBA, during his tenure, and with his dynamic leadership, he will be able to resolve various long pending issues with a new approach.

4. Shri. Hem Pande, in his address, concurring the views expressed by the Members, thanked them for their gesture in providing continuous support to NBA; and on behalf of the Ministry of Environment and Forests and also in the capacity as

Chairman, NBA, he expressed thanks to all the outgoing Members of the Authority for their services and support extended to NBA.

5. Initiating the discussion, Dr.R.S.Rana, Member mentioned that a large number of applications, seeking approvals for access to biological resources, obtaining IPR, transfer of research results and third party transfers are pending clearance before the NBA which is the statutory obligation and prime work of the NBA. He also informed the Members that a meeting between the officials of NBA and Patent Office was held on 11th February, 2014 to have a better understanding of various provisions of the BD Act and Patent Act, with special reference to Section 6 of the BD Act and approval process for the applications submitted by different stakeholders to NBA and Patent office. He also informed that as per the discussions with the representatives of Patent Office, it appears that they have cleared 124 patent applications, which are awaiting approval of the NBA. The Chairman and Members directed the Secretariat to convene frequent meetings of Expert Committee on ABS and also Authority for enabling timely clearance of the applications.

6. Dr. S. Subramaniyan brought to the attention of the Chairman and Members that many Consultants engaged during 2012-13 left NBA without either completing the tasks assigned to them or without submitting their proper study reports. Therefore, it was suggested that NBA, in future shall bring out the details of ToR covering the duration, schedule of activities, remuneration, etc. for ensuring timely accomplishment of tasks assigned to such consultants. Members also expressed that a suitable "Declaration of Secrecy" should be obtained from the consultants / outsourced staff / project personnel, serving and proposed to be engaged.

Thereafter, the agenda items were considered and discussed as under:-

28.01: Confirmation of Proceedings of the 27th Authority Meeting

The Members were informed that the Proceedings of the 27th Authority Meeting of National Biodiversity Authority held on 24th and 25th January, 2014 were circulated to the Members by email on 13th February, 2014 for comments. The comments

received from Shri Jitendra Sharma, IFS, Chief Executive Officer, National Medicinal Plant Board, New Delhi on 6th March, 2014 were circulated to the Members and incorporated appropriately. The final proceedings are placed in **Annex-2, Page no. 24.**

Dr. S. Subramaniyan , Non-Official member concurring the views of Dr. Jitendra Sharma, stated that certain work orders given by the then Chairman may be relooked to see whether set procedures were followed or not.

Action: Secretary, NBA

28.02: Action taken report

The Secretary, NBA presented the action taken report to the Authority, stating that action has been taken on few items and on the remaining items, action has already been initiated. The observations and decisions of the Authority are given below:

2. With regard to para 4 of the proceedings of the 27th Authority Meeting, relating to the information sought by Dr.S.Subramaniyan, Member, it was agreed that the Secretariat of NBA should provide the details to Dr.Subramaniyan at the earliest.

3. As regards item 27.01(A) on confirmation of the proceedings of the 26th Authority Meeting, it was apprised to the members that the comments provided by the MoEF during the 25th and 26th Authority Meetings were duly incorporated in the proceedings and circulated through e-mail on 1st March, 2014 to all the members, as agreed upon by the then Chairman, NBA in the 27th Authority. In this connection, the representative of DBT informed that the 25th and 26th Authority Meetings were held in 2012 & 2013 and the proceedings of the same were circulated and confirmed by the Members. Therefore, if there are any fresh points for consideration, it should have been brought up as a new agenda item in the subsequent meeting. In response, it was informed that the additions made in the proceedings were already provided by the MoEF which were not incorporated by the then Chairman, NBA. Further, it was

informed that this matter was discussed in the 27th Authority Meeting and the then the Chairman, NBA agreed to incorporate the comments of MoEF as it involves policy issues. Then, the Members of the Authority confirmed the Proceedings of the 25th & 26th Authority Meetings.

4. With regard to item No. 27.01 (B) on confirmation of the proceedings of the Special Authority Meeting, the proceedings were revised and circulated to the members through e-mail on 27th February, 2014. As there were no comments from the members, the proceedings of the Special Authority meeting are confirmed by the members.

Action: Secretary, NBA

28.03: To consider and approve the revised draft Access and Benefit Sharing guidelines

The Secretary, NBA apprised the Members that the draft Guidelines on ABS was placed in the 27th Authority Meeting for consideration. After detailed discussion, the Authority directed the Secretariat to revise the draft by providing certain points and also seek the expert guidance of Dr. R.S.Rana and Prof. M. K. Ramesh, Members, in this regard.

2. Accordingly, the draft was revised and circulated to Members and SBBs for their comments. The comments received were made as a matrix and circulated to the Members in the 28th Authority Meeting. Further, the Chairpersons of Uttarakhand SBB and Andhra Pradesh SBB, and Member Secretaries of Madhya Pradesh, Andhra Pradesh, Uttarakhand and Karnataka SBBs were invited as special invitees and requested to give presentation on suggestions/modifications to the revised draft ABS Guidelines circulated to all SBBs earlier.

3. On being heard, Members had a lengthy discussion on the issues raised by the special invitees / Members. Further, the Authority in principle approved the draft guidelines. However, in order to improve the draft further and also to be in line with FRA and WLP Act, Nagoya Protocol, etc., a core expert group has been formed with

the following Members/officials to look into the suggestions/modifications made by the SBBs/Members and come up with a final version of the guidelines:

1. Dr.R.S.Rana
2. Dr.Jitendra Sharma
3. Dr.Biswajit Dhar
4. Dr. M.K.Ramesh

(1–4: Members of the Authority)

5. Dr.J.R.Bhatt, Advisor, MoEF
6. Dr.R.G.Soni, Member Secretary, MP SBB
7. Shri.C.Achalender Reddy, Former Secretary and Expert Consultant, NBA
8. Dr.K.P.Raghuram, Technical Officer (BS), NBA (Member-Convenor)

4. Keeping in view of the urgency to bring out the ABS Guidelines, the Authority requested the core expert group to have a meeting at a convenient place anywhere in India in the last week of March and revise the draft and forward it to the MoEF for further process at the Ministry level.

5. With regard to the cases before the Hon'ble NGT, it was informed that the Secretary, NBA appeared in person before the Hon'ble NGT, Bhopal on 21st February, 2014 and explained the position and sought for four months' time to finalize the guidelines and another two months for MoEF for scrutiny and notification. The Hon'ble court has granted four months' time only for process by NBA and MoEF, as well. Further, the Secretariat circulated to the Members, the copies of the application filed before the NGT for seeking time to finalize the Access and Benefit Sharing Guidelines and the orders of the NGT in eight cases.

Action: Secretary, NBA

28.04: To consider the proceedings from 22nd to 27th Meetings of EC on Access and Benefit Sharing held during Feb to Nov, 2013

The recommendations of the Expert Committee on Access and Benefit Sharing (EC) during its 22nd to 27th meetings along with issues such as draft benefit sharing agreements with CSIR, procedure for closure of applications, applicability of Form – IV to Indian exporters, etc. were considered by the Members of the Authority.

2. The Members considered the recommendations of the EC on few applications and took decisions which are placed in Table below. Further, the Authority noted that recommendations of the six meetings of the expert committee which are voluminous in nature were placed altogether before the Authority for taking decision. Considering the paucity of time and keeping the prime interest of applicants in view, the Authority has formed a core expert group consisting the following Members/officials to further evaluate the remaining applications and other issues based on the recommendations of the EC and submit its evaluation in the next Authority Meeting.

1. Dr.R.S.Rana,
2. Dr.Biswajit Dhar,
3. Prof. M.K.Ramesh
4. Dr. N. Gopalakrishnan

} Members of the Authority

5. Shri C.Achalender Reddy, Former Secretary, NBA
6. Dr.K.P.Raghuram, Technical Officer (BS), NBA (Member-Convenor)

3. Keeping the urgency in view, the Authority requested the core expert group to have a meeting at a convenient place in the first week of April 2014.

a) Applications approved by the Authority

Sl. No.	Appl. No.	Agenda No.	Applicant's Name	Form	Decision of the Authority
1.	557	23.04	1. Ms. Nigam Rupa Shashikant, 2. Shri. Prasad Varunesh Rameshwar,	III	Approved
2.	578	23.05	1. Ms. Moulisha Biswas 2. Dr. Pallab Kanti Haldar,	III	Approved
3.	580	23.06	Sam Higginbottom Institute of Agriculture Technology and Sciences	III	Approved
4.	506	23.02	Shri. Kierin Jeffrey Mackenzie,	I	As the Kerala SBB has not given consent, the Authority approved the proposed research in the areas of Tamil Nadu & Karnataka States only. It was advised that NBA secretariat should incorporate a clause suitably in the

					agreement that the NOC/ permission from the concerned Chief Wildlife Wardens should be obtained before undertaking the research and that no IPR on the outcome of the proposed study will be filed without NBA's prior approval.
5.	520	23.03	Shri. Soumya Biswas,	I	Considering that the Maharashtra SBB has not responded since July 2012, the application is approved, subject to signing of the Benefit Sharing agreement, as recommended by EC.
6.	508	23.07	M/s. Hindustan Unilever Research Centre, Bangalore.	I	The Application along with subsequent communication dated 6th Dec 2013, seeking revision of bioresources, has been carefully considered and access to the four species (*Aegle marmelos, Andrographis paniculata, Butea monosperma and Centella asiatica*) is approved, subject to the applicant signing ~~of~~ Benefit Sharing agreement with upfront payment of Rs. 10.00 Lakhs to the National Biodiversity Fund being operated by NBA, since Traditional Knowledge is also involved along with these valuable bioresources.
7.	509	23.08	M/s. Hindustan Unilever Research Centre, Bangalore.	I	The Application along with subsequent

					communication dated 6th Dec 2013, seeking revision of bioresources, has been carefully considered and access to the three species (*Desmodium gangeticum*, *Rosa sinensis* and *Hibiscus rosa- sinensis*) is approved subject to the applicant signing ~~of~~ Benefit Sharing agreement with upfront payment of Rs. 8.00 Lakhs to the National Biodiversity Fund being operated by NBA since Traditional Knowledge is also involved along with these valuable bioresources.

b) <u>Applications relating to violation of the provisions of the BD Act</u>

The applicants have violated the provisions u/s 3 and 6 of the BD Act. Hence, the Authority decided that legal proceedings shall be initiated against them:

Sl.No.	Appln. No.	Agenda item	Name of applicant	Form no.	Decision of the Authority
1	644	25.12.3 & 26.28	M/s. Avesthagen Ltd.	II	1. The applicant violated the provisions of the BD Act. Hence, legal proceedings shall be initiated against the company. 2. The Authority also took note of the application in Form-I by a German Company M/s. Evonik for accessing the bioresources as well as IP Rights from M/s. Avesthagen and decided that the applicant be informed that the application is not considered, after

					following the due procedure, as per the provisions of the BD Act.
2.	497	23.01	M/s. Tata Chemicals Ltd.	III	The applicant violated the provisions of the BD Act. Hence, legal proceedings shall be initiated against the company.
3.	559	27.40	M/s. Brasif S.A	I	1. Taking note of the fact that the applicant had previously imported embryos of priced cattle in 2011, without obtaining prior approval of NBA, the Authority decided to initiate legal proceedings against the alleged violators. 2. In the instant application in Form-I received in July, 2012 for access of 4000 embryos of Bovine Cattle, the Authority directed the Secretariat to obtain the details called for by the EC and reasons for seeking large quantity of embryos. It also directed to obtain the technical opinion, from NBAGR & Department of Animal Husbandry, Dairying & Fisheries (DADF) on the quantity required for carrying out zoo-technological research.

c) <u>Procedure for closing of applications received under the BD Act (agenda item no.23.22 of the 23rd EC on ABS)</u>

The Authority discussed and decided that this may be referred to Dr. R. S. Rana, Member, NBA for further suggestions/ modifications, if any and place the revised version in the next Authority meeting.

Action: Secretary, NBA

28.05: Export of Red Sanders and ABS mechanism

The Secretary, NBA apprised the members that the Directorate General of Foreign Trade (DGFT), through a notification dated 24.10.2013, has relaxed the export policy for Red Sanders wood and permitted the Govt. of Andhra Pradesh (8584.1363 MT) and the Directorate of Revenue Intelligence (1200 MT) to export the confiscated/seized red sanders wood in log form, totaling 9784.1363 MT. Further, it is mentioned in the notification that the whole exercise should be completed latest by 31.10.2014.

2. In connection with finalization of ABS mechanism on the proposed export of confiscated/seized Red Sanders wood, an urgent meeting was held in the Office of NBA, Chennai on 22.01.2014 with the PCCF, Andhra Pradesh and other representatives from Forest Departments and State Biodiversity Boards of Andhra Pradesh and Tamil Nadu. The need to arrive at a fair ABS component on the Red Sanders wood to be auctioned for export was stressed in view of its high value and also considering the fact that this bioresource is a sovereign property of the country. In the meeting, the NBA informed that 5% of the auctioned amount (exclusive of taxes, other charges etc.) by the successful auctioneer/bidder be fixed as benefit sharing to NBA/SBB, as the case may be. It was also brought to the notice of Authority that the PCCF, AP in his letter dated 08-02-2014 requested for reduction of the 5% of the Benefit sharing component proposed by AP SBB and endorsed by the then Chairman, NBA, as the material is a seized bioresource and communities falling in the forest area where red sanders were felled may not be eligible for sharing of benefits under ABS mechanism.

3. As per the provisions of the BD Act, the equitable sharing of benefit shall be based on the proceeds arising out of the “use” of the biological resources accessed by a person/entity. In respect of export of bulk bioresources, like seaweeds and neem

leaf, by Indian/non-Indian entities, for the purpose of commercial utilization, NBA, in the recent past, has been fixing the benefit sharing component based on the FOB value of the exports, by obtaining Form-I or Form-IV, as the case may be. The bulk bioresources involved in the above exports are like seaweeds and neem leaf.

4. The red sanders wood finds a place both in the IUCN Red Data list of species as endangered species and also in the Appendix II of the CITES. Hence, the export of this bioresource is banned in India. Now, the Govt. of AP is in the process of finalizing global tender formalities to identify the prospective buyers of seized/confiscated Red Sanders. NBA, based on its experience with the earlier cases of seaweeds and neem leaf, suggested to impose 5% of the auction price as benefit sharing component on the buyers instead of fixing the benefit sharing on the turnover or market price or profits earned by the buyer, which would be known only after the bioresource is put to use. The reasons for doing so are manifold as specified below. It is felt that it will be an appropriate step to charge 5% as benefit sharing from highest bidder at auction/lifting stage rather than at export points like ports/harbours, etc. Besides, to avoid any delays of processing by NBA/SBB, etc. and to encourage law abiding entrepreneurs, collection of Benefit Sharing fee at single point i.e., at auction stage was preferred rather than at other stages which would be cumbersome and time-consuming and unpredictable. In fact the access is made not by obtaining prior approved consent but it is made through auction of material illegally accessed by smugglers and anti-social elements which was seized and confiscated. This background gives it a peculiar standing which is unique and therefore benefit sharing is recommended to be collected at time of auction.

5. Taking the above factors into consideration, it would be in the fitness of things to derive the appropriate benefit sharing from the persons who are legally authorized to buy the Red Sanders wood/products instead of going on searching for the real users of the bioresource, since the prospective buyers may not be the real users. Before the Red Sander wood reaches the ultimate developer of product, it may likely to pass through several agents/ intermediaries. Hence levying the benefit sharing component on the actual users will be extremely difficult.

6. Taking in to consideration of all the above points, the Authority decided that the Red Sanders wood, which is endemic to India and has very huge demand in the

international market for multifarious reasons, is a highly valuable bioresource and needs to be protected from complete destruction; that this is all the more important due to the fact that the smuggling is showing an alarming and increasing trend and will have far reaching consequences due to various factors and casts upon the NBA a duty to take all effective steps aiming at conservation of this endangered and threatened species.

7. The Authority further decided that since sizeable amount will be realized by way of benefit sharing, it can be defrayed to meet the conservation purpose and therefore NBA is fully justified in imposing 5% on the auction price of Red Sanders as benefit sharing component from the successful bidders, who, after filing the Form prescribed in the BD Act & Rules/State Biodiversity Board Rules, as the case may be, has to deposit the benefit sharing component of 5% of the auctioned amount (excluding taxes and other Government dues) to NBA/SBB, before lifting the Red Sanders wood from the site.

Action: Secretary, NBA

28.06 : Notification of Threatened Species u/s.38 of BD Act – Draft ~~new~~ revised format for notification

The members of the Authority considered the revised format for notifying threatened species u/s 38 of BD Act, 2002 as per the IUCN categories. After detailed discussion, it was pointed out by the members of the Authority that half of the States are yet to communicate the list of threatened species to the Ministry of Environment & Forests for issuing notification. In the light of the above, the Authority directed the Secretariat to retain the existing format.

Action: Secretary, NBA

28.07: Hosting of the Authority Proceedings in the NBA Website

The Members were informed that at present, the Secretariat is hosting the entire proceedings of the Authority Meetings in the NBA website. In view of the fact that certain items involve confidentiality, litigations, etc., the Authority, after detailed discussion, directed the Secretariat that in future the proceedings should not be hosted in the website *verbatim;* instead, a list of items discussed in the meetings may be

hosted for public view. The Authority further directed that the proceedings already hosted be retained as such.

Action: Secretary, NBA

28.08: Any Other item (s) discussed with the permission of the Chair

28.08.01: To consider enhancement of the Sitting fee Payable to the Members of Authority and Expert Committees

The Authority considered the proposal of enhancing the sitting fee payable to the Members of the Authority and Expert Committees. Taking into account the prevailing rate of sitting fee payable to the members of the committees constituted by various Ministries and considering the wide range of important issues coming up now-a-days in the Authority meetings / Expert committee meetings and the large amount of efforts put forth by its Members, culminating in vital decisions, the Authority considered and approved the revision of sitting fee payable to Non-official Members from the existing amount of Rs.1000/- to Rs 3000/-, per day, *w.e.f* 9th March, 2014 (the date on which the National Biodiversity Authority accorded approval). The enhanced amount shall be payable to each Non Official Member as and when he/she attends meetings / conferences / seminars, etc. organized by other organizations, on behalf of NBA.

2. Further, the Authority approved the enhancement of the existing quantum of sitting fee from Rs.1000/- to Rs.2000/- per day to the Members of the Expert Committee in addition to TA, lodging and boarding charges. The sitting fee payable to the Chairperson and the Co-chair will be Rs.3,000/- per day in addition to TA, lodging and boarding charges.

Action: Secretary, NBA

28.08.02: To consider engagement of experts/subject matter specialists on various subjects for discussion/preparation of working papers/concept papers/ guidelines, etc. by NBA in Technical, Legal, Administrative and Accounts sections for a brief duration and for specific purposes

The members of the Authority were apprised of the resource crunch the NBA is experiencing at present, in handling wide range of subjects it is encountering on day to day basis, due to fast changing techno-legal developments. This is due to the fact

that the existing sanctioned staff strength is very meagre to handle such onerous and complex responsibilities. It is for this reason the number of personnel outsourced has been increasing steadily to keep pace with the increasing work load. The outsourced staff are allotted works of routine nature by different sections and engaged like regular staff. However, at times, it has become necessary for NBA to seek advice/guidance/assistance from the Experts of various fields to handle important/ statutory / miscellaneous issues within a short period. Therefore, it is proposed that the Authority may permit NBA Secretariat to engage Experts / Subject matter specialists, persons having hands-on experience for specific purpose and for specific duration with specific terms of reference, with the approval of Chairman, NBA.

2. Members considered the item and approved the proposal. Further, it was decided that CVs/Bio-data from Experts/Specialists (working/retired) in various fields be invited by giving an advertisement in the NBA website and such Experts/Specialists be empanelled based on the applications received and their services be utilized as and when required. The remuneration in the form of sitting fee shall be paid at the rate of Rs. 2000/- per day in addition to TA, lodging and boarding expenses. In case if they tender their advice from their places of stay, they may be paid remuneration of Rs.2000/- per day as sitting fee only. Depending on the complexity of issue, the number of days required to submit report/idea/concept/opinion – will be fixed by NBA Secretariat. The experts should be selected based on their background and proven track record in that particular field. They should not be engaged for more than 15 working days per assignment. If a subject needs involvement of a person for more than 15 days, then a consultant may be engaged after observing usual procedures (giving advertisement in news paper and conducting interview, etc.) for undertaking such specific assignments.

Action: Secretary, NBA

28.08.04: Reconstitution of Expert Committee on Normally Traded Commodities

The members of the Authority reviewed the composition of the reconstituted Expert Committee on Normally Traded Commodities by the Chairman as per the decision taken in the 13th Authority Meeting. It was decided to nominate the following

Experts in the said Committee, taking into account the need to utilize the expertise from various sectors:

1. Dr.R.S.Rana, Member, National Biodiversity Authority
2. Dr.N.Gopalakrishnan, Addl.Director General, ICAR (Commercial Crops)
3. Dr.J.R. Bhatt, Advisor, Ministry of Environment & Forests
4. Deputy Director General (Horticulture), ICAR or his representative
5. The President, Ayurvedic Drug Manufacturers Association (ADMA), Mumbai or his representative

Action: Secretary, NBA

28.08.05: Resignation of Dr. Balakrishna Pisupati from the post of Chairman, NBA

The Secretary, NBA informed the members about the resignation of the then Chairman Dr. Balakrishna Pisupati. He also apprised the members that Dr. Balakrishna Pisupati submitted his resignation letter to the Ministry of Environment and Forests requesting to relieve him which was accepted by the Competent Authority. Accordingly, he was relieved from the NBA on 5th February, 2014 (AN). Subsequently, Shri Hem Pande, IAS, Additional Secretary, Ministry of Environment & Forests, New Delhi has taken over full additional charge of Chairman, NBA on 6th February, 2014 (FN). Shri Hem Pande, IAS, Chairman and the members of the Authority appreciated the good work done by Dr. Balakrishna Pisupati, as Chairman of the National Biodiversity Authority during his tenure.

Action: Secretary, NBA

28.08.06: Resignation of Dr.Naresh Kumar from the post of Chairman, EC on ABS.

Based on the decision taken in the 25th Authority vide Agenda No.25.6, the Expert Committee on ABS was reconstituted under the Chairmanship of Dr.Naresh Kumar, Professor, National Institute of Pharmaceutical Education and Research, Mohali, in February, 2013, by the then Chairman, NBA. Further, it was noted that the reconstituted EC is yet to be ratified by the Authority. Dr. Naresh Kumar has submitted his resignation, from the post of Chairman, Expert Committee on Access and Benefit sharing, through e-mail directly to the Hon'ble Minister for Environment and Forests, New Delhi instead of sending his resignation to the Chairman, NBA, who had appointed him. The Members took strong exception to the uncalled for action on the

part of Dr. Naresh Kumar and expressed dismay over the manner in which he submitted his resignation letter to the Hon'ble Minister. The Authority directed the Secretariat to convey its displeasure to him.

Action: Secretary, NBA

28.08.08: Utilizing the services of Shri C.Achalender Reddy, IFS, as Expert Consultant

Consequent on the relinquishing of Shri C.Achalender Reddy, IFS from the post of Secretary w.e.f. 11.03.2014 (A/N) on completion of his five years deputation period, a need has been felt to utilize his services on referral/consultation basis, till such time, the new Secretary Shri T. Rabikumar, IFS. gets fully acquainted with the tasks in the NBA and this arrangement will also help NBA in ensuring proper handling of managerial tasks relating to techno-legal issues and providing continuity.

2. Presently, there are several cases, involving NBA, before the National Green Tribunal and also a criminal complaint lodged by the present Secretary by name was taken up by the First Class Chief Judicial Magistrate, Dharwad and the same is being heard. It was also brought to the notice of the Members that the MoEF vide letter No.J-22018/46/2003-CSC (BC) dated 12 February 2014 addressed to Chairman, NBA, conveyed that at the discretion of Chairman, NBA, the present incumbent (Shri C.A.Reddy) can be invited as a special invitee to the Authority Meetings and relevant ECs, etc.

3. In view of the above, it was felt by the members that Shri C.A.Reddy may be permitted to be engaged as an Expert Consultant in the interest of NBA, even after relinquishing his office from NBA, till further review by the Authority. Therefore, it may be appropriate to consider reimbursing the expenditures of (1) mobile phone charges and (2) payment of usage charges for internet data card for internet and email accession, incurred by the officer *w.e.f.* 12.03.14 on account of his continued engagement with NBA for exchange of information with the Secretariat. The members unanimously approved to the proposal in the interest of NBA. In case he is invited to NBA head quarters or elsewhere, he may be extended logistics support and air fare

(economy class in Air India or in other airlines when Air India flight is not available at specific time) to come to Chennai/any city and return, in addition to boarding/lodging charges during his stay at Chennai.

Action: Secretary, NBA

28.08.09: Export of bulk bioresources by Indians/Entities

This item was taken up as a special item for consideration. Presently, when the Indian (s) or Indian entities access the bioresources for commercial utilization or for bio-survey or bio-utilisation for commercial utilisation, they have to give prior intimation to the respective SBBs, as per section 7 of the BD Act.

2. The issue whether Indians/Indian entities require previous approval of NBA before exporting bioresources in bulk quantities to foreign countries and if so, which party will have to apply (exporter or buyer) was discussed in the 23rd EC on ABS, which recommended that the end user / importer of Indian bioresources, covered under section 3(2) of the B.D. Act, shall apply (in Form I) to NBA and seek prior approval.

3. Even earlier, an Expert Committee deliberated the issue and mentioned that there is no provision in the existing Act for permitting Indian companies to send the bioresource to other countries for commercial purposes/evaluation. The 14th Authority, which met on 21.07.2009, also took note of the opinion of the Expert Committee. The Authority was further apprised of the fact that the Indian companies are applying in Form-I for commercializing their product in other countries, whereas the non-Indians / foreign companies are applying in Form-I for accessing the biological resources and in Form-IV (Third Party Transfer) for commercialization (Agenda no.14.08). The matter was discussed at length including various pros and cons.

4. The Form-I is meant for accessing the Indian biological resources by non-Indians and Form-IV for transferring the accessed bioresources to third party. Obviously, the stand taken by the EC lacks clarity in respect of Indian exporters. In addition, other related issues such as exporting huge quantities of Indian bioresources from India without any benefit sharing effect and consequential impact on socio-economic conditions are also to be taken care of.

5. Further, to cite an example, the Members were informed that an Indian Company has communicated that they are having stock of 100 tons of dry seaweed for the past two years and due to decreasing moisture content of the seaweed day by day, they are losing money indirectly. The company also stated that there are more than 46 Self Help Groups (SHG) doing seaweed cultivation and there is a tripartite understanding among the SHGs, Buyers and Banks. Now they are in critical situation to purchase the produce further without selling the existing stock of 100 Tons, which directly affect the livelihood of the local people.

6. Taking into consideration of all the allied issues including the livelihood of communities involved, the Authority decided that as a temporary measure the procedure followed till recent time may be adopted and the Indian exporter of bulk bioresources may be allowed to submit application in Form-IV meant for third party transfer of the accessed biological resources, as it may be appropriate in place of Form-I used earlier for the purpose. The procedure may continue till such time a revised system is evolved by the Authority.

Action: Secretary, NBA

28.08.10: Special item proposed by the Chairman NBA

The Members of Authority took note of the fact that Shri C. Achalender Reddy, after tenure of five years of service as Secretary, NBA is demitting office on 11th March 2014. During his service, Shri Reddy has made a significant contribution and played a pivotal role in ensuring NBA to fulfill its mandated objectives. The Authority also noted that under his leadership, there has been overall improvement in NBA and more particularly, the Secretariat has done exceedingly well by handling a large number of techno-legal issues and ABS applications.

The Authority is aware that his organizational prowess and intellectual dexterity, in no small measure, assisted the Ministry in the successful conduct of the CBD-CoP 11 meeting, a mega event, at Hyderabad. Also he helped the Ministry in providing inputs and organizing various CBD meetings in India and abroad. A stickler for norms,

Sri Reddy's indomitable conviction, sharp eye for details, deft handling of issues and diligence and dedication to work, provided the much needed support and strength to the NBA, which is more required in its evolving stage. Recognizing the valuable services rendered by Shri C.A.Reddy, the Authority wishes to place on record its deep sense of appreciation and gratitude, which he richly deserves.

The following agenda items were deferred to the next meeting due to paucity of time and want of detailed discussion:

28.08.03: Proposal on Establishment of National Biodiversity Grid.

28.08.07: Agenda items proposed by Dr. S. Subramaniyan, Member, NBA

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Annexure-1

Official Members who participated:

1. **Shri. Subhash Chandra**, IFS.,
Deputy Inspector General of Forests
Forest Policy , Ministry of Environment and Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road,
New Delhi – 110 003
(Represented Shri A.K. Srivastava)

2. Shri , Jitendra Sharma, IFS
Chief Executive Officer,
National Medicinal Plant Board, Department of AYUSH, Ministry of Health & Family Welfare, 3rd floor, AYUSH bhawan, B Block, G.P.O Complex, I.N.A,
New Delhi – 110 023

3. Dr.J.R Bhatt,
Advisor ,
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi – 110 003
(*Represented* MoEF)

4. Dr. Gopalakrishnan,
Assistant Director General (commercial crops), Division of Crop Science,
ICAR, Krishi Bhawan,
New Delhi - 100 001
(*Represented Dr .Swapan Kumar Datta*)

5. Shri R.K.Trivedi,
Deputy Commissioner ,
QC Seeds , Department of Agriculture and Co –operation, Krishi Bhawan Dr.Rajendra Prasad road ,
New Delhi – 110 001
(*Represented Shri Atanu Purkayastha*)

6. Dr. Manoj Kumar Modi,
Scientist 'C'
Department of Biotechnology
Ministry of Science and Technology, Block-2, 6-8th Floor, CGO complex, Lodi Road,
New Delhi-110003
(**Represented Dr. Renu Swarup)**

Official Members who were not Present:

1. Dr. P. Madeswaran,
Director,
Ministry of Earth Sciences,
Block -12, CGO Complex,
Lodhi Road, New Delhi –110003.

2. The Director,
Traditional Knowledge Digital Library(TKDL),
CSIR,
Sector-19, Central Government Enclave,
Kamla Nehru Nagar,
Ghaziabad- 201002.

3. Dr. B. Harigopal,
Advisor,
Department of Science & Technology,
Technology Bhavan,
New Mehrauli Road,
New Delhi – 110016.

4. Smt. Nivedita IOFS,
Director,
Ministry of Tribal Affairs,
Shastri Bhavan, Dr. Rajendra Prasad Road,
New Delhi-110001.

Non-Official Members who participated:

1) Dr. S. Subramaniyan
54, VGP, Golden Sea View,
Part-II, 2nd Main Road,
5th Cross Street,
Palavakkam,
Chennai-600 041.

2) Prof. M.K.Ramesh,
Professor of Law,
National Law School,
Nagarbhavi,
Bangalore – 560 072.

3) Dr.R.S.Rana
Chairman, Bio-Link,
D-43, Indraprastha Apartments
Sector 14, Rohini,
New Delhi-110 025.

4) Dr.Biswajit Dhar,
Director General,
Research and Information System,
Core 4B, 4th floor,
India Habitat Centre,
Lodhi Road,
New Delhi – 110 003.

Annexure-2

NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 27TH AUTHORITY MEETING

24 - 25 JANUARY 2014

Venue

Conference Hall,
National Biodiversity Authority,
5th Floor, TICEL Biopark,
CSIR Road, Taramani, Chennai – 600 113
Tel: 044 2254 2777/1074

Proceedings of the 27th Authority Meeting of National Biodiversity Authority

Date: 24 & 25th January 2014
Venue: Conference Hall, 5th Floor, NBA

Twenty Seventh Meeting of the National Biodiversity Authority (NBA)was held on 24th and 25th January 2014 at NBA, Chennai under the Chairmanship of Dr. Balakrishna Pisupati, Chairman, NBA to consider the agenda items circulated to the Members on 11thJanuary 2014 by email. The list of members who attended the meeting is placed as **Annex-I, Page no. 40**.

2. At the outset, Shri. C. Achalender Reddy, IFS Secretary, NBA, welcomed the members and gave a brief outline of the day's agenda. Dr. Balakrishna Pisupati, Chairman, NBA while extending warm welcome to all the members, informed that some of the agenda items proposed by few non-official members could not be incorporated in the present agenda due to voluminous items listed by the Secretariat for discussion.

3. In his opening remarks, Dr.R.S.Rana, Member recalled his close association with NBA since February, 2008 as Chairman of NBA's Expert Committee on ABS. He added that this is his second term as a non-official member of the Authority. He drew attention to the proceedings of the 13th Authority Meeting held in 2009, in which some priorities with timelines were agreed upon but they were replaced by other activities. Members were neither made to involve in these replaced activities nor informed their progress. Authority's meeting was not convened over a period of one year. It appears that financial powers on certain commitments and engaging of consultants have been assumed by the Chairman without delegation of appropriate powers by the Authority. As directed by the MoEF, a special Authority Meeting was called on 17th December 2013 but its proceedings were not placed before the Authority. Similarly, there are several litigations pending before the Hon'ble National Green Tribunal involving the Authority. Details of which were not brought to the notice of the members. Whenever members approached the Secretary, NBA for some information, they were informed that it would be provided on approval of the Chairman; but nothing had happened there

after. As such, it implies that the Secretary to the Authority was not free in providing information requested by the members. An Expert Committee with ten members was constituted by the Authority in October 2010 under his (Dr. R.S. Rana) Chairmanship to look into the problems faced by large number of applicants in signing of the ABS agreements and to revise the contents of the agreements suitably. Though, the committee submitted its final report in June 2011, it has not been placed before the Authority till now. Finally, he concluded by requesting the Chairman to pay proper attention to all these matters to facilitate smooth functioning.

4. Dr.S.Subramaniyan, Member, in his opening remarks expressed that his agenda sent to Chairman, NBA relating to guidelines and procedure adopted for engaging consultants, details of consultants left without completing the tasks assigned to them, etc., were not included in the agenda. On hearing the remarks made by Dr.S.Subramaniyan, the Chairman in his reply informed that detailed replies for the queries raised by the member will be given separately.

5. The members expressed their concern for the undue delay in convening the Authority meeting by the NBA Secretariat. In his reply, the Chairman, NBA informed that in the absence of the nomination of non-official members, the NBA could not convene the Authority meetings. However, the notification of non-official members has since been issued by the MoEF, regular meetings of the Authority will hence forth be conducted regularly as per the Act.

6. The MoEF representatives Dr.J.R.Bhatt, Advisor and Dr.Sujata Arora, Director pointed out that in the absence of non-official members, Authority Meeting could have been convened by ensuring proper quorum as provided in the BD Act, 2002.Further, they added that legal opinion should have been obtained to hold the meetings in the absence of non-official members.

7. The Chairman, in his reply assured to attend all the points raised by the members promptly and also to hold the Authority meetings regularly as provided under the BD Act.

8.. Members discussed an issue that the NBA secretariat is placing agenda items under three category viz., Items for consideration, for ratification and for information. It was decided that all the items will be considered as provisional and it will be open for discussion, review and adoption.

Thereafter, the agenda items were considered and discussed as under:-

27.01: (A): Confirmation of Proceedings of the 26th Authority Meeting

The members were informed that the proceedings of the 26th Authority meeting were circulated to the members on 03.02.2013 by email and hard copy through speed post. Dr.Sujata Arora, Director, MoEF pointed out that some of the comments of the Ministry on the draft proceedings of 25th and 26th Authority have not been reflected in the final proceedings and requested to incorporate those points in the respective proceedings. Further, she expressed her concern that there is no response from the Secretary, NBA regarding non-incorporation of comments in the proceedings, despite reminders. Members directed the Secretary, NBA to prepare Proceedings as per discussion and decision taken in the meeting. It was also reiterated by the MoEF that new proposals which are having an element of policy directive and financial implications should be brought to the notice of the MoEF prior to placing in the Authority. The Chairman agreed to make necessary corrections in the previous proceedings and circulate to the members for confirmation.

Action: Secretary, NBA

27.04: (B) Confirmation of Proceedings of the Special Authority Meeting

Members pointed out that the Proceedings of the Special Authority Meeting have not been placed in the present meeting for confirmation. Accordingly, Members agreed to take up the proceedings of the Special Authority Meeting under 27.01 as sub-division ‘B’ and consider the proceedings. MoEF pointed out that their comments have not been incorporated and requested to incorporate the same. Dr.R.S.Rana has

also mentioned that his comments have not been incorporated in the draft proceedings. The Chairman agreed to make necessary inclusions and to circulate the proceedings to the members for confirmation.

Action: Secretary, NBA

27.05: Action taken report

The Secretary, NBA presented the action taken report to the Authority. The members were informed that action has been taken on most of the items and that action on the remaining items is in progress. The observations and decisions of the Authority are as follows:-

1) With regard to item 26.2.8, Shri.Jitendra Sharma, Member informed that the inclusion of many members from National Medicinal Plants Board, MoHF&W in the reconstituted EC on Medicinal Plants without consulting this department has come to the notice of the Secretary (AYUSH) and it has been desired that representative from organizations of Department of AYUSH should be nominated to the Committees of NBA only after the approval of competent authority of the Department.

2) With regard to item 26.2.9 regarding establishment of North Eastern Regional Office of National Biodiversity, the representatives of MoEF reiterated their comments in the 25th Authority that a composite proposal for establishment of the NE office, Delhi office and any other regional office may be forwarded to the MoEF for inclusion in the EFC. They expressed their concern that since the MOEF has not received the proposal from NBA, the same could not be included in the EFC. In response, the Chairman, NBA suggested to consider the proposal under the budget provided under the head strengthening of SBBs. MOEF informed that this proposal needs administrative approval in first place and subsequently for financial approval.

3) With regard to item No.26.3, the representative of MoEF informed that the MOEF comments have not been included in the proceedings. It was reiterated that this is also a policy matter that transcends another Ministry

as well, and may therefore require inter-ministerial consultations. The NBA can't accede to such proposals, but only make suggestions / recommendations. NBA on its part could have sought clarifications from PPVFRA regarding details on support and funding for SBBs by them. The members agreed to the same and directed Secretariat to refer this matter to MOEF for further course of action.

4) With regard to item 26.18.3, on Zero draft of the National strategy for the management of medicinal plants – An Inter-Sectoral perspective, it was informed that this draft has been prepared by Dr.Darshan Shankar, FRLHT. It was also pointed out that the Cabinet has assigned the inter-sectoral co-ordination strategy of medicinal plants to Department of AYUSH while creating the National Medicinal Plant Board. This matter doesn't come under the purview of the NBA. It was suggested that if any spadework has been done by the NBA in this regard, the same may be forwarded to Department of AYUSH/NMPB. The same was agreed to.

Action: Secretary, NBA

27.06: To consider and approve the draft access and benefit sharing guidelines

The Chairman, NBA informed the Members that the draft guidelines placed in the agenda was developed based on different level of consultations at different stages such as calling comments from public, Expert committee on ABS, State Biodiversity Boards and Members of the Authority. With this background, Chairman, NBA also informed that the ABS guidelines required to be finalized at the earliest in view of certain litigations before the Hon'ble National Green Tribunal (NGT). Therefore, he requested the Members to provide their inputs for finalizing the draft for forwarding the same to MoEF for notification. The summary of discussion on this item is as follows:-

1. The draft guidelines don't have adequate information to users groups.
2. A suggestion was also made to form an expert group to study the guidelines and to improve the same in a time bound manner.

3. It was also suggested by a Member that the benefit sharing formula may be fixed not on net profit but on the gross value of the bioresource used.

4. Dr.R.S.Rana responded that in the past eight years, EC never fixed benefit sharing on the net profit, but only on the ex-factory sale price of the product.

5. Members felt that the subject matter is a complex in nature and it has to be done in an evolutionary mode.

6. Members suggested secretariat to use the templates developed by the EC for further revision of the present draft.

7. There will be one set of guidelines for both Access and Benefit sharing.

8. To work out the formula for benefit sharing for this purpose, including the template and their sharing by the NBA with the SBBs and BMCs. The Members agreed that the SBBs & BMCs have their role in fair and equitable benefit sharing and it may be appropriately incorporated in the guidelines.

9. Guidelines should be user friendly i.e., the language should be simple for the use of different stakeholders.

10. The revisions would include the information on Forms, fees, penalties and procedure for appeal.

11. Guidelines should clarify the difference between access fee as per section 41(3) and the ABS components.

12. NBA team led by the Chairman, NBA will develop the revised version of the draft.

13. NBA will seek the assistance of Hon'ble non-official expert members of the Authority Dr.R.S.Rana and Prof. M.K.Ramesh in finalizing the above.

14. The revised draft guidelines will be shared with the SBBs and Members of the Authority before presenting it to the next meeting of the Authority, along with a matrix analyzing the comments/suggestions received from SBBs and Members.

15. It is also requested the members to provide the operational guidelines to define the role of SBBs in the Benefit Sharing mechanism and also in deciding about various elements in it.

In connection with NGT matter, the MoEF expressed their concern that the NBA through their advocate communicated false information to the Hon'ble NGT, Bhopal, that the draft ABS guidelines prepared by NBA had been sent to MoEF for approval, implying that these are pending with MoEF; whereas, it has been kept pending with NBA. In this connection, it was agreed by the Secretariat to rectify the factually incorrect information provided to the Hon'ble NGT, Bhopal. Thereafter, Members directed secretariat to send a draft to MOEF, seeking extension of time from NGT for submission of ABS guidelines, well in time before the next hearing i.e., on 21st February 2014. Further, it was agreed to circulate the latest order of NGT, Bhopal to Members.

Action: Secretary, NBA

27.07: To consider and approve the recommendation of EC on ABS on 'NOC' for export of animal and animal origin materials

The Secretary, NBA while explaining the background of the issue to the Members, he informed that the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture sought for clarification, whether export of germplasm in the form of semen, embryos and live animals such as cattle, buffaloes, indigenous horses etc., for the purpose of breeding are exempt as per Section 2(f) of the BD Act. Further, based on the clarification provided by the NBAGR i.e., 'artificial insemination' is now well established reproductive technology and extensively used in cattle and buffalo breeding and can be considered as conventional system of breeding", and the EC on ABS recommended to use the clarification of NBAGR as guidelines. Accordingly, NBA sent communication to DGFT that the "artificial insemination" does not fall within the scope of BD Act 2002.

3. The Members discussed this issue at length and concluded that for export of germplasm for artificial insemination in a foreign country cannot be construed as conventional breeding as clarified by the NBAGR. This has to be seen from statutory angle and cannot rely on the opinion given by the NBAGR.

4. Further, Members expressed their concern about the stand taken by the Secretariat informing the DGFT that the artificial insemination, being conventional system of breeding, doesn't fall within the scope of BD Act, without discussing the issue in the Authority. Accordingly, they directed the Secretariat to revoke the earlier stand and intimate the same to the DGFT.

Action: Secretary, NBA

27.08: Sending/Sharing of Biological Resources for Non-Commercial Research and Related Activities and for Provision of Access to Indian Biological Resources for emergency purposes- process

There are certain cases where Indians for higher studies or research take biological resources to Universities or laboratories abroad for study and research. They are not covered under Section 3 qualification of a NRI *per se*. However, the biological resource is being taken outside India and is being researched upon by the Indian, involving foreign nationals or entities. Keeping this in view, a draft application form for Indians, developed by the NBA Secretariat with the help of EC on ABS was placed before the Members for consideration. The Members after detailed discussion reviewed and approved the draft application form with certain modifications. Considering the urgency to finalize this format for according approvals to such applicants, the members directed Secretariat to make use this Form after duly notified by the MoEF.

Action: Secretary, NBA

27.09: Post-facto approval process

The 23rdEC on ABS which examined applications requiring post-facto approval, recommended that the Authority may evolve guidelines for handling such cases. The matter was taken up with MoEF which advised NBA to undertake technical and legal consultations and interpretation of the law and come out with a solution and submit a proposal to the Ministry. Accordingly, Dr.Sudhir Krishnaswami, Legal Consultant, NBA gave his legal opinion on dealing with issues of *post facto* approval.

2. The item was discussed in detail by the Members and directed secretariat to initiate legal proceedings against the applicants who violated the provisions of the BD Act, 2002. Further, members opined that there is an urgent need for amending the relevant provisions of the Act with respect to *post facto* approval and other issues as needed. It was also directed the Secretariat to compile all such proposals and submit the same to the MOEF which may justify to go for an amendment of the Act.

Action: Secretary, NBA

27.08: To consider and approve the draft notifications on officers who are authorized to file complaints under Section 61 (a) of BD Act, 2002

At present officers at the level of Scientist 'C' and above and Forest Range Officers and above are authorized to file complaints under Section 61(a) of BD Act, 2002 vide MoEF Notifications dated 17th November, 2008 and 7th January, 2009 respectively. In view of ever increasing offences under BD Act, 2002 and BD Rules, 2004 and considering the need to develop guidelines, formats and suitable procedures to deal with such cases, an Expert Committee constituted under the Chairmanship of Mr.R.K. Upadhyay, IFS recommended to move a proposal to MoEF for authorizing Police Officer not below the rank of Inspector of Police, Customs Officer (not below the rank of Inspector of Customs) to file complaints under BD Act, 2002 and BD Rules, 2004. The members after detailed discussion on this matter directed the Secretariat to circulate a background note on this matter to all the members to enable them to have further discussions in the next meeting.

Action: Secretary, NBA

27.09: To consider the proposal for establishing National Biodiversity Garden and Traditional Knowledge Centre in Munnar, Kerala

The members had a in depth discussion on the proposal of establishing National Biodiversity Garden and Traditional Knowledge Centre in Munnar, Kerala submitted by the Kerala State Biodiversity Board and the recommendations of the Chairman to provide Rupees Five crores during the current financial year. The members expressed that the Secretariat should have invited similar proposals from other State Biodiversity Boards also and such proposals should have also been placed before the committee under Secretariat for recommendation. Further to the query, Chairman informed that the Secretariat doesn't have any guidelines to fund such proposals and the same was discussed in the 9th Annual SBB meet held on 20-21 January 2014. The criteria for considering the proposals have been developed in consultation with the SBBs.

2. On being heard, Members directed the secretariat to prepare comprehensive guidelines for transparent consideration of proposals for financial assistance in the context of Core and non-Core works of NBA.

3. In view of the above, it was decided that the proposal submitted by the Kerala State Biodiversity Board needs detailed discussion and deliberations. Therefore, they directed secretariat to give a background note on the proposal and submit the item in the next meeting.

Action: Secretary, NBA

27.10: Draft Guidelines for Designated National Repositories for Biological Resources under Access and Benefit Sharing

After detailed deliberation on this guideline, the members highlighted the need to sign an MoU by the repositories to have checks and balance. Further, Members expressed their concern to ensure the safe custody of voucher deposited with them. Considering all such issues, the members expressed that the draft guidelines need fine tuning by providing mandate of each repositories, duration of expected storage, handling of live materials etc. For this purpose, it was decided to refer the guidelines

to Dr.R.S.Rana and Dr.Biswajit Dhar and Prof.M.K. Ramesh., for comments. Further, it was decided that the revised guidelines are required to be placed in the Authority for approval. The revised version may also be circulated to Designated National Repositories and their comments may also be placed before the next meeting of the Authority.

2. With regard to the request of NGOs to designate them as national repositories u/s 39 of the Act was taken up during the discussion. It was informed that so far MoEF has declared only Government organizations/institutions as repositories. Therefore, members directed the secretariat to submit a detailed note on the proposal for considering the NGOs as repository in the next meeting.

Action: Secretary, NBA

27.12: To consider and approve the draft guidelines on National Biodiversity Fund

Members appreciated the efforts of Expert committee for preparing the draft guidelines on National Biodiversity Fund. The members directed secretariat to refer the guidelines to Dr.R.S.Rana, Dr.Biswajit Dhar and Prof.M.K.Ramesh for comments. The revised Guidelines may be placed in the next meeting of the Authority.

Action: Secretary, NBA

27.13: Nomination of Secretary, NBA to hold additional responsibility as Vigilance Officer in NBA

All the members of the Authority unanimously agreed to nominate the Secretary, NBA to act as Vigilance Officer in NBA.

Action: Secretary, NBA

27.14: To consider and approve funding for National Taxonomy Congress

The Authority approved the proposal of granting Rupees Five Lakhs to the National Taxonomy Congress.

Action Secretary, NBA

27.15. To consider and approve the modified recruitment rules of existing posts and newly created posts in NBA

The members considered this agenda item on the 2nd day of the meeting i.e. on 25th January, 2014 and requested to circulate the soft copy of the revised draft recruitment rules for their comments.

Action Secretary, NBA

27.16. To consider and approve the draft NBA Annual Report 2012-13

The members of the Authority, after detailed deliberation, commented on the functions of the NBA, State Biodiversity Boards and Biodiversity Management Committees and suggested to include more details on their role. With these comments, Members approved the draft Annual Report.

Action: Secretary, NBA

The following agenda items were deferred to next meeting due to paucity of time and for want of detailed discussion:-

27.07: Draft notification to establish Biodiversity Council in the UT of A&N and Lakshadweep islands.

27.11: Proposal on establishment of National Biodiversity Grid.

27.17: Annual accounts of NBA for the year 2012-13

27.18: Major of head of expenditure of NBA for the period April-Nov 2013

27.19: CoP-11 Grant-in-aid received from MoEF for the year 2013-14

27.20: Draft Notification / Order to Implement Nagoya Protocol

27.21: Support to Strengthening of SBBs, Formation of BMCs and Preparation of PBRs

27.22: Extension of deputation tenure of Secretary, NBA and recruitment of Secretary, NBA

27.23: Recruitments of Administrative Officer and Accounts Officer at NBA

27.24: Fourth Meeting of Expert Committee on Agro-Biodiversity held on 8th and 9th April 2013 at Hyderabad

27.25: Revised Notification on Normally Traded Commodities

27.26: Second Meeting of the Reconstituted Expert Committee on Medicinal Plants held on 26th & 27th November 2013

27.27: Recommendations / observations of the EC on Medicinal Plants on the issue of Impact of Patents on Indigenous Medicinal Plants and Products granted to Foreign Companies on Indian Companies.

27.28: Brainstorming Meeting on Draft National Working Plan Code- 2012 held on 23rd February, 2013 at IGNFA

27.29: Interaction Meeting between Consultative Group on CGIARCentresand NBA held on 18th July, 2013 at New Delhi.

27.30: Interaction Meeting of NBA, BSI and ZSI held on 1st October 2013 to facilitate the preparation of PBRs

27.31: Draft format for notification of Threatened Species under Section 38 of BD Act.

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Annex-I

Official Members who participated:

1) Shri A K Srivastava, IFS
Addl. Director General of Forests,
Ministry of Environment & Forests,
ParyavaranBhavan,
CGO Complex, Lodhi Road,
New Delhi – 110003.
(Represented by Shri. K.S. Reddy, IFS, APCCF (Central) Regional office, MoEF)

2) The Joint Secretary,
(Biodiversity)
Ministry of Environment & Forests,
ParyavaranBhavan,
CGO Complex,
Lodhi Road,
New Delhi – 110003
(Represented by Dr. J.R.Bhatt, Advisor &Dr.SujataArora, Director, MoEF)

3) Dr. RenuSwarup,
Advisor,
Department of Biotechnology
CGO Complex,
Block No. 2
Lodhi Road,
New Delhi-110003.
(Represented by Dr. Manoj Kumar Modi, Scientist-C)

4) Shri. Jitendra Sharma, IFS
Chief Executive Officer,
National Medicinal Plant Board,
Department of AYUSH,
Ministry of Health & Family Welfare,
3rd Floor, AYUSH Bhawan,
B Block, G.P.O. Complex, I.N.A.,
New Delhi-110023.

5) Dr. Swapan Kumar Datta,
Deputy Director General
(Crop Science)
Division of Crop Science, I
CAR
KrishiBhavan,
New Delhi -110001.
(Represented by Dr JS Chauhan, ADG (Seeds), ICAR)

Official Members who were not Present:

1) Shri.Utpal Kumar Singh, IAS
Joint Secretary (Plant Protection),
Dept. of Agriculture and Cooperation,
KrishiBhavan, Dr. Rajendra Prasad Road,
New Delhi – 110001.

2) Dr. P. Madeswaran,
Director,
Ministry of Earth Sciences,
Block -12, CGO Complex,
LodhiRaod, New Delhi –110003.

3) The Director,
Traditional Knowledge Digital Library(TKDL),
CSIR,
Sector-19, Central Government Enclave,
Kamla Nehru Nagar,
Ghaziabad- 201002.

4) Dr. B. Harigopal,
Advisor,
Department of Science & Technology,
Technology Bhavan,
New Mehrauli Road,
New Delhi – 110016.

5) Smt. Nivedita IOFS,
Director,
Ministry of Tribal Affairs,
ShastriBhavan, Dr. Rajendra Prasad Road,
New Delhi-110001.

Non-Official Members who participated:

1) Dr. S. Subramaniyan
54, VGP, Golden Sea View,
Part-II, 2nd Main Road,
5th Cross Street,
Palavakkam,
Chennai-600 041.

2) Prof. M.K.Ramesh,
Professor of Law,
National Law School,
Nagarbhavi,
Bangalore – 560 072.

3) Dr.R.S.Rana
Chairman, Bio-Link,
D-43, Indraprastha Apartments
Sector 14, Rohini,
New Delhi-110 025.

4) Dr.BiswajitDhar,
Director General,
Research and Information System,
Core 4B, 4th floor,
India Habitat Centre,
Lodhi Road,
New Delhi – 110 003.