सत्यमेव जयते

जहाँ है हरियाली ।
वहाँ है खुशहाली ।।

NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 29TH AUTHORITY MEETING

15th May 2014

Venue

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

Proceedings of the 29th Authority Meeting of National Biodiversity Authority

Date: 15th May 2014
Venue: Maple Conference Hall, Indian Habitat Centre (IHC),
New Delhi

Twenty ninth meeting of the National Biodiversity Authority (NBA) was held on 15th May 2014 at New Delhi under the Chairmanship of Shri Hem Pande, IAS, Chairman, NBA to consider the agenda items circulated to the Members on 7th May, 2014 by email and hard copy by hand / post. The list of participants is placed as **Annex-1, Page no. 12**.

2. At the outset, Shri Hem Pande IAS, Chairman, NBA welcomed all the Members and special invitees and introduced the new Secretary of NBA Shri T. Rabikumar IFS, to the Members. Thereafter, Shri T. Rabikumar extended a warm welcome to the Members and special invitees, and briefed the activities carried out by the NBA Secretariat since the last meeting of the Authority.

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

29.01: Confirmation of Proceedings of the 28th Authority Meeting

The Members were informed that the draft Proceedings of the 28th Authority Meeting of National Biodiversity Authority held on 07th and 08th March, 2014 were circulated to the Members by email on 26th March 2014, incorporating the comments received from Dr. Renu Swarup, Dr.Subramaniyan, Shri Subhash Chandra and Shri Jitendra Sharma appropriately.

2. In this context, Dr. Manoj Kumar Modi, Scientist, DBT pointed out that the comments of Dr. Renu Swarup vide her letter dated 03rd April 2014, were not incorporated in the Proceedings of the 28th Authority Meeting. In response, the Secretary, NBA informed that the comments of Dr. Renu Swarup on the lines discussed were incorporated in the proceedings of

24th Authority (item no: 24.01…. creation of awareness to Scientists and other stakeholders) and 27th Authority (item No.27.06…post facto approval on applications and amendment to the BD Act) and necessary follow up action is being taken. Thereafter, the members confirmed the Proceedings of the 28th Authority Meeting.

Action: Secretary, NBA

29.02 : Action taken report

It was informed that the action has been taken on few items and for the remaining items, action is in progress. The observations and decisions of the Authority on the action taken report are given below:

2. With regard to the item no.28.01, on confirmation of the Proceedings of the 28th Authority Meeting, Dr.S.Subramaniyan, Member reiterated that certain work orders given by the then Chairman, NBA may be relooked to see whether set procedures were followed or not. It was agreed that the NBA Secretariat will make suitable exercise in this regard.

3. With regard to the item no. 28.02, the Chairman, NBA agreed to provide the information sought for by Dr.S.Subramaniyan.

Action: Secretary, NBA

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

The Secretary, NBA apprised the Members that the draft guidelines on ABS was placed in the 28th Authority Meeting for consideration. The Authority, after taking into account the comments/suggestions received from SBBs and other stakeholders, formed a Core Expert Group (CEG) to improve the draft further. Accordingly, the CEG met on 15th and 16th April 2014 and finalized the draft guidelines.

2. Further, it was informed that the finalized draft guidelines was circulated to the Authority Members and SBBs by inviting their comments on the same. It was also hosted in the NBA website on 3rd May 2014 soliciting comments from the public on or before 10th May 2014. Subsequently, all the comments received from the Members, SBBs and public were compiled in a tabular form and circulated in the Consultation meeting held with the State Biodiversity Boards on 13th May 2014 at New Delhi. The meeting was well attended by the Chairpersons and Member Secretaries of SBBs and Authority Members representing DBT, ICAR, NMPB and MoEF. Based on the inputs received during the meeting, the draft guidelines was further revised by Dr. R.S Rana and circulated as the13th version in the present Authority meeting.

3. Members had a lengthy discussion and debate on various aspects of the draft guidelines. A few members felt that the terms used in the draft ABS guidelines such as Value Added Products, Commercial Utilization, Conventional Breeding etc., need to be explained with illustrations, in order to avoid misinterpretation of such terms by the user groups. It was decided that the explanations on such terms may be given under FAQ of NBA website. In order to prepare the explanations, NBA Secretariat may *inter alia* consult the Parliamentary discussions on the Biological Diversity Bill. Thereafter, the Members unanimously approved the draft ABS guidelines, in principle.

4. It was informed that M/s Association of Biotechnology Led Enterprises (ABLE) and Confederation of Indian Industry (CII) have requested the Chairman, NBA for extension of time by four weeks to provide their comments on the draft guidelines. Keeping in view the fact that since the above associations are major stakeholders, the Members agreed to give ten days' time i.e., up to 25th May 2014 for providing their comments.

5. In view of the above, the Authority formed a Core Expert Group (CEG) with the following Members and Officers to examine and incorporate the suggestions/comments, if any, offered by the ABLE and CII, and other issues, if any.

1. Dr. Jitendra Sharma - Chairman
2. Dr. Biswajit Dhar, Member, NBA
3. Dr. M.K.Ramesh, Member, NBA
4. Dr. J.R.Bhatt, Advisor, MoEF

5. Dr. J.S.Chauhan, ADG (Seeds), ICAR
6. Dr. Manoj Kumar Modi, Scientist, DBT
7. Shri C. Achalender Reddy, Former Secretary and EC, NBA
8. Shri T. Rabikumar, Secretary, NBA

6. The Authority took note of the applications and appeals involving NBA, pending before the Hon'ble NGT, Bhopal and emphasized the need to bring out the ABS Guidelines by 21st June 2014. Therefore, the following timelines have been suggested: On receipt of comments from ABLE and CII on 25th May 2014, the CEG will examine and incorporate those inputs which are considered appropriate, in the draft and submit to NBA Secretariat by 28th May 2014. Thereafter, the Secretariat will circulate the draft to the Authority Members for comments by 30th May 2014. Then, the final version of the draft guidelines will be sent to MoEF. Upon MoEF's approval, the Guidelines would be issued by NBA.

7. It was informed that the Deputy Director General, ICAR has sent a communication dated 29th April, 2014 to the Chairman, NBA on the "Applicability of the BD Act" with a copy to the National Seed Association of India (NSAI). The Authority discussed the issue and expressed its displeasure on the action of ICAR, in endorsing a copy of the said communication to the NSAI, when the subject matter is under consideration by the Inter-Ministries.

Action: Secretary, NBA

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

The Core Expert Group (CEG) formed by the 28th Authority met on 7th to 9th May 2014 at New Delhi and considered the recommendations of the Expert Committee on Access and Benefit Sharing (EC) during its 22nd to 27th meetings along with other matters. The recommendations of the CEG on the ABS applications were placed before the Authority for consideration. The decisions of the Authority are placed as **Annex – 2, Page no: 15.**

2. The Members of the Authority considered the comments of Dr. R.S.Rana and Dr. Biswajit Dhar on the draft procedure for closing of applications received under the BD Act and the same was approved which is placed as **Annex 3, Page no: 43.** It was agreed that the reasons for seeking closure may be obtained from the applicants. It was also decided that the status of closed cases may also be posted on NBA's website. Further, it was agreed that the NBA office may inform the Patent Office about the closed cases, so as to ensure that patents are not granted on such cases.

3. With regard to the recommendations of the EC on ABS on the remaining applications and generic issues, it was decided to place them for re-examination, before the new EC on ABS which is to be reconstituted.

Action: Secretary, NBA

29.05: To consider the Draft Notifications / Orders to Implement Nagoya Protocol

The Secretary, NBA informed that this item was placed in the 27th Authority Meeting for consideration, but the same was deferred due to want of time for detailed discussion. Further, it was informed that the draft notifications/orders were referred to Authority Members for comments/suggestions in December 2013. In response, ICAR provided its comments, which are given in the agenda.

2. A few members expressed that excessive check points have been provided in the draft notification. Similarly, other issues like technical and legal languages in the draft notifications were also pointed out by the Members.

3. Considering all the above aspects, the Authority formed a Core Expert Group (CEG) consisting of following members and Officers to fine-tune the draft notifications/orders and place the revised drafts before the Authority for consideration.

1. Dr.R.S.Rana - Chairman
2. Dr.Jitendra Sharma, Member, NBA
3. Dr.Biswajit Dhar, Member, NBA
4. Prof M.K.Ramesh, Member, NBA

5. Shri Subhash Chandra, DIG, Forest Policy, MoEF
6. Dr.J.S. Chauhan , ADG(Seeds), ICAR
7. A representative from the DAC
8. Shri T. Rabikumar, Secretary, NBA

Action: Secretary, NBA

29.06: To consider the proposal for Establishment of National Biodiversity Grid (NBG)

The Secretary, NBA apprised the members that the proposal for "Establishment of a National Biodiversity Grid" for efficient data access and analysis for effective biodiversity conservation was submitted to the Model Project Evaluation Committee (MPEC), NKN for consideration. The same was discussed in the MPEC meeting held on 11th June 2013 and it was decided to resubmit the proposal after taking into account various suggestions given by the Committee. Accordingly, a revised proposal was prepared and submitted to the MPEC on 10th September 2013. Subsequently, the MPEC has approved the project, in principle, in its meeting held on 12th February 2014, with an outlay of Rupees One Crore spanning over a period of 18 months.

2. Further, the representative of MoEF has informed that the Wildlife Institute of India has submitted a project entitled "INBiF" to MoEF which has been slightly revised now as "National Network on People's Biodiversity Register" and sought funds for the project from MoEF. However, it was suggested that the funds for the proposed project may be provided through Grant-in-aids of NBA. Taking into account the above facts, it was decided to constitute a group consisting of Dr.Sujata Arora, Dr.V.B.Mathur, Shri T. Rabikumar, Dr. Subrata Chattopadhyay, a representative of DBT and Dr. K.P.Raghuram, with inputs from expert consultant, to take forward both the projects in parallel.

Action: Secretary, NBA

29.07: Fourth meeting of Expert Committee on Agro-biodiversity held on 8th and 9th April 2013 at Hyderabad

Expert Committee on Agro-biodiversity, in its fourth meeting held on 8th & 9th April 2013, discussed the report of the Sub-Committee-II on emerging issues and challenges related to research, commercialization and other issues within the seed

industry, ICAR and CGIAR systems. Considering the importance of the report, the Authority directed the NBA Secretariat to seek the comments of ICAR on the Report of the Sub – Committee – II and place them before the reconstituted EC on Agro-biodiversity for its deliberation.

Action: Secretary, NBA

29.08: Support to strengthening of SBBs, formation of BMCs, and preparation of PBRs

It was informed that the NBA financially supported SBBs, in order to, increase the preparation of PBRs, strengthen the SBBs by providing additional manpower, celebrate the International Day for Biological Diversity and host various projects and programmes on awareness creation and capacity building on biodiversity conservation and sustainable use. In this connection, NBA has sanctioned a sum of Rupees 9.95 Crores to SBBs during the financial year 2013-2014 for the above said activities. The same was ratified by the Authority.

29.09: Annual Accounts of NBA for the Year 2012-2013

The Audited Annual Accounts of NBA for the year 2012-2013 was ratified by the Authority.

29.10: Major Head of Expenditure of NBA for the period April 2013 - March, 2014

Secretary, NBA informed that a sum of Rupees 19.00 Crores was spent against the sanctioned budget grant of Rupees 37.00 Crores during the year 2013 – 2014. It was informed that the main reason for non-utilization of sanctioned budget is due to low intake by the State Biodiversity Boards.

2. Regarding utilization of unspent amount, it was decided to send a detailed proposal to MoEF for revalidating the amount for the current financial year.

Action: Secretary, NBA

29.11: Cop 11 Grants–in-aid received from MoEF for the Year 2013 -2014

Out of the sanctioned amount of Rupees Seven Crores by the MoEF towards Grants-in-aid for meeting the expenditure of COP -11 activities during the year 2012-13, a sum of Rs.6,02,98,310/- was utilized by the NBA. An amount of Rs.44,14,082/- was revalidated by the MoEF to NBA for the year 2103-14 for spill-over activities of CoP-11. The remaining unspent balance of Rs.52,87,608/- was returned to MoEF. The Authority took note of this development.

29.12: Recruitment of Administrative Officer and Accounts officer

It was informed that Shri K. Ramayya Dora was appointed as Accounts Officer *w.e.f* 2nd July 2013 and Smt M. Kannamma as Administrative officer *w.e.f* 1st August 2013 on deputation basis.

29.13: Revised Notification of Normally Traded Commodities

The Secretary, NBA informed that the revised notification of Normally Traded Commodities (NTC) has been communicated to the Ministry for further action. Further, he mentioned that the Expert Committee on Normally Traded Commodities has been reconstituted under the Chairmanship of Shri D.K. Ved, IFS (Retd.), Advisor, FRLHT.

2. It was decided that the Expert Committee on NTCs may augment the list of NTCs, which may then be placed before the Authority for consideration and approval.

3. Further, the Authority directed the NBA Secretariat to include the following members also in the reconstituted Expert Committee on NTC.

1. Shri Jitendra Sharma, IFS, CEO, NMPB & Member, NBA
2. Prof M.K.Ramesh, Member, NBA
3. Shri Subhash Chandra, DIG, Forest Policy, MoEF
4. A representative from Department of Agriculture & Co-operation (Seeds).
5. A representative from ICAR
6. A representative from Federation of Indian Chambers of Commerce and Industry.

Action: Secretary, NBA

Secretary, NBA **Chairman, NBA**

Annex-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 J.S.Chauhan,
Assistant Director General (Seed),
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. Shri R. K. Mishra,
Addl. Commissioner (Seed)**,**
Department of Agriculture and Co – operation, Krishi Bhawan Dr.Rajendra Prasad road , New Delhi – 110 001
(*Represented Shri Atanu Purkayastha)*

7. Dr Manoj Kumar Modi,
Scientist,
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.

Special Invitees who participated

1) Dr Sujata Arora,
Director,
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi – 110 003

2) Dr.Oommen V.Oommen
Chairman, Kerala Biodiversity Board,
Pallimukku, Pettah P.O,
Thiruvanthapuram,
Kerala – 695 024

3) Shri. Ram Gopal Soni, IFS,
Member Secretary,
Madhya Pradesh State Biodiversity Board, 1st Floor, Kisan Bhavan,
Mandi Road, Arera Hills,
Bhopal, Madhya Pradesh- 462 011

Special Invitees who were not present

1) Shri. Shashi Paul, IFS,
Member Secretary,
Odisha Biodiversity Board,
RPRC Campus,
Forest & Environment Department,
Government of Odisha,
Ekamrakanan, Nayapalli,
Bhubaneshwar. 751012.

2) Shri Deepak Bhatnagar, IFS,
Member Secretary,
Rajasthan State Biodiversity Board,
Environment Department,
Plot No: 7, Dwarakapuri,
Jamanlal Bajaj Marg,
C- Scheme, Jaipur,
Rajasthan-302 001.

3) Shri. C.A.Reddy, IFS,
Former Secretary & EC, NBA,
& CCF, Goa Forest Department,
Goa.

----xxx---

Annex-2

Decision of the Authority on the Applications

S.NO	Appl. No.	Agenda No.	Applicant's Name	Form	Purpose / Title of the Invention	EC's recommendation	Core Expert Group's (CEG) Recommendation	Authority's Decision
	562	23.10	1.Dr.Ghan Shyam Sharma, 2. Dr.(Mrs) Uswatta Liyanage Priyani Mangalika, 3. Dr. Sumit Arora and 4. Dr. Suresh Kumar Kanawjia.	III	A process for preparation of Coconut cream filled Gouda cheese.	EC recommends for approval with benefit sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
	585	23.23	Mr. Edakattu Josheph Lonappan	III	A novel therapeutic herbal composition for treating liver diseases such as viral hepatitis, alcoholic or fatty liver, liver cirrhosis and liver cancer	The EC on ABS sets aside the Karnataka SBB's contentions and recommends the case for approval with benefit sharing components	The CEG noted Karnataka SBBs concern and felt that it can be done when the applicant applies for access to SBB for commercial utilization, and agreed to the EC's recommendation. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
3.	590	24.02	M/s. Punjabi University	III	An improved process for inulinase production.	EC recommends for approval with Benefit Sharing component	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.

4.	581	24.28	Indian Council of Medical Research	III	A herbal extract obtained from the roots of *Brucea mollis*	EC recommends for approval with Benefit Sharing component	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
5.	569	25.07	Shri. Ravi Rajhans	III	A novel herbal composition for the treatment of Piles.	EC recommends for approval with Benefit sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
6.	593	26.07	Mr. Nilesh Madusudan Paagedar	III	Ayurvedic Medicinal Tablet & Capsules Process & Formulation	EC recommends for approval with Benefit Sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
7.	594	26.08	Dr. Lakshmi Prasanna	III	Chitinase (s) from *Brevibacillus laterosporus* with antifungal activity and insecticidal potential and their applications in crop protection and insect control.	The EC recommends that as this is a Form-III application and the patent application has not yet been accepted for the grant of the patent, the permission may be accorded and fixed the Benefit Sharing component.	The CEG noted that the EC somehow had not taken note of the fact that the applicant had taken the Indian bioresource accessed by her in India to a foreign country for research purpose without getting prior approval of NBA. This kind of taking the material outside the country and doing research on it in a foreign country under the guidance of foreigner may amounts to third party transfer. Hence, the authority may take a view how to	Legal opinion shall be sought and the case resubmitted in the next Authority.

							handle cases of Indian researchers who intend to carry Indian bioresources with them for conducting research in a foreign country.	
8	595	26.09	Shri. Ing. Agr. Juan Diaz	I	Applicant has stated as follows : We propose for the radish accession to be introduced from India is similar to the one proposed in the United States. Radish is an excellent cover crop alternate. We would like to test these accessions in our environment.	Recommended for approval subject to the following conditions: 1. The applicant may be asked to submit a report to the NBA on the outcome of the research work. 2. In case the proposed work leads to generation of any IPR, it should be taken with the prior approval of NBA.	CEG agreed to the recommendation of the EC, and suggest to add one more proviso, namely, in case any outcome from this project is taken for commercial utilization, the applicant shall take prior approval of NBA and enter into a benefit sharing agreement with NBA. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the conditions proposed by EC on ABS and CEG.
9	602	26.11	Dr. Surendra Nath Tiwari	III	A novel herbal grain protectant.	The EC recommends that as this is a Form-III application and the patent application has not yet been accepted for the grant of the patent, the permission may be accorded and fixed the BS component.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
10	624	26.12	Dr. Allison Snow. A	I	To access of wild brinjal populations for scientific study	Recommended for approval subject to the following conditions:	While taking note of EC's recommendation, the CEG was informed that the applicant	Approved with the conditions proposed by the CEG.

					of genetic variation within and among, as well as outcrossing rates, for publication in a peer reviewed journal.	1. The applicant may be asked to submit a report to the NBA on the outcome of the research work. 2. In case the proposed research work leads to generation of any IPR it should be taken with the prior approval of NBA.	along with an Indian counterpart (Dr.Priya Davidar, University of Pondicherry) had been permitted transfer of 400 samples of leaf squashes in Jan 2013. The CEG also noted that the applicant had applied earlier for both leaf squashes and fruits but approval was given for transfer of 400 samples of leaf squashes only considering that they had withdrawn the request for access to fruits. In view of these considerations, CEG recommends that the approval may be given only for the sample of leaf squashes as was done for the earlier application by Dr.Priya Davidar.	
11	571	24.01 & 26.15	M/s. Maharashtra Hybrid Seeds Company	I	Access of certain varieties of Tomato, Brinjal and Chilli from MPKV, Rahuri for plant breeding purpose to develop new varieties of the said vegetable crop species.	The EC after detailed deliberations recommends for approval the crops namely Chilli and Tomato varieties as mentioned in the application with the condition that the benefit sharing from the commercial utilization of these varieties shall be determined at the time	CEG agreed to the recommendation of the EC that access may be permitted for research on Chilli and Tomato varieties and suggest to add one more proviso, namely, in case any outcome from this project is taken for commercial utilization, the applicant shall take prior approval of NBA and enter into a benefit sharing agreement with NBA.	Approved with the conditions proposed by EC on ABS and CEG.

						of commercial utilization, including outside the Indian territory. In so far as the decision on benefit sharing for the crop varieties of brinjal is concerned, the EC reserves its decision since the matter is sub-judice.	The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority. The CEG suggested that NBA may suggest to ICAR to develop model contractual format for this purpose so as to ensure uniformity across SAUs and other research institutions under its system.	
12	529	27.01	Shri. Dayabhai Vasrambhai Bharwad	III	For filing the patent application for the invention titled "An herbal composition for nutrient supplement, an appetite enhancer, hepatoprotectant or a liver tonic by administering an effective amount of *Cassia italica*, *Bambusa arundinacea* and *Balanites roxburghii*".	The EC was apprised that the applicant, National Innovation Foundation has so far filed more than 80 Form III applications, but no BS agreements have yet been signed with it. Taking cognizance of the pendency of such a large number of BS Agreements the EC recommends NBA to discuss with NIF, at the earliest, the mutually acceptable terms and conditions. Pending the outcome of such a discussion the EC recommends that the BS arrangement as would	While taking note that more than 30 applications filed in Form-III have been cleared by the Authority, but no benefit sharing agreements have been signed by them, despite repeated reminders. Hence, the CEG supports the EC's recommendation and suggests to convene a high level meeting between NBA and NIF to resolve the impasse.	Approved. With regard to the Benefit Sharing component, the matter may be discussed with NIF as suggested by EC on ABS and CEG.

						be finalised with NIF be made applicable in this case as well.		
13	531	27.02	Shri. Mannubhai Parmarbhai Vankar	III	"Herbal composition for increase and improvement of milk yield in cattle".	The EC was apprised that the applicant, National Innovation Foundation has so far filed more than 80 Form III applications, but no BS agreements have yet been signed with it. Taking cognizance of the pendency of such a large number of BS Agreements the EC recommends NBA to discuss with NIF, at the earliest, the mutually acceptable terms and conditions. Pending the outcome of such a discussion the EC recommends that the BS arrangement as would be finalised with NIF be made applicable in this case as well.	While taking note that more than 30 applications filed in Form-III have been cleared by the Authority but no benefit sharing agreements have been signed by them despite repeated reminders. Hence, the CEG supports the EC's recommendation and suggests to convene a high level meeting between NBA and NIF to resolve the impasse.	Approved. With regard to the Benefit Sharing component, the matter may be discussed with NIF as suggested by EC on ABS and CEG
14	533	27.03	Shri. Jalamsinh Jivaji Sodha	III	"Herbal composition for treatment or prevention of retention of placenta".	The EC was apprised that the applicant, National Innovation Foundation has so far filed more than 80 Form III applications, but no BS agreements have yet	While taking note that more than 30 applications filed in Form-III have been cleared by the Authority but no benefit sharing agreements have been signed by them despite repeated reminders. Hence,	Approved. With regard to the Benefit Sharing component, the matter may be discussed with NIF as suggested by EC on ABS and CEG

						been signed with it. Taking cognizance of the pendency of such a large number of BS Agreements the EC recommends NBA to discuss with NIF, at the earliest, the mutually acceptable terms and conditions. Pending the outcome of such a discussion the EC recommends that the BS arrangement as would be finalised with NIF be made applicable in this case as well.	the CEG supports the EC's recommendation and suggests to convene a high level meeting between NBA and NIF to resolve the impasse.	
15	555	27.04	Shri. Badri Mahato	III	"An herbal composition for the treatment of hypertension by administering an effective amount of the composition comprising of *Hygrophila auriculata, Diospyros melanoxylon* and *Dolichos lablab*".	The EC was apprised that the applicant, National Innovation Foundation has so far filed more than 80 Form III applications, but no BS agreements have yet been signed with it. Taking cognizance of the pendency of such a large number of BS Agreements the EC recommends NBA to discuss with NIF, at the earliest, the mutually acceptable terms and conditions. Pending the	While taking note that more than 30 applications filed in Form-III have been cleared by the Authority but no benefit sharing agreements have been signed by them despite repeated reminders. Hence, the CEG supports the EC's recommendation and suggests to convene a high level meeting between NBA and NIF to resolve the impasse.	Approved. With regard to the Benefit Sharing component, the matter may be discussed with NIF as suggested by EC on ABS and CEG.

						outcome of such a discussion the EC recommends that the BS arrangement as would be finalised with NIF be made applicable in this case as well.		
16	570	27.05	M/s Maharashtra Hybrid Seeds Company Limited (MAHYCO)	I	Two cotton varieties are proposed to be accessed for plant breeding purpose to develop new cotton varieties	EC recommends that NBA needs to write to all funding or collaborating agencies that henceforth when they sign an agreement with any private entity, the rights to the resulting IPR should be very carefully reviewed. The EC noticed that several instances of government research institution/academic bodies, the sole IPR or commercialized rights have been vested in the collaborating private agencies including MNCs. This is adverse to the national interest and not in line with the provisions of the BD Act. Therefore, the EC recommends that the NBA take a reasoned	CEG agreed to the recommendation of the EC subject to the following additional conditions: a) Annual progress report shall be submitted to the NBA. b) In case any outcome from this project is taken for commercial utilization, the applicant shall take prior approval of NBA and enter into a benefit sharing agreement with NBA. c) No IPR will be applied in India or abroad for any outcome of the proposed research without prior approval of NBA. d) The accessed materials shall not be transferred to any other party without prior approval of NBA.	Approved with the conditions proposed by EC on ABS and CEG

						view on this and write to all such institutions/ bodies, such as CSIR, ICMR, ICAR, UGC, DBT, DST and Education/S&T/ Environment Secretaries of the State and Central Government to not to enter into agreement with such conditions. In the instant case, the EC recommends that the applicant be given permission to access the cotton variety Phule 688 and JLH 168 as requested, subject to the condition that the agreement as signed between MPKV and MAHYCO be revised as per the provisions of the BD Act. EC also suggested NBA to insert an appropriate advertisement in the media highlighting importance of adherence to the provisions as suggested above.		

17	603	27.08	Indian Council of Agricultural Research (ICAR)	III	For filing the patent application for the invention titled "*Porteresia*ubiquitin derived promoter system and methods for use thereof".	EC recommends for approval with Benefit Sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
18	610	27.09	Dr. Prashant Neminath Patil	III	For filing the patent application for the invention titled "Herbal compositions for enhancing milk productivity and quality of milk".	The EC recommends to NBA that the applicant may be made aware of the fact that *Nardostachys grandiflora* is a critically endangered species and hence it is necessary to establish the quantity of this particular bioresource in the formulation along with information on the source of the bioresource. The SBB may be requested to collect the information from the traders who provided the material to the applicant on the source of the above species. The EC also recommends that the	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.

						benefit sharing agreement should take care of investment into recovery of the above species. With this proviso, EC recommends the application be approved subject to the BS components.		
19	611	27.10	Dr. Prashant Neminath Patil	III	For filing the patent application for the invention titled "Herbal milk replacer compositions for calf".	The EC notes that the one of the bioresources (*Picrorhiza kurroa)* is a locally endangered species. While arriving at the BS agreement with the applicant, the EC recommends that the applicant be asked to support conservation measures of this particular bioresource. With this proviso, EC recommends the application be approved subject to the BS components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
20	612	27.11	Dr. Prashant Neminath Patil	III	For filing the patent application for the invention titled	EC recommends for approval with Benefit Sharing components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will	Approved with the benefit sharing component as proposed

					"Herbal Compositions .for Inducing Fertility in Cattle".		be in accordance with the guidelines on ABS as approved by the Authority.	by EC on ABS.
21	613	27.12	Dr. Prashant Neminath Patil	III	For filing the patent application for the invention titled "Herbal Compositions for solving problem ofletting down of milk in Milch animals".	The EC recommends for approval with benefit sharing components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
22	614	27.13	Dr. Prashant Neminath Patil	III	For filing patent application on the invention titled "Herbal Calf Starter Compositions."	The EC notes that the two of the bioresources (*Picrorhiza kurroaand Embilia basal (E.ribes)*) are locally endangered species. While arriving at the BS agreement with the applicant, the EC recommends that the applicant be asked to support conservation measures of this particular bioresource. With this proviso, EC recommends for approval with Benefit Sharing components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
23	632	27.14	Ms. Nigam Rupa Shashikant	III	For obtaining patent on the invention titled "A process for	EC recommends for approval with Benefit Sharing components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will	Approved with the benefit sharing component as proposed

					preparation of formulation for relieving pain."		be in accordance with the guidelines on ABS as approved by the Authority.	by EC on ABS.
24	635	27.15	Indian Institute of Technology, Bombay	III	For obtaining patent on the invention titled "An improved process for making natural sweetener from Stevia Leaves."	EC recommends for approval with Benefit Sharing components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
25	638	27.16	Dr.Vinayakumar Sonavane Sudhakar	III	For obtaining patent on the following invention: "Use of two spoonful of raw tamarind seed churna (powder) to be taken orally with Luke-Warm water thrice a day and sulphur for giving sulphur bath and its ointment to be applied on skin over lesions playing major role in curing hyperkeratinization and scaling of psoriatic skin and prevention of penetration of ultra violet rays of sunlight by way of reflection and total	EC recommends for approval with Benefit Sharing components.	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.

					relief from this obscure chronic psoriatic skin disease with absolutely non-steroid therapy".			
26	639	27.17	Indian Council of Agricultural Research (ICAR)	III	For obtaining patent application on the invention titled "A Process for preparing an indigenous drug formulation for the treatment of diarrhea in animals."	EC recommends for approval with Benefit Sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
27	640	27.18	M/s. National Agri-Food Biotechnology Institute	III	For filing patent application on the invention titled"A recombinant mastrevirus as a viral vector system".	EC recommends for approval with Benefit Sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.
28	645	27.20	Dr. Trivedi Harshitbhai S	III	For filing the patent application for the invention on Processof obtaining young leaves of wheat grass by heating at specified temperature for specified time to keep nutritional	EC recommends for approval with Benefit Sharing components	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.

					value intact with reduced microbial load.			
29	646	27.21	Council of Scientific and Industrial Research (CSIR)	III	For filing the patent application for the invention titled "Enzymes from *Conidiobolus brefeldianus* and process for preparation thereof."	The EC recommends that the BS arrangement as is being negotiated with CSIR be made applicable in this case also.	The CEG was informed that a meeting of the Legal representatives of NBA and CSIR had already been held to settle the outstanding issues. A separate agenda item has been proposed for consideration in the forthcoming meeting of the Authority.	Approved subject to placing the benefit sharing component negotiated with CSIR before the EC on ABS for examination, and recommendation of the EC be placed before the Authority.
30	650	27.22	Council of Scientific and Industrial Research (CSIR)	III	For filing the patent application for the invention titled "Organic-Inorganic composite material for removal of anionic pollutants from water and process for the preparation thereof."	On a perusal of this application, the EC noted that the bioresources which are a subject matter of this application are waste materials. The EC appreciates that by the use of this patented process we can take care of environment associated hazards of such waste materials. Since this process may have large scale industrial applications also, the BS arrangement as is being negotiated with CSIR be made applicable in this	The CEG was informed that a meeting of the Legal representatives of NBA and CSIR had already been held to settle the outstanding issues. A separate agenda item has been proposed for consideration in the forthcoming meeting of the Authority.	Approved subject to placing the benefit sharing component negotiated with CSIR before the EC on ABS for examination, and recommendation of the EC be placed before the Authority.

						case also.		
31	652	27.23	Council of Scientific and Industrial Research (CSIR)	III	For filing the patent application for the invention titled "An improved process for the preparation of building boards and panels from plywood/veneer industry waste."	On a perusal of this application, the EC noted that the bioresource which is a subject matter of this application is a waste material. The EC appreciates that by the use of this patented process we can take care of environment associated hazards of such waste materials. Since this process may have large scale industrial applications also, the BS arrangement as is being negotiated with CSIR be made applicable in this case also.	The CEG was informed that a meeting of the Legal representatives of NBA and CSIR had already been held to settle the outstanding issues. A separate agenda item has been proposed for consideration in the forthcoming meeting of the Authority.	Approved subject to placing the benefit sharing component negotiated with CSIR before the EC on ABS for examination, and recommendation of the EC be placed before the Authority.
32	654	27.24	Council of Scientific and Industrial Research (CSIR)	III	For filing the patent application for the invention titled "A process for the production of coconut spread based on mature coconut-water concentrate and coconut dietary	The EC recommends that the BS arrangement as is being negotiated with CSIR be made applicable in this case also.	The CEG was informed that a meeting of the Legal representatives of NBA and CSIR had already been held to settle the outstanding issues. A separate agenda item has been proposed for consideration in the forthcoming meeting of the Authority.	Approved subject to placing the benefit sharing component negotiated with CSIR before the EC on ABS for examination, and recommendation of the EC be placed before the Authority.

					fiber."			
33	656	27.25	Council of Scientific and Industrial Research (CSIR)	III	For filing the patent application for the invention titled "A bioactive polysaccharide from turmeric (*Curcuma longa*) and a process for preparation thereof."	EC recommends that the BS arrangement as is being negotiated with CSIR be made applicable in this case also.	The CEG was informed that a meeting of the Legal representatives of NBA and CSIR had already been held to settle the outstanding issues. A separate agenda item has been proposed for consideration in the forthcoming meeting of the Authority.	Approved subject to placing the benefit sharing component negotiated with CSIR before the EC on ABS for examination, and recommendation of the EC be placed before the Authority.
34	658	27.26	Council of Scientific and Industrial Research (CSIR)	III	For filing the patent application for the invention titled "A process for preparation of phenolic rich crystalline and non-hygroscopic natural colors from plant extracts."	EC recommends that the BS arrangement as is being negotiated with CSIR be made applicable in this case also.	The CEG was informed that a meeting of the Legal representatives of NBA and CSIR had already been held to settle the outstanding issues. A separate agenda item has been proposed for consideration in the forthcoming meeting of the Authority.	Approved subject to placing the benefit sharing component negotiated with CSIR before the EC on ABS for examination, and recommendation of the EC be placed before the Authority.
35	402	27.39	Shri. Biswazit Basu	III	A process for preparing an ayurvedic herbal composition effective against body pain	The EC recommends to NBA that the applicant may be made aware of the fact that *Callikarpa macrophyta* is a threatened species, therefore it is necessary to establish quantity of usage of this particular bioresource in the	CEG agreed to the recommendation of the EC. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the benefit sharing component as proposed by EC on ABS.

						formulation along with information on the source of the bioresource. The EC recommends that benefit sharing mechanism as recommended in the 13th EC on ABS should also include the component of investment into recovery of the above species.		
36	385	27.42	M/s. Nunhems BV, Netherlands	I	Accession of gene bank material *Cucumis sativus* var. hardwickii to Netherlands for research purpose.	EC recommends approval for accession of IC277000 *Cucumis sativus* var. *hardwickii*, subject to a MTA entered between the applicant and the NBPGR.	CEG agreed to the recommendation of the EC, and suggest to add one more proviso, namely, in case any outcome from this project is taken for commercial utilization, the applicant shall take prior approval of NBA and enter into a benefit sharing agreement with NBA. The Benefit sharing norms will be in accordance with the guidelines on ABS as approved by the Authority.	Approved with the conditions proposed by EC on ABS and CEG
	501	23.09	M/s. Metahelix Life Science Limited,	IV	Sending of Transgenic rice lines IR58025B to USA	The EC reviewed this application and opined that since use of no Indian Biological	CEG noted that the gene for transformation was imported in 2009 with approval of IBSC and RCGM. The applicant	Agreed to the recommendation of the CEG.

						resource is involved, the application does not fall under the purview of the Biological Diversity Act, 2002. However, the Applicant be asked to submit a declaration to this effect on their official letterhead with seal and signature and after having received the same the case may be closed. <u>Update:</u> The applicant has submitted an undertaking in the form of declaration stating that "no Indian biological resources involved in the transgenic rice seeds intended for export as a part of a contract research project to M/s. Targeted Growth, USA. The rice line used for transformation work was IR58025B, which is an IRRI developed rice line, obtained from IRRI, Philippines".	claimed that the rice lines used in the transformation process were imported from IRRI in 2005. It has been provided u/s 3(1) that no person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto **for research** or for commercial utilization or for bio-survey and bio-utilization. In this case, the rice lines used by the applicant appear to have been growing in India for several years implying that these were occurring in India and hence there is need for the applicant to enter in to a benefit sharing agreement with NBA for this purpose.	

	288	23.11	M/s. Lupin Limited	III	An oral composition for the treatment of psoriasis	EC recommended for closure. The decision of the EC be communicated to the applicant, a copy of which should also be endorsed to the appropriate Patent office.	The CEG agreed with the EC's recommendation for closure of this application.	Agreed to the recommendation of the CEG.
	458	23.21	Dr. B.S. Vivek, CIMMYT-India, C/o, ICRISAT,	IV	Export of proprietary maize inbred lines *Zea mays* to Thailand for research purpose	The EC reviewed this application and noted that as usage of no Indian Biological resource is involved, the application does not fall under the purview of the Biological Diversity Act, 2002. This case may therefore be closed.	The CEG noted that the inbred lines being sent by CIMMYT India to Syngenta, Thailand were imported by them in to India and multiplied here for distributing their seed material. It was also noted that this is being done under the Standard Material Transfer Agreement signed between CIMMYT India and M/s. Novartis which has been taken over by M/s. Syngenta. In view of this information, export of these originally imported inbred maize lines, considering that CIMMYT is the non-profit International Agricultural Research Centre, may be permitted specifying that these materials are to be utilized for the objective stated in the SMTA.	Agreed to the recommendation of the CEG.
	391	24.04	Prof. C.G. Kushalappa	II	To undertake a	EC on a perusal of the	The CEG noted that	Agreed to the

					project titled "Long-term vegetation dynamics of grassland – savanna vegetation mosaics in the Western Ghats, India".	documents provided by the applicant recommends that the case does not fall under the category of collaborative research as per Section 5 of the BD Act. In the extant case the non-Indian partner shall apply in Form I for access. The applicant shall be informed that no movement of material can happen in the absence of prior approval from NBA. Thereafter this application may be closed.	Dr. Kushalappa, UAS, Bangalore applied to NBA in October 2009 seeking exemption under Section 5 of the BD Act for undertaking a collaborative research project with the University of Oxford, UK. He was advised by the NBA to send a copy of his collaborative research project ensuring that the collaborative research project approval had followed the guidelines notified by the MOEF in 2006. Despite prolonged communication with the applicant during the past three years he has not met this requirement and hence the core group recommends that this case may be closed.	recommendation of the CEG.
	251	24.08	Mr. V.S. Ram Shankar	I	Carrying of 200 gms of *Momordica cochinchinensis* (seed) to Germany for research purpose	EC agrees to the request for closure of the application.	The CEG agreed with the EC's recommendation for closure of this application.	Agreed to the recommendation of the CEG.
	103	24.09	M/s. Charak Pharma Pvt. Ltd.,	III	Novel herbal inhaler compositions and process thereof	EC recommends that the application be treated as abandoned in view of non-response by the	The CEG agreed with the EC's recommendation for closure of this application.	Agreed to the recommendation of the CEG.

						applicant within the stipulated time. NBA may initiate action as appropriate.		
	392	24.10	Dr. Rakesh Tuli	IV	Sending RNA/ DNA samples of wheat and their wild relatives to DNA Sequencing Center at Brigham Young University, Utah (USA).	EC endorses the action of NBA.	The CEG agreed with the EC's recommendation for closure of this case	Agreed to the recommendation of the CEG.
	403	24.14	M/s. Bayer Bioscience Pvt. Ltd.,	IV	Export of foundation seeds of rice to Bayer, Bangladesh.	EC recommends for closure.	Keeping in view, the EC's recommendation for closure of this case and the applicants' submission that they are in the process of revising their application and shall come back with the revised application, and noting that they did not do so since October 2012, the core group recommended that the application may be treated as withdrawn.	Agreed to the recommendation of the CEG.
	152	24.15	Dr. J.P. Singh	III	A therapeutic composition comprising *Leucas cephalotes, Piper nigrum*, Maha Nimb and Kathumbar to cure epileptic convulsions and cerebral function	EC recommends for closure.	CEG agreed for closure.	Agreed to the recommendation of the CEG.

					disorders.			
	329	24.16	CSIR	III	Cytotoxicity and induction of apoptosis in cancer cells by semi-synthetic analogues of boswellic acids for their use as anti-cancer agents.	EC recommends for closure.	CEG agreed for closure.	Agreed to the recommendation of the CEG.
	164	24.17	Dr. Claude Pope	I	Study of the diversity of wheat yellow rust at the world level. Analysis of genetic structure will be carried out in order to understand origin and migration of this plant disease at the continental scale.	In view of non-response of the applicant and his Indian collaborator on the proposed study to several of NBA's communications to that effect, EC assumes that the collaborators are not interested in furthering the study. Hence, EC recommends that the application be considered as abandoned, and notice to this effect be sent to applicant and his Indian counterpart.	Keeping in view, that the applicant is no longer interested to pursue the application, despite repeated reminders, the application may be treated as withdrawn.	Agreed to the recommendation of the CEG.
	566	24.18	M/s. Jindal Crop Sciences Pvt. Ltd.	IV	Export of Onion seeds varieties (Sofia, Solid, red Diamond, Kohinnor-9) to Sri Lanka	EC notes the closure of the application.	CEG noted the action.	Agreed to the recommendation of the CEG.
	568	24.19	Shri. Nilesh Madhusudan Pagedar	III	Ayurvedic Medicinal Tablet &	EC notes the closure of the application.	CEG noted the action.	Agreed to the recommendation of the

					Capsules process and formulation			CEG.
	574	24.20	Dr. B.A. Venmathi Maran	I	Collection of marine biological samples for research purpose	EC notes the closure of the application.	CEG noted the action approved by the Chairman	Agreed to the recommendation of the CEG.
	596	24.21	Dr. Elizhabeth A. Kellogg	I	Sending of Native Grasses to USA for Molecular Investigations of the evolutionary relationship	EC notes the closure of the application.	CEG recommended that this may be treated as withdrawn.	Agreed to the recommendation of the CEG.
	597	24.22	Dr. Elizhabeth A. Kellogg	IV	Sending of Native Grasses to USA for Molecular Investigations of the evolutionary relationship	EC notes the closure of the application.	CEG recommended that this may be treated as withdrawn.	Agreed to the recommendation of the CEG.
	277	24.23	Dr. Alok Adholeya	IV	Permission for transfer of spores and DNA of the 4 ROC-produced AMF strain.	EC recommends for closure.	CEG agreed for closure.	Agreed to the recommendation of the CEG.
	176	24.25	Shri. Girish Prasad Choudhary	III	A herbal medicine for cough and a tonic for heart, lungs and digestion, and process for preparing the same.	EC agrees for closure.	CEG agreed for closure.	Agreed to the recommendation of the CEG.
	498	24.27	Mr. Dipankar Dutta Gupta	III	Improved Product	EC agrees for closure.	CEG agreed for closure.	Agreed to the recommendation of the CEG.
	588	25.08	Mr.Benjamin C. Hunsdorfer	I	Participatory action research, involving	EC recommends that, since the intended use	The CEG noted that this case relates to participatory	Agreed to the recommendation of the

					key stakeholders from each stage of the *Amomum subulatum* value chain to access and address threats to its continued cultivation for rural livelihood.	of the knowledge as stated in the application does not amount to research as defined under the Biological Diversity Act, 2002 the action on the application need not be pursued.	documentation of TK associated with large cardamom and hence it is within the purview of the BD Act. Also noting that the proposed work is mandatory objectives of the BMCs and the SBB which is already engaged in this effort, granting of permission to the applicant for this purpose is not recommended.	CEG.
	465	25.11	Dr. Chris Kik, Centre for Genetic Resources	I	Research using the germplasm of *A.roylei* and 50 other Allium species on a joint mission with NBPGR and CGN.	EC agrees for closure.	The application may be treated as withdrawn.	Agreed to the recommendation of the CEG.
	427	26.17	M/s. Monsanto Pakistan Agritech Pvt. Ltd	I	Import of cotton *Gossypium hirsutum L.* the Bollgard II hybrids to Pakistan developed by Monsanto Holdings Private Ltd (India).	EC recommends for closure. Update: NBA has referred the matter to NBPGR on 29.07.2013 to ascertain the movement of bioresources. In response, NBPGR replied that they are bulk bioresources and therefore NBA may contact DAC. NBA has also referred the case to DAC on 08.10.2013 to ascertain	While noting the EC's recommendation in this case, CEG was informed that the secretariat is planning to write a letter to applicant asking for some specific information and recommends that the consideration of the application be withheld till the desired information is obtained. For discussion of this item – Dr. N. Gopalakrishnan, Member of Core expert group rescued himself.	Authority took note of the observation of the CEG. Case may be resubmitted to the Authority, on receipt of required information from the applicant.

						the movement of bioresources. In response, DAC replied that the Exim Committee has not received/considered any application of M/s Monsanto India, seeking permission for export of total 1900 kg *Gossypium hirsutum* L Bolgard II Cotton Hybrid of 18 varieties outside the country.		
	560	26.18	M/s. Central Council for Research in Ayurvedic Sciences,	III	Herbal composition and medicaments thereof for treatment of painful wound	EC agrees for closure of the application.	CEG agreed for closure.	Agreed to the recommendation of the CEG.
	281	24.11, 25.04 & 26.19	M/s. Devgen Seeds and Crop Technology Pvt. Ltd. -Kenya	IV	Export of Paddy Seed varieties to Kenya for research	EC agrees for closure of the application.	CEG noted the EC's recommendation for closure of this case and also took note that the Authority has called for some critical information from the applicant in Dec 2009 and the applicant had not responded to that communication. Subsequently, the applicant requested for withdrawal of all the three cases instead of supplying the specific information sought by the Authority. Therefore, the	Agreed to the recommendation of the CEG.

							CEG is of the view that the applicant's request for closure of three cases should be considered only after receiving the information asked by the authority in Dec 2009.	
	282	24.12, 25.05 & 26.20	M/s. Devgen Seeds and Crop Technology Pvt.Ltd.-Belgium	IV	Export of Paddy Seed variety to Belgium for research	EC agrees for closure of the application.	CEG noted the EC's recommendation for closure of this case and also took note that the Authority has called for some critical information from the applicant in Dec 2009 and the applicant had not responded to that communication. Subsequently, the applicant requested for withdrawal of all the three cases instead of supplying the specific information sought by the Authority. Therefore, the CEG is of the view that the applicant's request for closure of three cases should be considered only after receiving the information asked by the authority in Dec 2009.	Agreed to the recommendation of the CEG.

	283	24.13, 25.06 & 26.21	M/s. Devgen Seeds and Crop Technology P. Ltd.- Philippines	IV	Export of Paddy Seed varieties to Philippines for research	EC agrees for closure of the application.	CEG noted the EC's recommendation for closure of this case and also took note that the Authority has called for some critical information from the applicant in Dec 2009 and the applicant had not responded to that communication. Subsequently, the applicant requested for withdrawal of all the three cases instead of supplying the specific information sought by the Authority. Therefore, the CEG is of the view that the applicant's request for closure of three cases should be considered only after receiving the information asked by the authority in Dec 2009.	Agreed to the recommendation of the CEG.
	178	26.22	Shri. Girish Prasad Choudhary	III	A herbal composition for treating and colouring hair and process for preparing the same	EC agrees for closure of the application.	CEG agreed for closure	Agreed to the recommendation of the CEG.
	180	26.23	Shri. Girish Prasad Choudhary	III	An ayurvedic cosmetic composition having therapeutic effect and process for preparing the same	EC agrees for closure of the application.	CEG agreed for closure	Agreed to the recommendation of the CEG.

Annex - 3

Procedure for Closing of Applications Received Under the Biological Diversity Act 2002

Background

The National Biodiversity Authority is the designated statutory body that regulates access to biological resources occurring in or obtained from India and associated knowledge thereto for the purposes of research, commercial utilization and bio-survey / bio-utilization. It decides upon applications preferred by foreigners including foreign entities, non-resident Indians and entities registered in India with non-Indian participation in share capital/management for the above said purposes. Likewise, applications for transfer of results of research by any person to foreign entities are also regulated by the NBA. Applications for intellectual property rights, if any, in or outside India for any invention based on any research or information on a biological resource obtained from India by any person are also dealt with by the NBA.

In deliberating upon such aforementioned applications, the NBA often has to address situations where applicants do not respond to queries made by the NBA relating to the processing of their applications. This lack of response from applicants will result in incomplete applications thereby necessitating the NBA Secretariat to close/terminate the application. In order to follow a due process and eliminate arbitrariness, the NBA secretariat hereby lists the possible situations that would result in the closure/termination of applications under the Biological Diversity Act and the process thereof.

Situations resulting in the closure/termination of applications:

1. Where the applicants choose to withdraw the application on their own, if requested by the applicant unconditionally and when there is no adverse implication on granting such withdrawal.

2. Where the applicants do not fulfil the conditions stipulated under the Biological Diversity Act and Rules and queries from the NBA Secretariat despite issue of two reminders / notices for compliance by giving 30 days each.

3. Where the NBA directs execution of an agreement and the applicant does not execute such an agreement within 60 days.

Process for closure/termination of applications:

1. All applications proposed for closure/termination by the Secretariat of the NBA shall be examined and deliberated upon by the Expert Committee on ABS, which in turn may make the following recommendations on the same

a) May recommend the closure/termination.

b) May seek additional reasons for withdrawal by the applicant and then re-examine it.

c) May recommend an enquiry by designated persons or through SBB or any relevant agency in case of non-response or on suspicion of misappropriation / violation of provisions of the Act.

d) May recommend any other action.

2. Based on any of the above recommendations, the NBA shall take decision regarding the closure/termination of an application or otherwise.

3. Once the NBA has taken a decision to close/terminate an application, a closure/termination letter shall be sent to the applicant with a copy marked to concerned SBB/BMC or any other relevant agencies. Where required, the decision of closure/termination shall also be communicated to the attorney of the applicant / legal counsel, if any.

4. Once an application has been closed / terminated, the applicant cannot reopen the same application but can apply afresh by paying the prescribed fee and fulfilling the necessary requirements as provided in the Biological Diversity Act and Rules and by the NBA Secretariat.

5. The NBA reserves the right to direct, the applicant filing a new application based on the subject matter of the closed/terminated application, to furnish reasons for their actions or inactions that resulted in the closure/termination of the previous application.

6. Details of closed/terminated applications shall be displayed on the NBA website.

7. These guidelines may be amended by the NBA as and when it may deem fit.

****