NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 31st AUTHORITY MEETING

27th August 2014

Venue

Godavari Hall,
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhavan, Jor Bagh Road,
New Delhi – 110 003

Proceedings of the 31st Authority Meeting of the National Biodiversity Authority

The thirty first meeting of the National Biodiversity Authority (NBA) was held on 27th August, 2014 from 11:00 AMatGodavari Hall, Ministry of Environment, Forests and Climate Change, New Delhi under the chairmanship of Shri Hem Pande, IAS, Chairman, NBA to consider the agenda items circulated to the Members on 19th August, 2014 through email and by speed post. The list of participants is placed as **Annex-1**.

2. At the outset, Shri Hem Pande, Chairman, NBA welcomed all the Members and special invitees to the meeting. Shri T. Rabikumar, Secretary, NBA, then extended a warm welcome to the Members and special invitees and briefed the activities carried out since last Authority meeting.

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

31.01: Confirmation of Proceedings of the 30th Authority (Special) Meeting

The Members were informed that the draft proceedings of the 30th Authority meeting of the National Biodiversity Authority held on 11th July, 2014 at New Delhi were circulated to the Members *vide* email dated 18th July 2014. The comments received from the MoEF&CC, Dr.Renu Swarup, Dr.R.S.Rana and Shri.Jitendra Sharma were incorporated appropriately and the approved proceedings were placed before the members for confirmation.

2. In this context, Dr. Manoj Kumar Modi, Scientist, DBT pointed out that the comments provided by Dr.Renu Swarup regarding incorporation of provisions in the special form (Annex-3) to allow Indian scientists to deposit Indian bioresources in foreign repositories for non-commercial purposes *vide* her letter dated 15th July, 2014, were not incorporated in the proceedings of the 30th Authority meeting. It was informed that the issue was addressed in the 30th Authority proceedings under para 6 against agenda no.30.02. It was decided that the Secretariat to look into the issue raised by DBT and place it before the Authority for consideration. In view of this,the Members felt that this issue needs discussion and suggested that the Core Expert Group (CEG) under the chairmanship of Dr.R.S.Rana, Member, NBA may deliberate this issue.

3. Shri. Sunil Dutt, representing Shri.Jitendra Sharma, CEO, NMPBsuggested certain modifications in the agenda item no 30.02as shown below.

Existing textin the para 2 of item no.30.02:

> "The Chairman advised that this point may be resolved through discussion between Dr.Rana and Shri Jitendra Sharma, Chairmen of the two CEGs. With this modification, the Draft Guidelines were adopted unanimously."

To be read as:

> "The Chairman advised that this point may be resolved through discussion between Dr.Rana and Shri Jitendra Sharma with the assistance of the NBA secretariat. Apart from this point, that was addressed through further discussion, the draft guidelines were finalized with addition of some suggestion given by Members as contained in following paras."

Decisions:

a. The issues raised by the DBT may be placed before the CEG after extending the tenure of the Core Expert Group till Nov 2014.
b. To incorporate the modificationsuggestedin the agenda item no 30.02, as mentioned at sl.no.3 above.
c. Members agreed to the changes proposed by Shri Sunil Dutt and confirmed the proceedings of the 30th Authority Meeting.

Action: Secretary, NBA

31.02: Action Taken Reports of 29th and 30th Authority Meetings

The Secretary, NBA apprised the Members that in the 30th Authority meeting under item 30.01, it was informed that the action taken reports on the decisions of the 29th Authority Meeting would be submitted in this meeting for consideration. Further, he apprised that action has been taken on most of the items and action on the remaining items is in progress. The observations and decisions of the Authority on the action taken reports are given below:

2. With regard to item no. 29.05, the members were informed that as per the approval of the 30th Authority under item no.30.03, the NBA Secretariat forwarded two draft orders viz., Designation of Competent National Authority and Internationally Recognized Certificate of Compliance (IRCC) to MoEF&CC for notification. In response, the MoEF&CC, in letter No.C-12028/4/11-CS-III, dated 19th August, 2014, communicated to the CBD Secretariat that the National Biodiversity Authority would

be the Competent National Authority for Nagoya Protocol and the Secretary, NBA would be the National Authorized User (NAU) to the ABS Clearing House (ABS-CH). A copy of the said communication was circulated to the Members.

3. With regard to the IRCC, it was informed to the Members that the MoEF&CC, *vide* letter dated 21st August 2014 communicated to NBA that the Permit issued to the applicant as an evidence of prior approval (PIC), shall be construed (constitute) as the Internationally Recognized Certificate of Compliance (IRCC), only when the same is made available to the ABS-CH.

4 Further, it was also informed by the MoEF&CC that as part of the implementation of pilot phase of ABS-CH, a common format of IRCC containing minimum information specified in Article 17.4 of Nagoya Protocol has been prepared by CBD Secretariat. This standardized format will facilitate submission of the permit to ABS-CH by Parties and enable ABS-CH to give a unique identification code to the IRCC. In view of the above, the Ministry has informed that the draft access permit, developed by NBA, shall not be treated as IRCC and the access permit granted by NBA has to be submitted to ABS-CH in the common format prescribed, to constitute it as the IRCC

5. Further, to implement the Nagoya Protocol, as decided in the 30th Authority meeting under item no.30.03, the two Notifications/orders viz., user country measures, and designation of check points, will be examined by the CEG under the chairmanship of Dr.R.S.Rana, on receipt of the inputs from the Ministry of Agriculture.

Decision:

a. Secretariat may take necessary action with regard to IRCC as outlined by the MoEF&CC.

b. Members agreed to refer the draft orders viz., user country measures and designation of check points to CEG under the chairmanship of Dr.R.S.Rana, taking into consideration on the inputs from the MoA.

Action: Secretary, NBA

31.03: To Consider the Proceedings of the 28th Meeting of EC on Access and Benefit Sharing held on 25th& 26th July 2014

The members were informed that the 28th meeting of the reconstituted EC on ABS was held on 25th and 26th July, 2014 at the National Biodiversity Authority, Chennai and 105 applications were considered. The recommendations of the CEG on the ABS applications were placed before the Authority for consideration. Also the office order of the reconstituted EC was placed for ratification.

2. Shri Ramesh G Kalaghatgi, IFS., Chairman, EC on ABS and Dr.T.P.Rajendran, Co-Chair of the EC were invited as special invitees to the meeting and they made presentation before the Authority. Broad basis on which the recommendations were made on the applications were informed to the Members. Further, it was also informed that the EC adopted the benefit sharing formula from the ABS guidelines which was approved in-principle by the Authority. It was also pointed out that 15 applications were recommended with upfront payment; however, the quantum of such payment was not arrived at. Therefore, a special group, comprising of seven members from the EC, was formed to discuss the issues electronically and come out with certain formula. Due to complex nature of the subject, the special group felt that this subject needs to be discussed in the next EC for further fine tuning.

3. Thereafter, the Members considered and endorsed the recommendations of the EC and their observations and decisions are detailed below:

4. Members commended the EC for their efforts in evaluating large number of applications, *inter alia,* pointing out that the EC may record the reasons/ basis of their recommendation particularly, reasons for rejection/closure of applications, in future.

5. With respect to an application (No.640) by a foreign research student who had accessed the bioresource prior to grant of approval by NBA, placed before the Authority for guidance.

Decisions:

a. Members ratified the re-constituted Expert Committee on ABS

b. Members agreed to the proposal that the upfront payment may be taken up in the next EC on ABS for further fine tuning. Thereafter, the upfront payment on the 15 applications may be fixed and then placed before the Authority for consideration.

c. Members directed the EC to record the reason / basis on which the recommendation made on each application examined by them particularly on the applications were recommended for rejection/ closure.

d. Members directed the Secretariat to send a communication to UGC to direct the research institutions/ organizations which fall under their jurisdiction, to comply with the BD Act.

e. Members directed that the secretariat to take appropriate legal action against the applicant (Appl.no.640, Ms.Raichel Marie Willner) as well as the Indian counterpart involved in the research.

Action: Secretary, NBA

31.04: To Consider the Proceedings of the 5th Meeting of EC on Agro-biodiversity

It was informed that the fifth meeting of the reconstituted Expert Committee on Agro-biodiversity was held on 25th and 26th June, 2014 at New Delhi in consultation with Dr. Rana, Chairman of the EC. The proceedings of the meeting were placed before the Authority. Thereafter, Dr.Rana proposed the following points to the Authority for consideration.

2. With respect to the committee and its members, Dr.Rana proposed that the EC on Agro-biodiversity may be converted as a standing committee to oversee relevant issues of the agro-biodiversity. He also made a point that the Secretary, NBA may be designated as the member secretary of the committee. He further observed that a few members, out of the 32 members, have not participated in the EC meetings and sought the guidance of the Authority on the above issues.

3. In response, the Chairman, NBA opined that the existing form of the EC may be retained due to the complexity of issues that fall under the purview of agro-biodiversity. The members concurred with his view and advised the NBA secretariat to scout a broad panel of experts from whom members can be selected to the expert committee. Further, the Chairman, NBA suggested that a letter may be sent to those members of the EC who have not attended the meetings, enquiring of their continued interest.

4. Dr.Rana informed that there are some multinational seed companies in several States particularly around Hyderabad, AP, undertaking field grow out test on a contract basis for evaluation of the performance of their breeding materials under

Indian conditions, and their implications on the implementation of the BD Act. He further stated that the EC requested Chairman, Andhra Pradesh SBB to provide the preliminary information on this matter to EC for further consideration. The Secretary, NBA informed that the report has been received from the Chairman, AP SBB.

5. In his final point, Dr.Rana suggested that the NBA may collaborate with PPVFRA in awarding the Plant Genome Saviour Community and Farmer Awards. The Chairman, NBA agreed to look into the feasibility of such an activity.

Decision:

a. Secretary, NBA may send a letter to the Members who are not regularly attending the EC.
b. Secretariat may scout the experts from agro related fields for inducting in the EC.
c. It was decided to circulate the copy of report sent by the Chairman, APSBB to Members of the Authority.

Action: Secretary, NBA

31.05: To Consider the Guidelines for Implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

The members were informed that India being a signatory to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was required to develop guidelines for implementation of the Treaty. The Department of Agriculture and Cooperation (DAC), the nodal department for the implementation of the Treaty, developed draft guidelines and communicated the same to NBA through MoEF&CC for comments. NBA had furnished the comments on the draft guidelines for exchange of plant genetic resources under MLS to the Director, NBPGR on 17thJanuary 2014 and the same was communicated to the MoEF&CC for information. In continuation, the MoEF&CC has communicated the draft guidelines on 29th May, 2014 and directed to seek the comments of non-official members of the Authority and also place it before the Authority for consideration. Accordingly, the guidelines were referred to the non-official Members of the Authority. Subsequently, the guidelines were also deliberated in the reconstituted EC on Agro-biodiversity held under the Chairmanship of Dr.R.S.Rana on 25th& 26thJune, 2014. Further, the MoEF&CC in its communication dated 12th August, 2014 stated that the DAC has

now issued the guidelines for implementation of the Treaty requesting the Ministry to notify the crops covered under the guidelines exempting from BD Act. Further, the MoEF&CC directed to place this issue before the Authority for consideration.

2. It was also brought to the notice of the Members that NBA had prepared the draft notification/order in order to exempt the Annex – I crops from the purview of the Biological Diversity Act, 2002, (under section 40) and the same was placed in the 29th Authority meeting for consideration. The Authority formed a Core Expert Group (CEG) to fine tune the draft. Accordingly, the CEG under the chairmanship of Dr.R.S.Rana met in June 2014 and provided their inputs to the 30th Authority. The Authority decided that the drafts viz., User country measures, check points and exemption of Annex-I crops may be re-examined by the CEG, on receipt of inputs from Ministry of Agriculture. It was further informed that the CEG couldn't meet due to non-receipt of inputs from the Ministry of Agriculture. The Authority, taking note of the Ministry's communication dated 12th August 2014, discussed the draft and approved with some modifications. A copy of the same is placed at **Annex-2 (page no.)**.

3. Members of the Authority expressed concerns over certain aspects and wordings of the guidelines that may circumvent the provisions of the BD Act, 2002. It was decided that such points may be referred to the Ministry of Agriculture (MoA) through MoEF&CC.

Decision:

a. The draft notification exempting Annex-I crops from the purview of the BD Act has been approved with some modifications. This may be sent to MoEF&CC for notification.

b. The points on which the concerns were raised by the Members may be sent to MOA through MoEF&CC.

Action: Secretary, NBA

31.06: To consider the Proposals received by NBA seeking Financial Assistance

The Secretary, NBA apprised the members that in general, the NBA is providing financial assistance to various institutions/organizations/NGOs/SBBs etc.

for conducting training/workshops/seminars/ awareness programmes on biodiversity conservation and sustainability issues. He further stated that this matter was discussed in the 5th Authority meeting held in 2006, under item no.2, and the members opined that the proposals for awareness programmes of less than Rs.5.00 lakhs need not be brought to the Authority meeting, which may be processed and approved at the level of the Chairman, NBA and only proposals above Rs.5.00 lakhs be brought to the Authority for approval.

2. Based on the above decision, the Chairman, NBA constituted a committee under the chairmanship of the Secretary, NBA and one external member to scrutinize such proposals and submit its recommendation to the Chairman for decision. In the recent past, NBA is receiving proposals which involve huge financial implications. Therefore, four of these proposals were placed before the Authority for consideration. The Secretary, NBA briefed the members of these proposals.

3. In response, Members suggested that the guidelines need to be developed for sponsoring such project proposals taking into account the criteria including scope of the project, the project intervention leading to capacity building for implementing the BD Act, involvement of SBBs/BMCs and proportion of financial contribution sought from NBA. They also reiterated that NBA should ensure all SBBs have an equal opportunity in submitting project proposals and availing the allocated funds.

4. Members also noted that since the four project proposals submitted are pending for a long time, a decision may be taken in this meeting itself before finalizing the guidelines.

5. The members approved the project proposals received from Pushpa Gujral Science City (PGSC) and Punjab State Biodiversity Board titled “Biomes Gallery – a project to save priceless natural heritage of planet earth” and from Kerala State Biodiversity Board for establishing a National Biodiversity Garden and Traditional Knowledge Centre in Munnar, in-principle. It was decided that the financial assistance received from NBA shall not be used for infrastructure, salary and sustenance purposes. In this regard, the members advised NBA to obtain DPR from the proponents and submit the same to the Authority for further consideration.

6. With respect to the proposals received from the Centre for Environmental Education and Indian Institute of Forest Management, the members decided to grant Rs.15.00 lakhs and Rs.20.00 lakhs respectively and asked the Secretariat to obtain the proposal in tune with the amount proposed to be granted.

7. On review of the decision of the 5th Authority meeting, the Members decided that the financial limit for each proposal may be enhanced to the extent of Rs.7.00 lakhs and the same may be approved by the Chairman, NBA, after observing due formalities including guidelines. All such proposals need not be referred to the Authority for approval.

Decision:

a. Members directed that the Secretariat may develop guidelines for funding projects taking into account various aspects such as scope, project intervention leading to capacity building for implementing the BD Act etc.

b. Members agreed in-principle the projects submitted by Punjab SBB and Kerala SBB, and decided to obtain DPR for the same for further consideration.

c. Members approved another two projects submitted by CEE & IIFM subject to submission of revised proposal for Rs.15.00 and Rs.20.00 lakhs respectively.

d. Members approved to enhance the present financial limit of Rs.5.00 lakhs to Rs.7.00 lakhs for each project proposal that may be approved by the Chairman, NBA.

Action: Secretary, NBA

31.07: Proposal for inclusion of Advisor (Law), NBA as Complainant u/s 61(a)

The members were informed that at present, officers at the level of Scientist 'C' (GP-6600) and above; and Forest Range Officers and above are authorized to file complaints under Section 61(a) of the BD Act, 2002, vide MoEF Notifications dated 17thNovember, 2008 and 7thJanuary, 2009.Further, Officers of NBA other than the Secretary and the Chairman, at the level of GP-6600, are only from non-technical stream (i.e., Administrative Officer and PS to Chairman)

2. In view of the above and also taking into consideration of increasing litigations under the provisions of the BD Act, 2002 and BD Rules, 2004, it was proposed that the Officer holding the position as Advisor (Law) having GP-4800/- may also be

included as an officer to file complaints u/s 61(a) as his position is higher than that of the Forest Rangers, who are authorized to file such complaints, are drawing GP – 4200/- in some of the States.

Decision:

a. Members agreed to include Advisor (Law), NBA as an authorised officer to file complaints u/s 61(a) of the BD Act 2002, and directed the Secretariat to send the proposal to this effect to the MoEF&CC for Notification.

Action: Secretary, NBA

31.08: To consider the proposal for developing National Information Network on People's Biodiversity Register

It was informed that in the review meeting of activities of NBA held on 12th and 13th February, 2014 under the Chairmanship of the Secretary (E&F), the development of a proposal to develop a National Information Network for PBRs' for use by all stakeholders within a given time frame with the help of an expert, keeping in view the protection of TK and bioresources. In this regard, the Ministry of Environment, Forests and Climate Change vide letter dt.17th June, 2014 advised to explore the possibilities of expanding the proposal developed and submitted by the Wildlife Institute of India (WII) on a conceptual framework for "National Information Infrastructure for PBRs," in line with the "Establishment of a National Biodiversity Grid", which will be implemented by NBA with the financial assistance from National Knowledge Network.

2. As decided in the 29th Authority Meeting, an Expert Group has been constituted to advise on the implementation of National Biodiversity Grid and National Network on People's Biodiversity Register vide Office order No. NBA/Tech Gen/22/117/13/14-15, dated 21st July, 2014.

3. Subsequently, the proposal on a conceptual framework for the development of National Information Infrastructure for People's Biodiversity Register (PBR) from the Wildlife Institute of India was placed in the Authority for consideration.

4. Members felt that the TOR and concept note are not properly addressing the issues. Further, Members felt that the PBR exercise is being undertaken by the BMCs/ SBBs under overall guidance of NBA and it also involves confidential issues.

Keeping this in view, the Authority directed the Secretariat to develop a database on PBR involving two SBBs viz., Andhra Pradesh and Uttarakhand, as a pilot phase.

Decision:

a. Members observed that the ToR and concept note submitted are not properly addressed and therefore, directed the Secretariat to develop a database on PBR as a pilot phase involving Andhra Pradesh and Uttarakhand SBBs.

Action: Secretary, NBA

31.09: Any other item(s) with the permission of the Chair

31.09.01: Annual Accounts for the year 2013-14

The 13thAuthority authorised the Chairman, NBA to approve the "Annual Accounts comprising of receipts and payments account, income and expenditure accounts and balance sheet" for the conduct of statutory audit by the Principal Director of Audit (Scientific Departments).

Based on the decision, the Annual Accounts of NBA for the year 2013 – 14 approved by the Chairman, NBA and was submitted to Audit has been placed for ratification.

Decision:

a. Members ratified the Annual Accounts for the year 2013-14

Annex-01

List of Participants

Official Members who participated			
1.	Shri Hem Pande, IAS, Additional Secretary, Ministry of Environment, Forests and Climate Change, and Chairman, NBA Indira Paryavaran Bhawan Vayu Block, Fifth Floor, Jor Bagh Road, New Delhi	2.	Shri. Sunil Dutt Research 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 *(Represented Shri. Jitendra Sharma, IFS)*
3.	Dr. N. Gopalakrishnan Assistant Director General, ICAR, Krishi Bhawan, New Delhi - 100 001 (*Represented Dr .Swapan Kumar Datta*)	4.	Dr.Manoj Kumar Modi Scientist C, Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi. *(Represented Dr.Renu Swarup)*
5.	Shri A K Srivastava, IFS Addl. Director General of Forests, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003	6	Dr.R.K.Trivedi, Deputy Commissioner, Department of Agriculture, New Delhi (*Represented the Joint Secretary*)
	Secretary, NBA		
7	Shri T.Rabikumar, IFS., Secretary, NBA		
Official Members who have not participated			
1	Shri. Bishwanath Sinha, IAS Joint Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Vayu Block, Second Floor, Jor Bagh Road, New Delhi	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 *(Represented by Shri. Sunil Dutt)*
3	The Joint Secretary (Seeds), Dept. of Agriculture and Cooperation, Room no. 244, Krishi Bhawan, New Delhi	4	Dr.Renu Swarup Advisor, Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi. *(Represented by Dr. Manoj Kumar Modi)*
5	Dr .Swapan Kumar Datta Deputy Director General(Crop Science), ICAR, Krishi Bhawan, New Delhi - 100 001 (*Represented by Dr. N. Gopalakrishnan*)	6	Dr. P. Madeswaran Director, Ministry of Earth Sciences, Block -12, CGO Complex, LodhiRaod, New Delhi
7	Dr. B. Harigopal Advisor, Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi	8	Smt. Nivedita IOFS Director, Ministry of Tribal Affairs, Shastri Bhavan, Dr.Rajendra Prasad Road, New Delhi
Non-Official Members who participated			
1	Dr.R.S.Rana Chairman, Bio-Link, D-43, Indraprastha Apartments, Sector 14, Rohini,	2	Dr.Biswajit Dhar Professor of Economics, Jawaharlal Nehru University, I Block, 1796A,Chittaranjan Park,

	New Delhi		New Delhi.
3	Prof.M.K.Ramesh Professor of Law, National Law School, Nagarbhavi, Bangalore		
Non-Official Members who have not participated			
1	Dr. S. Subramaniyan 54, VGP, Golden Sea View, Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai.		
Special Invitees			
1	Shri Ramesh G. Kalaghatgi, IFS Additional Principal Chief Conservator of Forests, & Chairman, EC on ABS Government of Andhra Pradesh "AranyaBhavan", Saifabad , Hyderabad	2	Dr. T.P. Rajendran, Officer on Special Duty, & Co-chair, EC on ABS National Institute of Biotic Stress Management, Baronda, Raipur 493225, Chhattisgarh.

Annex-2

No. XXXX
Government of India
Ministry of Environment and Forests

S.O. ------- - In exercise of the powers conferred by Section 40 of the Biological Diversity Act, 2002 (18 of 2003), and in fulfilment of the obligations of the Government of India to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) for providing facilitated access to the plant genetic resources for food and agriculture, under Article 12 of the ITPGRFA and to maintain harmony with the provisions under Article 4 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization to the Convention on Biological Diversity, the Ministry of Environment and Forests, Government of India, in consultation with the National Biodiversity Authority, hereby declares that the plant genetic resources for food and agriculture listed in the Annex I of the ITPGRFA, being food crops and forages covered under the Multilateral System thereof, are exempted from the purview of the Biological Diversity Act, 2002 for the following purposes and subject to the conditions specified herein:

1. This Notification applies only to the plant genetic resources for food and agriculture covered under the Annex I of the ITPGRFA, as specified in Annex I hereunder.

2. Access to the plant genetic resources for food and agriculture listed in Annex I to the ITPGRFA between India and other Parties within the Multilateral System under Standard Material Transfer Agreements (SMTA) as per ITPGRFA are exempted from Sections 3 and 4 of the Biological Diversity Act, 2002.

3. Any facilitated access to the plant genetic resources for food and agriculture exempted herein, shall be for the purposes of the ITPGFRA and in strict adherence to provisions of the ITPGRFA, SMTAs and other relevant laws for the time being in force in India.

4. Access to the plant genetic resources for food and agriculture exempted herein shall not in any manner run contrary to the objectives of the Biological Diversity Act, 2002.

5. Access to the plant genetic resources for food and agriculture exempted herein, shall be subject to the permission or approvals from the National Competent Authority for the ITPGRFA and other authorities, if any, in this regard.

6. The National Competent Authority for ITPGRFA will keep the National Biodiversity Authority, informed of all access being provided under the ITPGRFA subject to relevant SMTAs.

7. While granting access to the plant genetic resources for food and agriculture exempted herein, the National Competent Authority for the ITPGRFA in India shall ensure a fair and equitable sharing of benefits arising from the utilization of the plant genetic resources for food and agriculture on a complementary and mutually agreeable terms as per the provisions of the ITPGRFA and in a manner that complements the provisions of the Biological Diversity Act, 2002.

8. Any access to the plant genetic resources exempted herein, for purposes other than that mentioned in the ITPGRFA, is subject to the provisions of the Biological Diversity Act, 2002.

9. This order will come into force from the date of notification in the official Gazette.

10. This order issues with the approval of the competent authority.

[File No. ----------]

The Joint Secretary
to the Government of India