# NATIONAL BIODIVERSITY AUTHORITY

# PROCEEDINGS OF THE 33rd AUTHORITY MEETING

**17th April 2015**

**Venue**

**Conference Hall,**
National Biodiversity Authority,
5th Floor, Ticel Biopark, Taramani Road, Taramani,
Chennai, Tel: 044 2254 2777 / 1075

# Proceedings of the 33rd Authority Meeting of the National Biodiversity Authority

The thirty third meeting of the National Biodiversity Authority (NBA) was held on 17th April, 2015 from 10:00 AM at the Conference hall, National Biodiversity Authority, Chennai under the chairmanship of Shri. Hem Pande, IAS, Chairman, NBA to consider the agenda items circulated to the Members *vide* email dated 6th April 2015. The list of participants is placed as **Annex-1- pg.no.16**.

2. At the outset, Shri. Hem Pande, IAS, Chairman, NBA welcomed all the Members and the special invitees to the meeting. Shri T. Rabikumar, IFS, Secretary, NBA, also extended a welcome to the Members and special invitees and briefed the activities carried out since the last Authority meeting particularly the ABS applications cleared in the last financial year, Red Sanders access applications process, etc.

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

## 33.01: Confirmation of Proceedings of the 32nd Authority meeting

The draft Proceedings of the 32nd Authority meeting of the National Biodiversity Authority held on 12th December, 2014 at New Delhi was circulated to the Members *vide* email dated 25th December, 2014 seeking their comments. In response, Dr.R.S.Rana, Member, NBA and DBT provided comments which were incorporated appropriately and approved. Proceedings was placed before the Authority for confirmation. The Members confirmed the Proceedings.

## 33.02: Action taken report of the 32nd Authority meeting

The Secretary, NBA apprised the Members about the actions taken on the decisions of the 32nd Authority meeting. The observations and decisions of the Authority on the action taken report are given below:

2. With regard to item no. 32.04, Dr. Renu Swarup, Senior Advisor, DBT raised that in certain cases, the regional patent offices do not accept applications for patent in the absence of approval from NBA although according to the BD Act, 2002

'permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned'. She stated that the said provision may have been incorporated under Regulation 8 of the guidelines on access to biological resources and associated knowledge and benefits sharing regulations, 2014 and underscored the importance of sensitizing the patent office in this regard. In response, the Secretary, NBA informed that the manual of the patent office has clearly clarified that the applicant needs to submit the approval of NBA before granting of patent. Further it was decided that such clarification may be given in the FAQ.

3. With regard to the item no. 32.06, the Secretary informed that the issue raised by DBT to revise Form-B application to suit the requirement for deposition of biological resources viz-a-viz with the Budapest Treaty will be placed in the forthcoming EC on ABS for consideration.

4. With respect to item no. 32.12, Dr. Renu Swarup informed the Authority that the comments of DBT on the agreement acceded for the CSIR and other Government agencies will be sent to the NBA Secretariat at the earliest.

5. Regarding item no. 32.13, the Secretary, NBA informed that the response from the National Institute of Ocean Technology, Ministry of Earth Sciences was received on 16th April, 2015 wherein it was stated that necessary permission and support to conduct an exclusive survey to assess the present status of *Kappaphycus alverezii* invasion could not be obtained and requested the NBA to assist in obtaining necessary permits to conduct the survey. In this regard, it was decided that the NBA may write a letter to the concerned to permit the NIOT to conduct the proposed survey.

6. In discussing item no. 32.14, Dr.R.S Rana, Chairman, CEG on Designated National Repositories informed the Members that the working guidelines for depositing voucher specimen under Section 39 of the BD Act, 2002 will be finalized only after sufficient meetings/ consultations with representatives of all the designated repositories.

7. Actions on the remaining items were noted by the Members.

Decisions:

a) With regard to the deposition of biological resources abroad, the Authority directed the EC on ABS to examine revising the Form-B application to suit the requirement for deposition of biological resources viz-a-viz with the Budapest Treaty.

b) The Authority directed the NBA Secretariat to write a communication to the concerned to permit the NIOT to conduct the proposed survey.

Action: Secretary, NBA

**33.03: Compliance of the decisions taken in the 9th, 10th, 11th, 12th and 13th Authority meetings**

The Secretary, NBA informed the Members that in pursuance of the decision taken in the 16th Authority meeting, detailed matrices elucidating the follow up actions on the decisions of the 9th to 13th Authority meetings were prepared by the NBA Secretariat and placed for consideration. He further informed that there were certain recurring issues such as staff recruitment, notification of NTC and threatened species etc., which are also included in the matrix and action taken on the same is also briefed.

2. The Members appreciated the exercise and noted the actions taken by the Secretariat on various decisions. The Authority directed the secretariat that the action pending on the decisions of the Authority shall be updated to the Members of the authority till the action is completed. Further, the Members decided that recurring issues such as staff recruitment, etc., need not be included in that matrix.

Decision:

Members directed the Secretariat to prepare matrix for those items for which action is yet to be completed and update the same to the Members and not to include recurring items.

Action: Secretary, NBA

**33.04: Status of ABS applications for the Access of Red Sanders wood**

The Secretary, NBA apprised the Members on the procedures followed in processing the Red Sanders applications and various actions taken in this regard. He informed that Form-I applications were received from 15 foreign buyers and the benefit sharing amount Rs.15,49,65,145/- was remitted by the Andhra Pradesh

Forest Development Corporation to the NBA on 24th February, 2015. The details of the 15 applications and the approval granted were placed before the Authority for ratification.

2. The Members while discussing this issue appreciated the NBA Secretariat for the efforts and timely processing the Red Sander applications. It was decided by the Members that honorarium at the rate of Rs.2,000/- to each of the officers and staff including outsourced of the NBA Secretariat in Technical and Legal section be given for their endeavors.

Decisions:

a) The Authority ratified the actions taken by the NBA secretariat in processing the Red Sanders applications.

b) The Members decided that honorarium of Rs.2000/- to each of the officers and staff including outsourced employees of NBA in the Technical and Legal section be given.

Action: Secretary, NBA

**33.05: To consider the proceedings of the 31st meeting of EC on Access and Benefit Sharing held on 9th March, 2015**

The Members were informed that the Expert Committee on Access and Benefit Sharing was reconstituted *vide* office order NBA/Tech/EC/9/8/14/14-15/3562-3591 dated 6th January, 2015 under the chairmanship of Shri. Ramesh G. Kalaghatgi, IFS, Additional Principal Chief Conservator of Forests, Government of Andhra Pradesh and Dr.T.P.Rajendran, OSD, National Institute of Biotic Stress Management, as co-chair.

2. It was informed that the 31st meeting of the EC on ABS was held on 9th March, 2015 at the office of the National Biodiversity Authority, Chennai. The EC considered and provided recommendations on a total of 61 applications and discussed issues such as the revision of ABS application forms and other generic issues.

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

a) In few applications submitted in Form-III viz. 768, 676, 770, 776, it was noted that the applicants had obtained patents outside India without the prior approval of NBA for the inventions based on Indian biological resources and these applicants

were in violation of the provisions of the BD Act, 2002. It was also observed in the applications no.744 and 673 that the applicants fall under Section 3(2) of the Act but did not obtain the requisite approval from NBA for access to biological resources for research which culminated as an invention. In this regard, the Members opined that there was a need to improve awareness of the BD Act, 2002 among researchers/ applicants and directed the NBA Secretariat to pursue avenues such as advertisements in newspapers from time to time.

4. Dr. Renu Swarup, Senior Advisor, DBT suggested that certain provisions of the Act such as shareholding patterns of companies, provisions for researchers, IPR related issues, etc., need to be discussed further in the light of experience so far, for which the Members requested Dr.R.Swarup to provide a discussion note on the same for the Authority's consideration.

Decisions:

a) Authority approved the recommendations of the EC on the ABS applications (Annex-II; pg no.18 )
b) Dr.R.Swarup to provide a discussion note on certain provisions of the Act referred under sl.no.4.

Action: Secretary, NBA

**33.06: To consider the proposal of DAC seeking exemption of Annex-I Crops listed under ITPGRFA from the purview of Section 6 of the BD Act, 2002**

The Secretary, NBA informed the Members that the MoEFCC notified vide S.O. 3232(E) dated 17th December, 2014 the exemption of crops listed in the Annex-I of the ITPGRFA from Section 3 and 4 of the BD Act, 2002. Thereafter, the MoEFCC vide letter dated 13.02.15 forwarded a communication from the Department of Agriculture and Cooperation wherein it was requested to bring an agenda item in the Authority, pertaining to exemption under Section 6 of Biological Diversity Act. The DAC informed that the decision of the 32nd Authority is not in conformity with the recommendation of the CEG, i.e., ……"*accordingly exempts them for exchange under the said Act for the purpose of utilization and conservation for research, breeding and training for food and agriculture as provided under the ITPGRFA*".

2. The Secretary, NBA informed the members that the legal opinion obtained in this regard states that the non-exemption of Annex-I crops from the Section 6 of the Act (as per the Gazette notification) doesn't violate Article 13 of the ITPGRFA. The Members noted the legal opinion and agreed that exemption should not be extended for the Annex-I crops of ITPGFRA from Section 6 of the BD Act, 2002. Shri.R.K.Singh, IAS., Joint Secretary (Seeds), DAC, agreed with the Authority's decisions and informed the Members that the DAC will study the legal opinion and may seek additional legal opinion, if required and communicate to the NBA Secretariat in this regard.

3. The Secretary, NBA also raised that the Office Memorandum of DAC on the guidelines of ITPGRFA needs clarification with regard to the number of crops notified by the Govt. of India under Annex-I of ITPGFRA, as this is required for assisting the applicants who seek exemption from the BD Act.

Decision:

a) Authority endorsed the legal opinion that "the non-exemption of Annex I Crops from Section 6 of the Act (as per the Gazette Notification) does not violate Article 13 of the ITPGRFA".

b) Authority sought the list of crops/species notified by the DAC so as to assist the applicants who seek exemption from the BD Act as envisaged in para 2 of the notification S.O. 3232(E) dated 17th December, 2014

Action: Secretary, NBA

## 33.07: To consider the draft NBA Medical Attendance Rules

The draft NBA medical attendance rules were placed before the Authority for consideration. In addition, a comparative statement of medical entitlement under the Medical Attendance Rules/ CGHS Rules, NHAI, AAI and NBA was also circulated to the Members.

2. Members suggested that the NBA may also look into introduction of health insurance scheme for a comprehensive health policy. Further, Members agreed to the proposed medical attendance rules be adopted for one year without any maximum ceiling.

Decision: Authority approved the Med. Attendance Rule to be adopted for one year without maximum ceiling.

Action: Secretary, NBA

## 33.08: Constitution / reconstitution of Expert Committees

The Members were informed that the following Expert Committees were constituted/ reconstituted and the same was placed for ratification.

1. Expert Committee on Access and Benefit sharing
2. Expert committee on Biodiversity Management Committee
3. Expert committee to revise the existing agreement formats
4. Expert committee on Red Sanders for developing comprehensive policy on conservation, sustainable use and fair and equitable sharing of benefits.

Dr.S.Subramaniyan stressed that due care should be taken while selecting Chairperson and members while constituting expert committees.

Decision:

Authority ratified the constituted/ reconstituted Expert Committees as mentioned above and also took note of Dr.H.R.Bhojwani, Advisor to DST's communication intimating that he has relinquished his position and was unwilling to be a Member of the EC.

## 33.09: Minutes of the First meeting of the EC to revise the existing ABS agreements held on 11th March 2015 at NBA, Chennai

The Secretary, NBA apprised the Members that the first meeting of the EC to revise the existing ABS agreement format was held on 11th March, 2015. The NBA secretariat in consultation with the Chair of the EC had developed a single format of agreement incorporating the vital elements present in the existing agreements as well as the draft finalized by the earlier EC. The proposed draft format was discussed in detail during the first EC meeting and various amendments were suggested by the Members. The Members of the Authority took note of the minutes of the meeting.

## 33.10: Minutes of the First meeting of the CEG on designated repositories held on 12th March 2015 at NBA, Chennai

The Members were informed that the Core Expert Group (CEG) on designated repositories was constituted under the Chairmanship of Dr.R.S.Rana, Member, NBA vide office order no.2/23/2006/Admin/06/14-15/4282-4290 dated

27th February, 2015. The first meeting of the CEG was held on 12th March, 2015 at Chennai and issues such as period of safe custody of voucher specimen, quantity of seeds, need for a contact/ nodal person, etc., were discussed in detail and the working guidelines for depositing the voucher specimen under Section 39 of the BD Act 2002 was deliberated. The Members of the Authority took note of the minutes of the meeting. It was also suggested that in future meetings the Head/coordinators of all designated repositories may be invited to get a more comprehensive view.

Decision:

Members directed the secretariat to invite the concerned officer of the designated repositories to the EC meeting on designated repository in consultation with the chair of the EC.

## 33.11: Activities of GEF Direct Access Project on strengthening the enabling environment for biodiversity conservation and management in India

The Secretary, NBA apprised the Members that the fourth Project Steering Committee meeting of the GEF direct access project on strengthening the enabling environment for biodiversity conservation and management in India was held on 24th February, 2015 at MoEFCC, New Delhi. The Members were informed the project ended in February 2015. He also apprised the members that the tasks given under the project were carried out. The Members took note of the information.

## 33.12: Activities of Centre for Biodiversity Policy and Law (CEBPOL)

The Members were apprised that under the Centre for Biodiversity Policy and Law (CEBPOL) the following fellowships have been appointed: i. Access and benefit sharing (ABS), ii. Multilateral environment agreements (MEAs), iii. Invasive alien species (IAS). They were further informed that the 2nd Programme Steering Committee meeting was held on 7th January 2015 at MoEFCC, New Delhi and a workshop on “Consolidating CEBPOL – Sharing of Experience on ABS” was organized on 3rd and 4th February, 2015 at Chennai in order to share experiences on ABS related issues and other identified activities. The Members noted the progress of the project.

## 33.13: Applicability of BD Act on the Invention of a Biogas Apparatus

The Secretary, NBA apprised the Members that the NBA received a communication from the Ministry of Environment, Forest and Climate Change vide email dated 26.11.2014, forwarding a representation from Shri.G.Vasudeo, Secretary of Vivekananda Kendra, Kanyakumari (called "NARDEP") with regard to applicability of BD Act on the patent case for his invention of a biogas apparatus (Patent Application no. 1604/CHE/2009).

2. Based on the legal opinion tendered by the NBA's legal consultant vide email dated 19.01.15, the NBA Secretariat informed the MoEFCC vide letter dated 27.01.2015 that the applicant was not required to seek prior approval of the NBA in the instant case.

3. The Members ratified the decision of the NBA Secretariat and directed the secretariat to include such issues in the FAQs in the NBA website to give clarity to different stakeholders.

Decisions: Authority ratified the decision of the NBA Secretariat

Action: Secretary, NBA

## 33.14: Minutes of the Preparatory meeting of the Expert committee on BMC held on 19th March 2015 at NBA, Chennai

The Secretary, NBA informed the Members that the Expert Committee on Biodiversity Management Committee was reconstituted vide office order dated 25th February 2015 to revise the existing guidelines in view of the feedback received from the stakeholders with special emphasize to PBR, local biodiversity fund for effective implementation, suggest suitable amendments with reference to BMC/SBBs/PBRs in the BD Act/Rules, etc. In this connection, a preparatory meeting with the Chairperson and Member Convenor of the EC on BMC with the NBA Secretariat was held on 19th March 2015 at NBA, Chennai to discuss the way forward. The Authority noted the minutes of the meeting.

**33.15.01: To consider the justification from DBT for developing a special form for designated repositories to supply accessions of Indian biological resources to foreign researchers for non-commercial research work**

The Secretary, NBA informed the Members that as per the decision of the 32nd Authority, the NBA secretariat sought justification from DBT on developing a special form for designated repositories to supply accessions of Indian biological resources to foreign researchers for non-commercial research vide letter dated 23rd March, 2015.

2. In response, the DBT vide email dated 7th April, 2015 observed that the Institutions who are holding Designated Culture Collections in India are continuously receiving requests for providing microbial strains for non-commercial research from non-Indian researchers. These requests are, however not entertained due to the lengthy and time-taking approval process involved. In view of the above, the DBT proposed that Indian culture collections which are designated as National Repositories (DNRs) for microbes by the NBA, may apply to NBA in a special form in order to send cultures to non-Indian researchers for non-commercial use.

3. Following the detailed deliberation, the Members decided that the non-Indian researchers seeking access to Indian bioresources from Indian repositories have to apply to NBA in Form-I for approval. The NBA will facilitate expeditious processing and approval. In this regard, the Members directed the EC on ABS to consider the revision of ABS application formats and other requirement, if any may be examined and submit their proposal for consideration.

Decision:

a) The Authority decided that the non-Indian researchers seeking access to Indian bioresources from Indian repositories have to apply to NBA in Form-I for approval.

b) The Members directed the EC on ABS to revise the ABS application formats, guidelines on processing of application etc, to expedite processing of applications.

## 33.15.02: To consider modifications in the agreement with CSIR

The Members were informed that pursuant to the decision of the 32nd Authority, the approved agreement was forwarded to the CSIR for execution vide NBA's letter dated 20th February, 2015. Subsequently, the Head, IPU, CSIR vide email dated 10th March, 2015 raised issues pertaining to para no. 5.2 of the draft agreement and suggested that the same is relevant only to foreign companies. It was also requested that the address of CSIR under "the addresses for delivery" may be modified so as to include the address of the relevant laboratory and the address of CSIR-IPU since, the agreements will be signed by the Directors of the respective laboratories and IPU is involved in filing all Form III on behalf of the laboratories.

2. In response, the NBA vide letter dated 11th April 2015 made the following clarification:

(i) With respect to para no. 5.2, it was clarified that the benefit sharing component of 2% of the net revenue (upfront/ licensing/ assignment/ royalty fee) as agreed upon during the meeting and approved by the Authority, was applicable only for those applications of CSIR which were approved till 2012 and for applications approved thereafter, the benefit sharing will be in accordance with the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulation, 2014. Further, it was informed that para 5.2 of the draft agreement is not applicable to foreign companies alone as stated by CSIR but it is also applicable to whomsoever who intends to assign/ transfer the patent rights to a third party for commercialization.

(ii) The request from CSIR regarding modification in the address under clause 10.1 was accepted to incorporate the address of the concerned laboratory subject to letter of authorization to this effect.

3. The Members ratified the modification in the agreement and agreed that the Head of the laboratory may sign the agreement subject to the letter of authorization to this effect issued by the Competent Authority.

Decision:

The Authority ratified the modification in the agreement and agreed that the Head of the laboratory may sign the agreement on behalf of CSIR subject to letter of authorization from the competent Authority.

Action: Secretary, NBA

## 33.15.03: Confirmation of Officers/Staff in NBA

The Members were informed that confirmation order was issued for the seven employees vide letter No.NBA/2/47/08/Admn/14-15/3628 dated 9th January, 2015. The members took note of the developments.

## 33.15.04: Appointment of Technical Officer (IPR) and Steno-D in NBA on Direct Recruitment

The Members were informed that two positions were filled on direct recruitment basis viz., (i) Ms. Saranya Raghuraman was appointed as Steno D in NBA on 16th January, 2015 and (ii) Mr. T. Narendran was appointed as Technical Officer (IPR) on 9th March, 2015. The Members noted the information.

## 33.15.05: Activities of UNEP-GEF-MoEFCC project on ABS

The Members were informed that the Project Steering Committee of the UNEP-GEF-MoEFCC project on ABS was held on 6th February 2015, wherein it was decided to extend the duration of the project until 30 June, 2016. To this effect a communication has been sent to UNEP-GEF seeking extension. They were further apprised on the progress made in the project. Members noted the information.

## 33.15.06: Draft Annual Report for the year 2013-14

The Members considered the draft annual report for the year 2013 – 14 and approved the same.

Decision:

The Authority approved the draft annual report for the year 2013-14 with minor modification and incorporation of appropriate photos, foreword etc.

Action: Secretary, NBA

## 33.15.07: To consider the Proposals received by NBA seeking Financial Assistance

The Secretary, NBA informed the Members that in the 31st Authority Meeting, the project proposal 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" was approved in-principle and the Members directed the NBA to obtain revised DPR from the proponents and submit the same to the Authority for further consideration. The applicant submitted the revised proposal.

2. The Secretary, NBA further informed that the NBA is receiving many project proposals seeking financial assistance beyond Rs.50 lakhs also. In this regard, it was proposed that an advisory committee may be formed to scrutinize such proposals and their recommendations may be placed before the Authority for consideration.

3. The Chairman, NBA further suggested that the Advisory committee may develop TOR for the project proposals based on the mandates envisaged under the BD Act, 2002. He further suggested that the advisory committee may be formed under the chairmanship of Dr. Biswajit Dhar, Member, NBA. The Members agreed to the proposal.

Decision:

The Authority directed the NBA Secretariat to constitute an advisory committee under the chairmanship of Dr. Biswajit Dhar, Member, NBA along with a representative of MoEFCC, the Secretary, NBA and special invitees to scrutinize the project proposals seeking financial assistance beyond 50 lacks.

Action: Secretary, NBA

Sd/-
Secretary, NBA

Sd/-
Chairman, NBA

**Annex-I**

## List of Participants

| | | | |
|---|---|---|---|
| **Official Members who participated** | | | |
| 1 | Shri Hem Pande, IAS,<br>Additional Secretary,<br>Ministry of Environment, Forests and Climate Change, and Chairman, NBA<br>Indira Paryavaran Bhawan<br>Vayu Block, Fifth Floor,<br>Jor Bagh Road, New Delhi | 2 | Shri. Sunil Dutt<br>Research Officer,<br>National Medicinal Plant Board, Department of AYUSH,<br>Ministry of Health & Family Welfare,<br>3rd Floor, AYUSH Bhawan, B Block,<br>G.P.O. Complex, I.N.A., New Delhi<br>*( Represented the CEO, NMPB)* |
| 3 | Shri. Anil Sant, IAS,<br>Joint Secretary,<br>Ministry of Environment, Forests and Climate Change,<br>Indira Paryavaran Bhavan,<br>Jor Bagh Road,<br>New Delhi - 110 003 | 4 | Dr. R.K Singh, IAS.,<br>Joint Secretary (Seeds),<br>Dept. of Agriculture and Cooperation,<br>Room no. 244, Krishi Bhawan,<br>Dr. Rajendra Prasad Road,<br>New Delhi -110 001. |
| 5 | Dr.Renu Swarup<br>Senior Advisor,<br>Department of Biotechnology,<br>CGO Complex, Block No. 2,<br>Lodhi Road, New Delhi. | 6. | Dr. R. Kirubagaran<br>Scientist G,<br>National Institute of Ocean Technology, Chennai,<br>Ministry of Earth Sciences,<br>Velachery-Thambaram Main Road,<br>Narayanapuram, Pallikaranai,<br>Chennai – 600 100 |
| 7 | Shri T. Rabikumar, IFS.,<br>Secretary to Authority | | |
| **Official Members did not participated** | | | |
| 1 | Shri S.S.Negi, IFS<br>Addl. Director General of Forests,<br>Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003. | 2 | The Chief Executive Officer,<br>National Medicinal Plant Board, Department of AYUSH,<br>Ministry of Health & Family Welfare,<br>3rd Floor, AYUSH Bhawan, B Block,<br>G.P.O. Complex, I.N.A., New Delhi<br>*(Represented by Shri. Sunil Dutt)* |
| 3 | Dr. Jeet Singh Sandhu<br>Deputy Director General<br>(Crop Science), Division of Crop Science,<br>ICAR,Krishi Bhavan, New Delhi -110 001. | 4 | Dr. B.K Shukla<br>Scientist G & Head Planning, coordination & Performance Management<br>Department of Science & Technology,<br>Technology Bhavan, New Mehrauli Road,<br>New Delhi – 110 016. |
| 5 | Shri. Sushilesh Mohan Sahai,<br>Director,<br>Ministry of Tribal Affairs,<br>Room no. 736, A-Wing,<br>7th Floor, Shastri Bhawan,<br>New Delhi – 110001. | | |
| **Non-Official Members who participated** | | | |
| 1 | Dr.R.S.Rana<br>Chairman, Bio-Link,<br>D-43, Indraprastha Apartments,<br>Sector 14, Rohini,<br>New Delhi | 2 | Dr. S. Subramaniyan<br>54, VGP, Golden Sea View,<br>Part-II, 2nd Main Road,<br>5th Cross Street, Palavakkam,<br>Chennai. |
| 3 | Prof.M.K.Ramesh<br>Professor of Law,<br>National Law School,<br>Nagarbhavi, Bangalore | 4 | Dr.Biswajit Dhar<br>Professor of Economics,<br>Jawaharlal Nehru University,<br>I Block, 1796A,Chittaranjan Park,<br>New Delhi. |

| **Special Invitees** | | | |
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| 1 | Dr.Sujata Arora,<br>Director,<br>Ministry of Environment, Forests and Climate Change,<br>Indira Paryavaran Bhavan,<br>Jor Bagh Road,<br>New Delhi – 110 012 | 2 | Dr. T.P. Rajendran,<br>Officer on Special Duty,<br>National Institute of Biotic Stress Management (Deemed University),<br>Baronda, Raipur 493225,<br>Chhattishgarh. |
| 3 | Dr.Manoj Kumar Modi<br>Scientist C,<br>Department of Biotechnology,<br>CGO Complex, Block No. 2,<br>Lodhi Road, New Delhi. | | |

***Annex-II***

| Applications placed in the 31st EC on ABS held on 9th March, 2015 at NBA, Chennai | | | | | | |
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| **Sl. No.** | **Agenda No.** | **Appl. No.** | **Name of the applicants** | **Form** | **EC's recommendations** | **Decision of the 33rd Authority** |
| 1. | 31.01 | 706 | M/s Talwar Research Foundation | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 2. | 31.02 | 726 | Pune District Education Association's Seth Govind Raghunath Sable College of Pharmacy and Mrs. Sharwaree Rajan Hardikar | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 3. | 31.03 | 732 | Dr. S. Sivasankari | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 4. | 31.04 | 736 | National Institute of Pharmaceutical Education and Research | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 5. | 31.05 | 738 | Seri- Biotech Research Laboratory | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 6. | 31.06 | 742 | Dr. A. Jesu Arockiaraj | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 7. | 31.07 | 746 | Defence Research & Development Organisation | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 8. | 31.08 | 748 | Central Sericultural Research and Training Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 9. | 31.09 | 752 | Central Sericultural Research and Training Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 10. | 31.10 | 762 | Indian Council of Agricultural Research | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 11. | 31.11 | 678 | Dr. Arvind Lali Mallinath | III | As desired by the applicant, his representatives, Mr. T. Srinivasan, M/s Lakshmikumaran and Sridharan, New Delhi and Dr. Pooja Joshi, Institute of Chemical Technology, New Delhi presented the case before | Approved the recommendation of the EC. |

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| | | | | | the EC and requested to modify the mode of benefit sharing fixed by the 28th EC on ABS, from monetary to non-monetary. Further, the EC deliberated the merits of the case and advised the applicant to provide a detailed proposal on the non-monetary component of benefit sharing. In response, the applicant's representatives agreed to provide the details at the earliest. The EC agreed to this and directed the Secretariat to resubmit the application with the proposal of the applicant.<br><br>Further, it was observed during the presentation that the applicant had obtained patents from USA, Bangladesh, Pakistan and South Africa. The EC directed the Secretariat to obtain the details of the patents already granted from the applicant. | |
| 12. | 31.12 | 614 | Dr.Prashant Neminath Patil | III | EC deliberated on the issue raised by the applicant and fixed the BS component | Approved the recommendation of the EC. |
| 13. | 31.13 | 299 | Dr Apurba Ganguly | III | EC recommends for closure, since the applicant did not respond despite giving adequate time. | Approved for closure |
| 14. | 31.14 | 756 | Directorate of Oilseeds Research | II | EC deferred the application and directed the secretariat to place this application along with Form I application submitted by the M/s DHAMPUR BIO ORGANICS Ltd., (DBO) who intends to access the bioresource from Directorate of Oilseeds Research. | Approved the recommendation of the EC. |
| 15. | 31.15 | 714 | Directorate of Oilseeds Research | II | EC recommends for approval to transfer the research results only and not the bioresources. Applicant shall pay 5% of the monetary consideration received from the Ganga Kaveri Seeds Pvt. Ltd., to NBA. | Approved the recommendation of the EC. |
| 16. | 31.16 | 644 | M/s. Avesthagen | II | EC does not agree with the | Approved the |

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| | | | Limited | | applicant's plea. Further EC recommends NBA to initiate appropriate legal action. | recommendation of the EC. This case is in contravention of the provision of the BD Act. |
| 17. | 31.17 | 663 | Mrs.Renuka Ballal et al., | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 18. | 31.18 | 711 | Dr. Benny Antony | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 19. | 31.19 | 715 | ICAR | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 20. | 31.20 | 731 | CSIR | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 21. | 31.21 | 735 | ICAR | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 22. | 3122 | 745 | Indian Council of Medical Research | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 23. | 31.23 | 747 | Central Sericultural Research Training Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 24. | 31.24 | 749 | Central Sericultural Research Training Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 25. | 31.25 | 751 | Central Sericultural Research Training Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 26. | 31.26 | 757 | CSIR | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 27. | 31.27 | 739 | M/s. Ganga Kaveri Seeds Pvt Ltd | I | The Expert Committee recommends for approval with the BS component of 5% with the monetary consideration. | Approved the recommendation of the EC. |
| 28. | 31.28 | 611 | Dr. Prasant Neminath Patil | III | EC deliberated on the issue raised by the applicant and fixed the BS component | Approved the recommendation of the EC. |
| 29. | 31.29 | 613 | Dr. Prasant Neminath Patil | III | EC deliberated on the issue raised by the applicant and fixed the BS component | Approved the recommendation of the EC. |
| 30. | 31.30 | 242 | Ms. Upasana Talikar | III | EC recommends for closure, as the applicant has requested for withdrawal of application to NBA on the grounds that the Patent | Approved for closure. |

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| | | | | | application is abandoned. | |
| 31. | 31.31 | 460 | Dr. V.R.Bapat | III | EC recommends for closure, as the applicant has requested for withdrawal of application to NBA on the grounds that the Patent application is abandoned. | Approved for closure |
| 32. | 31.32 | 581 | Indian Council of Medical Research | III | EC recommends for closure, as the applicant has requested for withdrawal of application to NBA on the grounds that the Patent application has been rejected. | Approved for closure |
| 33. | 31.33 | 585 | Mr. Edakattu Josheph Lonappan | III | EC recommends for closure, as the applicant has requested for withdrawal of application to NBA on the grounds that the Patent application has been rejected. | Approved for closure |
| 34. | 31.34 | 458 | Dr.B.S.Vivek | IV | EC recommended for closure. | Approved for closure |
| 35. | 31.35 | 734 | Dr. Xavier Aubriot | I | Dr. Paramjith Singh, Director, BSI recused himself during discussion. In his absence, the application was discussed and EC recommends for approval | Approved the recommendation of the EC. |
| 36. | 31.36 | 509 | M/s Hindustan Unilever Research Centre | I | EC does not agree the applicant's contention to contribute Rs.1,00,000/- (Rupees One Lakh) as a token amount towards the biodiversity fund.<br><br>Further, EC recommends for an upfront payment of Rupees One lakh for each of the applications i.e., appl.no. 508 & 509. | Approved the recommendation of the EC. |
| 37. | 31.37 | 754 | M/s. Savannah Seeds Private Limited | I | EC recommends for approval subject to the Benefit Sharing arrangement as provided in regulation 4 of the ABS guidelines should be applied as and when commercialised. | Approved the recommendation of the EC. |
| 38. | 31.38 | 612 | Dr. Prashant Neminath Patil | III | EC deliberated on the issue raised by the applicant and fixed the BS component | Approved the recommendation of the EC. |
| 39. | 31.39 | 768 | Dr. Pawan Kumar Saharan | III | Gujarat SBB's consent received on 09.03.2015 and placed before the EC. EC noted the consent and does not recommend the application as the access of the biological resources is in contravention of | Approved the recommendation of the EC. This case is in contravention of the provision of the BD Act |

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| | | | | | the BD Act, 2002. Further EC recommends NBA to initiate appropriate legal action. | |
| 40. | 31.40 | 750 | Central Sericultural Research and Training Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 41. | 31.41 | 676 | M/s. Sentiss Pharma Pvt. Ltd., | III | EC does not recommend the application as the access of the biological resources is in contravention of the BD Act, 2002. Further EC recommends NBA to initiate appropriate legal action. | Approved the recommendation of the EC. This case is in contravention of the provision of the BD Act. |
| 42. | 31.42 | 485 | M/s. CavinKare Pvt. Ltd., | III | EC recommends for closure, as the applicant has requested for withdrawal of application to NBA on the ground that the patent application is abandoned. | Approved for closure |
| 43. | 31.43 | 556 | Shri. Lalmuanzova | III | EC recommends for closure since the applicant did not respond despite giving adequate time. | Approved for closure |
| 44. | 31.44 | 743 | Dr. Venkateshwara Rao & Dr. Akhilesh Kumar | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 45. | 31.45 | 699 | M/s. Centre de Cooperation Internationale en Recherche Agronomique pour le Development (CIRAD) | I | EC Recommended for approval | Approved the recommendation of the EC. |
| 46. | 31.46 | 737 | M/s. Gangabishan Bhulal Investment & Trading Ltd | I | EC recommended for approval subject to the Benefit Sharing arrangement as provided in regulation 4 of the ABS guidelines, as and when commercialised. | Approved the recommendation of the EC. |
| 47. | 31.47 | 755 | M/s. Directorate of Oil Seeds Research | II | EC deferred the application and directed the secretariat to place this application along with Form I application submitted by the M/s DHAMPUR BIO ORGANICS Ltd., (DBO) who intends to access the bioresource from the Directorate of Oilseeds Research. | Approved the recommendation of the EC |

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| 48. | 31.48 | 268 | Mr. Ukhardiyabhal Sombhai Roat | III | EC recommends for closure, as the applicant has requested for withdrawal of application on the grounds that the patent application is abandoned. | Approved for closure |
| 49. | 31.49 | 286 | Dr. C.H. Gadgoli | III | EC recommends for closure on the grounds that the applicant did not respond despite giving adequate time. | Approved for closure |
| 50. | 31.50 | | Issues on Benefit Sharing component for the Form-III applications submitted by the National Innovation Foundation | | Representatives from the National Innovation Foundation, Dr. R.K. Ravikumar, Scientist and Dr. Roshan D. Yedery, Sr. Fellow in IPR presented before the EC on the logistical and other issues faced by NIF in executing the agreements with NBA on behalf of the applicants (farmer, traditional knowledge holders) whom they represent. The EC reiterated that NBA issues approval only in the form of an agreement and therefore requested NIF to submit all the required documents and execute the agreements within 90 days, failing which the applications will be treated as closed. NIF agreed to the same. | Approved the recommendation of the EC. |
| 51. | 31.51 | | Applicability of BD Act on the invention of a biogas apparatus | | EC noted and suggested that this may be incorporated in the FAQ of NBA website. | Approved the recommendation of the EC. |
| 52. | 31.52 | 764 | Bose Institute | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 53. | 31.53 | 770 | Dr. Shukla Mukesh Harilal | III | EC does not recommend the application as the access of the biological resources is in contravention of the BD Act, 2002. Further EC recommends NBA to initiate appropriate legal action. | Approved the recommendation of the EC. This case is in contravention of the provision of the BD Act. |
| 54. | 31.54 | 774 | Indian Council of Agricultural Research | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |

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| 55. | 31.55 | 776 | Dr. Amit Agarwal | III | During the discussion it came to light that the applicant had obtained patent for the same invention from Australian Patent Office (AU2007257480 dated 24.02.2011) without obtaining prior approval of NBA.<br>Hence, EC does not recommend this application as it contravened the Section 6 of the BD Act, 2002 and further, EC recommends NBA to initiate legal action. | Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act. |
| 56. | 31.56 | 672 | M/s MAHYCO | III | EC does not recommend this application as it contravened the Section 6 of the BD Act, 2002. Further, EC recommends NBA to initiate appropriate legal action. | Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act. |
| 57. | 31.57 | 744 | Indian Oil Corporation Limited | III | EC does not recommend the application as the access of the biological resources is in contravention of the BD Act, 2002. Further EC recommends NBA to initiate appropriate legal action. | Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act. |
| 58. | 31.58 | 758 | Maharashtra Arogya Mandal | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 59. | 31.59 | 763 | Dr. Namasivayam Vasudevan &<br>Ms. Ramalingam Kanimozhi | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 60. | 31.60 | 767 | Council of Scientific and Industrial Research | III | Recommended for approval with fixed the BS component | Approved the recommendation of the EC. |
| 61. | 31.61 | 765 | Council of Scientific and Industrial Research | III | Recommended for approval with fixed the BS component. | Approved the recommendation of the EC. |
| 62. | 31.62 | | Revision of Application Forms under the Biological Diversity Rules 2004 | | The EC advised the Secretariat to forward the revised application forms to the EC Members and requested the Members to provide their suggestions/ modifications in the formats, if any to the | Approved the recommendation of the EC. |

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| | | | | | Secretariat at the earliest, via email. | |
| 63. | 31.63 | 559 | Brasif S.A., | I | EC recommends formation of an electronic working group (EWG), consisting of the following four EC members, to evaluate the economic value of the bovine embryos of Ongole, Gir & Kankrej breeds. The EWG may provide its expert opinion and observations within three weeks *w.e.f.* 1st April for consider in the next meeting of the EC.<br><br>EC recommends formation of a sub-committee, consisting of the following four EC members, to evaluate the economic value of the bovine embryos of Ongole, Gir & Kankrej breeds. Further, the members of the group were requested to hold discussions among themselves electronically on the said issue and provide their inputs for consider in the next meeting of the EC.<br><br>1. Dr. Arjava Sharma – co-ordinator<br><br>2. Dr. T.P. Rajendran<br><br>3. Dr. K. Venkataraman<br><br>4. Dr. Ramakrishna | Approved the recommendation of the EC. |
| 64. | 31.64 | 673 | Indian Oil Corporation Limited | III | EC does not recommend the application as the access of the biological resources is in contravention of the BD Act, 2002. Further EC recommends NBA to initiate appropriate legal action. | Approved the recommendation of the EC. This case is in contravention of the provisions of the BD Act. |