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NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 40th AUTHORITY MEETING

21st December, 2016

Venue

Indus Conference Hall,
Ministry of Environment, Forest and Climate Change
New Delhi

Proceedings of the 40th Authority Meeting of the National Biodiversity Authority

The fortieth meeting of the National Biodiversity Authority (NBA) was held on 21st December, 2016 at Indus Conference hall, Ministry of Environment, Forest and Climate Change, New Delhi under the Chairmanship of Dr.B.Meenakumari, Chairperson, NBA to consider the agenda items circulated to the Members *vide* email dated 16th December, 2016 and by hard copy on 16th December, 2016. The list of participants is placed as **Annex-I.**

2. At the outset, Shri T. Rabikumar, Secretary, NBA, welcomed the members and also updated the members about the activities carried out since last meeting of the Authority such as status of the ABS applications, Expert Committee meetings organized, participation of the Chairperson in CoP-13, re-constitution of the expert committee, etc. Dr.B.Meenakumari, Chairperson, NBA in her opening remarks, briefed the members on the activities of NBA after the conduct of the 39th Authority meeting and informed that notification of four non-official members from the MOEFCC is expected.

Thereafter, the agenda items were considered as under:

40.01: Confirmation of Proceedings of the 39th Authority meeting

The Secretary informed the members that draft proceedings of the 39th Authority meeting of the National Biodiversity Authority held on 14th October, 2016 at Chennai was circulated to the Members *vide* email dated 03rd November, 2016 seeking their comments. In response, comments received from Dr.R.S.Rana and Dr.Sujata Arora were incorporated appropriately.

Decision

The Members confirmed the proceedings of the 39th Authority meeting.

Action: Secretary, NBA.

40.02: Action taken report of the 39th Authority meeting

It was informed that action has been taken on most of the items and for the remaining items, action is in progress. The Authority noted the development.

Action: Secretary, NBA.

40.03 & 40.04: To consider the Proceedings of the 39th meeting of Expert Committee on ABS & Proceedings of the 40th meeting of Expert Committee on ABS

The secretary apprised the member about the 39th meeting and 40th Meeting of the Expert Committee (EC) on Access and Benefit Sharing (ABS) held under the Chairmanship of Dr. Mangala Rai, Ex-DG, ICAR and Secretary, DARE on 26th September, 2016 and 19th November, 2016 respectively, under the Chairmanship of Dr. Mangala Rai.

2. It was informed that total number of 112 applications were placed (71 applications in 39th EC and 41 applications in 40th EC) before the EC during the said meetings for evaluation. Of which, 66 applications (39th EC – 35 appl. + 40th EC - 31) belonging to Form-III (IPR) have been evaluated and recommended for approval. Subsequently, the NBA Secretariat, as per the authorization given by the 38th Authority meeting to the Chairperson, NBA to dispose of such cases, the secretariat forwarded the draft agreement to the applicants for execution to accord approval. The recommendations of the EC with respect to remaining 46 applications and other generic issues were placed for consideration of the Authority.

2. The Authority deliberated the recommendations of the EC on ABS and made the following decisions: -

1. The Authority observed that the 39th EC on ABS, after scrutinizing 17 Applications (1050, 1056, 974, 730, 186, 912,918, 1034, 1042, 1055, 1057, 835, 837, 621, 712, 133-A30 & 1059) observed that in all these cases, there is *prima facie* violation of the provisions of the BD Act. It is also observed that

since the sub-committee constituted by the erstwhile EC on ABS to develop a framework to deal with issues related to violations of the provisions of the BD Act is likely to submit its report for consideration, these 17 cases will be examined and recommendation will be made thereafter. Consequently, the 40th EC on ABS, after having a relook at the above recommendations, reaffirmed that there is *prima facie* violation by the applicants. The Authority has considered the recommendations and decided that NBA to take appropriate action against 16 cases (1050, 1056, 974, 730, 186, 912,918, 1034, 1042, 1055, 1057, 835, 837, 621, 712, & 1059) as there is *prima facie* violations of the provisions of the BD Act. With regard to 133-A30, the Authority after taking note of the EC recommendations, decided to proceed with the agreement process.

2. The Authority has considered the recommendation of the EC on the report of the Sub-committee on violation formed under the EC on ABS to make recommendations to deal with issues related to violation of the provisions of the Biological Diversity Act, 2002. The Expert Committee had an elaborate discussion on the report and its final recommendations on various aspects and the EC agreed on the following recommendations, in-principle: -

a) Grant of post-facto approval for the period of one year as one-time measure.

b) Quantum of penalty may be imposed on a case-by–case based on certain criteria's. *E.g. commercialization and non-commercialization; type of persons.*

c) Suitable steps may be taken up by the Secretariat to opt for a notification for giving post-facto approvals on a case to case basis.

d) To consider the rejected cases (relating to violation) by calling for fresh supplementary information in the prescribed format for post-facto approval.

f) The notification for post facto approval should be pragmatic and implementable in nature. Hence, the techno-legal language of the draft may be improved.

3. In response to a query, the Secretary, NBA informed the Members that though there is no explicit provision in the BD Act to give post-facto approval, the Sub-committee after drawing experience from the orders which have been issued by the various Ministries/Departments, this notification has been prepared. The Members had discussion on the recommendation of the EC in various aspects as well as legal provisions of the BD Act and it was decided that the NBA Secretariat may submit a proposal on the basis of the EC's recommendation to deal with issues related to violation of the provisions of the BD Act, 2002 to the Ministry of Environment, Forest and Climate Change for its consideration.

4. Meanwhile, it was informed to the Members that Authority has already decided that 94 applications are contravention to the provisions of the BD Act. The EC in its last two meetings has identified around 20 applications of such nature. It was also informed that the Authority in its 36th meeting has directed the NBA Secretariat to initiate legal action against the applicants who have violated the provisions of the BD Act, 2002. Subsequently, in the 38th Authority meeting, the Authority has directed the Secretariat to communicate the decision of the Authority on the cases where violation of the provisions of the BD Act have been identified so far.

5. Accordingly, the Secretariat has issued rejection orders to the 14 applicants who have violated the provisions of the BD Act, 2002. Keeping in view of the proposed post-facto approval measures, the Secretariat proposed to keep in abeyance the issue of rejection order to the remaining 80 applicants.

6. The members have deliberated the issue in detail and observed that the violations have been noticed in the applications received since 2007. However, the Authority took a decision to communicate the rejection order to such applications in the year 2015. Keeping in view of the latest development on the recommendation of EC regarding violation cases and a mechanism to handle such cases through a one-time post-facto approval, the members felt that those

applications for which rejection orders are to be communicated may be kept for some more time and till such time the *status quo* may be continued.

7. The Authority discussed the recommendation on the representation of the few culture collection centres in India ((*i)* the scientists of Microbial Culture Collection (MCC), Pune and ii) National Collection of Industrial Microorganisms (NCIM) CSIR- National Chemical Laboratory, Pune) regarding access of the deposited Indian biological resource from the foreign repository by a foreigner for research purpose. After considering the provisions of the existing guidelines of the World Federation for Culture Collection *as* well as keeping in view of the complex nature of the subject, EC recommended that NBA may hold a brain storming session in an appropriate forum comprising experts, scientists, taxonomists, microbiologists and representatives of culture collection centres and other related departments/ stakeholders. In the meantime, the NBA officials attended a discussion meet called by the Department of Biotechnology on 20th December 2016 on these issues. One of the issue raised in the meeting was that the applicant who intimates NBA through Form-C may also endorse a copy of the same to the concerned designated repository where the strains are deposited in India. This would pave way for monitoring the movement of the micro–organism by the Indian repository. The Authority considered the suggestion and accepted to suitably modify the Form-C. The Secretariat may convene a workshop of stakeholders to deliberate matters related to microorganisms and requirements under BD Act. Accordingly, the Members approved the revised Form-C which is annexed.

8. The EC observed that the NBA has not referred all the ABS applications to the concerned SBBs for consultation. In this connection, the Secretariat informed that in respect of those cases which were received during 2007-08, reference was not made to SBBs as there was no SBBs in the States at that time. Further, it was informed that few SBBs are not responding to the NBA due to various administrative reasons. In this connection, the EC recommended to take up the matter to the highest authority of the State. Keeping in view, it was proposed

that MOEFCC may send a communication to the concerned States for appointing full-time Chairman and Member secretary to the SBB for effective functioning. After discussions, the Authority has *agreed to* the proposal and also directed the NBA Secretariat to send a draft communication to the MOEFCC for this purpose.

9. With regard to the EC's observation that there is a need to provide in the draft agreement sent to the applicants about the option of benefit sharing (BS) also through non-monetary mode, to facilitate the applicants to choose either monetary or non-monetary benefit sharing option on a case by case basis in relevance to each approved application. The members discussed and decided that the EC may develop a guideline for non-monetary mode by including quantum, time, financial support etc. The Authority also decided that till such time, the status quo may be maintained.

Decisions:

a) The Authority approved the recommendations of the EC on the ABS applications.

b) Authority endorsed the recommendation of the EC that the following 16 cases (1050, 1056, 974, 730, 186, 912, 918, 1034, 1042, 1055, 1057, 835, 837, 621, 712, & 1059) have contravened the provisions of the BD Act, whereas for application no.133-A30, the authority directed the secretariat to proceed with the agreement process.

c) The Authority approved the recommendation of the EC to deal with issues related to violation of the provisions of the BD Act, 2002 by the applicants and also directed the secretariat to send a proposal to the MoEFCC for consideration and authorized the Chairperson may consult experts to fine tune the draft notification.

d) It was decided that rejection orders may be kept in abeyance in view of the proposal on post-facto approval process.

e) Authority suggested to convene a workshop on micro-organism with the stakeholders.

f) Authority approved the revised format of Form-C for adoption.

g) It was decided that the MOEFCC may be requested to send a communication from the Hon'ble Minister of the MoEFCC to the concerned States for appointing the full time Chairman and Member Secretary, and also directed the NBA Secretariat to send a draft communication to the MOEFCC for this purpose.

h) With regard to the non-monetary benefit sharing, the authority directed the EC to develop guidelines for the same and secretariat to follow *status quo* until such time.

i) Authority directed the Secretariat to take action on sl.no. **a, b, d & f** items without waiting for the issuance of approved Proceedings of the Authority.

Action: Secretary, NBA

40.05: To consider the list of Form-III applications cleared by the NBA Secretariat for ratification

The Secretary apprised the members that in the 38th Authority meeting held in July, 2016 under agenda item no.38.03, it was proposed that the NBA Secretariat may initiate further action on Form-III applications without placing them before the Authority once the EC recommended for approval of the applications. The Authority considered the proposal and decided as follows:

> "The Authority authorised the Chairperson, NBA to grant approval to the applicants with respect to Form-III in the event of EC on ABS recommends for approval. However, such approvals will have to be placed before the Authority for ratification."

2. Accordingly, NBA Secretariat are being sent the draft agreements to the 66 applicants (39th EC – 35 appl. + 40th EC - 31) after EC recommended for approval. The Members ratified the action taken by the Chairperson, NBA on the applications which recommended for approval by the EC.

Action: Secretary, NBA

40.06: To consider the proposal to authorize the Chairperson, NBA for clearing Form–I applications applied by Section 3(2) persons for non-commercial Research

The members were informed that a person or entity falls under Section 3(2) of the Biological Diversity Act, 2002, needs to obtain prior approval of the NBA by applying in Form –I for obtaining any biological resource and/ or associated knowledge for research or for bio-survey and bio-utilization for research. The time line given under the Rule 14(3) for disposal of Form-I is as far as possible within six months.

2. It was also informed that based on the applications handled by the NBA Secretariat in the past, it is observed that the researchers sometimes intend to access the biological resources in a particular season for their academic research / survey / herbarium purpose etc. Whereas, due to the time gap between EC and Authority meetings, considerable time is taken to dispose of such applications, even after examined by the EC on ABS.

3. In order to hasten the process of granting approval to the non-commercial /academic research by Individual researcher and institution who fall under Section 3(2), it was proposed that in the event of the EC recommending for approval of Form-I applications for access to biological resources and / or associated knowledge to undertake academic / non-commercial research, the NBA Secretariat may initiate further action on such Form-I applications without placing them before the Authority and the details of such approvals granted may be placed before the subsequent Authority meeting for ratification. The Authority considered the proposal and decided to authorize the Chairperson, NBA to grant approval for such Form-I applications and place the details of approvals granted before the next Authority meeting for ratification.

Decisions:

The Authority authorized the Chairperson, NBA to consider the recommendation of the EC and grant approval to the applicants with respect to Form-I applications submitted by Individual researcher and institution who fall under Section 3(2), to undertake academic / non-commercial research. However, such approvals will have to be placed before the Authority for ratification.

Action: Secretary, NBA

40.07: To consider the proposal to invite three State Biodiversity Boards to the Authority meetings on rotation basis

It was informed that NBA has been making sincere efforts to implement the Biological Diversity Act, 2002 by issuing various guidelines/ communications/ instructions from time to time to the benefit of various stakeholders. He also added that the Annual SBB meetings and Regional meetings of the SBBs have been organized for providing better guidance to them on various issues relating to the provisions of the BD Act.

2. He also informed that the State Biodiversity Boards frequently sought for various clarifications from NBA about the terms defined in the BD Act, Guidelines on ABS Regulations, 2014, etc. and also brought to the Ministry of the Environment, Forest and Climate Change, even though adequate clarifications have been provided on the issues by the NBA on various forums. In this regard, the Ministry vide communication no. 28-10/2008-CS-III(NBA) Vol-II dated 19.10.2016 has advised the NBA to invite three State Biodiversity Boards to attend the Authority meeting on rotation basis to have better understanding of the provisions of the BD Act and other administrative matters.

3. On being heard, the members have agreed to the proposal for inviting three SBBs for the Authority Meeting.

Decisions:

The Authority agreed to invite Member Secretaries of three State Biodiversity Boards for the Authority meeting on rotation basis to have better understanding to implement the provisions of the BD Act.

Action: Secretary, NBA.

40.08: Minutes of the 8th & 9th Meetings of the Expert Committee on Red Sanders

The Secretary apprised the Members that 8th and 9th meeting of the Expert Committee on Red Sanders was held on 8th and 9thJuly, 2016 and 11th and 12th August, 2016, respectively. The 8th meeting of the EC had discussion on the draft reports of the Sub-committees and its recommendations, formulation of chapters, development of contents of the zero draft report, proposal of seeking financial assistance by Andhra Pradesh Forest Department to conserve the Red Sanders and proposal by the Government of Andhra Pradesh to present the recommendations of the sub-committee-II before the State Government.

2. It was also informed that the Ninth Meeting of the Expert Committee on Red Sanders was held on 11th and 12th August, 2016 at the office of National Biodiversity Authority to review, discuss and finalize the recommendations of the sub-committees on the defined terms of reference. Further, he also added that the EC has agreed to the summary of recommendations of three sub-committees after making certain

modifications, for developing the final report. He also informed that the committee has constituted a drafting committee for drafting the final report of the EC and drafting committee has met six times and prepared their report, which is in advanced stage of finalization. The members of authority have taken note of the minutes of the meetings.

40.09: **To consider the proposal of the Andhra Pradesh Forest Department to release of accrued funds from benefit sharing component realized from the access of Red Sanders wood**

The members were informed that the Principal Chief Conservator of the Forest (HoFF), Andhra Pradesh Forest Department vide his letter No.1809/2016/Prod.2 dated 16.02.2016 has submitted a proposal for seeking financial assistance to the tune of Rs 25.00 Crores to protect the Red Sanders in the state of Andhra Pradesh and the same was considered by the Expert Committee on Red Sanders in its 8th meeting held on July, 2016 and recommended that the AP Forest Department may submit a proposal with due justification for prioritization of areas/components which warrant immediate funding support from the NBA. The Committee recommended that NBA may contribute *75 %* of financial requirement of the proposal and the rest *25%* needs to be contributed by the Government of Andhra Pradesh.

2. It was also informed that the Andhra Pradesh Forest Department submitted a revised proposal seeking financial assistance with a tune of Rs.100.55 Crores under three heads *viz (i) For onetime infrastructure investment, (ii) For annual infrastructure maintenance & manpower and (iii) For annual regeneration and conservation measures,* and requested the NBA for release of 75% of the total amount proposed in the scheme out of the benefit sharing amount realized on the access of Red Sanders wood, while the balance of 25% fund will be borne by the AP Government.

3. The Members were informed that the NBA has realized to the tune of Rs 34,52,03,802/- from the 38 successful foreign bidders of the auction conducted by the Andhra Pradesh Forest Development Corporation and Directorate of Revenue Intelligence being 5% benefit sharing amount towards access to Red Sanders wood. Besides, the benefit sharing realized by the Andhra Pradesh State Biodiversity Board

from the successful domestic bidders towards access of Red Sanders is also to be taken into consideration which needs to be disbursed among the stakeholders as per the recommendations of the Expert Committee. He also informed that the Expert Committee on Red Sanders has come up with a summary of recommendations in its 9th meeting held in August 2016 which will address the issue relating to the allocation of funds to the various stakeholders in percentages on certain criteria based on the sources/origin of the material.

4. In this regard, it was informed that as the AP and DRI auctioned the Red sanders which were seized /confiscated, there are no benefit claimers in such cases. Hence, it was proposed that benefit sharing amount realized may be shared with the AP Forest Department through AP SBB as per the percentage allocated by the Expert Committee on Red Sanders in its draft report.

5. On being heard, the members have expressed that certain amount has to be allocated for carrying out research activity on Red Sanders. It was also felt that since the AP Forest Department is the one of the stakeholders on Red Sanders in such cases, an *ad-hoc* amount of Rupees Three Crores may be released to the Andhra Pradesh Forest Department through Andhra Pradesh SBB for the purpose of afforestation, regeneration and protection of Red Sanders Forest areas.

Decision:

The Authority decided to release an amount of Rupees Three Crores to the Andhra Pradesh Forest Department through Andhra Pradesh State Biodiversity Board for the purpose of afforestation, regeneration and protection of Red Sanders forest areas and conservation of Red Sanders.

Action: Secretary, NBA

40.10: Outcome of the 11th National Meeting of the State Biodiversity Boards held on 30th September & 01st October 2016

The members were informed that The NBA has organized the 11th National Meeting of State Biodiversity Boards (SBBs) at the national level on 30th September and 01st October, 2016 at Chennai. The two-day meeting of the SBB has reviewed

various issues relating to implementation of the Biological Diversity Act more particularly on Processing of Access and Benefit Sharing applications by the State Biodiversity Boards, sharing of information on approvals granted by the State Biodiversity Boards, Normally Traded Commodities vis-a-vis ABS / applicability of law, linking activities with Panchayati Raj Institutions with regard to BMCs, etc. and come up with the outcome in respect of each agenda points. The Authority has taken note of it as an information.

40.11: To consider the decision of the Chairperson on Form-B applications

The Secretary informed the Members about the details of approval accorded by the Chairman NBA on five Form–B applications which are given below.

S. no	Appl. No	Date on which application complete in all respects	Name of the Applicant	Purpose	Recipient / Collaborator	Decision
1	B/21	30.08.16	Shri. Kriti Sengupta, Ph.D., Student, Department of Microbiology, The University of Burdwan, Golapbag, Burdwan – 713 104	To analyze the whole genome and transcriptome sequence of 4 bacterial strains by Next Generation Sequencing (NGS) approach followed by in-silico comparative genomics to identify genes and/or proteins that participate in regulatory or signaling event, during 4-NP (a toxic priority pollutant as per US EPA) degradation	Dr. David Whitworth, Senior Lecturer in Biochemistry, Institute of Biological, Environmental and Rural Sciences, Room S22, Cledwyn Building, Aberystwyth University, Ceredigion, SY23 3FG, United Kingdom	Approval granted on 01.11.16
2	B/22	12.09.16	Ms. Devina Pathak, Ph.D Student, Department of Veterinary Parasitology, College of Veterinary Sciences, Guru Angad Dev Veterinary & Animal Sciences University, Ludhiana	Studies on prevalence of gastrointestinal parasities and characterisation of gastro intestinal coccidian in pigs of punjab	Professor Dr. Damer Blake, Department of Pathology and Pathogen Biology, The Royal Veterinary College, Hawkshead Lane, North Mymms, Hatfield, Hertfordshire, AL9&TA, London, United kingdom	Approval granted on 17-11-16
3	B/24	20.09.16	Dr. Sabuj Bhattacharyya C/o. Dr. Rarah Ishtiaq, Molecular Ecology lab, Centre for Ecological Sciences, 3rd Floor, New Biology Building, Indian Institute of Sciences, Bangalore – 560012	Research will be focused on diet analysis of alpine lagomorh, Royle's pika (Ochotona roylei) using advanced genetical tool such as meta barcoding techniques.	Dr. Deborah Dawson, Manager of the NERC Biomolecular Analysis Facility at Sheffield, Department of Animal and Plant Sciences, University of Sheffield, Western Bank, Sheffield, S10 2TN, United Kingdom	Approval granted on 15-11-16

4	B/25	19.10.16	Ms. Madhura Sham Amdekar, Ph.D Scholar, TB04, Centre for Ecological Science, Indian Institute of Science, Bengaluru - 560 012.	Liquid chromatography mass spectrometry (LC-MS) analysis as a part of her Doctoral programme	Dr. Devi Stuart-Fox, Associate Professor, School of Bioscience, Royal Parade, University of Melbourne, Victoria 6010, Australia	Approval granted on 28.11.16
5	B/26	28-11-16	Ms. Isha Kumar F-410, D Block, Sector-18A, Plot-14, IRCON Employees C.G.H.S Ltd, Dwarka, New Delhi – 110078.	Quorum Sensing & Anti-Bacterial Properties of Selected Plant species	Dr. Christian R. Pangilinan, MS, Thesis Adviser, Manila Central University, EDSA Morning Breeze, Sub-Division, Caloocan city, Metro Manila – 1400, Philippines.	Approval granted on 08-12-16

Decisions:

The Authority ratified the action taken on the five Form B applications by the NBA Secretariat.

40.12: Details of Form-C applications received by the NBA

The members were informed that the Authority, in its 37th meeting held on 22nd March 2016 under agenda item 37.14.02, decided that the Indian researchers / scientists shall provide prior intimation to the NBA in the prescribed format *viz.,* Form – C for deposition of micro-organisms in other country's repository for claim of novel species for publication in journals. However, if any non-Indian person / entity intends to access the deposited Indian biological resource from the foreign repository, he/she should obtain the prior approval of NBA as per Section 3 of the BD Act, 2002. Accordingly, 6 researchers / scientists have provided their prior intimation to NBA in Form-C since the last meeting. The Authority took note of this.

40.13: To consider the Constitution / Extension of tenure of Expert Committees

The members were informed about the constitution of Expert Committee on Invasive Alien Species (IAS), Extension of tenure of Expert Committee on Red Sanders and Expert Committee on Medicinal Plants.

Decisions:

The Authority ratified the constitution and extension of the tenure of the Expert Committees.

40.14: To consider the applications for access to Red Sanders wood approved by the Chairperson, NBA

The Secretary informed the members that following the auction of Red Sanders conducted by the Department of Revenue Intelligence (DRI) through STC and MMTC auctioned Red Sanders wood through global tenders, NBA has received 3 applications from foreign buyers seeking access to auctioned Red Sanders wood. As per the procedure approved by the Authority in its 32nd (32.07) and 33rd (33.04) meetings, the applications have been processed and approval accorded by the Chairperson, NBA upon receipt of due benefit sharing component.

Decision:

The Authority ratified the approvals accorded by the Chairperson, NBA on the Form-I applications seeking access to auctioned Red Sanders wood.

40.15: To consider the Implementation of Retirement Gratuity and Death Gratuity to Officers / Staff of NBA

The members were informed that the Department of Pension and Pensioners Welfare (DoPPW), *Ministry* of Personnel, Public Grievances and *Pensions, Govt. of India* vide O.M. no. 7/5/2012-P&PW(F)/B dt. 26th August 2016 had stated that it has been decided that the Government employees covered by the National Pension Scheme shall be eligible for benefit of "Retirement Gratuity and Death Gratuity" on the same terms and conditions, as are applicable to the employees covered by Central Civil Service (Pension) Rule, 1972. He also added that these orders will be applicable to those Central Civil Government employees who joined Government service on or after 1.1.2004 and are covered by the National Pension Scheme and will take effect from the same date i.e. 1.1.2004. Accordingly, all the Officers/Staff of NBA who have been recruited after 1st January 2004 are covered under the National Pension Scheme.

2. It was informed that the "Retirement Gratuity and Death Gratuity" benefits notified vide Department of Pension and Pensioners Welfare (DoPPW), *Ministry* of Personnel, Public Grievances and *Pensions, Govt. of India* vide O.M. no. 7/5/2012-P&PW(F)/B dt. 26th August 2016 may be extended to the Officers/Staff of NBA.

3. The Authority considered the proposal and agreed to extend the Retirement Gratuity and Death Gratuity benefits to the Officers/Staff of NBA.

Decision:

The Authority agreed to extend the 'Retirement Gratuity and Death Gratuity benefits issued by the DOPPW to the Officers/Staff of NBA.

Action: Secretary, NBA

40.16: To consider the Implementation of Modified Assured Career Progression (MACP) to Officers/Staff of NBA

The Secretary informed the Members about the recommendation of 6th Central Pay Commission on Modified Assured Career Progression Scheme (MACPS) which was notified by DoPT vide letter No. 35034/3/2008-Estt.(D) dated 19th May, 2009. The MACP Scheme is in supersession of earlier Assured Career Progression Scheme (ACP). Under the MACP Scheme, three financial upgradations are allowed on completion of 10, 20 and 30 years of regular service, counting from the direct entry grade and date. The MACPS envisages merely placement in the immediate next higher grade pay in case no promotion is earned by the employee during this period. On grant of financial upgradation under the scheme, there will be no change in the designation, classification of higher status.

2. The DOPT vide OM No.35034/3/2010-Estt. (D) on 3rd August, 2010, extended the benefits of MACP Scheme to all Central Autonomous/Statutory Bodies under various Ministries/Departments subject to satisfying the conditions stipulated therein.

3. It also informed that the proposal shall be processed by the Financial Advisor of the concerned Ministry in the first instance and subject to its meeting the requirements spelt out in the said OM, the Financial Advisor would obtain the orders of the administrative Head/Secretary concerned for approving the extension of MACPS to such a body.

4. The Secretary also added that the Officials who were recruited by NBA in the year 2007 will be considered for financial up-gradation under MACP Scheme as they

would be completing 10 years of regular service from the date of their appointments. Further, the MACP benefits notified vide Department of Personnel & Training, (DoPT), Ministry of Personnel, Public Grievances and Pensions, Govt. of India OM No.35034/3/2010-Estt. (D) on 3rd August, 2010 may be extended to the Officers/Staff of NBA, as and when due.

5. After having a detailed discussion, the Authority has approved, *in principle,* to the proposal of extending the MACP benefits issued by the DoPT to the Officers/Staff of NBA.

Decision:

The Authority has agreed, in principle, to extend the MACP benefits issued by the DoPT to the Officers/Staff of NBA.

Action: Secretary, NBA

40.17: To Consider the Revised Proposal for creation of 58 posts in NBA

The Secretary informed the members that NBA sent a proposal to the MoEF&CC for creation of 58 posts in the Expenditure Finance Committee (EFC) during the 12th Five Year Plan Period 2012-17 in July 2012. Thereafter, the MoEF&CC vide their letter dt. 1st October 2013 had conveyed the approval of Ministry of Finance for the 12th Five Year Plan and EFC proposal in entirety informing that financial and recruitment related issues were to be finalized by NBA.

2. The proposal of post creation was communicated to MOEFCC and the same was reverted to the NBA with certain observations. Then, the requirement of posts was revised in the context of guidelines of DoPT and DoE for having the posts in different grades *i.e.,* from the recruitment grade to the apex grade without changing the overall number of 58 additional posts required for the NBA. As per the revised proposal, there is no jumping of grades and opportunity for promotional avenues has been provided.

3. It was informed that the revised Recruitment Rules as per DoPT guidelines for the newly created 58 posts were sent to MoEF&CC, after placing it in the 27th

Authority meeting and the same was reverted by the Ministry of Finance with the observation that the proposal has to be modified at the insistence of MoEF&CC / Ministry of Finance to adhere to the DoPT guidelines.

3. The Authority considered the revised proposal for creation of 58 posts and endorsed the same.

Decision:

The Authority has endorsed the revised proposal for creation of 58 posts.

Action: Secretary, NBA

40.18: Certification Audit by the C & AG for the year 2015 – 2016

It was informed that the Certification Audit of the National Biodiversity Authority for the period 2015-2016 has been conducted by the Office of Comptroller and Auditor General of India (Scientific Depts.) from 23/6/2016 – 29/06/2016 (7 working days) and NBA has received its report on 28/10/2016. The members noted this item as information.

40.19: To consider the Regular Budget Head and Object Heads in terms of Primary Units of Appropriation under DFPR

The members were informed about a proposal to MoEFCC regarding allotment of regular Budget Head and Object Heads in terms of Primary Units of appropriation under DFPR. It was also informed that as per Section 17 of the BD Act, salary and administrative expenses for Officers and employees of NBA including its administrative expenses has to be defrayed out of the Consolidated Fund of India. However, the NBA is receiving funds from MoEFCC as Grant-in-Aid so far. The members took note of the detailed proposal as information.

40.20: To consider the Budget for the year 2017 – 2018 & Expenditure position as on 30/11/2016 of NBA

The members considered the Budget for the year 2017 – 2018 & Expenditure position of NBA as on 0/11/2016 and approved the same.

Decision:

The Authority approved the Budget for the year 2017 – 2018 & Expenditure position of NBA as on 30/11/2016

Action: Secretary, NBA

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

40.21.01: To consider the draft Annual Report for 2015-16

The Secretary informed that the draft Annual Report of the NBA for the year 2015-2016 is placed before the Authority for approval and forwarding to the same to the Ministry for placing before both the Houses of the Parliament. The Authority has considered the draft annual report and approved the same. The members expressed that the annual report should be submitted to the Ministry in time for placing before the houses of the Parliament,

Decisions:

a) The Authority approved the draft Annual Report of the NBA for the year 2015-2016

b) The annual report should be submitted to the Ministry in time for placing before the houses of the Parliament at the earliest.

Action: Secretary, NBA

40.21.02: To consider releasing 95% of the benefit sharing amount to the Tamil Nadu State Biodiversity Board

The members were informed about the benefit sharing amount Rs 39,09,765/- received from M/s. Pepsico Holdings India (P) Ltd in three spells towards access of Dry Seaweed *Echeumia cottonii* in the southern coastal districts of Tamilnadu. As per the Rule 20(9) of the Biological Diversity Rules, 2004, 5% of the benefits will be earmarked for the NBA towards administrative and service charges and 95% will be transferred to the benefit claimers. Accordingly, 5% of the amount received against all three spells works out to Rs.1,95,488/-.

2. It was also informed that an amount of Rs.38,981/- being 5% of administrative charges on the first spell of benefit sharing received was already transferred to NBA account during 2009 – 2010.

3. The decision regarding sharing of 2.5% of administrative charges with State Biodiversity Boards was taken during March, 2011 in the 18th Authority meeting.

Therefore, an amount of Rs.78,253/- being 2.5% of benefit sharing in respect of last two spells i.e Rs. 29,56,765 and Rs. 1,73,376 was transferred to the Tamil Nadu SBB.

4. Since the Tamil Nadu State Biodiversity Board agreed to receive and transfer the benefit sharing amount to the beneficiaries, it is proposed to transfer the 95% BS amount due to the beneficiaries through TNSBB.

5. After discussing the issue, the Authority has decided that NBA may transfer 95% of Benefit sharing component to TNSBB for distributing the same among the beneficiaries.

Decision:

The Authority decided to transfer 95% of benefit sharing component to TNSBB for distributing the same to the beneficiaries in the southern coastal districts of Tamil Nadu.

Action: Secretary, NBA

40.21.03: To consider the proposal of Himachal Pradesh SBB for the inventorization of the sacred groves

It was informed that Himachal Pradesh State Biodiversity Board has proposed the inventorization of the sacred groves of Himachal Pradesh seeking a financial assistance to the extent of Rs.14.00 lakhs for two years. It was informed that Himachal Pradesh is one of the project states in the UNEP-GEF-ABS project and the project proposal may be referred to the PSC meeting to be held. The Authority has considered the proposal and agreed to refer it to the PSC meeting of UNEP-GEF project for providing financial support.

Decision:

The Authority decided to refer this project proposal to the PSC meeting of GEF to consider providing financial support.

Action: Secretary, NBA.

40.21.04: To consider the proposal for digitization of People's Biodiversity Register

The Secretary informed that in the 39th Authority meeting held on 14th October 2016, the Authority agreed to, in principle, to develop a centralized database for

compiling the PBR data documented by the SBBs and directed the NBA secretariat to explore the possibilities to build up a detailed project in association M/s C-DAC with financial requirements and its modus operandi. Further, the Authority also suggested that UNEP-GEF Project may undertake this task, if the project gets the zero budget extension.

2. It was also informed that a private agency (M/s. Digimind) approached NBA and informed that they have developed PBR formats, as per the NBA guidelines, for the Madhya Pradesh Biodiversity Board and it is in operation. He also added that they have proposed to develop the central database for PBR formats, which will allow the SBBs to feed the data either manually or through App from the field, with a quote of Rs 19.50 lakhs, and a time line of four months.

3. After discussing the proposal, the Authority has agreed to develop the central database for PBR formats, which will allow the SBBs to feed the data either manually or through mobile application from the field, following due process.

Decision:

The Authority has agreed to develop the central database for PBR formats, which will allow the SBBs to feed the data either manually or through Mobile application from the field, following due process.

Action: Secretary, NBA

ANNEX-I

List of Participants

Official Members who participated			
1	**Dr (Mrs) B.Meenakumari** Chairperson, National Biodiversity Authority, Chennai	2	**Dr. J.R. Bhatt** Adviser, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110003
3	**Dr. R.K Singh,IAS** Joint Secretary (Seeds), Dept. of Agriculture and Cooperation, Room no. 244, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi -110 001	4	**Smt. Shomita Biswas, Padmapriya** Chief Executive officer National Medicinal Plant Board, dy.ceo Department of AYUSH, Ministry of Health & Family Welfare, 3rd Floor, AYUSH Bhawan, B Block, G.P.O Complex, I.N.A, New Delhi
5	**Dr R.K.Singh** Additional Director General Division of Commercial Crops, ICAR, Krishi Bhavan, New Delhi -110 001.	6	**Dr. R. Kirubagaran** Scientist G, National Institute of Ocean Technology, Ministry of Earth Sciences, Velachery-Thambaram Main Road, Narayanapuram, Pallikaranai, Chennai - 600100
7	**Dr. Manoj Modi,** Scientist D, Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi 110 003**.**	8	**Shri Uttam Kumar Kar,** Under Secretary (FRA), Ministry of Tribal Affairs, Shastri Bhawan, New Delhi – 110 001
	Secretary to the Authority		
	Shri T.Rabikumar, IFS., Secretary, NBA		
	Special Invitees who participate		
	Dr. T.P. Rajendran, Co-Chair of the EC n ABS, No. 701-A, Vasundhara Apartment, Plot 10, Sector 6, Dwaraka Sub-city, New Delhi-11005		
Members who did not participate			
1	**Dr. Anil Kumar, IFS** Additional Director General of Forests, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Vayu Block, Fifth Floor, Jor Bagh Road, New Delhi	3	**Dr. Sanjay Kumar** Director, Institute of Himalayan Bioresource Technology P. O.no.6, Palampur (HP), Himachal Pradesh:176061
2	**Dr. B.K Shukla** Scientist G & Head Planning, Coordination & Performance Management Department of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi	4	**Prof. Umesh Rai** Director, Department of Zoology, South Campus, University of Delhi New Delhi- 110 007

Form – C

Deposition of micro-organism by Indian scientist/ researchers in non-Indian repository for claim of novel species

1.	Name of the depositor	
2.	Complete Address with contact details	
3.	Name(s) of the micro-organism(s) to be deposited in the foreign repository	
4.	Geographical location from where the microorganism was isolated	
5.	Name and contact details of the foreign repository where the biological resource(s) are to be deposited	
6.	Purpose of deposition	
7.	Name and contact details of the Indian repository where the biological resources are deposited	

Declaration

I ……., an Indian scientist/ researcher, have read and understood the terms and conditions for depositing the microorganisms in recognized repositories outside India for claim of novel species.

I further declare and solemnly affirm that the information provided above is true and correct.

Place:

Date: **Signature of the Depositor**

Note: A copy of this may be sent to the designated repository mentioned at Sl.no.7