Ministry of Environment, Forests and Climate Change

National Biodiversity Authority

NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 44TH AUTHORITY MEETING

25th January, 2018

Venue

Conference Hall,
National Biodiversity Authority,
5th Floor, Ticel Biopark, CSIR Road,
Taramani, Chennai- 600 113
Tel: 044 2254 2777 / 1200

Proceedings of the 44th Authority Meeting of the National Biodiversity Authority held on 25.01.2018

The forty fourth meeting of the National Biodiversity Authority (NBA) was held on 25th January, 2018 at Conference Hall, National Biodiversity Authority, Chennai under the Chairpersonship of Dr.B.Meenakumari, Chairperson, NBA to consider the agenda items circulated to the Members *vide* email dated 12th January, 2018 and by hard copy on 18th January, 2018. The list of participants is placed as **Annex-I.**

2. At the outset Dr. B. Meenakumari, Chairperson, NBA extended a warm welcome to the members and special invitees. The Chairperson, briefed the members about the various activities undertaken by NBA during the intervening period i.e. after the 43rd Authority meeting, wherein she highlighted awareness raising and capacity building as important activities undertaken for the implementation of the Act. She cited examples of "Biodiversity Law-an interface with patent procedure" in a workshop on "Patent Drafting" organised by the Technology Information Forecasting and Assessment Council (TIFAC), New Delhi in association with Centre for International Cooperation in Science (CICS), Chennai; Workshop on conservation of sustainable use of water ecosystem and project on secure the Himalayas of India. The members were briefed on the Project Steering Committee (PSC) Meetings held; such as the 7th meeting of Project Steering Committee of UNEP-GEF-ABS Project, 1st PSC Meeting of the Indo-German (GIZ) project on ABS and 1st National Project Steering Committee (NPSC) of the FAO Technical cooperation project-mainstreaming the biodiversity in Agricultural sector held during 18th & 19th January, 2018 at New Delhi. Also a technical session on 'Biodiversity management and sustainable use in fisheries sector in the light of SDG 14' was sponsored at the 11th Indian Fisheries and Aquaculture Forum (IFAF) during 21-24 November 2017 held at Cochin. The members were informed of the implementation of the MACP to the officials of the NBA upon their completion of 10 years' service.

3. As public at large needs to be sensitized on the provisions of the BD Act, the chairperson suggested that the members of the Authority as well as the Expert

committees of NBA may include the provisions/features of the BD Act particularly about ABS, conservation of Biodiversity and enhancement of livelihood of the rural/tribal communities who are the custodians of the biological resources through ABS mechanism as topics for discussion in their meetings/workshops/trainings/ lectures. The members welcomed the suggestion of the Chair.

4. The Secretary, NBA updated the members about the status of the ABS applications received, Expert Committee meetings held on ABS, Jury meetings for the selection of India Biodiversity Awards-2018, Capacity building programme on Biodiversity Governance organised by NBA-CEBPOL in association with NIRD for PRIs, joint meeting held between NBA and NIC on modalities on development of *e*-PBR and the 1st meeting of the Expert Committee to examine the procedural issues relating to implementation of Biological Diversity Act, 2002. He also explained the members about the timeline taken for disposal of the ABS applications as well as various steps /stages involved in the process of ABS applications. It was informed that applications received through online are largely being cleared within a stipulated period and this might be reduced further once the real time processing of ABS applications is in place at the NBA Secretariat.

5. The members appreciated the NBA Secretariat on the handling and disposal of the ABS applications in a timely manner and for taking efforts to update the process. Dr Sujata Arora, Adviser, MoEFCC suggested that NBA may send a note to the Ministry on the significant improvement in efficiency of handling applications by NBA after the launch of online filing of ABS applications, so that the same can be reported/highlighted in the appropriate forum. She also highlighted that development of real-time processing of applications at NBA may be expedited and this system upon its completion may be launched during the national event like Celebration of International Day for Biological Diversity.

Decision:

a) Members appreciated the NBA on effective handling of ABS applications and disposal of the same in a timely manner.

b) A note to be communicated to the Ministry on the improvement on efficiency of handling of ABS applications by the NBA Secretariat after the launch of online filing of ABS applications.

c) Members directed NBA to expedite the development of real-time processing of applications by NBA and this real-time processing system, once ready, may be launched during national event like Celebration of International Day for Biological Diversity.

The agenda items were considered as under:

44.01: Confirmation of Proceedings of the 43rd Authority meeting

The draft proceedings of the 43rd Authority meeting of the National Biodiversity Authority held on 28th November, 2017 at Chennai was circulated to the Members *vide* email dated 27th December, 2017 for their comments. In response, Shri M. Gunasekaran, DAC&FW, Dr.Manoj Modi, DBT, Dr.G.Dharani, NIOT, Dr Darshan Shankar and Dr P.C. Bhattacharjee have provided their approval on the draft proceedings.

Decision:

a) Members confirmed the proceedings of the 43rd Authority meeting.

Action: Secretary, NBA.

44.02: Action taken report of the 43rd Authority meeting

It was informed that action on most of the items has been taken and action on the remaining items is in progress.

Action: Secretary, NBA

44.03. To consider the Proceedings of the 46th meeting of Expert Committee on ABS held on 21st December, 2017

The members were informed that the 46th meeting of the Expert Committee on Access and Benefit Sharing (EC on ABS) was held on 21st December 2017. A total of 75 applications were taken up by the EC. Representatives of seven Applicants appeared before the EC and clarified their position on their pending applications. Thirty-four (34) Form-III and one (1) Form-I applications which were recommended for

approval by the EC are being cleared [draft agreements sent to applicants for execution] by the NBA Secretariat.

2. Chairperson, NBA apprised that most of the access applications are for access to seeds varieties/ lines for conducting research, which are seasonal crops, and mainly depends on cropping season, climate conditions, etc. Similarly, the research scholars conducting research on particular species which are available at particular seasons and their short time period for the said research project, etc are urging NBA to clear their case on time. She informed that timeline between meeting of the EC and Authority is nearly around 2-3 months which may be reduced, so that the Secretariat would clear the case as early as possible.

3. The Secretary, NBA apprised the members that Authority has delegated its power to the Chairperson, NBA to grant approval to the applicants of Form-III and Form-I applications submitted by the researchers/institutions for conducting research in the event of EC on ABS recommends for approval and subsequently the same may be placed before the Authority for ratification. He also informed that recommendations made by the EC on applications which are relating to commercial utilization of biological resources by the entities and applications which are in violation of the provisions of the BD Act alone are being brought to the Authority for making decision on the same. Since the entities are seeking permission to access to biological resource for conducting research including seasonal crops, plants extracts, etc. for conducting research and such research activities are mainly depending on climate conditions, seasons in so as far crops are concerned, granting of NBA's permission to such applications in time sensitive. And timely clearances may pave way for increase in the filing of such applications with NBA for approval as well as help the user groups to undertake their research in a time bound manner.

4. The members noted that the NBA being a regulatory authority and has to implement the ABS provisions effectively at the same time; it is necessary to facilitate the users to get approval from NBA in a timely manner. The members directed the NBA Secretariat to analyse the applications which are violations of the provisions of the BD Act and present such cases before the next Authority meeting along with actual

contravention of each provision in each case for detailed deliberations. The members, authorized the Chairperson to convey approval to all the applications which also have ABS components, which are recommended for approval by the EC, except applications which are identified as violation of the BD Act and have any disputes. The approvals accorded as such as by the EC are to be placed before the Authority for ratification of the same.

5. During the discussion, the members pointed out that some of the firms are selling the biological resources through online portal and compliance of the BD Act to be ensured and the same need to be monitored. Persons/entities involved in online trade need to be sensitized about the ABS provisions for better compliance of the BD Act. The members also suggested that NBA may apprise the quarantine departments concerned *i.e.* Plant quarantine, Animal quarantine, etc. on the provisions of the BD Act and its requirement to ensure compliance of the provisions of the Act by the Parties. Members suggested that NBA may undertake a study on exchange of biological resources through online portal.

6. Secretary, NBA informed about the monitoring of the patent applications filed in and outside India by NBA, based on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India in accordance with Section 18(4) of the BD Act and highlighted that 32 cases have sofar been opposed by the NBA on behalf of the Central Government. Dr. Sujata Arora appreciated NBA for taking sincere action u/s 18(4) of the Act and suggested that NBA Secretariat should apprise the members on the action taken by the NBA including those under section 18 (4) of the BD Act. She added that a brief note on action taken on this subject may be communicated to the Ministry for presenting the same in review meetings as well as appropriate forums.

Decisions:

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

b) Authority directed the Secretariat to take action on sl.no. (a) as referred above, without waiting for issuance of approved proceedings of the Authority.

c) The Authority authorized the Chairperson to convey approval to the applications, which have recommended by the EC on ABS, except applications, which are identified as violation of the BD Act and have disputes. Such approvals to be placed before the Authority for ratification.

d) Members directed the NBA Secretariat to apprise the Quarantine departments concerned i.e Plant quarantine, Animal quarantine, etc. about the provisions of the BD Act and its requirement for ensuring compliance of BD Act by the Parties, while exporting the biological resources.

e) Members directed the NBA to communicate a brief note on action taken under section 18(4) of the BD Act to the Ministry

Action: Secretary, NBA

44.04: To consider Form-III and Form-I applications cleared by the NBA Secretariat for ratification

Members ratified the action of the Secretariat in sending the draft agreements to the 34 Form-III applicants and one Form-I applicant which were recommended for approval by the EC in its 46th meeting held on 21st December 2017 in accordance with the decision taken in the 38th Authority and 40th Authority meeting.

Decision:

The Members ratified the action taken by the Chairperson, NBA relating to Form III and Form I applications recommended by the EC on ABS.

44.05: To consider the Report of the Expert Committee on Medicinal Plants - presentation on ecological niche modeling by NBRI, IHBT & NEIST

It was informed that an Expert Committee (EC) on Medicinal Plants was reconstituted *vide* Office Order dated 5th May, 2015 under the Chairmanship of Smt. Amarjeet Ahuja, IAS (Retd.) to deliberate on the issues relating to notifications of plants and animals which are on the verge of extinction or likely to become extinct in the near future as threatened species u/s 38 of the BD Act. After six sittings from 2015 to 2017, the EC prepared its recommendations and submitted the report to NBA. The report was considered by the Authority in its 43rd meeting held in 28th November 2017 vide agenda item no. 43.08 and it was decided to invite IHBT, NEIST and NBRI for making presentation on ecological niche modeling to understand and to get additional

information on the threat assessment process being followed in the country. Accordingly, Dr.Sanjay Kumar, Director, Institute of Himalayan Bioresource Technology; National Botanical Research Institute, Lucknow and North East Institute of Science and Technology, Jorhat have been invited to this meeting for making presentation on ecological niche modelling.

2. Dr. Sanjay Kumar made a detailed presentation on “NextGen remote sensing and ecological niche modelling (ENM) for biodiversity assessment, monitoring and conservation” by covering various techniques, methodology of NextGen remote sensing and its uses in different fields including distribution and conservation of biodiversity. He explained the ecological niche modelling, its types, methodology, modus operandi and its use, particularly in terms of potential distribution of species, models for spread of invasive species and habitat suitability index for *in-situ* conservation of plants etc. He also briefed about the case studies being conducted using the ENM by the IHBT in various projects. He emphasized that NextGen remote sensing and ENM may be utilized for rapid and non-destructive assessment of biodiversity for strengthening the ongoing conservation efforts of Government of India. The members appreciated Dr. Sanjay Kumar for making valuable and informative presentation. Dr Sujata Arora highlighted that, in a review meeting held amongst the scientific Ministries, it was decided to establish cooperation among scientific Ministries / Departments of Government of India on identified potential areas which may lead to improvement of livelihood of people. Since the IHBT has developed a methodology using the modern technologies in the field of conservation of biodiversity and reintroduction of the particular species in various locations across the country, organization who are involved in research and conservation of biological resources may establish a collaboration with IHBT in the activities of biodiversity conservation, as appropriate, in accordance with the provisions of the BD Act.

3. Dr. B.R.Barik, Director, CSIR-National Botanical Research institute, Lucknow made detailed presentation on “Ecological Niche Modeling for threatened species conservation and identifying areas for specific medicinal plant cultivation: Putting ‘Ecological Niche Theory’ into practice” to the members in which he highlighted the

ENM, Methods for species presence-only type of modeling, generating niche model using Maxent, evaluation and validation of modeling, accuracy of data, errors, steps to be taken etc. He also presented the case studies through ENM applications in conservation and allied sciences such as the distribution of H5N1 in Indian subcontinent, bamboo flowering under particular environmental setting etc. One of the key projects carried out by NBRI is directly related to the agenda of this meeting i.e classifying threatened species of India using IUCN criteria in which they have identified 2708 threatened plant species belonging to 1031 genus and 217 families in India. He informed that NBRI in association with various government agencies/departments has conducted a study on 100 threatened species and conserved the same by using ENM modeling across the country.

4. The members applauded the Dr Barik for his enlightening presentation and for providing the update on the use of technology for threat assessment. The members noted that NBRI has already conducted rehabilitation studies on 100 threatened species and achieved the desirable results. It was also observed that NBRI classification of 2708 plant species as threatened species in the country also includes 108 plant species notified under section 38 of the BD Act. The members highlighted that, since Section 38 of the BD Act provides for taking appropriate steps to rehabilitate and preserve those notified species, NBA/States may establish collaboration with NBRI for conservation of those species notified under the BD Act. Dr. Darshan Shankar, suggested that concept note on conservation of threatened species using ENM modeling through collaboration of NBA, NBRI& FRLHT may be developed for consideration in the next meeting.

5. Secretary, NBA apprised that conservation of plant species notified under section 38 of the Act may be considered under the proposed activities as it fits into the ambit of section 38 of the BD Act. He added that notification of threatened species is dealt by the Central Government in consultation with the concerned State Government and the NBA is playing its advisory role on this subject, and hence the States may be directly involved in the exercise.

Decision:

Authority directed that Dr. Darsan Shankar and National Botanical Research Institute may develop a concept note on conservation of threatened species notified u/s 38 of the Act using ENM modeling and forward the same for consideration of the Authority.

Action: Secretary, NBA

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

Following the auction of Red Sanders by the Andhra Pradesh Forest Development Corporation; Directorate of Revenue Intelligence (DRI) through STC/ MMTC and PEC Limited through global tenders, NBA received 6 applications from foreign buyers seeking access to 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 was accorded by the Chairperson after receiving due benefit sharing component.

Decision:

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

Action: Secretary, NBA

44.07: To consider the Form-B applications approved by the NBA Secretariat for ratification

Members ratified the approvals accorded by the Chairperson, NBA to the two Form-B applications in accordance with the decision taken in the 32nd Authority.

Decisions:

The Authority ratified the action taken on two Form-B applications by the NBA Secretariat and informed that the same may be hosted in the NBA website.

Action: Secretary, NBA.

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

The Authority took note of the decision taken in the 37th meeting of the Authority held on 22nd March 2016 under agenda item 37.14.02 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. Accordingly, nine (9) researchers / scientists have provided their prior intimation to NBA in Form-C for depositing of microorganism since the last meeting.

44.09: Constitution and re-constitution of expert committees

The members ratified the constitution / re-constitution of the following Expert Committees by NBA secretariat:

1. Expert committee to Examine the procedural issues relating to implementation of Biological Diversity Act, 2002
2. Selection Committee for evaluation of Applications /nomination received by the NBA for the India Biodiversity Awards 2018
3. Reconstitution of Expert Committee on Agrobiodiversity.

Decisions:

a) The Authority ratified the action on constitution/reconstitution of Expert Committees.

Action: Secretary, NBA

44.10: Presentation on scheme for certification of folk healers by Quality Council of India (QCI)

The Quality Council of India (QCI) is an experiment of the Government of India in setting up of organizations in partnership with the Indian industry. The main objectives of QCI is to lead nationwide quality movement in the country through National Quality Campaign. It is aimed to create awareness amongst citizens, empower them to demand quality in all spheres of activities, and promote and protect their wellbeing by encouraging manufacturers and suppliers of goods and service providers for adoption of and adherence to quality standards and tools; to develop apropos capacities at the level of Governments, Institutions and enterprises for implementing & institutionalizing continuous quality improvement, etc.

2. In this connection, the QCI proposed for a presentation on scheme for certification of folk healers. The Authority in its 43rd meeting held on 28th November, 2017 has deferred the item to the next meeting since the representatives of QCI could not attend the meeting.

3. Accordingly, Shri. Anil Jauhri, Chief Executive Officer, National Accreditation Board for Certification Bodies (NABCB), QCI, New Delhi made a presentation to the members in which he emphasized Institutional framework, International models, schemes, NABCB assisted various stakeholders through its expertise to develop voluntary schemes which are being managed by QCI such as Certification of Yoga Professionals/Training Schools (Min. of AYUSH), Medicinal Plants Certification Scheme (NMPB), Personal certification, Certification of Traditional Community Healthcare Providers, etc. One of the schemes implemented by NABCB is certification of Traditional Community Healthcare Providers jointly with Foundation for Revitalization of Local Health Traditions in which they are recognizing the folk healers who are practicing more than 10 years as TCHPs.

4. In this context, they have requested the NBA to consider to promote Voluntary Certification Scheme for Traditional Community Health Practitioners (TCHP) as the scheme may be relevant to ABS, which is one of the functions of NBA; to issue an advisory to the SBB to register Certified TCHPs under BMC and maintain data of certified and non-certified local vaids and practitioners. Dr Darsan Shankar informed that registration of the local / vaids / hakims is one of the activities proposed under the People's Biodiversity Register, in which Certified TCHPs may also be recognized and registered as part of PBR process. He added that BMC may also be involved in the maintenance data of certified vaids and practitioners.

5. Dr Sujata Arora noted that the scheme for certification of TCHPs by NABCB is a good initiative of the Ministry of AYUSH. She however pointed out that the proposal needs to be looked at keeping in view the mandates of MoEFCC/NBA. The Members agreed to the suggestion.

Decision:

Members decided that NBA may examine the proposal of NABCB viz-a-viz the provisions of the BD Act.

Action: Secretary, NBA

44.11: Items for information

The members were informed about the two training programmes organized by the NBA-CEBPOL in association with the National Institute for Rural Development & Panchayati Raj (NIRD&PR), for the stakeholders like PRI functionaries, Agriculture, Forest, Horticulture officers, few faculties of NIRD/SIRD from different states on 08th December, 2017 at Mysuru and 22nd December, 2017 at Hyderabad. As an initiative on capacity building on biodiversity governance in the country, NBA-CEBPOL is in the process of executing a Memorandum of Understanding (MoU) with NIRD&PR, with an objective to build capacity on biodiversity governance for various stakeholders including PRI functionaries and People's Representatives across the country.

2. The members noted the activities undertook by the UNEP-GEF–MOEFCC ABS Project such as educational exhibition covering the Indian Biological Diversity Act 2002 and Rules 2004 and related knowledge products at the 11th Indian Fisheries and Aquaculture Forum (IFAF) held at Kochi, Kerala from 21st -24 November, 2017; Extension until December, 2018 for the UNEP-GEF-MoEFCC ABS project at no-cost and 7th Project Steering Committee (PSC) for the UNEP-GEF-MoEFCC ABS Project held on 18th January, 2018 at MoEFCC, New Delhi.

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

Dr Sujata Arora referring to the recently held meeting of PSC of UNEP GEF observed that fixing a time line may be appropriate for the formation of BMCs in the country. The Act mandates constitution of BMC at every local body, but it can be advised for constitution in the block level in the first instant. Members agreed that there is a need to prioritise the constitution of BMCs.

Decision:

a) NBA may advise the states to expedite the constitution of BMCs at appropriate level considering the biodiversity richness in a particular area in a time bound manner.

Action: Secretary, NBA

Annex-I

List of Participants

Official Members who participated			
1	**Dr (Mrs) B.Meenakumari** Chairperson, National Biodiversity Authority, Chennai	2	**Dr Padmapriya Balakrishnan**, Director cum Deputy Chief Executive officer, National Medical Plant Board, Ministry of Ayush, 3rd Floor, Ayush Bhawan, B Block, G.P. O. Complex, I. N. A, New Delhi – 110 023
3	**Dr Sujata Arora** Adviser / Scientist 'G' Ministry of Environment, Forest and Climate Change Government of India Room No. V 235, Vayu Block, Second Floor Indira Paryavaran Bhawan Jor Bagh Road New Delhi-110 003	4	**Dr.R.Kirubagaran,** Scientist G, National Institute of Ocean Technology, Chennai, Ministry of Earth Sciences, Velachery-Thambaram Main Road, Narayanapuram, Pallikaranai, Chennai – 600 100
5	**Dr. Sanjay Kumar,** Director, CSIR - Institute of Himalayan Bio resource Technology P O No:6, Palampur, Himachal Pradesh: 176061	6	**Dr Parimal Chandra Bhattacharjee,** A/3 Asiyana Housing Complex Maligon, Guwahati – 781011, Assam.
7	**Shri. T. Rabikumar, IFS ,** Secretary, National Biodiversity Authority, Chennai –600 113.		
Non-Official Members who participated			
8	**Shri Darshan Shankar,** Chancellor, TransDisciplinary University, C/o Foundation for Revitalization of Local Health Traditions (FRLHT), 74/2, Jarakabande Kaval, Post Attur via Yelahanka, Bangalore - 560 064	9	**Dr. Yogesh Shouche** Senior Microbiologist, National Centre for Cell Science Department of Biotechnology Lab, University of Pune Campus, University Road, Ganeshkhind, Pune, Maharashtra – 411 007
10	**Dr. Dinesh Misra,** No: 65, Sector 8 Gandhi Nagar, Gujarat – 382008		
Members who did not participate			
11	**The Additional Director General of Forests**, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003.	12	**Shri B. Rajender, IAS**., Joint Secretary (Seeds), Dept. of Agriculture and Cooperation, Room no. 244, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001

13	**The Deputy Director General,** Division of Crop Science, ICAR, Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi -110 001	14	**Dr. Renu Swarup** Senior Advisor, Department of Biotechnology Ministry of Science & Technology, Govt. of India, Block No:2, 6-8th Floor, CGO Complex, Block No. 2 Lodhi Road, New Delhi 110 003.
15	**Dr. B.K Shukla,** Scientist G & Head Planning, Coordination and Performance Management, Department of Science & Technology, New Mehrauli Road, New Delhi – 110 016.	16	**The Director,** Ministry of Tribal Affairs, Room no. 216, J-Wing, 7th Floor, Shastri Bhawan, New Delhi – 110001
17	**Prof. Umesh Rai** Director, Department of Zoology, South Campus, University of Delhi New Delhi- 110 007		
Special Invitees who participated			
18	**Dr. B.R.Barik,** Director CSIR-National Botanical Research Institute PO Box No436, Rana Pratap Marg Lucknow – 226001	19	**Shri. Anil Jauhri,** Chief Executive Officer, National Accreditation Board for Certification Bodies, C/o Quality Council of India, 2nd Floor, Institution of Engineers Building Bahadur Shah Zafar marg, New Delhi - 110002.
Special Invitee who did not participate			
20	**Dr. D. Ramaiah,** Director, CSIR-North East Institute of Science & Technology, Jorhat-785006, Assam.		