सत्यमेव जयते

Ministry of Environment
Forests and Climate Change

NATIONAL BIODIVERSITY AUTHORITY

PROCEEDING OF THE 46th AUTHORITY MEETING

24th July 2018

Venue

Indus Conference Hall, Ground Floor,
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan Jor Bagh Road
New Delhi

Proceedings of the 46th Authority Meeting of the National Biodiversity Authority held on 24-07-2018.

The forty sixth meeting of the National Biodiversity Authority (NBA) was held on 24th July 2018 at Indus Conference Hall, Ground Floor, Jal Block, Indira Paryavaran, Ministry of Environment, Forest and Climate Change, New Delhi. Dr. B. Meenakumari, Chairperson, NBA chaired the meeting. The list of participants is placed at **Annex-I.**

At the outset, Chairperson welcomed Dr Umesh Rai who is attending the meeting for the first time. She also extended a warm welcome to other members and briefed them about the participation of NBA in various International & National conferences, workshops, meetings, CEBPOL policy dialogues, celebration of World Environment Day, International Yoga Day and International Biodiversity Day.

Different consultative meetings were held in collaboration with MOEF & CC and UNDP towards preparation of India's Sixth National Report to CBD and Progress Achieved on India's National Biodiversity Targets,

Meeting of the Parliamentary Committee on Estimates was held at Ooty on 2nd July 2018 where NBA presented its achievements and future requirements.

Ms. Shyla Titus observed that Gramsabhas being more penetrating it is easy to implement the BD Act by invoking their traditional management systems by involving members of such community groups in BMCs to make the process easy and fast. The Dept. of Tribal Affairs and Gramsabhas work in close association. She emphasized the importance of local communities being a part of this process to derive the benefits. Secretary clarified that the definition of BD Act itself provided for it.

Secretary, NBA apprised about the status of ABS applications received, trends in receipt of applications and disposals.

Thereafter, the agenda items were take up as under for discussion:

46.01 Confirmation of Proceedings of the 45th Authority meeting

The draft proceeding of the 45th meeting on 27th March 2018 was sent to members on 23rd May 2018. After incorporating the comments of Dr.Sujata Arora, Scientist "G" MOEF&CC and Dr.Yogesh Shouche, NCCS appropriately, the revised proceedings were placed for confirmation.

Decision: The members confirmed the revised proceedings.

46.02 Action taken report of the 45th Authority meeting

Most of the decisions taken during the 45th Authority meeting are being acted upon and the members noted the action taken report on the decisions.

46.03 To consider the Proceeding of the 48th meeting of Expert Committee on ABS held on 14th & 15th May 2018.

Secretary briefed about the discussions and recommendations of the of EC on ABS and that 193 applications and two generic issued were received for approval. He explained about the discussions held on Patent applications where the prominence of invention is on process and not the product. The report of the sub-committee on upfront payment was also placed before the authority for consideration.

The EC recommended that a small note may be inserted in the Application Guidelines on the NBA website about the need for the applicants to secure proper permissions from the authorities (as required under the Forest Act, Wildlife Protection Act, etc.) before collection of biological resources from such areas.

Dr Parimal Bhattacharya, Expert Member expressed concern on rampant accession of valuable bio resources both by Indian and foreign nationals from the forests of north east region.

Secretary described the efforts of the EC on handling of violation cases and its recommendation for preparing a check list by NBA listing the 190 applications decided by the Authority under different sub-heads, to move forward on the subject. The members were informed that the EC on ABS is studying the cases for grouping into different sub-heads.

Dr Gunasekharan enquired about the status of informing the violations to the applicants for which Chairperson and Advisor, MoEF&CC elucidated the efforts taken by EC (ABS), NBA and Ministry like meetings with ayurvedic manufacturers, industry, and attempts to bring out a notification to do away with the difficulties faced by them.

After deliberations the following decisions were taken.

Decision:

1. The Authority approved the recommendations of 48th meeting of EC on ABS.
2. Revised guidelines on upfront payment have been approved to be uploaded on the NBA Website.

46.04: To consider Form-II and Form-I application cleared by the NBA Secretariat for ratification.

The 44th Authority had authorized the Chairperson to convey approval to the applications, which have been recommended by the EC on ABS, except those in dispute for violation of violation of the BD Act and place them before the Authority for ratification.

The draft agreements are being sent to the six (6) Form-I and 164 Form-III applicants recommended for approval by the EC in its 48th meeting held on 14th & 15th May, 2018.

Decision: The Authority ratified the action taken by the Chairperson NBA.

46.05: To consider the minutes of the meeting to discuss modalities about sharing of the benefit-sharing amount with the BMC / beneficiaries - held on 13th June, 2018.

The Secretary informed about the benefit sharing amount of Rs. 65.71 crores received by NBA (Rupees) as upfront payment for the use of biological resources and retained in the National Biodiversity Fund account under Section 27 (1) of the Biological Diversity Act 2002. This amount shall be applied for the purposes mentioned under sub section (2) of Section 27 of BD Act. The benefit claimers are to be identified and the amount could be used for conservation and sustainable use of the biological resources as well as improving the livelihoods of the local people.

NBA has convened a small group with selected State Biodiversity Boards on 13th June, 2018 at Chennai who recommended the modalities of distributing the benefit sharing components when the beneficiaries are identified or not-identified.

The recommendation of the committee was considered and the following decisions were taken.

Decision: The authority approved the recommendations with modification as below:

2(b): If the accessed biological resource is commonly available across the country, the benefits may be distributed among the SBBs concerned appropriately on a case to case basis.

46.06: To consider the Minutes of Meeting of Core Expert Group to develop guidelines for eligibility conditions/parameters for identification of repositories held on 05.05.2018 at Chennai

The Core Expert Group constituted for developing a guideline for eligibility conditions/parameters for identification of repositories in its meeting held on 05.05.2018 has submitted the recommendations. Secretary explained the salient features of its recommendations.

Decision:

1. The Authority approved the recommendations of the Core Expert Group.
2. The Authority directed that NBA Secretariat may write to the notified repositories and seek details of deposits held as per section 39 of BD Act.

46.07: Ratification of decisions on Form-B applications

Action taken by the Chairperson, NBA on Form-B applications as decided in the 32nd Authority meeting was briefed by the Secretary.

Decision: The Authority ratified the action taken by the Chairperson NBA.

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

The Secretary briefed the launching of online facility for filing of applications in Form-C (deposition of microbial cultures in foreign repository for claim of novel species) through e-filing and also informed that from January 2018, out of the NBA 13 Form C applications received, three were through online portal.

Decision: The members took note of the information.

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

The Secretary informed that 4 out of the 5 applications for access to Red Sanders Wood were approved by the Chairperson as per the decision in the 32nd Authority meeting and one was closed.

Decision: The Authority ratified the action taken by the Chairperson NBA.

46.10: Minutes of the meeting held to discuss the modalities for export of biological resources including Crude Herbs on 19th April, 2018 at Chennai

Secretary explained the recommendations in the minutes of the meeting on the modalities for export of biological resources including Crude Herbs. After detailed discussion the members suggested that NBA may write to DG FT to notify /designate specific ports as sole points for export of Red Sanders as recommended by the Expert Committee.

Decision:

1. NBA may share the notification under section 40 of the BD Act to CBEC
2. NBA may write to DG FT to designate specific ports as points for export of Red Sanders and communicate to customs for invoking section 11 (3) of Customs Act, 1962 for effective control over exit points.
3. NBA may inform CEBC about prioritized lists of biological resources for monitoring their movements.

46.11: To consider proceedings of the 3rd Meeting of the Award Selection Committee and ratification of the winners for the India Biodiversity Awards on 23rd April 2018

NBA celebrated the International Biological Diversity Day 2018 at Hyderabad during which India Biodiversity Awards 2018 were presented to the winners recommended by the Award Selection Committee. The members placed on record appreciation for the efforts of the members, chair and co-chair of the Award Committee.

Decision: Authority ratified the proceedings and winners of India Biodiversity Awards 2018 made in the 3rd meeting of Award Selection Committee.

46.12 National Biodiversity Fund-Guidelines on Accounting and Utilization of Fund.

Secretary apprised the Authority on the constitution of NBF under Section 27 of BD Act and the requirement under Section 26 to deposit all receipts in the fund.

The salient features of the draft guidelines for utilization and accounting of the fund as per Section 24 of BD Act were explained to the members.

The disbursement to the benefit claimer will be done in accordance with the guidelines. When benefit claimers are not identified or when the receipts are not associated with any individual benefit claimers, such amount(s) will be utilized for the purposes mentioned at (b)

and (c) of para 3.2 of the proposed guidelines. The Authority can decide the type of activities to be classified as conservation or socio-economic development of concerned areas, distribution methods of benefit sharing amount, periodicity of distribution etc. The amount accumulated till the finalization of these guidelines may be classified in accordance with these guidelines with reference to the application forms, agreements made and other documents available in the sections of NBA. Identification of beneficiaries, SBBs and BMCs and detection of other activities on which the amount can be distributed may be completed within a period of six months. Considering the practical difficulties in apportioning, the interest accrued till the finalization of this guidelines will be credited to Miscellaneous Receipts head.

Funds received through access of Red Sanders will be utilised as per the recommendations of the Red Sanders Committee. The benefit sharing details of the Red Sanders Committee will be placed as annexure to the proposed guidelines. The interest earned till the finalization of this guidelines will be calculated and utilized for the same purpose as for access of Red sanders.

Decision:

1. The members approved the draft fund guidelines of National Biodiversity Fund
2. It was decided that the draft guidelines may be sent to MOEF&CC for concurrence/comments of IFD.
3. Members suggested that the operation of NBF through PFMS may be explored.

46.13. To consider recommendations of the proceedings of 8th & 9th Meeting of the NBA's Expert Committee on Agro-biodiversity held on 1st August, 2017 and 4th May, 2018

Secretary briefed the Authority on the recommendations of the Expert Committee on Agro Biodiversity. Dr. R. S. Rana, Chairman of the Expert Committee, a special invitee to the meeting explained on the major recommendations of the EC through a presentation.

He said that the benefit from exporting biological resources like animal embryos, cattle semen and seed materials should be used *in situ* and on farm conservations through the farming community. He highlighted the decision of EC that the Ministerial level discussion involving MOEF&CC, Min. of Agriculture, DGFT, APEDA would enable to achieve workable solutions.

He referred Section 36(1) of the Biodiversity Act about *in situ* and *ex situ* conservations. Members pointed out that protection under section 36(5) is on the traditional knowledge and not on Biological resource *per se*.

Dr. Rana explained that the native breeds are the embodiment of traditional knowledge and one cannot exist without the other. He suggested that a clause 'the particular breed is

protected under Section 36(1) of Biodiversity Act' may be added in the certificate being issued by ICAR for registered breeds.

After due deliberations the following decisions were made:

Decision:

1. The authority approved the proceedings of 8th and 09th Meeting of EC on Agro Biodiversity.
2. It was agreed that the recommendations of the EC on protection of traditional knowledge associated with the Indian breeds of livestock under section 36 of the BD Act be taken up through MOEF & CC for suitable incorporation in the certificate of registration by ICAR,
3. It was also decided to request MOEF&CC to convene a meeting with relevant stakeholders like Ministry of Agriculture, DGFT, APCDA to develop procedures for making export of semen, seeds and animal embryos compliant with the provisions of BD Act.

46.14: Items for information

46.14.1. Incorporation of clause (the obligations under the BD Act) in the sanction order of the funding agencies/departments – Department of Biotechnology.

Secretary informed that the NBA secretariat communicated the above clause to all funding agencies for incorporating in the sanction orders. The department of Biotechnology has informed about the compliance in their project sanction orders.

46.14.2. Awareness creation on the implementation of the BD Act.

The initiatives taken such as issuing insertions in the leading science journal - the Current Science, posting advertisement in the official facebook, page for awareness creation on the need for complying with the provisions of the BD Act by the users were informed to the Authority.

46.14.3. EXIM Committee for Export and Import of seeds and Planting materials.

A D.O letter was sent from the Chairperson, requesting the Joint Secretary (Seeds), DAC and FW & Chairman of EXIM Committee to ensure that exporters/importers of Biological Resources comply with provision of the BD Act if their proposed activity falls under the section 3, 4 , 6 & 20 of the BD Act.

Decision: While taking note of the information, the authority directed to seek the action taken on inclusion of clause in the sanction order issued by other funding authorities like DST, CSIR, ICAR &UGC.

46.15.01: Additional Agenda

46.15.01: Approval of Budget Estimate for NBA for the year 2018-19

NBA prepared a budget estimate to the tune of 20 crores under the grants in aid for the year 2018-19 as per the provisions contained in the BD rules 2004 under clause 12 (x) general functions of the authority with head wise allocation of funds.

Decision: The budget for NBA for the financial year 2018-19 is approved by the Authority

46.15.02: Completion of Annual Accounts of NBA for the year 2017-18.

The annual accounts of NBA for the year 2017-18, was audited by the Certification Audit by the O/o The Principal Director of Audit (Scientific Departments) during 25th June to 11th July, 2018. The formal certificate is awaited.

Decision: The Authority ratified the annual accounts of NBA for the year 2017-18.

46: 16. Other item discussed with the permission of the Chair

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LIST OF PARTICIPANTS

- **DR B MEENAKUMARI, CHAIRPERSON, NATIONAL BIODIVERSITY AUTHORITY**
- **DR SUJATA ARORA, ADVISOR, MOEFCC**
- **DR. PADMAPRIYA, DY. CEO, NATIONAL MEDICINAL PLANT BOARD**
- **MS SHYLA TITUS DY. SECRETARY MINSIRTY OF TRIBAL AFFAIRS**
- **PROF. UMESH RAI, DPT. ZOOLOGY, DELHI**
- **DR P C BATTACHARJEE, GUWAHATI**
- **DR P K SRIVASTAVA, MOES**
- **DR R S RANA CHAIRMAN BIO-LINKS, SPECIAL INVITEE**
- **DR. GUNASEKARAN ASST. COMMISSIONER, SEEDS, DEPT OF AGRICULTURE AND COOPERATION**

National Biodiversity Authority

(An Autonomous and Statutory Body under the Ministry of Environment, Forest and Climate Change, Government of India)

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NBA/18/46th Authority/18/18-19 16 August 2018

Sub: Draft proceedings of the 46th Authority Meeting of the National Biodiversity Authority held on 24th July 2018 at New Delhi—reg.

Sir / Madam,

I am to enclose herewith the draft Proceedings of the 46th Authority Meeting held on 24th July 2018 at New Delhi for your kind perusal with a request to kindly provide your comments / suggestions, if any, on or before 24th August 2018 for further necessary action at this end.

Yours faithfully,

(T.Rabikumar)
Secretary, NBA

Encl: As above

To

To,

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