



## NATIONAL BIODIVERSITY AUTHORITY

(An Autonomous and statutory body under the Ministry of Environment, Forests and Climate Change, Government of India)

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NBA/Tech/EC/9/8/14/14-15/ 3562 - 3591

Date: 6 January, 2015

### OFFICE ORDER

**Sub:** Reconstitution of Expert Committee on Access and Benefit Sharing - for processing the applications received by NBA – reg.

In exercise of powers conferred under Sub Section (2) of Section 13 of the Biological Diversity Act, 2002 read with Rule 11 of Biological Diversity Rules, 2004 and in supersession of this office order NBA/Tech/EC/14/13/14-15/858-887, dated 25<sup>th</sup> June, 2014, the Expert Committee on ABS to evaluate the ABS applications and other techno-legal issues is reconstituted as under:

<b>CHAIRMAN</b>	Shri Ramesh G. Kalaghatgi, IFS, Addl. Prl. Chief Conservator of Forests, Andhra Pradesh
<b>CO-CHAIR</b>	Dr. T.P. Rajendran, OSD, National Institute of Biotic Stress Management, Chhattisgarh
<b>MEMBERS</b>	
1.	Shri Shivendu K. Shrivastava, APCCF, Madhya Pradesh
2.	The Director, Zoological Survey of India, Kolkata or his representative
3.	The Director, Botanical Survey of India, Kolkata or his representative
4.	A Representative of the Director General, Indian Council of Forestry Research and Education, Dehradun
5.	A Representative of the Director, Indira Gandhi National Forest Academy, Dehradun
6.	The Director, National Bureau of Plant Genetic Resources, New Delhi or his representative

7.	The Director, National Bureau of Animal Genetic Resources, Karnal or his representative
8.	The Director, National Bureau of Fish Genetic Resources, Lucknow or his representative
9.	A Representative of the Controller General of Patents, Designs & Trade Marks, Mumbai.
10.	A Representative of the Director General of Foreign Trade, New Delhi.
11.	Shri C. Achalender Reddy, IFS., Managing Director, Goa Forest Development Corporation
12.	The Director, Institute of Microbial Technology, Chandigarh or his representative
13.	Dr. M. Sanjappa, Former Director, BSI
14.	Dr. Ramakrishna, Former Director, ZSI
15.	Dr. R.V. Varma, Former Chairman, Kerala Biodiversity Board, Kerala
16.	Dr. A.K.Ghosh, Director, Centre for Environment and Development, Kolkata
17.	Dr. D.J.Bagyaraj, NASI, Sr. Scientist & Chairman, Centre for Natural Biological Resources and Community Development, Bangalore
18.	Dr.Shamnad Basheer, National University of Juridical Sciences, Kolkata
19.	Shri Maheswar Reddy, Chartered Accountant, Hyderabad
20.	Shri K.S.Sugara, Additional PCCF, Karnataka Forest Department, Bangalore.
21.	Shri. D. Sathiyar, IFS, Member Secretary, Meghalaya Biodiversity Board, Shillong.
22.	Dr. Padma Venkat, Director, Foundation for Revitalisation of Local Health Traditions, Bangalore.
23.	Dr. D. Narasimhan, Associate Professor, Madras Christian College, Chennai.
24.	Shri. Amar Hebleker, Assistant Conservator of Forests, Goa
25.	Dr.Shaik Khaja Rasool, Former Principal, John bosco College, Tiruvallur
26.	Smt Priyanka Varghese IFS, State Silviculturist, Hyderabad.
27.	Dr.K.S.Kavikumar, Professor, Madras School of Economics, Chennai
28.	Shri Shashi Paul, IFS., Member Secretary, Odisha Biodiversity Board


➤ Focal point ..... Shri T. Rabikumar, IFS., Secretary,

## 2. The Terms of Reference (ToR) of the Committee shall be as under:-

- a) To consider and examine the ABS applications as per the guidelines on access to biological resources and / or associated knowledge regulations, 2014, provisions of the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004.

- b) To fix the benefit sharing mechanism (monetary and/or non-monetary) on case by case basis, including upfront payments.
  - c) To record the reasons/basis, on which decisions such as restriction of access, conditions for access, contravention of the provisions of the Act, rejection etc., are taken on the applications.
  - d) To examine the applicants' plea for revision of benefit sharing component and other issues, on a case by case basis barring cases in which the benefit sharing component is fixed as per the guidelines under Regulation 4 for access to biological resources for commercial utilization.
  - e) To examine the response / reply from the applicants [u/s 19(3)] whose applications are decided for rejection.
  - f) To provide recommendations on techno-legal matters as and when required.
  - g) The NBA may amend the ToRs, if required.
3. The tenure of the committee shall be up to 31<sup>st</sup> December, 2015.
4. The guidelines for the Expert Committee shall be as referred to in Annexure.

This issues with the approval of the Competent Authority.

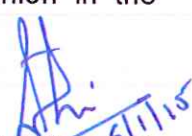
  
(T. Rabikumar)  
Secretary, NBA

**GUIDELINES**

The following guidelines are issued for proper conduct of the meeting to achieve the expected outcomes.

- a. The expert committees are being constituted mainly to advise NBA on technical, techno-legal, administrative, scientific, statutory and miscellaneous matters as NBA does not have the required in-house expertise and experience in various disciplines. The role of expert committee is more or less similar to that of 'Amicus Curiae' in the court of Law.
- b. The Chairman and members are requested to kindly make it convenient to attend the meeting at the fixed venue and time. The NBA will arrange transport from Airport / Railway station / bus stand to and from the venue of the meeting.
- c. The travel cost by Air (Air India - economy class) / train / road mileage etc., incurred by the Chairman and the members / invitees will be reimbursed on production of the tickets / boarding pass along with bills in the prescribed format provided by NBA. The lodging and boarding will be provided by the NBA.
- d. The Chairman and Co-chair of the committee are entitled for an amount of Rs.3000/- as sitting fee per day. Members and other invitees are entitled for an amount of Rs.2000/- as sitting fee per day.
- e. The Chairman and members may preferably arrive at the city of venue one day in advance before the scheduled date of meeting.
- f. The committee is requested to submit the proceedings / minutes to the NBA duly authenticated by all the members. In order to finalize and submit proceedings / minutes of the meeting on the same day, outstation members are requested to plan their return journey on the next day of the meeting. Under exceptional circumstances the Chairman may get the proceedings / minutes finalized at later dates and send the document to NBA duly authenticated by all members who were present in the meeting. In such case, a lump sum of Rs.2000/- will be paid to the Chairman to meet the postal expenses, mobile, internet charges and cost of secretarial assistance at his place of stay on request. For payment of lump sum, a self-declared certificate to the effect that the expenditure has been incurred for the above purpose has to be furnished by the Chairman.
- g. The NBA shall provide secretarial assistance and stationery, etc., if minutes/proceedings of the Expert Committee is finalized at Chennai.
- h. In the absence of Chairman, the Co-Chair will conduct the proceeding of the meeting.

- i. The committee is requested to kindly go through the subject area and refer BD Act 2002 and Rules made thereunder, relevant laws, scientific articles, and books, browse internet to facilitate lively and useful discussion on the subject.
- j. The Chairman and members may kindly exchange notes and views through internet on the subject area to be discussed during the meeting.
- k. Given the sensitivity and nature of deliberations of the Committee, members are requested not to engage in any bilateral discussion with the applicants or non-members with regard to subject matter. However they may discuss only scientific / legal / technical aspects with others without disclosing name of the applicant or details of application.
- l. The NBA may forward the legal matters concerned with court cases / the matters which are urgent in nature will be sent to Chairman and Co-Chairman through email or by post. They shall consult the members and other experts, if required also and provide consolidated recommendations / inputs to NBA. For seeking advice on each subject, the NBA will pay Rs.3000 each to the Chairman and Co-chairman and Rs.2000 each to the members involved.
- m. The Secretary, NBA is authorised to invite three Member Secretaries of SBBs on rotation basis to every meeting of EC on ABS as special invitees.
- n. The Secretary, NBA is authorised to participate and express his opinion in the meetings.


  
(T. Rabikumar)  
Secretary, NBA

## To

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