

NATIONAL BIODIVERSITY AUTHORITY

MINUTES OF THE ELEVENTH MEETING



सत्यमेव जयते

06.05.2007
475, 9th South Cross Street
Kapaleeswar Nagar
Neelankarai, Chennai 600 041

MINUTES OF THE ELEVENTH MEETING OF NATIONAL BIODIVERSITY AUTHORITY

Date: 6th May, 2008

Venue: Committee Room, National Bureau of Plant Genetic Resources, IARI, Pusa Campus,
New Delhi 110 012

The Chairman NBA welcomed the members for the 11th Authority meeting and presented the major activities of NBA conducted during the period between 10th and 11th Authority.

After welcome by the Chairman, and before taking up of the agenda items, Shri A K Goyal, Joint Secretary, MoEF made the following general remarks:

- 1 (i) Even though the Rules clearly prescribe the time and the manner in which the notices and agenda documents are to be sent to the members, there has been inordinate delay in receipt of the notice and agenda documents, in fact, the 193 pages agenda was received just one day before the scheduled date of the meeting, through e-mail. The other member of the NBA from the MoEF, Shri G K Prasad, the ADGF (FC) did not receive any intimation about the meeting even on through e-mail.
 - (ii) There have been a lot of grammatical and factual mistakes in the agenda document and it was suggested that for the future meetings the agenda should be drafted carefully.
 - (iii) The agenda items should be brief and all other supporting documents should find place in the annexure.
2. Considering the statutory nature of the Authority and the important responsibilities it needs to discharge, many other members also voiced their concern on the matter. It was pointed out that timely receipt of agenda documents would help in proper examination of agenda, and smooth conduct of business and thereby facilitating proper decision-making. It was agreed that in future, the NBA would ensure timely issue of first notice and final notice for the meeting including the proposed venue of the meeting and receipt of agenda document by all members well in advance.
 3. Prof. Anil Gupta, Non official Member expressed his concern by email that NBA should intimate the date of the meeting well in advance and the agenda should reach the members well in advance.
Prof. R. Gadagkar, Non official Member informed that the Authority meeting was convened with short notice without consulting the members and informed that the last item for agenda in every meeting should be to fix the date and venue of the next meeting so that members can indicate their convenience and block the relevant dates in their calendars and
Dr. S. Natesh, Senior Advisor (Scientist-H), Department of Biotechnology, ex-officio Member also expressed that agenda item for the meeting should reach the members well in advance.
 4. A few more issues that were discussed and agreed:

- i. Action taken report on minutes of the previous meetings of the NBA may be given as a short summary statement, and details if required may be given as annexure, to improve readability of agenda.
- ii. Since response to the advertisement given by the NBA on its website for inviting applications for engagement of consultants has been rather poor, the NBA may advertise the same in the newspapers and the employment news.
- iii. To facilitate the work of the Expert Committees, consultants may be asked to prepare base papers.
- iv. Biosafety issues need not figure on NBA's agenda, since there is an established mechanism in the MoEF to deal with these issues.
- v. The bulletins that are proposed to be brought out by the NBA must first be got approved by the NBA and should be published after peer review is carried out.

2. CONFIRMATION OF MINUTES OF THE 10th MEETING OF NATIONAL BIODIVERSITY AUTHORITY

1. The minutes of the 10th Authority meeting was sent to all the members by speed post vide Lr No 8/2/218/2003-NBA/(S) 512-527 dated 07.01.2008.

Shri R. K. Jain, Director (IC), Dept of Agricultural Research and Education gave the following comments on the Minutes of the meeting sent.

1. DARE would only endorse those requests for export of germplasm which fall under the category of sovereign commitments, *i.e* exchange of germplasm committed under various bilateral MoUs / Workplans. NBA would waive off fee for approving the export of germplasm under this category. However, full details of the agency to which the germplasm is being supplied will be submitted to NBA. The export will be only after the approval of NBA and for research purpose under the MTA developed by ICAR. (This MTA may be replaced in future if NBA develops one). A copy of Workplans signed will be made available to NBA also.
2. Export of germplasm under collaborative research projects will be as per the provisions of the Biodiversity Act and the guidelines notified.

COMMENTS OF THE AUTHORITY: The issue was discussed as Additional Agenda item no. 2 (Proceedings of the First Interphase Meeting of NBA, DARE, ICAR & NBPGR for recommendations) and decision taken along with approval of the chair is indicated against the additional agenda no. 2 on page 16 of these proceedings.

The Authority approved the minutes of the 10th Authority meeting and commented on the agenda items given in the Action taken on the minutes.

One of the members of the Authority informed that in every Authority meeting one State Biodiversity Board should present the functioning and activities, status of the Board to the Authority.

Action: Secretary, NBA

3. ACTION TAKEN ON THE MINUTES OF THE 10th MEETING OF NATIONAL BIODIVERSITY AUTHORITY

DATE : 23rd Nov 2007; TIME : 10.00 AM to 5:00 PM
VENUE: NATIONAL BIODIVERSITY AUTHORITY, CHENNAI

The action taken on the minutes of the 10th authority meeting was placed for discussion. The members of the Authority carefully went through the action taken report and made the following comments on the action taken report.

Agenda 2: Comments on the Guidelines prepared by the Expert Committees for Notification on Access and benefit sharing, 2. Enforcement of Biodiversity Act, 3. Endemic, Endangered and Threatened and 4. Designation of National Repository

COMMENTS OF THE AUTHORITY: It was pointed out by JS (AKG) MoEF that subsequent to the comments sent to the NBA by the MoEF (vide letter dated 17.10.2007) on the four draft guidelines, the NBA had sent back only the draft notification on the Repositories. The other three draft guidelines have not been received by the MoEF. Further, regarding Repositories, a view has been taken after seeking legal opinion, that in accordance with the provisions of Section 39, the MoEF will issue an administrative order.

Action: Secretary, NBA.

Agenda 6: Minutes of the Meeting on Expert Committee for Determination of Benefit Sharing on 14.08.2007

The Secretary informed that the applications approved by the Authority were placed before the Expert Committee for Determination of Benefit Sharing and Benefit Sharing decided was intimated to the applicants. The applicants have made representations concerning the Benefit Sharing to NBA.

COMMENTS OF THE AUTHORITY: Instead of advertisement the NBA may send letters to all the Chamber of Commerce in the Country especially to Secretary General of all the Chamber of Commerce

Action: Secretary, NBA.

Agenda 5: Application fees for IPR application from Rs. 500 to Rs.5000

The Expert Committee recommended that the application fees for Form III (IPR) may be increased from Rs.500/ (five hundred rupees only) to Rs. 5000/ (Five thousand rupees only) by the Authority

COMMENTS OF THE AUTHORITY: The members had agreed that as suggested by the Joint Secretary, MoEF, some justification and rationalization for increasing the fee would be required. It also came out from the discussions that distinction may be made between the two broad categories of applicants, namely the grassroot innovators and commercial/institutional applicants, and that for grassroot innovators, the fee could remain at Rs. 500, and for the other category it could be raised.

JS (AKG) had also proposed that the Rules can be so amended to state that the fees to be charged may be notified through an executive order, so that each time when the NBA decides to recommend change in the amount of fee to be charged, the Rules need not be amended. The NBA has been requested to identify all such issues which would require

amendments to Rules and forward consolidated proposals to the MoEF for making necessary amendments at one time as it not possible to keep on making amendments.

Action: Secretary, NBA

Agenda 8: Minutes of the Meeting on Expert Committee Meeting on Normally Traded Commodities on 10.10.2007

The Secretary NBA placed the out come of the Meeting of the Expert Committee on Normally Traded Commodities held on 10th October, 2007 under the Chairmanship of Dr. J. P. Mishra. He also informed that the decision of the Expert Committee, to initially notify the major bioresources recommended by the Indian Institute of Spices Research, Spices Board, STCL Ltd., Tobacco Board, Directorate of Cashew Nut and Cocoa Development , Cochin, Coffee and Rubber Board, as well as list of Medicinal Plants used in the All India Trade by the Export Potential of Indian Medicinal Plants and Products, Occasional Paper No: 98 Export –Import Bank of India, World Trade Centre Complex, Mumbai-400005 as items of normally traded commodities in the Official Gazette after consulting with the Commerce Ministry and Central Government.

COMMENTS OF THE AUTHORITY: The Joint Secretary, MoEF informed that the action has been already taken by the MoEF by sending the list to the DGFT, New Delhi. The Secretary, NBA informed that the same list is also being sent to the Director, Botanical Survey of India, Kolkata for authenticity of nomenclature and other vital information necessary for notification.

Agenda 10: Expert Committee on Medicinal Plants

Agenda 11: Expert Committee on Soil, Sediment and Microbial Diversity

Agenda 12: Expert Committee on IPR

Agenda 13: Deleted as per decision of the Ministry of Environment and Forests

Agenda 14: Expert Committee on Traditional and Tribal Knowledge

COMMENTS OF THE AUTHORITY: JS (AKG) opined that before setting up of any Expert Committee by the NBA, there has to be some base paper on that particular theme for deliberations by the Committee. The base paper can be developed with the help of a consultant.

Action: Secretary, NBA

Agenda 15: Approval of MOU between GBIF and India

The Secretary, NBA informed the members that Memorandum of Understanding for Global Biodiversity Information Facility is to be signed by India to become member of GBIF. This has been taken up by the NBRI, CSIR, Lucknow.

COMMENTS OF THE AUTHORITY: The members had opined that approving of MoU between GBIF and NBRI on behalf of India is beyond the mandate of NBA. For NBRI to represent India in the GBIF, approval of the nodal Ministry on biodiversity issues, i.e. the MoEF, would be required, and it is for the Ministry to decide whether India needs to become a member of GBIF, and if so, whether NBRI could represent India on GBIF. In view of these discussions, the Secretary, NBA was requested to inform the NBRI accordingly.

Action: Secretary, NBA

Additional Agenda (10th Authority) 3. PEOPLE'S BIODIVERSITY REGISTER

Draft for Discussion in the 10th Authority Meeting

The Authority, after careful examination of the recommendations of the Expert committee, approved the draft model for further necessary action.

COMMENTS OF THE AUTHORITY: Secretary (E&F) is writing to all State Govts., to expedite their comments on the methodology, and hence further action may be taken on receipt of these comments.

Agenda 5. Attendance of Members of the Authority

For regular attendance of Official and Non Members of the Authority for the Authority meetings, the Chairman, NBA may write to the Secretary, Ministry of Environment and Forest to write to all concerned Secretaries of the Ministries.

COMMENTS OF THE AUTHORITY: Action has been taken by the Ministry in requesting all expert members and Secretaries of concerned Ministries/Depts., to nominate officers of the level of JS and above.

AGENDA FOR THE 11th AUTHORITY MEETING**Agenda 1: Proposed Budget by National Biodiversity Authority- Statement showing the Budgetary requirement for the financial year – 2008-09**

COMMENTS OF THE AUTHORITY: The Authority approved the Budget proposed. JS (AKG) MoEF suggested that for item relating to website/computer, the NBA may submit separate proposal for consideration under e-governance budget of the MoEF. Similarly, for audio-video, the proposal may be submitted separately for consideration under the Media budget head of the Ministry.

ACTION: Secretary, NBA

Agenda 2: Performance Budget for the year 2008-2009 submitted to Administrative Ministry

COMMENTS OF THE AUTHORITY: The agenda notes had some factual mistakes regarding the "scheme on assistance to NBA", (no such scheme exists by this name) the Secretary NBA was requested to rectify the same and to be careful in future in drafting the agenda notes, etc.

On the issue of acquiring of land for establishing in-situ maintenance of genetic resources, the members were of the opinion that it was beyond the mandate of NBA. The NBA should undertake activities strictly as per its mandate.

Agenda 3: Extension of Expert Committees Formed By NBA

In exercise of the powers conferred under Sub-section (2) of Section 13 of the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004 various Expert Committees have been established by National Biodiversity Authority in concurrence with the approval of Authority members. As per the Office Order issued by National Biodiversity Authority appointing the Chairman and the Members of the various Expert Committees, the

duration of the Expert Committees will be for a period of 90 days from the date of issue of the Office Order.

The following Expert Committees are to be given extension for another 90 days due to the expiry of the term (90 days) prematurely before the completion of the desired outcome or the meeting could not take place in time.

1. Expert Committee on Traditional and Tribal Knowledge
2. Expert Committee on Soil, Sediment and Microbial Diversity
3. Expert Committee on Medicinal Plants
4. Expert Committee to Prepare Guidelines on Intellectual Property Rights
5. Expert Committee to Prepare Guidelines on Establishment of Heritage Sites

COMMENTS OF THE AUTHORITY: The Authority approved and informed that the period of the committee has to be extended till the guidelines are prepared.

ACTION: Secretary, NBA

Agenda 4: Recruitment of Staff for National Biodiversity Authority (on direct recruitment)

1. Interview for the post of Technical Officer (Benefit Sharing)

PROCEEDINGS OF THE INTERVIEW

In pursuance of the office order No. 2/1/2004.Admn.NBA/1036 - 1040 Dated 28th February, 2008 the following committee comprising Chairman / Members assembled on 12th March, 2008 to conduct the interview for Group 'B' post of Technical Officer (Benefit Sharing) on direct recruitment basis in National Biodiversity Authority:

1. Interview for the post of Technical Assistant (Zoology)

PROCEEDINGS OF THE INTERVIEW

In pursuance of the office order No. 2/1/2004.Admn.NBA/1030A Dated 28th February, 2008 the following committee comprising Chairman / Members assembled on 12th March, 2008 to conduct the interview for Group 'C' post of Technical Assistant (Zoology) on direct recruitment basis in National Biodiversity Authority:

The selected candidates may be approved for issuing appointment order.

COMMENTS OF THE AUTHORITY: The Authority approved the selection and informed that the process of selection of candidate may be given.

SELECTION PROCESS: For filling up of the posts of (1) Technical Officer (Benefit Sharing) - Group - B post & (2) Technical Assistant (Zoology) Group - C post on direct recruitment in National Biodiversity Authority, advertisement had been given the National Dailies (Hindustan time, Times of India, Hindu and New Indian Express in all editions) and official website of NBA. With reference to this office advertisement No.2/1/2004/Admin.NBA dated 1st October, 2007, for the Post of (1) Technical Officer (Benefit Sharing) 25 nos. (Twenty five only) of applications has been received and for the post of. (2) Technical Assistant (Zoology) 18 nos (Eighteen only) of applications was received by this office. The Screening Committee composed in pursuance of the Office Order No.2-1/2004/Admn.NBA/07 dated 30th November, 2007 scrutinized the applications received by this office for the above two posts on 11th December, 2007 for direct recruitment under the Chairmanship of Dr. K. Venkataraman, Secretary, NBA and three other Members (viz.) (1) Dr.A.R.Thirunavukarasu, Principal Scientist, CIBA (2) Dr.D Kandasami, Principal Scientist, CMFRI (3) Prof. N. Munnuswamy, Dept. of Zoology, University of Madras with respect to the clauses of the Recruitment Rules and 9 candidates for the posts of Technical Officer (BS) and 11 candidates for the post of Technical Assistant (Zoology) were recommended to call for interview.

In pursuance of the office order No. 2/1/2004.Admn.NBA/1030A dated 28th February, 2008 the committee assembled on 12th March, 2008 and conducted the interview. As per the minutes of the Interview, the Committee found that the following candidates meet all the requirements for the post Group 'B' post of Technical Officer (Benefit Sharing) and recommended the following candidate 1. K. P. Raghuram-Selected and 2. R. Shek Mohammed Shamsudeen-Waiting list and for Group 'C' post of Technical Assistant (Zoology) on direct recruitment basis in National Biodiversity Authority the Committee recommended the following candidate 1. P. Jaishankar –Selected and 2. Rajeev Mishra - Waiting List

ACTION: Secretary, NBA

Agenda 5: Recruitment of Staff for National Biodiversity Authority (on deputation/absorption basis)

1. Interview for the post of (1) PS to Chairperson, (2) Accounts Officer, (3) Administrative officer (4) PS to Secretary

PROCEEDINGS OF THE INTERVIEW:

In pursuance of the office order No. 2/1/2004.Admn.NBA/1031 – 1035 Dated 28th February, 2008 the following committee comprising Chairman / Members assembled on 13th March, 2008 to conduct the interview for Group 'A' posts of National Biodiversity Authority i.e. (1) PS to Chairperson, (2) Accounts Officer, (3) Administrative officer and Group "B" post of (4) PS to Secretary on deputation/ absorption basis.

COMMENTS OF THE AUTHORITY: The Authority approved the selection and informed that the process of selection of candidate may be given.

SELECTION PROCESS: As per the Minutes of the Review meeting with Special Secretary, MoEF held on 26th September, 2005 the post (1) Secretary (one post) (2) Private Secretary to Chairperson (one post) (3) Accounts Officer (one post) (4) Private Secretary to Secretary (one Post) and (5) Stenographer Grade 'D' (one post) on deputation basis have been advertised on NBA official website and was also circulated to all Ministries (viz) Min. of Ocean Development, Min. of Agriculture, Min. of Science & Technology, Min. of Tribal Affairs, Min. of Health and Family Welfare, Min. of Env. & Forests under Government of India vide Office Memorandum No.2/1/2004/Admn.NBA dated 31st July, 2006. The last date of receipt of the applications through proper channel was 29th September, 2006 and as such the applications received for the post of Secretary was 4, PS to Chairperson - 5, Accounts Officer – 7, Private Secretary to Secretary – 2 and for Stenographer Grade 'D' – 3. A Screening Committee held on 20th November, 2006 scrutinized the applications received for Group 'A' & 'B' posts i.e., (i) Secretary, (ii) PS to Chairperson, (iii) PS to Secretary and (iv) Accounts Officer by the Office on deputation/absorption basis and the committee was held on 5th January, 2007 scrutinized the applications received for Stenographer 'D' - Group 'C' post. As per the minutes of the Screening Committee the following are the candidates who have fulfilled the eligibility criteria as per recruitment Rules for Group 'A', 'B' and 'C' posts and were recommended to call for the interview:

For filling up of the post of Secretary, as per the Notification GSR 156 dated 30.6.2006 issued by Government of India, the DPC composition for conducting the interview for the said Group 'A' post was (1) Secretary, MoEF, New Delhi as Chairman and two members (viz) (1) Chairman, NBA, Chennai (2) Addl. Secretary, MoEF, New Delhi. An e-mail dated 15th May, 2007 had been sent to the Addl. Director, MoEF, New Delhi for getting

a convenient date of Secy. MoEF and Addl. Secretary for the conduct of the interview. In response to the above, this office had received an Office Memorandum No.26/5/2007-CSC dated 30th May, 2007 from the Additional Director, MoEF, New Delhi on the subject 'Appointment of Secretary for NBA, Chennai' it was advised to advertise the post of Secretary, NBA in Employment News and other National Dailies as deemed appropriate as per Rules. Further, it was mentioned therein the last date of receipt of application as advertised / circulated earlier may be extended to provide opportunity to potential and deserving candidates to apply for the post.

For Group 'B' and 'C' posts, the interviews have been conducted on 24th January, 2007 and as per the minutes of the Interview Committee the candidates who were selected have been sent Offer of Appointment letter by this office on 9th March, 2007. For the post of Accounts Officer, as per the minutes of the Screening Committee though three candidates were eligible for the post of Accounts Officer, this office had received only one application through proper channel and hence the said candidate (viz) Shri.K.K.Hamza was called for the interview. Accordingly, Sh. K. K. Hamza had attended the interview held on 9th February, 2007 and as per the minutes of the Interview Committee, Sh. K. K. Hamza had been selected for the said post and the Offer of Appointment letter was also sent to him on 9th March, 2007. However, Sh. K. K. Hamza had also expressed his unwillingness to join the said post on personal grounds.

For the post PS to Secretary, in response to the Offer of Appointment letters issued by this office, Ms. S. Nalini who was selected for the post of PS to Secretary expressed her unwillingness to join the posts.

Since the number of applications received for each posts was very few with very less experience / required qualification, the approval of Chairman, NBA has been obtained on 17.8.2007 to advertise the recruitment of the following posts on deputation/absorption basis in NBA official Website and as well as in all National Dailies. In response to the advertisement No. 2/1/2004/Admin.NBA dated 1.10.2007 published in NBA Website and National Dailies (The New Indian Express, The Hindu, Times of India, Hindustan Times) the following no. of applications have been received by this office before the closing date (ie.) 30.11.2007. The applications received for the post of Secretary was 1 number, PS to Chairperson – 3, Accounts Officer – 2, PS to Secretary – 3 and Stenographer 'D' - Nil.

Keeping in view of the provisions made in the latest advt. dt 1.10.2007 that 'those who have already applied need not apply again', the applications received for the post of Secretary, the eligible candidate list which was already scrutinized by the committee held on 20th November, 2006 have also be included in the next scrutinizing committee. Based on the approval of the Minutes of the 8th Authority meeting deliberations on Recruitment, the posts (1) PS to Chairperson (2) Administrative Officer (3) Stenographer 'D' have been re-advertised for deputation / absorption basis on 9th March, 2007 on NBA website and National Dailies (The New Indian Express, The Hindu, Times of India, Hindustan Times) and Office Memorandum circulated to all Ministries of Govt. of India. In response to the Advertisement. No 2/1/2004/Admin.NBA dated 9.3.2007, this office received two applications for the post of PS to Chairperson, three applications for Administrative Officer and no applications have been received for Stenographer 'D' post.

The Screening Committee formed by NBA, scrutinized the applications received for various posts on deputation / absorption basis and as per the minutes, the committee screened the application for the following posts and recommended the specific candidates to be called for interview:-

In pursuance of this Office order No. 2/1/2004.Admn.NBA/1031 – 1035 dated 28th February, 2008 the committee assembled on 13th March, 2008 to conduct the interview for Group 'A' posts of National Biodiversity Authority i.e. (1) PS to Chairperson, (2) Accounts

Officer, (3) Administrative officer and Group “B” post of (4) PS to Secretary on deputation/absorption basis under the Chairmanship of Prof. S. Kannaiyan, Chairman, NBA and four other Members (viz)

The Committee found that the following candidate meets all the requirements for the post and recommended the following candidate for the respective posts.

1. PS to Chairman: Shri. Benny John -Since the ACR as required has not been received could not be considered.
2. Administrative Officer: Ms. Padmavathi-Selected
3. Accounts Officer: Smt. Lakshmi Sankara Raman – Selected subject to the conditions her ACR for the lost years should be received from the employer
4. Private Secretary to Secretary Shri. V. Srinivasan-Selected subject to the conditions her ACR for the lost 5 years should be received from the employer

In this connection Secretary, NBA has written a letter to The Chief Administrative Officer, IIFM, Bhopal regarding ACR of Shri V. Srinivasan vide letter NO.2/1/2004.Admn.NBA/1181 dated 17th March, 29008 and Sr. Audit Officer (Admn.), Principal Director of Audit, New Delhi regarding ACR of Smt. Lakshmi Sankara Raman vide letter No.2/1/2004/Admn.NBA/1182 dated 17th March, 2008. In response to the above letters, the ACRs of both the candidates for the last five years have been received by this office vide letter No.IIFM/PS/SV/07/43 dated 18.3.08 and letter No.Pr.DA(SD)/CC/1/5(2)/Vol.II/2007-08/740 dated 17.3.08 respectively.

ACTION: Secretary, NBA

Agenda 6: Filling up of the post of Secretary, National Biodiversity Authority on deputation/absorption basis

Minutes of the Reconvened meeting to scrutinize the applications received for the post of Group ‘A’ – Secretary of National Biodiversity Authority held on 10th April, 2008 at the O/o National Biodiversity Authority on deputation / absorption basis

COMMENTS OF THE AUTHORITY: The members were informed that invoking its powers under Section 48 of the Act, the MoEF is examining the applications received in response to the advertisement for filling up this post. It was made clear that the Rules provided for “deputation failing which by direct recruitment”. It was observed that adequate efforts were not made for inviting applications from the State Govts./ Central Govt. and institutions under them.

Agenda 7: Advertisement for Filling up of the post of (1) Technical Officer (IPR) (2) Stenographer ‘D’ of National Biodiversity Authority

1. Technical Officer (IPR)
2. Stenographer ‘D’

As such, the post of (i) Technical Officer (IPR) and (ii) Stenographer ‘D’ are remaining vacant and have to be filled up by re-advertising in NBA official Website, employment news and in all National Dailies.

COMMENTS OF THE AUTHORITY: The Authority approved the advertisement of the above post in the National Dailies and in Employment News besides posting in the official website and circulating to all Central Government Departments.

ACTION: Secretary, NBA

Agenda 8: Minutes of the Meeting of the Expert Committee on Evaluation of applications on Access, Research Results, IPR and Third party Transfer

The Secretary NBA informed the members of the Authority that Dr R.S. Rana, Chairman of the Expert Committee, with other members conducted the meeting in the NBA's Committee Room on 08th April 2008 on Evaluation of applications on Access, Research Results, IPR and Third Party Transfer. The Secretary NBA informed that a total of 44 applications were recommended for approval, of which, Form I- 8, Form II- 1, Form III- 18 and Form IV- 7 and Collaborative Research Projects – 10.

COMMENTS OF THE AUTHORITY: The Authority approved the recommendation of approval of the Expert Committee on Evaluation of application on access, transfer of research results, IPR and Third party transfer.

ACTION: Secretary, NBA

Agenda 9: Draft Regulation on Biodiversity Heritage sites

To notify Biodiversity Heritage Sites in accordance with the Section 37 of Biological Diversity Act, 2002, an Expert Committee was constituted (as per section 13 of the BD Act) under the Chairmanship of Shri R. P. Katwal, Addl. DG (Rtd), MoEF, New Delhi with other members drawn from various departments. The committee met thrice, first on 22.06.2007 and the second on 14.3.2008 and third on 5. 04. 2008 besides a separate meeting held with scientists at WII, Dehradun on 24.03.2008 at WII, Dehradun. The final draft Guidelines is as follows:

COMMENTS OF THE AUTHORITY: The agenda is deferred for next authority meeting

ACTION: SECRETARY- Put up to the twelfth Authority meeting.

Agenda 10: EXPERT COMMITTEE MEETING ON NORMALLY TRADED COMMODITIES (Appendix 2 of the Agenda)

Draft Minutes of the Expert Committee on Normally Traded Commodities (On 15.03.2008)

COMMENTS OF THE AUTHORITY: Action has been already initiated by the Ministry of Environment and Forests by sending the list of Normally Traded Commodities recommended by the Expert Committee to the DGFT, New Delhi for verification.

Agenda 11: Minutes of the First Expert Committee meeting on Soil, sediment and Microbial Diversity

Date: 24.04. 2008

Venue: Conference Hall, Hotel Shelter, Chennai.

COMMENTS OF THE AUTHORITY: The Authority, after careful examination of the recommendations of the Expert committee, informed the NBA to expedite the final outcome of the Expert Committee as a guideline at the earliest.

ACTION: Secretary, NBA

Agenda 12: Meeting Report: Brainstorming Session on "Developing Benefit Sharing Guidelines for Implementation on Biodiversity Act and Rules, 19th Dec 2007, New Delhi and

Agenda 13: Report on the Workshop on “India’s Experiences in implementing Access and Benefit Sharing” 17-18 Dec, New Delhi.

COMMENTS OF THE AUTHORITY: The members mentioned that the purpose of these agenda items is to bring the contents of the brainstorming session to the notice of the members of NBA and hence, the proceedings could have been put as annexure to the agenda notes.

Agenda 15: Access application on IPR for Authority to restrict or prohibit the request for access to biological resources

1. App. No.5: NBA/9/126/A1/07/Tech Appl: Smt. Pawar Sujata Sunil, B-1,202, Saket Complex, Thane – 400601, Maharashtra.

ACTION TAKEN: Request for Clarification Letter No.NBA\TECH APPL\9\126\A1\07\07-08\3056 dt.05-10-2007 sent to Smt. Pawar Sujata Sunil, Thane, Maharashtra. A letter no. NBA\TECH APPL\9\126\A1\07\07-08\3689 dt.31-12-2007 was sent to The Director, Wildlife Institute of India, Dehradun asking his opinion on the bioresource (*Ovis vignei vignei*) status. A letter dt.19-12-2007 was received from The Director, Wildlife Institute of India stating the bioresource (*Ovis vignei vignei*) is an endangered species as per Sch. I of Indian Wildlife Protection Act. Clarification letter dt. 30-11-2007.

The application involves Schedule I species of the Indian Wildlife Act 1972 and as per Rule 16 Sub Rule 1, i the Authority to restrict or prohibit the request for access to biological resources.

2. App. No.6: NBA/9/126/A2/07/Tech Appl: Smt. Pawar Sujata Sunil, B-1,202, Saket Complex, Thane – 400601, Maharashtra.

ACTION TAKEN: Request for Clarification Letter No.NBA\TECH APPL\9\126\A1\07\07-08\3056 dt.05-10-2007 sent to Smt. Pawar Sujata Sunil, Thane, Maharashtra. A letter no. NBA\TECH APPL\9\126\A1\07\07-08\3689 dt.31-12-2007 was sent to The Director, Wildlife Institute of India, Dehradun asking his opinion on the bio-resource (*Ovis vignei vignei*) status. A letter dt.19-12-2007 was received from The Director, Wildlife Institute of India stating the bioresource(*Ovis vignei vignei*) is an endangered species as per Sch. I of Indian Wildlife Protection Act. Clarification letter dt. 30-11-2007 received from the applicant.

The application involves Schedule I species of the Indian Wildlife Act 1972 and as per Rule 16 sub rule 1,i the Authority to restrict or prohibit the request for access to biological resources.

COMMENTS OF THE AUTHORITY: The Authority approved the restriction of the request for access to biological resources.

ACTION: Secretary, NBA

Agenda 16: Addition of two more members for the Expert Committee on Determination of Benefit sharing.

In connection with Relieving of Dr. L.S. Ganeshan who has not attended the committee meeting, his name may be replaced by including two more new members in the Expert Committee from the EC on Benefit Sharing Committee and add two more new members.

The 10th Authority meeting held on 23rd November 2007 after examination of the agenda approved the relieving of Prof L. S. Ganeshan.

The addition of two more members may be suggested and approved by the Authority.

COMMENTS OF THE AUTHORITY: Mr Pandurangan of TBGRI, Trivanandhapuram; Prof U. Shankar, of School of Economics, Chennai and Dr. Kanuja of CMAP to be included as members for this committee.

ACTION: Secretary, NBA

[F.2/11/ADMIN.NBA.2005 DATED 19.6.2008 HAS BEEN SENT TO THE ABOVE PERSONS](#)

Agenda 17: Approval of Annual Report for the year 2007-2008 (Circulated separately)

The Annual Report for the year 2007-2008 has been prepared as per notification S.O. 1689 (E) by the Ministry of Environment and Forest in accordance with the section 28 and 29 of the Biological Diversity Act.

COMMENTS OF THE AUTHORITY: The authority deferred the approval of Annual Report for the year 2007-2008 for the next Authority meeting.

ACTION: SECRETARY: To be placed before the 12th Authority meeting.

Agenda 18: Revised Annual Accounts for the year 2006-07

With reference to the Local Audit report on the accounts of NBA, Chennai and their letter No MDS/OA/III(1179)/NBA/543 dated 27/29 August 2007 received from Senior Audit officer (OAD) Office of the Principal Director of Audit Chennai the revised Annual Accounts for the year 2006-07 has been prepared duly rectifying the observation made in their Audit Report. Hence the approval of Authority is sought for the revised annual accounts 2006-07 thus prepared:

COMMENTS OF THE AUTHORITY: The authority approved the revised Annual Accounts for the year 2006-2007.

ACTION: Secretary, NBA to place before the Scientific Audit.

Agenda 19: Approval of Expert Consultant for the Expert Committee on Soil sediments and Microbial Diversity

With reference to this office advertisement No.2/5/2005/Admn. dated 29.2.2008 hosted in NBA website for the Expert Consultant on Soil, Sediment and Microbial diversity, only one application has been received by this office from Ms. Tijitha Ananad. In view of urgency and to conduct the meeting on Soil, Sediment and Microbial diversity, the application dated 18th February, 2008 of Ms. Tijitha Ananad has approved by the Chairman to appoint Ms. Tijitha Anand as the Expert Consultant on Soil, Sediment and Microbial diversity.

COMMENTS OF THE AUTHORITY: The authority approved the appointment of Ms. Tijitha Anand as the Expert Consultant on Soil, sediment and Microbial Diversity.

Agenda 20: Approval of Annual account for the year 2007-08 comprising of Receipts and Payment, Income and Expenditure and Balance and Schedules

Receipts and Payments for the Year ending 31st March, 2008

Income and Expenditure Accounts for the period / Year ended 31st March, 2008

Balance Sheet As on 31st March, 2008

SCHEDULE 1 – CORPUS/– CAPITAL FUND

SCHEDULE 2 – RESERVES AND SURPLUS

SCHEDULE 3 – EARMARKED/ENDOWMENT FUNDS

SCHEDULE - 4 SECURED LOANS AND BORROWINGS

SCHEDULE - 5 UNSECURED LOANS AND BORROWINGS

SCHEDULE - 6 DEFERRED CREDIT LIABILITIES

SCHEDULE - 7 CURRENT LIABILITIES AND PROVISIONS

A. CURRENT LIABILITIES:

B. PROVISIONS

SCHEDULE 8 – FIXED ASSETS

SCHEDULE 9 – INVESTMENTS –FROM EARMARKED/ENDOWMENT FUNDS

SCHEDULE 10 – INVESTMENT –OTHERS

SCHEDULE 11 – CURRENT ASSETS, LOANS, ADVANCES, ETC

A. CURRENT ASSETS:

B. LOANS, ADVANCES AND OTHER ASSETS:

SCHEDULE 12 – INCOME FROM SALES/SERVICES:

SCHEDULE 13 – GRANTS / SUBSIDIES:

SCHEDULE 14 – FEES / SUBSCRIPTIONS

SCHEDULE 15 – INCOME FROM INVESTMENTS

SCHEDULE 16 – INCOME FROM ROYALTY, PUBLICATION ETC.,

SCHEDULE 17 – INTEREST EARNED

SCHEDULE 18 – OTHER INCOME:

SCHEDULE 19 – INCREASE / DECREASE IN STOCK OF FINISHED GOODS & WORK – IN – PROGRESS

SCHEDULE 20 – ESTABLISHMENT EXPENSES

SCHEDULE 21 – OTHER ADMINISTRATIVE EXPENSES ETC.,

SCHEDULE 22 – EXPENDITURE ON GRANTS, SUBSIDIES ETC.,

SCHEDULE 23 – INTEREST

SCHEDULE 24 – SIGNIFICANT ACCOUNTING POLICIES (Illustrative)

SCHEDULE 25 – CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS

COMMENTS OF THE AUTHORITY: The authority approved the Annual account for the year 2007-08 comprising of Receipts and Payment, Income and Expenditure and Balance and Schedules.

ACTION: Secretary, NBA to place before the Scientific Audit

ADDITIONAL AGENDA WITH THE PERMISSION OF THE CHAIR

1. Application for the Third party Transfer:

Dr A Manimekalan, DST Young Scientist Awardee, Institute of Forest Genetics and Tree Breeding, Fairest Campus, RS Puram, Coimbatore 641 002 applied for approval of Third party Transfer of bioresources on 7.02.2007.

COMMENTS OF THE AUTHORITY: This application may be put up to the Expert Committee on Evaluation of Applications for recommendation.

ACTION: Secretary, NBA

2. Proceedings of the First Interface Meeting of NBA, DARE, ICAR and NBPGR on Issues Related to Exchange of Plant Genetic Resources for Research

The Additional Agenda 2 regarding Proceedings of the First Interface meeting of NBA, DARE, ICAR and NBPGR on issues related to exchange of plant genetic resources for research was discussed by the Authority and it was decided to

- (a) review the of case of germplasm export of PGR pending for last two years at ICAR/DARE/NBA, under the category of collaborative research projects including export under MoUs, bilateral, multilateral agreements and work plans. As per the exemption provided in Notification No. 1911 (E) dated 8th November, 2006 under Section 5 of the Biological Diversity Act, NBA needs to be only informed of such export in the proforma developed by NBA for exchange under collaborative research projects. The approval of such cases is to be granted by DARE. NBPGR may constitute a committee to scrutinize all cases of such export and get approval from DARE along with a recommended list of material to be exported. The NBA would be informed in the proforma developed under intimation to DDG (CS), ICAR.
- (b) The committee may also review and scrutinize cases of export in non-collaborative research projects and recommend on case to case basis to NBA with a request to exempt from filling of applications and requisite fee. Such recommendation should be restricted to specific requests from foreign agencies like CGIAR institutions, Universities, USDA, public sector, R&D organizations etc. for small quantity of research material, with a copy to DARE for approval.
- (c) NBA should sensitize members of EXIM committee of the Department of Agriculture and Cooperation about the provisions of the Biological Diversity Act and necessary procedures for getting approval of NBA for cases of export of valuable material, since awareness on these issues is required at all levels.
- (d) The material to be exported under categories mentioned at 1 and 2 are invariably under the conditions Material Transfer Agreement (MTA) developed by ICAR, DARE, NBPGR/ICAR may send a copy of this to NBA. This may then be suitably notified by NBA. The material to be exported from India under the International Treaty on Plant Genetic Resources for Food and Agriculture would be under the conditions of Standard Material Transfer Agreement (SMTA). Copy of the same may also be endorsed by NBA.
- (e) Chairman NBA also requested to ensure feed back from importing countries for ensuring compliance to benefit sharing provisions of the Act.

The Authority Approved the Proceedings Discussed

Appendix 1: Attendance of Members Present
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OFFICIAL MEMBERS PRESENT

Shri A.K. Goyal
Joint Secretary,
Ministry of Environment and Forests
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi 110003

Shri Rajeev Kumar Jain,
Director (IC)
Deptt. of Agricultural Research and Education, Ministry of Agriculture,
Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi – 110001.

Dr B. R. Subramaniam,
Advisor and Project Director, Department of Ocean Development,
NIOT campus; Pallikaranai, Chennai 601 302.

Dr J. P. Mishra
Asst. Dir. General (CSC & ES&M)
Room No 212,
Indian Council of Agriculture, Krishi Bhavan, New Delhi – 110001.

Ms. M. W. Sinha
Director, Department of Science and Technology,
Technology Bhavan; New Meharauli Road, New Delhi 110 016

Dr Sujata Arora (MoEF Spl. Invitee)
Addl. Director,
Ministry of Environment and Forests
Pariyavaran Bhavan, Lodi Road, New Delhi 110 003

NON-OFFICIAL MEMBERS PRESENT

Dr. S. Subramaniyan,
54 VGP – Golden Sea View, Part II, 2nd Main Road,
5 Cross Street, Palavakkam, Chennai – 600041.

Prof. K. Kathiresan,
Centre for Advanced Study in Marine Biology,
Annamalai University, Parangipettai – 608502.

Dr A. K. Ghosh,
Director, Centre for Environment and Development,

329, Jodhpur Park, Kolkata -700 068.

LEAVE OF ABSENCE GRANTED TO OFFICIAL MEMBERS

Addl Director General of Forests (Wildlife)
Ministry of Environment and Forests
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi 110003

Shri B S Sajwan
Chief Executive Officer,
National Medicinal Plants Board
Dept of AYUSH,
Chandralok Building, 36 Janpath, New Delhi 110 001

Dr. S. Natesh
Advisor, Department of Biotechnology
CGO Complex, Block No. 2, Lodhi Road, New Delhi 110003

Shri Bachittar Singh
Joint Secretary, Ministry of Tribal Affairs
Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi-110001.

Shri Nikhilesh Jha,
Joint Secretary, Department of Scientific and Industrial Research
Ministry of Science and Technology,
Technology Bhavan, New Mehrauli Road, New Delhi – 110001.

LEAVE OF ABSENCE GRANTED TO NON OFFICIAL MEMBERS

Prof. Raghavendra Gadagkar,
Centre for Ecological Sciences, Indian Institute of Science,
Bangalore 560 012.

Prof. Anil Gupta,
Indian Institute of Management,
Ahmedabad 380 015