



सत्यमेव जयते



जहाँ है हरियाली :
यहाँ है खुशहाली ॥

National Biodiversity Authority



Proceedings of the 15th Authority Meeting

29th October, 2009

Venue

Conference Room,
ICAR Conferencing facilities,
NASC Complex, Pusa
New Delhi

Proceedings of the 15th Authority Meeting of National Biodiversity Authority

Date: 29th October, 2009

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NASC Complex, Pusa, New Delhi

Fifteenth meeting of the National Biodiversity Authority (NBA) was held on 29 October, 2009 from 10.30 A.M. onwards in the Conference Room, ICAR Conferencing facilities NASC Complex, Pusa, New Delhi under the Chairmanship of Dr P. L. Gautam, Chairman, NBA to consider the agenda items circulated earlier by email on 14 October, 2009 as well as by speed post.

The list of participants is given below:-

OFFICIAL MEMBERS

Dr. P.L. Gautam
Chairman, NBA

Shri B. S. Sajwan, I.F.S.,
Chief Executive Officer,
National Medicinal Plants Board,
Dept of AYUSH, New Delhi 110 001.

NON-OFFICIAL MEMBERS

Dr A. K. Ghosh,
Director,
Centre for Environment and Development,
329, Jodhpur Park, Kolkata -700 068.

Dr. S. Subramanian,
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.

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

Secretary, NBA

Shri C. Achalender Reddy, I.F.S.,

Invitees Present

Shri Mukunda Shenoy Nagar,
Chairman, EC on Mining, MoEF,
New Delhi.

Shri C.D. Singh, I.F.S.,
Assistant Inspector General of Forests,
New Delhi (*Represented Shri P.B. Gangopadhyay, Member*)

Dr. S.N. Shukla,
ADG Crops,
ICAR, New Delhi (*Represented Dr. Swapan Kumar Dutta, Member*)

Dr.S. Mauria,
ADG Intellectual Property and Technology Management
ICAR, New Delhi. (*Represented Dr. Swapan Kumar Dutta, Member*)

Dr. Sujata Arora
Additional Director,
Ministry of Environ and Forests, New Delhi.

Dr. P. Venu
Additional Director,
Botanical Survey of India,
Deccan Regional Centre, Hyderabad

Dr. Arjun Lal,
Principal Scientist
Germplasm Exchange,
NBPGR, New Delhi

Dr. R.K. Khetarpal,
Head Plant Quarantine Division,
NBPGR, New Delhi

Leave of Absence Granted to Official Members

Shri. P.B. Gangopadhyay, I.F.S.,
Addl. Director General (Forests),
Ministry of Environment and Forests,
New Delhi.

Shri A.K. Goyal, I.F.S.,
Joint Secretary,
Ministry of Environment and Forests,
New Delhi.

Dr. B. Harigopal,
Adviser, Dept. of Science & Technology,
Technology Bhavan,
New Mehrauli Road, New Delhi.

Shri Pankaj Kumar,
Joint Secretary (Plant Protection),
Dept. of Agri. and Cooperation,
Krishi Bhavan, New Delhi.

Shri A. K. Srivastava,
Director, Ministry of Tribal Affairs,
Shastri Bhavan, New Delhi

Dr. Naresh Kumar,
Head, Dept. of Scientific and Industrial Research,
R&D Planning Division, CSIR, New Delhi.

Shri P. Madeswaran,
Director,
Ministry of Earth Science, New Delhi.

Dr. Renu Swarup,
Advisor, Department of Biotechnology,
New Delhi.

Dr. Swapan Kumar Dutta,
Depy. Director General (Crop Science)
New Delhi.

Leave of Absence Granted to Non Official Members

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

At the outset, the Chairman welcomed the Members of National Biodiversity Authority and the guests/invitees to the 15th Authority meeting, especially Shri Mukunda Shenoy Nagar, Expert on Mining. The meeting started with introduction of members and special invitees. Thereafter, the agenda items were discussed and considered as under:

Agenda 15.1: Confirmation of Minutes of the 14th Meeting of Authority

It was informed that the comments as received from different members were suitably incorporated and have been circulated. The authority confirmed the minutes of the 14th Authority meeting. In this regard, a few comments were made by Shri A.K. Goyal through e-mail and action as deemed fit has been initiated.

Action: Secretary

Agenda 15.2: Action Taken Report

It was informed that action has been set in motion on most of the decisions of the 14th authority meeting. Secretary, NBA mentioned that the two important Expert Committees on BMC and agrobiodiversity have been constituted based on the decision taken in the previous meeting of the Authority. The action on other items is in progress and some of the matters have been placed as separate agenda for discussion and decision in the meeting. Prof. Kathiresan expressed that as the model guidelines for preparation of PBRs have been finalized, the strategy for training BMCs to prepare the same with the available budget provision should be pursued. Dr.A.K. Ghosh, mentioned that in West Bengal, orienting the block level officers of panchayat samiti, on Biological Diversity Act, 2002 has been taken up as first priority with a series of discussions to form BMCs. The Government of West Bengal has agreed to give an initial amount of Rs.50,000/- for formation of each BMC. He mentioned that the setting up of biodiversity funds, budget provision and infrastructure of BMC need clarification in the guidelines. Chairman suggested that the PBR exercise may be started in 2 or 3 BMC's particularly in the coastal areas for gaining better understanding.

Action: Secretary

Agenda 15.3. To consider and approve the Annual Report 2008-09

Chairman informed that the comments of members were duly incorporated in the Annual report and circulated. He also informed that the audit certificate has been received and for the first time that the report would be laid in Parliament well in time. This was appreciated by the members of the Authority. It was also informed that certain comments made by the members on Annual Report have been suitably considered. After deliberations the Annual Report 2008-09 was approved by the Authority.

Action: Secretary

Agenda 15.4. Consider the recommendations of the 12th Expert Committee on Access and Benefit sharing for processing of application received by NBA held on 16-17 September, 2009

It was mentioned that as discussed and decided in the 14th Authority meeting the Expert Committees on access and benefit sharing have been merged and new Expert committee on Access and Benefit Sharing under the Chairmanship of Dr. R.S. Rana, Former Director, NBPGR has been constituted. Secretary, NBA informed that one applicant Ms. Rakesh Minocha, USDA Forest Service (NBA/Tech appl/9/304/09) made an application in Form-I for analysis of leaves and soil for their nutritional content and stress indicating metabolites. Expert committee's recommendations were placed for the consideration of the authority. It was decided that MoU between the applicant and Indian institute/academician/scientist be submitted to the NBA. While communicating the approval, it should be categorically mentioned that in case the scientists go for production and commercialization, a fresh application to be submitted in prescribed form to NBA and otherwise the action will be treated as a violation of the provisions of BD Act. The remaining applications were endorsed/cleared by the Authority as commented upon/recommended by the 12th EC on ABS. These applications will be considered as approved only when the applicants enter into an agreement with the NBA.

Action: Secretary

Agenda 15.5. To consider termination of access applications

The authority considered and approved the matter of termination of five applications.

Action: Secretary

Agenda 15.6. Reviewing of proceedings of the 1st Interface meeting of NBA, DARE, ICAR and NBPGR

Dr. R.K. Khetarpal and Dr. Arjun Lal, Scientist of NBPGR were invited to take part in the discussion on this agenda item. They apprised the process of collaborative research projects followed by ICAR/NBPGR.

Dr. A.K. Ghosh, Member, NBA read out the contents under agenda item that in the 1st Interface meeting “.....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.” In this regard, he raised an objection that as per the provisions of Act no fee exemption is to be given to any applicant who falls under non-collaborative research projects, in which small quantity of research material is to be taken out. Dr. Sujata Arora, special invitee supported the view of Dr.A.K.Ghosh and stated that the Act/Rules do not allow for exemption from filling of applications and payment of fees for non-collaborative research projects.

Dr. Arjun Lal informed that the India is getting 20% of germplasm from USA without paying any fee. The Chairman mentioned that this matter requires indepth discussion to get clarity. He also mentioned that in one case the Hon’ble Union Minister of Agriculture, and Hon’ble Minister, Republic of Bhutan have signed an MoU for export, of potato varieties but it has been treated as a non-collaborative research project by the DARE, which needs proper understanding at different levels. In this regard, it was decided that the ICAR/DARE may be requested to conduct a brain storming session with

the scientists/stakeholders /officers to get better clarity on this subject. After discussions, the Authority decided that a special committee will be formed drawing officials from DARE, ICAR, CSIR, ICFRE, MoEF, NBA and legal experts to discuss threadbare and suggest amendments, if any, to collaborative research guidelines issued by MoEF. The matters pertaining to cases treated as non-collaborative research will also be discussed by the special committee to suggest solutions within the frame work of relevant laws and rules. Further, it was opined that the crop plants listed in ITPGFRA are not exempted from the provisions of Biological Diversity Act, since the Act predates the ITPGFRA and the Ministry of Agriculture may put up proposal for gazette notification by the MoEF.

Action: Secretary

Agenda 15.7. Fourth meeting of Member Secretaries of State Biodiversity Boards held in Kolkata on 10-11 September 2009

Chairman informed that the fourth meeting of Member Secretaries of SBBs was held in Kolkata on 10-11 September 2009. Dr.B.S.Parsheera, I.A.S., Special Secretary, MoEF presided over the meeting. The eighteen member secretaries of SBBs participated and deliberated the operational part of implementation of BD Act in their respective States. During the meeting, model People's Biodiversity Register and Guidelines for selection and management of Biodiversity Heritage Sites were circulated for suggestions /comments. It was informed that for restructuring the BMCs, the NBA has constituted an expert committee. It was also informed that the States like Karnataka, Kerala, Andhra Pradesh, Madhya Pradesh and West Bengal have done good work in constitution of BMCs and preparation of PBRs. After deliberations the members of the Authority noted the exercise done and approved the decisions taken on different matters.

Action: Secretary

Agenda 15.8. Consideration for waiving application fee of Prof. Mabberley, Royal Botanic Garden, UK.

To this agenda item, Dr.P.Venu, Additional Director, Botanical Survey of India, Hyderabad represented on behalf of the Director, BSI and apprised the matter. As BSI is getting many samples free of cost from the Royal Botanical Garden, Kew through Indian Botanical Liaison officer posted at Kew who has been given office and other facilities, the BSI has requested to waive the application fee to Prof. Mabberley, RBG, UK.

After the discussion, Dr.P. Venu who represented the BSI sought the permission of chair to allow him to leave the meeting, so that the members discuss and decide on the matter in a fair and transparent manner. Responding to this request, the chairman granted the leave of absence to Dr. Venu.

Thereafter, the matter was discussed and it was decided that the BSI may pay the application fee of Rs.10,000/- per application in the instant case. Simultaneously matter of entering a MoU between BSI and KBG be expedited by BSI.

Action: Secretary

Agenda 15.9. Consideration of agenda item submitted by Dr. S. Subramaniyan, Member, NBA

Dr. S. Subramaniyan, made a presentation on amendments to existing mineral conservation and development act 2003. It was felt that appropriate sensitization for prescribing conditions to restore biodiversity while giving permissions for mining on non forest lands is required to be done. It was decided that expert (s) on mining may be included in the NBA's EC on ameliorative measures.

Action: Secretary

Agenda 15.10: Amendment to NBA (Recruitment and Conditions of Service of Officer and other employees) Regulations, 2006 in respect of certain positions of NBA

It was informed that the Private Secretaries to Chairman and Secretary have joined. It was proposed to amend the Recruitment and Conditions of Service of Officer and other employees) Regulations, 2006 for recruiting private secretary to chairman on absorption basis. The proposal (amendments) placed before the authority were approved. It was further decided that the absorption is subject to good work and conduct of the employee for a minimum period of two years.

Action: Secretary

Agenda 15.11: Restructuring/ constitution of the Expert committees

It was informed that as per the decision of 14th Authority meeting, expert committees to for Access and benefit sharing have merged and reconstituted as a single committee, "EC on Access and Benefit Sharing". The members considered and ratified the expert committees restructured/constituted by the NBA.

Action: Secretary

Agenda 15.12: Appointment of Shri R. Ramesh, as Private Secretary to Chairperson on absorption basis wef 15th September 2009 Afternoon

It was informed that Shri R.Ramesh, joined as Private Secretary to Chairman and Ms. Shanti Jayaraman, as Private Secretary to Secretary, NBA. The members noted the action taken on the matter. As far as absorption is concerned it is to be dealt with as per decision under agenda item 15.10.

Agenda 15.13: Inauguration of new premises of NBA in Chennai

Chairman expressed his gratitude and sincere thanks to Shri Jairam Ramesh, Minister of Environment and Forests, GoI for his gracious presence and inauguration of the new premises of National Biodiversity Authority office at 5th Floor, TICEL Bio Park, Chennai. He also thanked the member of Authority Dr.S. Subramaniyan for his contribution made to facilitating the process of hiring, furnishing etc., of the new office. He thanked another Member of Authority Dr.A.K. Ghosh, for his presence during the inauguration. He appreciated the sincere efforts put up by all officers/staff in shifting to new premises on war footing.

Agenda 15.14: Launching of UNDP pilot project entitled “Strengthening institutions for the implementation of Biological Diversity Act 2002” at Ranchi and Bhopal

Chairman informed that the NBA, MoEF and UNDP have jointly launched a pilot project entitled “Strengthening institutions for the implementation of Biological Diversity Act 2002” in collaboration with SBBs of Jharkhand and Madhya Pradesh on 15 September, 2009 (at Ranchi) and 15 October, 2009 (at Bhopal) respectively.

The meeting ended with the vote of thanks to and from the Chair.