



सत्यमेव जयते



एतन्मै वै धरिष्यामी ।
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NATIONAL BIODIVERSITY AUTHORITY

Proceedings of the 16th Authority Meeting

19 March, 2010

National Biodiversity Authority

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Proceedings of the 16th Authority Meeting of National Biodiversity Authority

Dated: 19 March, 2010

Venue: Conference Hall, NBA, Chennai

The Sixteenth meeting of the National Biodiversity Authority (NBA) was held on 19th March, 2010, from 10.30 A.M. onwards in the Conference Hall, NBA, TICEL Bio-Park, Taramani, Chennai – 600 113 under the Chairmanship of Dr P. L. Gautam, Chairman, NBA to consider the agenda items circulated earlier. The list of participants is given in Annex-I.

At the outset, the Chairman welcomed all the members of the Authority and introduced the newly appointed non-official members. He thanked the previous members viz., Prof. Anil Gupta, Prof. Raghavendra Gadagkar, Dr.A.K. Ghosh, Dr.Subramaniyan and Prof. Kathiresan for their service and contributions to the NBA. On behalf of the Ministry of Environment and Forest Shri A.K.Goyal, Joint Secretary also thanked all the previous members of the authority for their services and support extended to NBA and welcomed the new members. It was decided to send a letter expressing gratitude by the Authority for their role and services.

Shri C. Achalender Reddy, Secretary, NBA made a brief presentation on the Implementation of Biological Diversity Act in India. He mentioned about the steps taken for conservation of biodiversity in India through implementation of the provisions of the Biological Diversity Act and highlighted the activities of National Biodiversity Authority (NBA) since its inception. He explained that NBA had earlier constituted 17 expert committees for guiding and assisting in respect of sustainable management, conservation and equitable benefit sharing arising out of the use of bioresources and products derived therefrom of bioresources. Notifications have been issued by the ministry on the threatened species of plants and animals in seven States and 350 PBRs have been prepared so far. He said that NBA has received 494 applications under Access and Benefit Sharing and received Rs.14,35,135 as application fee and collected Rs.37,89,613 as a royalty. Secretary, NBA informed the

members that, Government of Karnataka has notified the Tamarind site at Nallur in Devanahalli Taluk, Bangalore District as the first Biodiversity Heritage Site in the country. He also highlighted the initiatives of Ministry of Environment and Forests and NBA in strengthening the institutional structures and launching of pilot project on - (1) Strengthening institutional structures to implement the Biological Diversity Act in M.P and Jharkhand (2) Preparation of full scale project document on GEF/UNEP supported project for strengthening the implementation of Biological Diversity Act with focus on access to benefit sharing provisions in 5 selected States.

After detailed discussions, the following decisions were taken:-

- The NBA should modify the format showing pendency of applications and process all the 382 applications pending at various levels due to various reasons.
- Time limit may be fixed to submit the signed agreement after issuing provisional approval. If stipulated time is exceeded, the approval of the application may be cancelled. The applicant should apply afresh, if required.
- Application processing chart should also indicate the time period required for processing at different levels.
- A point was raised that the collaborative research projects are not being placed in the expert committee on ABS as they are being vetted by the competent authorities as given in the notification. It was informed that approvals along with relevant documents are submitted to the NBA for information and record.
- It was reiterated that awareness on Biological Diversity Act, 2002 and Rules, 2004 should be generated among the research organizations / institutions, colleges and schools.

I. Items for Consideration and Approval

Agenda 16.1: Confirmation of Minutes of the 15th Meeting of Authority

It was informed that the comments as received from various members were suitably incorporated and have been circulated. While confirming the minutes of the 15th meeting by the Authority, the following comments were made by Shri A.K. Goyal :-

- Recording of proceedings needs to be improved.
- The comments of the Ministry on item 15.1 and 15.9 should be incorporated at relevant places.
- A detailed matrix may be developed for the action taken / not taken on every decision in respect of agenda items, commencing from the first meeting of the Authority. If action has not yet been taken, then the reason to that effect may be given.
- After discussions of each agenda item, the decision on the same may be summarized and follow up action to be taken may be recorded in the proceedings.

Agenda 16.2: Action Taken Report

While action has been taken in respect of many items of the 15th meeting action is yet to be completed in respect of a few items. Members appreciated the timely laying of NBA Annual Report and audited accounts for the year 2008-09 in both the houses of the Parliament. The Secretary, NBA elaborated the decision taken in the fourth meeting of all Member Secretaries of SBB held at Kolkata. It was decided that the NBA may accept the draft rules of SBBs for scrutinizing at NBA. It was informed that BMC task force (expert committee) has been constituted for preparing the guidelines for establishing administration and maintaining of accounts of BMC. Shri A.K.Goyal informed that apart from seven States, notifications for another two States on threatened species are being notified. Dr.Dharshan Shankar mentioned that in the coming next three years NGOs may be involved with SBBs for enhancing the output of SBBs, network with different agencies and develop partnership models with SBBs

to facilitate resource flow. In this regard, Dr.Darshan Shankar was requested to develop a model for Karanataka SBB and other non-official members may take up such activity in respect of other States, wherever feasible.

Action: Secretary

Agenda 16.3: Declaration of Conflict of Interest

As per the decision taken in the 14th meeting under agenda item no.14.19, a proforma indicating that the members have “no conflict of interest”, was placed and the members approved the same. The non-official members furnished the information in the format. Further, non-official members were requested to provide the brief curriculum vitae/biodata along with photo in electronic format for uploading in the NBA website.

Action: Secretary

Agenda 16.4: Enhancement in funding support to NBA

It was informed that the funds allotted to the NBA are inadequate to meet the requirements. Apart from routine expenditure, the NBA is also confronted with legal cases and has to incur substantial expenditure towards advocate fee and other ancillary expenditure to attend the courts etc. More funds are also required to strengthen the activities of NBA, SBBs and BMCs. Dr.S. Subramaniyan, pleaded that adequate allotment of funds by MoEF, development of infrastructural facilities and sanction of adequate man power are absolutely essential for NBA to carry out the functions effectively. Shri A.K. Goyal intimated that request of NBA for allotment of funds under Non- Plan and additional posts required may be sent to MoEF in the prescribed format for further necessary action.

Action: Secretary

Agenda 16.5: Discussion on issues raised on Bt Brinjal and notification on normally traded commodities

The issue was discussed; Shri A.K. Goyal mentioned that there is no conflict between Bt brinjal issue and Normally Traded Commodities (NTC) notification. The MoEF is keen in tracking the developments in respect of trade of listed items and keeping a close watch and scrutiny on the species listed under NTC. In this regard, a letter has been sent to BSI, ZSI, Directorate General of Foreign Trade, Directorate of Intelligence and Commercial Statistics and FRLHT for ascertaining the threatened status of species listed in NTC notifications and their trade respectively.

Further, it was decided that NBA may regularly obtain data from relevant agencies such as DGFT, APEDA, MPEDA, FRLHT and State Medicinal Plant Boards, on demand and supply and export in respect of the 190 species, notified under Sec.40, and this information may be used in categorizing the 190 species based on their threat assessment.

On being informed that some local brinjal varieties were used by some Indian institutions for development of Bt brinjal, it was decided that the NBA should obtain authentic information from the concerned institutions on this issue and make it available to Dr. Rana and Dr. D. Shankar for their considered opinion and to initiate further discussion on this aspect in the next NBA meeting. Since this aspect is also under consideration by the MoEF, their considered views may also be obtained by the NBA for making that discussion more comprehensive and to develop a unified position on this subject.

Action: Secretary

Agenda 16.6: Consideration of amendments in the model Agreements

Dr. Naresh Kumar of CSIR raised a point that the existing NBA agreements need further amendments especially in respect of IPR related clauses. He mentioned that the recent notice of NBA for speedy submission of agreement by CSIR on 205 IPR applications, has triggered the need for minor modifications for CSIR to sign. In this regard, it was decided to constitute a small committee to deliberate on the issue. Further CSIR was requested to submit a detailed proposal for amendments in the agreement format. Chairman elaborated that the existing agreements have no

provision to incorporate the conditional concurrence of the SBBs, decision of expert committees etc. It was decided that an Expert committee may be constituted comprising of Dr.R.S.Rana, Dr. T.C. James, Dr.H.R. Bhojwani, Dr. Uppeander Dhar and Shri Yeswant Shenony, Advocate to study Agreement formats and suggest amendments. The representatives of CSIR, ICFRE, ICAR, Department of Biotechnology etc may be invited to present their view points. The meeting may be organised soon by NBA.

Action: Secretary

Agenda 16.7: Acceptance of voluntary contributions to National Biodiversity Fund from Individuals, Trusts, NGOs, Public Institutions etc. - Proposal for recommending to Ministry of Environment and Forests, Government of India

The agenda suggested that the National Biodiversity Fund (NBF) may be strengthened through voluntary contribution from different sources viz, individuals, industry, NGOs, civil society, public, private Institutions etc to meet the conservation needs of Indian biodiversity. It is also requested to consider and recommend to the Central Government for exemption under Sec.80 G of the Income Tax Act. It was also informed that such an exemption has been given to National Children Fund and National Sports Fund. Shri A.K.Goyal opined that there should not be any conflict of interest of the organizations/NGO proposing to contribute to the fund. The provisions of contribution from such organizations may be checked up with similar regulatory authorities including income tax exemption granted to funds constituted by regulatory Authorities.

Action: Secretary

Agenda 16.8: Tax Deducted at Source from the royalty received by NBA and SBBs

It was informed that the proposed new Biosecurity Bill, under Section 29 has a provision for exemption on Tax on wealth and income as follows:

“Notwithstanding anything contained in the Wealth Tax Act, 1957 (27 of 1957), the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth-tax or any other tax in respect of its wealth, income, profits or gains derived”.

The Members recommended for an amendment in the Biological Diversity Act to that effect.

Action: Secretary

Agenda 16.9: Appointment of Technical Officer (Intellectual Property Rights) in NBA - amendment of provisions of Col. 8 of the Schedule under clause 8 of the National Biodiversity Authority (Recruitment and Conditions of Service of Officer and other employees) Regulations, 2006

It was decided that for the post of Technical Officer (IPR), Educational and other qualifications required for direct recruits be amended as follows:-

Sl. 6 - Technical Officer (Intellectual Property Right)	Provision existing	To be amended as
<i>Col.8- Educational and other qualifications required for direct recruits in the Schedule under Clause 8</i>	Five years experience as an Advocate dealing with the matters relating to consumer/patent rights/ Intellectual property rights.	M.Sc., Life science/ Chemistry/Environmental Science with two years experience as an Advocate/patent examiner/ patent rights/ Intellectual property rights.

The qualification, pay structure in respect of similar posts of patent examiner in Patent Department/CSIR may also be ascertained before finalizing the amendment. The members opined that similar amendments found necessary in respect of other posts sanctioned may also be analysed and finalised to issue a consolidated amendment to Recruitment Rules of NBA after approval of the Authority.

Action: Secretary

Agenda 16.10: Amendment in National Biodiversity Authority (Recruitment and Conditions of service of Officer and other employees) Regulations, 2006 – revised Classification of Posts

The Members approved the amendment proposed, for communication to Ministry of Environment and Forests for approval for notification in Official Gazette. A proposal is required to be sent to the MoEF.

Action: Secretary

II. Items for information and ratification

Agenda 16.11: Restructuring/constitution of the Expert committees

The members considered and ratified the expert committees restructured/constituted by the NBA.

Agenda 16.12: A plenary session on “Biodiversity and Sustainable Development” organized at the 97th Indian Science Congress at Thiruvananthapuram, Kerala on 7th January 2010

The members appreciated the efforts of NBA for organizing a plenary session on “Biodiversity and sustainable Development” on 7 Jan 2010 during the 97th Indian Science Congress at Thiruvananthapuram, Kerala. The Chairman, NBA has informed the members that the Ministry of Environment and Forests in association with NBA has taken action for release of a postal stamp on ‘Biodiversity’ on 5th June, 2010, the World Environment Day to commemorate the International Year of Biodiversity, 2010.

Agenda 16.13: Any other item (s) with the permission of Chair

Addl. Agenda 16.13.1 Showcasing India’s lead in implementing national legislation on biodiversity conservation, sustainable use of its components and equitable benefit sharing submitted by Dr.R.S.Rana, Member, NBA

Chairman and Members appreciated the initiative/proposal made by Dr. R.S. Rana for bringing out a publication to be presented, if feasible, at the 10th Conference of Parties to the CBD scheduled to be held in Nagoya, Japan in October, 2010, or on the occasion of the COP-11, expected to be held in India in 2012. It was decided that Dr. Rana and Dr. D. Shankar may work on preparation of an outline of the concept note for preparation of the proposed publication for COP-10/ COP-11 and for developing it into a full text by outsourcing to a suitable agency for this purpose.

Action: Secretary

Addl. Agenda 16.13.2. Public comments on access applications

It was decided that after receipt of adequate information about the access application, the same may be placed in the NBA website for specific period (15 days) to receive the public comments on the access or use of biological resources and/or associated knowledge.

Action: Secretary

Addl. Agenda 16.13.3. Draft Recruitment and Assessment Promotion Rules for Technical Officer, Advisor (Law) and support staff

The posts to which the draft rules are to be made applicable are solitary posts. Hence, the members suggested that Recruitment and Assessment Promotion Rules (MANAS) for technical posts, followed in Wildlife Institute of India (WII), G. B. Pant Institute of Himalayan Environment and Development, Indian Plywood Industries Research and Training Institute under the MOEF may be referred to ascertain whether these rules could be made applicable for solitary posts. If feasible, the draft rules may be developed further including promotion schemes for other administrative and non-technical posts also.

Further, the authority was also informed that Technical staff members who may be offered the post in institutions under MoEF may be leaving NBA shortly and in view of great difficulty in getting trained and experienced personnel for carrying out the techno - statutory work of application processing in NBA, it is proposed to retain their services in NBA on loan basis upon approval from MOEF. Shri.A.K.Goyal informed that the case for their retention on loan basis in NBA on their appointment may be forwarded to MOEF for further necessary action.

Action: Secretary

Addl. Agenda 16.13.4. Developing a Road Map for NBA for Next 3 years

Further, it was suggested that the appropriate road map to be developed for NBA to move forward during next three years. In this regard, members were requested to give their inputs for developing the same. Shri A.K. Goyal suggested that NBA may

forward a monthly activity report including important events to all the Members of the Authority through e-mail and also to place it on NBA's website.

Action: Secretary

Addl. Agenda 16.13.5. Documentation of People's Biodiversity Register

The members reviewed the PBR documentation and noted the limited progress achieved so far. Shri D. Shankar was requested to suggest strategy for up scaling the program and for incorporating existing efforts in preparing PBRs by NGO's at the grassroots level, into the NBA and SBB system in different parts of the country.

Action: Secretary

Finally, it was decided that the next meeting of the authority will be held during the month of June 2010.

Action: Secretary

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

List of participants

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Chairman, NBA

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Leave of Absence Granted to Official Members

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