

Proceedings of the 20th Meeting of the National Biodiversity Authority

Date: 20 June, 2011

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

Twentieth meeting of the National Biodiversity Authority (NBA) was held on 20th June, 2011 in the NASC complex, Pusa, New Delhi under the Chairmanship of Shri M.F.Farooqui, IAS., Chairman, NBA to consider the agenda items circulated earlier by email on 10 June, 2011 as well as by speed post. The list of participants is given in Annex-1.

At the outset, the Chairman welcomed the Members of the National Biodiversity Authority and the invitees to the meeting. As decided in the last meeting under item 19.2, as well as the suggestions/inputs received during the Inter-Ministerial cum expert meeting for the preparation for 1st Meeting of ICNP on ABS held on 30th May 2011, Dr.L.Pushpakumar, Expert Consultant was requested to make a presentation on Nagoya protocol and its legal implications for India. After deliberating the issue intensely, it was decided that the report should cover the following issues:-

1. Identify conflicting/overlapping areas if any between the BD Act 2002 and the Scheduled Tribes & other Traditional Forest Dwellers (Forest Rights) Act.
2. Whether any amendments are required to BD Act in the light of ITPGRFA?
3. Linkages if any to be further strengthened amongst PPVFRA, Patent Act and BD Act.
4. Suggestions for indicating the departments/agencies to act as checkpoints in the implementation of Nagoya protocol.

Thereafter, the agenda items were considered and discussed as under:-

20.1: Confirmation of Proceedings of the 19th Meeting of the Authority

It was informed that the comments as received from different members were suitably incorporated and have been circulated. The authority confirmed the proceedings of the 19th Authority meeting.

20.2: Action taken report

Action has been taken in respect of most of the items of the 19th Authority meeting and action is yet to be completed in respect of a few items. Further, it was decided as follows:-

1. Exercise on amendments to BD Act and Rules may be taken up within 3 months time.
2. A brief note/presentation by the NBA Secretariat on the interim report of the National Productivity Council may be submitted/presented in the next meeting.
3. Organizing a national workshop on threat assessment and species recovery plans before September preferably at Kolkata in collaboration with a couple of organizations, NGO's and will be financially supported by NBA as per agenda item 19.4 of the 19th Meeting of NBA.
4. Organizing one workshop on PBR instead of four workshops may be held preferably in Bangalore in October 2011 as per agenda item 19.5(g) of the 19th Meeting of NBA.

Action: Secretary, NBA

20.3: Consideration of the proceedings of the 15th Meeting of Exp. Comm. on ABS held on 17 & 18 May 2011

Recommendations made by the 15th meeting of the Expert Committee on Access & Benefit Sharing, held at Chennai on 17-18 May, 2011 were presented by its Chairman, Dr. R. S. Rana on a case by case basis. While explaining the recommendations, he specifically pointed out several cases that required policy decisions by the Authority, particularly those involving export of bioresources for commercial purpose and sending abroad their samples/ specimens for taxonomic identification or research purpose. The Committee is considering these applications under Section 20 (Third Party Transfer) and requested guidance on this matter since

Section 4 provides for transfer of results of research on bioresources but not the export of bioresources. Dr. Rana also drew attention to the applications submitted by several seed companies, including some MNCs, for export of seeds of varieties/ hybrids (GMOs) developed by them and requested for specific guidance on this matter. During the discussion on this subject, a reference was also made to a communication received by the MoEF from the Union Ministry of Commerce.

It was decided that NBA secretariat may obtain the additional information wherever required from the applicants, eliciting views/ opinion on the applications from other departments/agencies and such other information if any recommended by the EC and the same may be updated as decided under the agenda item 19.3 of 19th Meeting of NBA.

The EC's recommendations were then approved while adding specific suggestions in some of the cases and appreciating the need to induct the Directors of NBAGR and NBPGR, or their nominees, as additional members of this Committee.

Sl. No.	Appl. no.	Applicant's Name	Decision taken by the Authority
1	430	IISR, Calicut	Approved
2	431	Dr.Ceclie B. Salzar, S.Africa	Endorsed the recommendation of the EC
3	432	Dr.Antony Fernando	Authority considered the application for approval as a small quantity of the specimen is going to be sent for identification. However, as the proposed specimen comes under the purview of Wildlife Schedule, clearance from the concerned wildlife authority has been taken and submitted to TamilNadu Biodiversity Board which is yet to respond.
4	433	Nuziveedu Seeds, Hyderabad	Endorsed the recommendation of the EC
5	434	Prabhat Agri Biotech, Hyderabad	Endorsed the recommendation of the EC
6	435	ITC, Kolkata	Approved
7	436	ITC, Kolkata	Approved. Also it was decided that the purpose for which the bioresource is sent outside India has to be ascertained before according approval.
8	437	Dr.Rajane, Hyderabad	Approved
9	438	Dr.S.Raghupathy, Canada	Approved. It was also decided that the following condition recommended by the EC shall be precluded :- "All the research outcome will be the property of four

			Indian collaborating institutions and the publication will acknowledge the folk knowledge of local community in their research publications.”
10	439	BP Alternative Energy Int. Ltd., & Gujarat University	Endorsed the recommendation of the EC
11	440	Dr.Rekha Morris, USA	Endorsed the recommendation of the EC
12	442	Dr.Lazarus, UK	Requires re-examination by the EC
13	410	Dr.Gary Peterson, USA	Endorsed the recommendation of the EC
14	382	Dr.Nutan Kaushik, TERI	Endorsed the recommendation of the EC
15	195	Shri. Shriram Gangadhar, BIB Corp., Hyderabad	Approved. Purpose for which the bioresource is sent outside India has to be ascertained before according approval.
16	441	Dr.Pranab Roy, WB	Approved
17	446	Rasi Seeds, Tamil Nadu	Endorsed the recommendation of the EC
18	360	CSIR	Noted
19	368	Dr.Varatharajan, Manipur	Endorsed the recommendation of the EC
20	256	Dr.S.D.Haribabu, Maharashtra	Approved, royalty to be charged as 3%
21	254	Prof. Hannes Lohi, Finland	Endorsed the recommendation of the EC
22	384	Aqua Agri, Delhi	Approved, Purpose for which the bioresource is sent outside India has to be ascertained before according approval.
23	381	Monsanto Holdings P. Ltd.,	Endorsed the recommendation of the EC
24	295	Nath Biogene, Maharashtra	Endorsed the recommendation of the EC
25	296	Nath Biogene, Maharashtra	Endorsed the recommendation of the EC
26	449	Shri. Shriram Gangadhar, BIB Corp., Hyderabad	Approved. Purpose for which the bioresource is sent outside India has to be ascertained before according approval..
27	425	Syngenta Bioscience, Pune	Endorsed the recommendation of the EC
28	443	Nandan Biomatrix, Mumbai	Approved
29	412	Shri Subash C. Mandal, Kolkata	Approved

Checklist for processing of applications developed by the EC, deferred for want of time as it required detailed discussion. During the discussion it was also suggested that NBA may explore the possibilities of developing a single format of application instead of five different ones as over 90% of the contents are similar in all the application formats.

It was also decided that NBA secretariat may formulate a proposal for developing a data base of the existing applications received by NBA sofar. This will go a long way in processing the future applications.

Action: Secretary, NBA

20.4: Review of the decision taken in the 16th Authority on "Public comments on access applications"

It was decided that the NBA may obtain the information/process of other regulatory bodies in respect of the issue for further examination and consideration.

Action: Secretary, NBA

20.5: Consider the action to be taken by NBA and SBBs on violaters of the provisions of the BD Act 2002

A background note besides legal opinion on Bt brinjal on the alleged violation by the M/s. Mahyco/M/s Monsanto, and their collaborators for accessing and using the local brinjal varieties for development of Bt brinjal with out prior approval of the competent authorities was discussed and it was decided that the NBA may proceed legally against M/s. Mahyco/ M/s Monsanto, and all others concerned to take the issue to its logical conclusion. Further, it was decided to proceed legally against the violaters in the case of export of embryos of Gir breed of cattle and Ongole breed bull and its semen to Brazil.

Action: Secretary, NBA

20.6: Consider publication of research papers or dissemination of knowledge in workshop/seminars

It was decided that the applicant may be advised to comply with the provisions of the Section 4 of the BD Act.

Action: Secretary, NBA

20.7: Consider the priority areas to be focused by NBA in future and the time line for the activities

This item was deferred for the next meeting as it required detailed discussion.

Action: Secretary, NBA

20.8: For Information and Ratification

The items viz., (a), (b), (c) & (d) have been noted/ratified by the Authority. Under 20.8(d) the following information was inadvertently left out which is now rectified. Dr.R.S.Rana, Member, NBA has participated and co-chaired the session on the UN and Donor Agency during the Stakeholders' Consultation held on 23rd May 2011 at New Delhi with an objective of taking biodiversity conservation forward. Besides, Dr.S.Subramaniyan and Dr. Uppeandra Dhar members of the Authority have also participated in the Stakeholders' consultation and launch of UN Decade on Biodiversity for Asia and Pacific held on the above mentioned date.

20.9. Any other item (s) with the permission of Chairman:-

20.9.1 Consideration of agenda item submitted by Dr.Subramaniyan,Member, NBA

Dr.S.Subramaniyan, Member, NBA had proposed that the NBA may participate and facilitate setting up an exhibition on biodiversity by State Biodiversity Boards in the 99th Indian Science Congress to be held at Orissa in Jan 2012. The proposal was approved in principle by the Authority.

Action: Secretary, NBA

20.9.1 Consideration of agenda item submitted by Dr.R.S.Rana, Member, NBA

Dr.R.S.Rana, Member NBA had submitted an item regarding 'suggestions for support to SBBs'. The main points emerged during the discussion held with Member Secretary, Madhya Pradesh in the 15th Meeting of EC on ABS and further discussion on the matter were placed before the Authority for consideration. The matter was deferred to the next meeting as it required detailed discussion.

Action: Secretary, NBA

It was decided to hold the next meeting of the Authority on 9th August 2011 at New Delhi

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

OFFICIAL MEMBERS

1. Shri M.F.Farooqui, I.A.S.,
Chairman, NBA
2. Shri Hem Pande, I.A.S.,
Joint Secretary,
Ministry of Environment and Forests, Paryavaran Bhavan,
CGO Complex, Lodhi Road, New Delhi - 110003.
3. Dr. Swapan Kumar Dutta,
Deputy Director General, ICAR, Division of Crop Science,
Krishi Bhavan, New Delhi 110 114.
4. Dr. Manoj Modi,
Scientist 'C'
Dept. of Biotechnology, CGO complex, Block no.2,
Lodhi road, New Delhi - 110 003
(Represented Dr.Renu Swarup)
5. Dr.M.S.Rawat,
ARO (Bot.),
National Medicinal Plant Board,
(Represented Dr.Bala Prasad)

NON OFFICIAL MEMBERS

1. Dr.R.S.Rana
Chairman, Bio-Link,
D-43, Indraprastha Apartments, Sector 14, rohini, New Delhi-110 025.
3. Dr. S. Subramaniyan
54, VGP, Golden Sea View,
Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai-600 041.
4. Dr. Uppeandra Dhar,
11, SBI Apartments, Near Eicher School, Sector 46, Faridabad-121 002, Haryana.

Secretary, NBA

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

INVITEES

1. Dr.Sujata Arora,
Director, Ministry of Environment and Forests, Paryavaran Bhavan,
CGO Complex, Lodhi Road, New Delhi - 110003.

LEAVE OF ABSENCE GRANTED TO OFFICIAL MEMBERS

1. Shri Arun K Bansal,
Addl. Director General of Forests (FC),
Ministry of Environment & Forests,
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi - 110 003.
2. Dr. B. Harigopal,
Adviser, Dept. of Science & Technology,
Technology Bhavan, New Mehrauli Road, New Delhi.
3. Shri Pankaj Kumar,
Joint Secretary (Plant Protection),
Dept. of Agri. and Cooperation, Krishi Bhavan, New Delhi.
4. Dr. Renu Swarup,
Advisor, Department of Biotechnology, CGO Complex, Block No. 2
Lodhi Road, New Delhi - 110 003.
(but represented by Dr.Manoj Modi)
5. Shri A. K. Srivastava,
Director, Ministry of Tribal Affairs, Shastri Bhavan, New Delhi
6. Dr. Bala Prasad, I.F.S.,
Chief Executive Officer,
National Medicinal Plants Board, Dept. of AYUSH, New Delhi 110 001
(but represented by Dr.M.S.Rawat)
7. Shri P. Madeswaran,
Director, Ministry of Earth Science, Block -12, CGO Complex,
Lodhi Road, New Delhi - 110003.

LEAVE OF ABSENCE GRANTED TO NON OFFICIAL MEMBERS

1. Dr. K.M. Bujarbaruah,
Vice-Chancellor, Assam Agriculture University, Jorhat-785013.
2. Dr. Darshan Shankar,
Advisor, FRLHT, Chairman, Institute of Ayurveda and Integrative Medicine
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