



NATIONAL BIODIVERSITY AUTHORITY

PROCEEDING OF THE 51st AUTHORITY MEETING

24th January 2019

Venue

**Conference Hall,
National Biodiversity Authority,
Chennai**

Proceedings of the 51st Authority Meeting of the National Biodiversity Authority held on 24th January 2019.

The fifty first Authority meeting of the National Biodiversity Authority (NBA) was held on 24th of January 2019 at the Conference Hall, National Biodiversity Authority, Chennai and was chaired by Dr. B. Meenakumari, Chairperson, NBA. The list of participants is placed at **Annex-I**.

At the outset, the Chairperson, NBA extended a warm welcome to the members and briefed about the activities of NBA from the last Authority meeting. She mentioned about the 13th National meeting of State Biodiversity Boards held on 29th December 2018 at Delhi where Honorable Minister Shri. Harsha Vardhan was present and Additional Secretary Dr, A.K. Mehta was present. She also mentioned about the on time submission of the online 6th National Report by MoEF&CC to the Convention of Biological diversity (CBD). She also highlighted NBA's participation in Indian Science Congress, AICOPTEx regional Taxonomy workshop organized by ZSI, 59th Annual International conference of Association of Microbiologists and Regional workshop conducted by Law University and UNDP program.

The Secretary, NBA then apprised that two training programs for the staff of State Institute of Rural Developments (SIRDs) were conducted by CEPBOL during the last quarter of 2018 and two more will be conducted in the first quarter of 2019. A training manual may be brought out by CEPBOL on capacity building on Biodiversity governance for Panchayat Raj Institution functionaries, People's representatives, faculties of SIRDs, officials of related line departments and State

Biodiversity Board in collaboration with NBA and National Institute of Rural Development and Panchayati Raj (NIRDPR).

The Secretary, NBA also mentioned about the completion of two projects viz. CEPBOL and UNEP-GEF on 31st December 2018. The Project Steering Committee of the UNEP-GEF project decided to have some skeletal staff to complete the intended Project activities and the preparation of the Project final report.

Thereafter, the agenda items were considered as under:

51.01: Confirmation of the Proceedings of the 50th Authority meeting
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The draft proceedings of the 50th Authority meeting of the National Biodiversity Authority held on 10th-11th December, 2018 at Chennai was circulated to the Members for seeking their comments. In response, Dr. Sujata Arora and Dr. P.C. Bhattacharya gave their comments and have been incorporated accordingly. Members suggested that the Proceedings of all the Authority Meetings may be compiled in both hard and soft copy and kept in the library of NBA as a reference record.

Decision: 1.The members confirmed the proceedings of the 50th Authority Meeting. (Annexure 1)
2. The Proceedings of all the Authority meetings may be compiled in both hard and soft copy and placed in the NBA library for reference.

Action: Secretary, NBA

51.02: Action Taken Report of the 49th and 50th Authority Meeting.

The Secretary explained the actions taken and the actions in progress of the decisions taken during the 49th and 50th Authority Meeting.

Decision: Members noted the action taken.

Action: NIL

51.03: Proceedings of the 53rd Meeting of Expert Committee on Access and Benefit sharing held on 8th January, 2019 at NBA, Chennai

The Expert Committee on Access and Benefit Sharing has been reconstituted under the Chairmanship of Dr R.V.Varma, Former Chairman, Kerala SBB and Shri K.S.Sugara, IFS (Retd.) as co-chair on 26th December 2018. The 53rd meeting of the Expert Committee on Access and Benefit Sharing (EC on ABS) was held on 8th January 2019 at the NBA, Chennai. A total of 67 applications were placed before the EC for examination and three applicants appeared before the EC and presented their applications.

While examining the ABS applications, the EC has also made their recommendation on generic issues as under:

- The EC on ABS observed that the applicants usually do not give the correct nomenclature of the bio resources and sometimes misnomers are given. The EC recommended the Secretariat to refer the Plant list to scrutiny the applications and also can refer from ICAR, NIF etc.
- The members of the EC also observed that some of the bio resources sought for commercial utilization are endangered but sold in the trade

market. The EC on ABS suggested the Secretariat to write to the State Forest Departments, copy endorsed to SBBs, to seek information of the availability of the bio resources sought. The Secretariat may also intimate the respective Forest departments about the access of the bio resources by the applicant.

- As the access to Red Sanders wood involved in these cases are the confiscated wood by DRI/State Governments, the applications for access of it are time bound. Hence, the EC on ABS recommended that such applications may be scrutinized and decided at the Secretariat level and the decision may then be intimated to the EC on ABS and the Authority.

Dr. Darshan Shanker pointed out that the State Forest Departments may not have sufficient information including the geographical locations regarding the threatened, endangered and endemic species. He mentioned that there are 242 species of medicinal plants according to ICFRE that are traded in high volumes and are collected from the wild. However, the geographical distribution data of these medicinal plants is not available.

The members suggested that the 242 species of medicinal plants can be prioritized based on certain criteria like

- a. the volume of trade
- b. parts used for the trade
- c. that are solely collected from the wild
- d. conservation status etc.

Dr. Darshan Shankar added that a small research project can be commenced to collect and collate the data of the prioritized medicinal plants by

taking data from different flora at the state and district levels, Forest departments and other existing sources. Dr. Jeetendra Kumar Vaishya, NMPB mentioned that there are a total of 1178 medicinal plants according to the latest survey. Dr. Darshan Shankar mentioned that he will share with the Secretariat, a list of medicinal plants that are collected largely from the wild, which have threat status and endemic to India.

Secretary, NBA mentioned that a total of 255 applications have been received under the Office Memorandum (O.M.) but only 16 applications were complete in all respects and were placed in the 53rd EC on ABS. He mentioned that 133 applications are currently complete in documentation and are being reviewed by the technical team which are expected to be placed for the 54th EC meeting of ABS.

Dr. Sujata Arora mentioned that a Preliminary report may be sent to MoEF&CC regarding the status of the applications under the O.M. by the first week of February, 2019.

A Form III application (NBA/Tech Appl./9/55/2005) filed by M/s. International flavors and fragrances India Ltd. in 2005 was discussed in the Authority meeting. Secretary, NBA updated the Authority members that the applicant had used *Decalepis hamiltonii*, an endemic species of India without the approval from NBA and have also obtained patent from Europe and the US patent has been abandoned. The applicant had applied prior to obtaining the patent and NBA had approved and had sent the draft agreement for further action. The applicant has not signed the agreement but have obtained patent and have also commercialized the product from 2007. The Authority members

deliberated and discussed the case. The members opined that as the applicant has violated the Section 3 and Section 6 of the Biological Diversity Act, 2002, the members suggested that NBA can take up legal procedures accordingly.

Decision: 1.The Authority approved the recommendations of the EC on ABS.

2. The applications on Red Sanders may be scrutinized and decided by the Secretariat. The decision may then be placed before the EC on ABS for information.

3. A Preliminary report may be sent to MoEF&CC regarding the status of the applications under the O.M. by the first week of February, 2019.

4. The Secretariat may consider commencing a study on the geographical distribution of medicinal plants that are collected in large volume from the wild.

5. NBA can initiate legal procedures against M/s. International flavors and fragrances India Ltd.

Action: Secretary, NBA

51.04: Enhancing compliance of Biological Diversity Act, 2002 set for non-commercial research
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The Authority members deliberated on the enhancement of the compliance of the Biological Diversity Act, 2002 set for non-commercial research. Secretary, NBA Dr. Darshan Shankar and Dr. Yogesh Shouche mentioned that there are many esteemed institutions that have Non-Indian, NRI as students and faculty doing non-commercial research in India and the numbers are increasing based on collaboration projects. Secretary, NBA opined that when compared to the whole set of Institutes doing research such esteemed Institutions having non-Indian researchers would be a small subset.

Dr. Darshan Shanker in the 50th Authority meeting (Agenda No. 50.07.01) and in the brainstorming meeting held on 20th December, 2018 in Bangalore mentioned that there is a need for delegating functions of NBA approval of Form I to “In house institutional expert committees” for enhancing compliance of the Biological Diversity Act, 2002 for non-commercial research. He also opined that it would also increase the number of Institutions to comply to the Biological Diversity Act, 2002 tremendously. He suggested that the fees for Form I application for non-Indian individuals can be lowered for non-Indian students doing non-commercial research in Indian institutions. In reply, Secretary, NBA mentioned that there is limited understanding of the Biological Diversity Act, 2002 by NBA and hence delegating the functions to the Institutions would be a challenging task and capacity building is compulsorily required. Secretary, NBA informed that the fees for various applications are prescribed in the Biological Diversity Rules, 2004.

Dr. Sujata Arora mentioned that reducing the fees for Form I for students in case of non-commercial research can be done by amending the Biological Diversity Rules. She opined that any proposal to simplify and expedite the process for access to bio-resources for non-commercial research should be considered positively. Dr. Darshan Shankar further suggested that a scheme can be developed for the Institutions to bring in their involvement, responsibility, accountability and ownership to the Biological Diversity Act, 2002.

Members suggested that the Institutions that are willing to constitute a committee to scrutinize the applications based on the format already developed by NBA and give their recommendations to NBA which can be placed in the EC

of ABS and the Secretariat can give the approval in a stipulated time. The Head of the Institution could be the Chairman of the members of such committee to scrutinize the applications. These committees could include a member of the respective SBB. The members also suggested that a Standard Operating Procedure (SOP) can be developed and given to the Institutions for better compliance to the Biological Diversity Act, 2002.

Dr. Yogesh Shouche suggested that a similar procedure could be put in place with respect to the microbial culture repositories. However, the issue regarding the requests from non-Indian entities for microbial cultures from India is still unresolved.

Decision: Based on the deliberations in the Authority meeting, NBA to develop a proposal for: simplified and expedited procedures for non-commercial research, including through amendment of Biological Diversity Rules; and for making the heads of relevant interested institutions accountable/responsible for enhancing implementation of the Act through scrutiny of applications for non-commercial research in accordance with SOPs to be developed by NBA, by institutional committees to be set up by these institutions, that could then be considered by the Authority

Action: Secretary, NBA

51.05: Ratification of decisions on Form-B applications

Under agenda item 32.06 of 32nd Authority meeting, it was decided as follows: -

a) The Chairman, NBA is authorized to accord approval or otherwise for Form- B applications, without referring to the SBB and the EC on ABS.

b) The approval or otherwise on the applications accorded shall be placed in the subsequent authority meetings for ratification.

2. Accordingly, the decision of the Chairperson, NBA on the Three (3) Form-B applications (two applications were approved and one application was closed) is placed for ratification.

Decision: The Authority considered and ratified the decisions taken on Form B applications

Action: NIL

51.06: Constitution of Expert Committees

NBA has reconstituted the Expert committee on Access and Benefit Sharing under the Chairmanship of Dr R.V.Varma, Former Chairman, Kerala SBB and Shri K.S.Sugara IFS (Retd) as Co-Chair for evaluation of the ABS applications received by NBA vide this office order no. NBA/Tech/EC/9/14/33/18-19/3843, dated 26th December 2018, upon expiry of the tenure of the EC on ABS.

Decision: The Authority ratified the reconstitution of EC on ABS.

Action: NIL

51.07: Certified Audit Report of NBA by the C & AG for the year 2017 - 18

Certification Audit of the National Biodiversity Authority for the period 2017 - 18 has been conducted by the Office of Comptroller and Auditor General of India (Scientific Depts.) from 25/6/2018 to 6/7/2018 (Ten working days). The Audit report has been received on 14/1/2019.

Secretary, NBA mentioned that some time may be taken to print and proof read the Annual report 2017-18 of NBA to be placed in the Parliament.

Decision: The Authority considered the Audit Report of NBA.

Action: NIL

51.08: To consider ratification of decisions of Chairperson, NBA for granting exemption to inventions which are mechanical/Design improvements

Section 6 of The Biological Diversity Act, 2002 requires that any person applying for any Intellectual Property Rights for an invention based on any research or information on a biological resource obtained from India, shall obtain prior approval of NBA. However, inventions which are mechanical/ design improvements do not fall under the purview of Section 6. The 35th Authority Meeting has authorized Chairperson, NBA to provide NOC directly in cases where IPR is sought on mechanical/ design improvements/ inventions without placing before the EC on ABS. However, the same have to be placed before the Authority for ratifications. In accordance with the Authority decision, Chairperson granted exemption in one case on 18th December 2018

Decision: The Authority ratified the decision on granting exemptions to inventions which are mechanical/Design improvements

Action: NIL

51.09: Items for information

1. 13th National Meeting of State Biodiversity Board

13th National meeting of State Biodiversity Board was held on 29th December 2018 at MoEF&CC, New Delhi. The following issues were deliberated:

- i. SBBs may complete the formation of BMCs at any specific level instead at multiple levels at a time viz. village/ block/ district
- ii. The SBBs are encouraged to explore the possibilities of involving the para-taxonomists trained under the recently launched scheme of Green Skill Development Programme (GSDP) by MoEF&CC in preparation of PBRs in their respective states.
- iii. The SBB members suggested NBA to maintain records of village, intermediate and district level bodies in the database in NBA website regarding formation of BMCs and preparation of PBR.
- iv. It was suggested NBA should continue dialogue on the unresolved issues related to Access and Benefit Sharing at various levels and involve the State Biodiversity Boards to develop strategy for settling of all emerging issues on Access and Benefit Sharing and other related legal matters. The members also suggested that SBBs should share the successful strategies adapted, if any in dealing with Access and Benefit Sharing at the state level.
- v. The States opined that NBA can put up advertisements and proactively disseminate the information related to its activities and mandates of Biological Diversity Act in the public domain.

Decision: The Authority noted the issues deliberated in the 13th National meeting of the State Biodiversity Boards.

Action: NIL

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

CEBPOL

Secretary, NBA summarised the status of CEBPOL project and mentioned that finalization of the report to complete the agreed work program is under way through a skeletal staff of five project personnel to be retained for two months (January and February 2019) beyond the project period, the cost of which can be met from the funds available with NBA. Chairperson, NBA impressed upon the need for some technical and administrative manpower to complete the residual activities.

Members discussed about the relevance and need to continue to have such a centre to assist NBA/ MoEF&CC on policy research pertaining to various issues related to biodiversity. For this, the members suggested to first have a detailed independent assessment/review of CEBPOL undertaken.

- Decision:**
1. The Authority agreed to engage the services of the 5 CEBPOL staff to complete the residual work, from the funds available with NBA.
 2. NBA may explore the possibility of continuing the CEBPOL after undertaking a detailed independent assessment/review of CEBPOL.'

Action: Secretary, NBA

ANNEXURE-1

List of Participants

Official Members

1. Dr (Mrs) B.Meenakumari
Chairperson,
National Biodiversity Authority, Chennai

2. Dr Sujata Arora
Adviser / Scientist 'G'
Ministry of Environment, Forest and
Climate Change Government of India
Room No. V 235, Vayu Block, Second
Floor Indira Paryavaran Bhawan
Jor Bagh Road New Delhi-110 003

3. Dr. Jeetendra Kumar Vaishya,
National Medicinal Plant Board,
Department of AYUSH,
Ministry of Health and Family Welfare,
3rd Floor, AYUSH Bhawan,
B Block, G.P.O. Complex, I.N.A.,
New Delhi-110 023.

Non-Official Members

4. Dr. Yogesh Shouche
Senior Microbiologist,
National Centre for Cell Science
Department of Biotechnology Lab,
University of Pune Campus,
University Road, Ganeshkhind,
Pune, Maharashtra – 411 007

6. Shri Darshan Shankar,
Chancellor,
Trans Disciplinary University, C/o Foundation
for Revitalization of Local Health Traditions
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Yelahanka, Bangalore - 560 064

5. Dr. Dinesh Mishra,
No. 65, Sector 8
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Gujarat-382008

Secretary to the Authority

Shri. T. Rabikumar, IFS
Secretary, National Biodiversity Authority,
Chennai –600 113