



सत्यमेव जयते



National Biodiversity Authority



Proceedings of the 17th Authority Meeting

14th September, 2010

Venue

Conference Room-2,
ICAR Conferencing facilities,
NASC Complex, Pusa
New Delhi

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Seventeenth meeting of the National Biodiversity Authority (NBA) was held on after noon of 14 September, 2010 in the Conference Room-2, 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 31st August, 2010 as well as by speed post. The list of participants is given in Annex-I.

At the outset, the Chairman welcomed the Members of National Biodiversity Authority and the invitees to the 17th Authority meeting. After self introduction of members and invitees, the Chairman informed the house that:

- The Ministry of Environment and Forests and NBA organized a National consultation on International Regime on ABS, evolving sui generis system for protection of TK and amendments to BD Act and Rules on 23rd April 2010 at Chennai.
- The first day cover, commemorative postage stamp on biodiversity was released during the eve of World Environment Day, 5th June 2010.
- The NBA is going to participate in the COP-10, CBD in October 2010.
- The NBA has engaged consultants from time to time to help the Authority for effective discharge of its duties.
- The first meeting of BMC task force was convened and it will look into the issues concerned with constitution of BMCs and their organic linkages with the local bodies/ institutions in respect of biodiversity conservation.

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

Agenda 17.1: Confirmation of proceedings of the 16th 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 proceedings of the 16th Authority meeting.

Agenda 17.2. Action Taken Report

Action has been taken in respect of most items of the 16th Authority meeting, action is yet to be completed in respect of a few items. The decisions were taken as follows:-

- Regarding pendency of applications due to non-signing of Agreements by applicants, it was decided that 2 (two) months time may be given to applicant to send the agreement to NBA duly signed.
- Members expressed their concern that the patents are probably granted outside the country without the notice of NBA. One of the members viz., Dr. Madeswaran was requested to provide such information to NBA for further action.
- It was decided that matrix on Action Taken Report for first 5 meetings may be prepared and placed it in the next Authority meeting.

Action: Secretary

Agenda 17.3. To consider and approve model guidelines for selection and management of the Biodiversity Heritage Sites (BHS) recommended by the Expert committee.

Chairman appreciated the efforts of members of the committee to bring out model guidelines after a series of discussions and deliberations which would facilitate framing of rules by the state Governments. The Members agreed to make the following changes in the model guidelines.

- Under Para 4 (i) the words in sentence may be deleted except- "Medicinal Plant Conservation Areas"
- Under Para 8- 8 (b) (i) be deleted;
8(b) (ii) may be modified as - the Member Secretary of SBB shall act as Chairman of the monitoring committee and CEO, Zilla Parishad shall act as Co-Chairman.
8 (iii) - be modified as one representative of local community.
8 (iv) may be modified as-an expert having knowledge
- Under 9 (a) "Budget" - specific amounts mentioned may be deleted and replace with words -"adequate funding support".

Action: Secretary

Agenda 17.4.To Consider and approve the guidelines for determining contributions to and utilization of National Biodiversity Fund recommended by the Expert Committee.

The members acknowledged the efforts made by the expert committee. Since it was felt that the guidelines needs to be further fine tuned, the members suggested that the guidelines be further examined at the level of NBA and necessary changes be effected.The improved version may be sent to MoEF for further vetting by Internal Finance Division.

Action: Secretary

Agenda 17.5.Experience with processing/approval of access applications for bioresources and traditional knowledge

It was informed that NBA has been gradually getting response from the SBBs for the applications referred for consent on the use of biological resources. It was also mentioned that the first installment of benefit sharing (royalty) was provided to Amarchinta Biodiversity Management Committee in Andhra Pradesh for the export of neem leaves. Modalities are being worked out in collaboration with Tamilnadu Biodiversity Board for sharing the benefits (royalty) received from the export of seaweed from Tamil Nadu as BMCs were not constituted yet. Further, it was informed that the Indian companies are being encouraged to apply in Form-I for export of bioresources for commercial purpose. It was also informed that the Expert Committee (EC) on ABS has developed a Working Guidelines for benefit sharing. The clarity for export of bioresources such as microbes, pathogens etc may be referred to EC on ABS for further update. The interphase meeting with ICMR may be conducted to clarify the procedure for transfer of blood samples which may carry pathogens/bacteria/virus.

Action: Secretary

Agenda 17.6.Discussion on issues raised on Bt brinjal and notification on normally traded commodities

Dr.M.Sanjappa, Director, BSI and Shri Nanapure P. Sharad, Consultant, Horticulture APEDA were invited to take part in the discussion on this agenda item. They apprised the matter in detail with respect to their organizations. The representative of APEDA stated that a group of items (bio-resources) are being allowed to be exported under single ITC-HS code. Further, it was informed that certain species were listed under the CITES and also notified as banned items for export. After detailed discussion, it was decided that a special committee will be formed consisting of officials from NMPB, APEDA, MPEDA, FRLHT, DGFT, BSI, SBBs and DGCIS etc., and work out the modalities in this matter.

Action: Secretary

Agenda 17.7.To consider and approve the draft regulations on Access and Benefit Sharing submitted by the Expert Committee

The members acknowledged the efforts and had expressed reservation on the regulations prepared especially in benefit sharing mechanism related to IPR, and it was decided that it may got be examined by the expert committee on Access and Benefit sharing in the light of changing needs/trends.

Action: Secretary

Agenda 17.8. Consideration and approval of the Annual Report 2009-10

The Chairman informed that the annual report has to be placed in the Parliament in time. The members were requested to communicate their comments/suggestions on the draft report that has been circulated.

Action: Secretary

Agenda 17.9.Consideration of the issue on applications submitted by Prof. Mabberley, Royal Botanic Garden, U.K.

Regarding this agenda item, Dr.M.Sanjappa, Director, Botanical Survey of India, apprised the authority that BSI has been 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. Further, it was informed that the BSI had collected the samples and intends to transfer to RBG, UK further research.

After the appraisal, the Director, BSI with the permission of chair left the meeting hall, so that the members could discuss and decide on the matter in a fair and transparent manner without any conflict of interest.

The matter was discussed and it was decided that the BSI may pay the fee of ₹.10,000/- per application in the instant case. Further, it was informed that in future, BSI may develop collaborative project with the associated foreign institutes and seek approval from the MoEF and intimate NBA as per guidelines issued in this regard. Simultaneously matter of entering a Standard Material Transfer Agreement (SMTA) between BSI and KBG be expedited by BSI.

Action: Secretary& Director, BSI

Agenda 17.10: Consideration of agenda item submitted by Dr.Darshan Shankar, Member, NBA

Chairman appreciated the efforts of D. Shankar on this item regarding accelerating the process of preparation of PBRs in the country.

It was decided as follows:-

- a) the format of PBR should have standardized fields of information but yet be flexible enough to accommodate the highly diverse bio-cultural knowledge in different parts of the country,
- b) all PBR should be endorsed by the local BMC at the block level to certify that the content of the PBR reflected the local bio-cultural knowledge,
- c) to encourage local institutions, NGOs, KVKs, experts for preparing the PBRs,

NBA should promote the use of standardized scientific nomenclature to establish the scientific identity of locally named and used bio-resources. IBIS and all other NBA repositories may be supported by NBA to provide databases of scientific names of bio-resources linked to their vernacular names in different Indian languages. This standardization would help in comparing knowledge of the same bio-resource across different PBRs for different parts of the country.

Action: Secretary

Agenda 17.11.Consideration of agenda item submitted by Dr.S.Subramaniyan, Member, NBA

Dr.S.Subramaniyan informed that there is a shortage of personnel in NBA with requisite technical and scientific knowledge to meet the growing work load. The posts sanctioned in NBA are solitary posts and hence persons recruited against those posts do not have any promotional opportunities due to lack of promotion policy in NBA. National Productivity Council under Ministry of Commerce, Government of India has been engaged for job study, devising the promotion policy, appropriate incentive scheme and suggesting creation of additional posts.

Action: Secretary

Agenda 17.12: Payment of sitting fees to non-official members of the Authority for attending meetings/seminars/conferences on behalf of NBA

The authority approved the payment of sitting fee of ₹1,000/- (Rupees One thousand only) per day to the non-official members of NBA who attend

meetings/conferences/seminars etc organized by other organizations on request of NBA.

Action: Secretary

Agenda 17.13: Payment of Leave Salary Contribution and Pension Contribution in respect of Officers on deputation to NBA

It was informed that the officers are/were employed in the NBA on deputation from Central/State Departments. The payment of leave salary contribution and pension contribution in respect of Shri R. Narayanan, Ex-Administrative Officer and others were discussed and decided that the proposal in this regard may be sent to MoEF for further action. Further, the Members decided to constitute a finance committee to guide such matters in future.

Action: Secretary

Agenda 17.14. For information and ratification

The members noted with appreciation the efforts of NBA for conducting the following meetings viz., National consultation on International regime on ABS, evolving *sui generis* system for protection of TK and amendments to Biological Diversity Act and Rules on April 23, 2010, fifth meeting of SBBs held on April 24, 2010 and a brainstorming session with SBBs on June 16, 2010. The minutes of the aforesaid meetings were ratified and decisions taken on various matters were approved. The members also appreciated the efforts being taken for setting up of exhibition, side events etc during CoP-10, Nagoya, Japan in October 2010.

Agenda 17.15. Any other item (s) with the permission of Chairman:-

Agenda 17.15.1. Annual Accounts for the year 2009-10

The members approved the Annual Accounts of the NBA for the year 2009-10.

Action: Secretary

Agenda.17.15.2. MoEF to delegate powers to Chairman, NBA for Re-appropriation of funds

The matter was discussed and the members recommended that for the funds re-appropriated in the past, requisite ex-post facto approval should be obtained from MoEF. Further, the members expressed opinion that the Chairman, NBA should be authorized by MoEF for re-appropriation of funds between heads of account upto a certain limit. Hence, it was decided that a proposal be sent to MoEF for further action in this regard.

Action: Secretary

Agenda 17.15.3.Framework for SBB Annual Budget

The members appreciated and approved the format in principle for SBB Annual Budget developed by Dr.Darshan Shankar. It was decided that the format may be examined at the NBA level, involving member secretaries of SBBs.

Action: Secretary

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

ANNEX-I

List of participants

OFFICIAL MEMBERS

1. Dr. P.L. Gautam
Chairman, NBA
2. Shri Hem Pande, I.A.S.,
Joint Secretary,
Ministry of Environment and Forests, New Delhi.
3. Dr. Naresh Kumar,
Scientist 'H' and Head, Human Resource Development Centre, Sector 19, Central Govt.
Enclave, Kamla Nehru Nagar, Ghaziabad-201 002(UP)
4. Shri P. Madeswaran,
Director, Ministry of Earth Science, New Delhi.

NON-OFFICIAL MEMBERS

1. Dr. Darshan Shankar,
Advisor, FRLHT, Chairman, Institute of Ayurveda and Integrative Medicine (IAIM) 74/2,
Jarakabande Kaval, Post Attur, Via Yelahanka, Bangalore - 560 064.
2. Dr. S. Subramaniyan
54, VGP, Golden Sea View,
Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai-600 041.
3. Dr. Uppeandra Dhar,
11, SBI Apartments, Near Eicher School,
Sector 46, Faridabad-121 002, Haryana.
4. Dr. K.M. Bujarbaruah,
Vice-Chancellor,
Assam Agriculture University, Jorhat

Secretary, NBA

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

INVITEES

1. Dr. Sujata Arora
Director,
Ministry of Environment and Forests, New Delhi.

2. Dr.M.Sanjappa,
Director,
Botanical Survey of India,Kolkata
3. ShriYeshwantShenoy,
Legal Consultant,NBA, Chennai
4. Shri Nanapure P sharad,
Consultant, Horticulture,APEDA, New Delhi
5. Dr.B.M.S.Rathore, IFS., (*represented-ShriP.B.Gangopadhyay, ADG(F), MoEF*)
Joint Secretary, Ministry of Environment and Forest, New Delhi.

LEAVE OF ABSENCE GRANTED TO OFFICIAL MEMBERS

1. Shri Bala Prasad, I.F.S.,
Chief Executive Officer,
National Medicinal Plants Board,
Dept of AYUSH, New Delhi 110 001.
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. Shri A. K. Srivastava,
Director, Ministry of Tribal Affairs,
Shastri Bhavan, New Delhi
5. Dr. Renu Swarup,
Advisor, Department of Biotechnology,
New Delhi.
6. Dr. Swapan Kumar Dutta,
Deputy Director General (Crop Science), ICAR
New Delhi.

LEAVE OF ABSENCE GRANTED TO NON-OFFICIAL MEMBERS

1. Dr.R.S.Rana
Chairman, Bio-Link, D-43, Indraprastha Apartments, Sector 14, Rohini, New Delhi-110 025.