



सत्यमेव जयते



अहं ह्ये लक्ष्मिणी ।
कर्म ह्ये सुशाली ॥

NATIONAL BIODIVERSITY AUTHORITY



Proceedings of the 22nd Meeting of NBA

22nd November, 2011

Venue

National Biodiversity Authority

5th Floor, TICEL Biopark, CSIR Road,
Taramani, Chennai-600 113

Proceedings of the 22nd Meeting of the National Biodiversity Authority

Date: 22nd Nov, 2011

Venue: National Biodiversity Authority, TICEL Biopark,
Taramani, Chennai

Twenty second meeting of the National Biodiversity Authority (NBA) was held on 22nd November, 2011 at the Conference Hall of the National Biodiversity Authority, Chennai under the Chairmanship of Dr. Balakrishna Pisupati, Chairman, NBA to consider the agenda items circulated amongst the members earlier by email on 11th November, 2011 as well as by speed post. The list of participants is given in **Annex-I**.

Before commencement of the proceedings two minutes silence was observed to pay respects to the departed soul of Late Prof. Dr. S. Kannian, former Chairman, NBA. Some members besides chairman NBA recalled the valuable services rendered by the late Chairman and it was decided to send resolution condoling his death to the family of the deceased Chairman.

The meeting then commenced with the welcome address by Shri C.Achalender Reddy, Secretary, NBA. The authority meeting now conducted is the fourth meeting during 2011-12 and is also the first meeting chaired by Dr.Balakrishna Pisupati after assuming as chairman, NBA on 12th August 2011. Dr.R.S.Rana, Member welcomed the chairman and other members offered their wishes on his assuming charge.

Dr. Balakrishna Pisupati, Chairman acknowledged the greetings of the members and extended a warm welcome to them. In his introductory address the chairman elaborated NBA's vision, work plan, time line, mandate and functions, strategic issues, partnership for the ensuing CBD-CoP-11 next year in India and also the challenges ahead. He also briefed about his proposal on the activities such as the training and induction of expertise in relevant areas, redesigning the website, streamlining regulatory functions including issues related to processing of applications, enhancing operational space and others with a view to giving a

face lift to the NBA. Furthermore, he informed that the partnership with other agencies/stakeholders to develop the following including the network of Indian Universities on Cultural and Biological Diversity, taxonomic expert database, invasive alien species, expert database and Policy, technology transfer and ABS project, legal training for SBBs and BMCs are in the pipeline. He paid special attention to the preparatory work for the CoP-11 scheduled to be held in Oct 2012 at Hyderabad and the proposed activities such as support to national preparatory activities, background papers and policy guidance and high level ministerial segment, support to MoEF on strategic issues, training on negotiation skills, support to SBBs and BMCs for participation in CoP-11 etc. He further dealt on certain challenges before the NBA to carry out the said activities such as decentralized decision making, delegation of Authority, clarity in roles and responsibilities and sought the support of members of the Authority to move ahead with the proposed plans.

The Members appreciated the proposals of the Chairman, NBA and also expressed their support on the said matters, for better functioning of the secretariat and implementation of the Act and Rules. Dr.R.S.Rana however cautioned about the need to balance core secretariat function of NBA along with support to MoEF on preparation for CoP-11.

Followed the chairman's address, the Secretary, NBA gave a brief about the activities carried out during the interregnum and action taken on the decisions arrived at in the previous meeting. The members requested speedy follow-up of relevant issues that were pending suggesting secretariat based interventions.

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

22.1: Confirmation of Proceedings of the 21st Meeting of the Authority

It was informed that the comments as received from different members were suitably incorporated and have been circulated. Dr.R.S.Rana, Member made certain comments on the item (21.3 and 21.5) of the proceedings. The comments on item 21.3 were agreed to (the revised text is placed in Annex-II). Then the authority confirmed the proceedings of the 21st Authority Meeting.

22.2: Action taken report

The Secretary presented the action taken report that was welcomed with comments suggested by some members regarding the need for certain followup actions to be pursued further due to their relevance and importance.

Action: Secretary, NBA

22.3: Consideration of the Proceedings of the 17th Meeting of Exp. Comm. on ABS held on 14th October, 2011

Recommendations of the 17th meeting of the Expert Committee on ABS, held on 14th October 2011, were presented by its Chairman, Dr. R.S. Rana, on a case by case basis. He has suggested minor changes in the benefit sharing component pertain to the nine (9) applications (Form-III) and they were suitably incorporated in the relevant recommendation. Then the recommendations were discussed and accepted by the Members. In a solitary case (Appl.No.450- Dr.Priya Davidar), the authority desired re-examination of the case after obtaining the comments from the NBPGR.

Further, it was informed that the NBA is cognizant to the concerns being expressed by different institutions, organizations, scientists, individuals, industries and NGOs for the delays in clearance of access and benefit sharing applications. In this connection, the procedure in vogue for processing of applications was explained comprising the initial scrutiny by the secretariat, followed by reference to the SBBs/BMCs then placing before the EC on ABS before placing them for approval or otherwise by the Authority. Followup discussion focussed on the experience gained by the secretariat in dealing with ABS applications. The Chairman gratefully acknowledged the support, guidance and advice provided by the EC-ABS under the chairmanship of Dr. R.S.Rana. He then requested the Members to consider supporting the suggestion to let the secretariat deal with such applications that are routine in nature. It was suggested that applications that did not warrant too much technical assessment need not be referred to BMCs/SBBs and expert

committees and that such cases may be disposed off at the secretariat level. The Members discussed this issue at length and authorized the Chairman, NBA to dispose off such cases after ensuring fixing of appropriate benefit sharing component obtained in identical cases or guidelines on ABS. However, such cases are to be placed before the Authority for ratification. The Chairman then proposed the possibility of an expert presentation on ABS issues for next Authority meeting that was welcomed by the members.

Action: Secretary, NBA

22.4: To consider termination of access application

The members approved the termination of 3 (three) applications (Appl.no.290 - Dr.G.K.Garg, M/s. Krishidhan Seeds Ltd.; Appl.no.292 - M/s. Sun Agro Biosystem Pvt. Ltd; Appl.no.106 - Mr.Mathias Ritschard).

Action: Secretary, NBA

22.5: To consider and approve the guidelines for National Biodiversity Fund

Members discussed the draft guidelines of National Biodiversity Fund and approved the same with some modifications. It was suggested that the amount retained by the Authority whenever there were no clearly identified claimants and beneficiaries should continue to be placed under NBF -B to be spent exclusively on promoting conservation and related activities. This amount should not be transferred to NBA-A which included receipts from the government for payment of salaries etc. Further, it was also suggested that the special grant allotted for projects approved by NBA/MoEF, may not be reflected against NBF-B, since it is reckoned as a separate account as in vogue. The members also reviewed the discussion of the 17th meeting of NBA and decided that these guidelines shall not require vetting by the Integrated Finance Division of MoEF, as suggested by the MoEF.

Action: Secretary, NBA

22.6: To consider examination of operational suggestions on the issues faced by the seed industry on the provisions of BD Act 2002

Outcome of the discussion of the joint meeting of the representatives of the seed industry with Chairman, NBA was examined by the members in detail. Dr.Rana pointed out that several discussions had been held earlier with the representatives of the seed industry and their outcome should be taken note of so as to develop a balanced perspective on this subject. It was then decided to hold a workshop with the seed industry in the month of Jan / Feb 2012 with a view to clarify the requirements of the industry with reference to different provisions of the BD Act. The Chairman also informed the Members the desire of the Secretariat to hold such interactive sessions with other sectors also such as bio-pharma. This was welcomed by the Members.

Action: Secretary, NBA

22.7: To consider and approve the Annual Report 2010-2011

The draft Annual Report of the NBA for 2010-11 was approved by the members for printing and submission to the Parliament.

Action: Secretary, NBA

22.8: To consider review of the issue of export of seaweed (*Kappaphycus alvarezii*)

To gain better understanding of the matter, at the behest of the Chairman the Technical Officer (BS), NBA explained the issue in detail. On being heard, the members elucidated their views on the issue and suggested that in this case the NBA should play an advisory role as the matter was related to conservation of biological resources. In this regard, it was suggested to elicit opinion from Experts in the field. On receipt of the report, the NBA may communicate to the MoEF for further action. Further, it was decided that the applications which were already cleared by the NBA need not be reopened and that applications if any received in future may be kept in abeyance till a final decision is arrived at.

Action: Secretary, NBA

22.9: Extension of deputation tenure of Shri C.A.Reddy, Secretary, NBA by two years

The Members unanimously approved the proposal for extension of term of deputation of Shri C. Achalender Reddy, IFS, Secretary, NBA for a further period of two years. During the discussion of this agenda item, Shri.C.A.Reddy had recused himself with the Chairman's permission.

Action: Chairman, NBA

22.10: For information and ratification

22. 10. (a): Services of shri M.F.Farooqui, Ex-Chairman, NBA

The members took note and recorded their appreciation for the services rendered by Shri M.F.Farooqui, IAS, Ex-Chairman, NBA. Members also appreciated the efforts of NBA on finalizing projects, programmes etc under the able leadership of Shri M.F.Farooqui.

Item no: 22.10 (b), (c), (d), (e), (f), (h) & (i) have been noted/ratified.

22.10 (g) Case on Bt brinjal

The Secretary, NBA presented the status of action being taken on the issue of responding to a complaint of misappropriation of brinjal by M/s Mahyco. Two official members and one non-official member suggested no legal action be taken since the issue was merely a research collaboration that was exempted under the purview of the Act. The Chairman then provided the current legal interpretation of the case. Based on this, the members authorised the Chairman to seek necessary legal opinion in the matter and decide accordingly. The Chairman has informed the members that the issue on hand is purely that of possible misappropriation of local brinjal varieties and has nothing to do with biotechnology per se and/or its application.

Action: Secretary, NBA

22.11.1: Items proposed by Dr.R.S.Rana for consideration

The Members approved the minor changes suggested by Dr.R.S.Rana on the benefit sharing components on the proceedings of the 17th Meeting of EC on ABS and proceedings of 21st Authority meeting. On the matter regarding guidelines of designated national repositories, it was informed that the guidelines were already developed and sent to MoEF for notification in 2006. Due to certain administrative reasons it was not notified. The same may have to be reviewed and sent to repositories with the approval of the Authority.

Action: Secretary, NBA

22.11.1: Items proposed by Dr.S.Subramaniyan for consideration

The item regarding participation of NBA in the Indian Science Congress. The Chairman provided a brief overview of the plans currently being finalised to organise a session on biodiversity during the ISC in Jan 2012. The suggestion on strengthening of SBBs/BMCs and national level sammelan involving different stakeholders was discussed and it was decided that the matter would be taken up at the appropriate time.

Action: Secretary, NBA

22.11.1: Items proposed by Dr.Darshan Shankar for consideration

The item regarding linkage of Biodiversity and Health to be showcased in the ensuing CoP-11 as suggested by Dr.D.Shankar was discussed. The Chairman, NBA informed that as the agenda item for the CoP-11 was already finalized it was suggested to include the said proposal through launch of the report being prepared on the topic besides organising special events to highlight the same during CoP 11.

Annex-I

OFFICIAL MEMBERS

1. Dr. Balakrishna Pisupati,
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. Renu Swarup,
Advisor, Department of Biotechnology, CGO Complex, Block No. 2
Lodhi Road, New Delhi - 110 003.

NON OFFICIAL MEMBERS

1. Dr.R.S.Rana
Chairman, Bio-Link,
D-43, Indraprastha Apartments, Sector 14, rohini, New Delhi-110 025.
2. Dr. Darshan Shankar,
Advisor, FRLHT, Chairman, Institute of Ayurveda and Integrative Medicine
(IAIM) 74/2, Jarakabande Kaval, Post Attur, Via Yelahanka, Bangalore - 64.
3. Dr. S. Subramaniyan
54, VGP, Golden Sea View,
Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai-600 041.
4. Dr. K.M. Bujarbaruah,
Vice-Chancellor, Assam Agriculture University, Jorhat-785013.

Secretary, NBA

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

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. Shri A. K. Srivastava,
Director, Ministry of Tribal Affairs, Shastri Bhavan, New Delhi
5. Dr. Bala Prasad, I.F.S.,
Chief Executive Officer,
National Medicinal Plants Board, Dept. of AYUSHI, New Delhi 110 001
6. 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. Uppeandra Dhar,
11, SBI Apartments, Near Eicher School, Sector 46, Faridabad-121 002,
Haryana.

Annex-II

21.3: Consideration of the proceedings of the 16th Meeting of Exp. Comm. on ABS held on 26th July, 2011

Recommendations of the 16th meeting of the Expert Committee on ABS, held on 26th July at Chennai, were presented by its Chairman, Dr. R.S. Rana, on a case by case basis. He informed that out of the 23 applications considered under the four prescribed categories, 18 were recommended for approval with the suggested terms for benefit sharing while the rest were referred back for more information. All the recommendations were discussed and accepted by the Chairman and all the members while making some useful suggestions. It was pointed out that there were no pending applications at present with the Secretariat that have not been processed by the EC-ABS.

The Authority discussed the recommendation of the EC on a case by case basis and decision in each case is annexed (Annex-II, Pg.no.23).

In case the applicants are using traditional knowledge in the IPR, the modalities for identifying communities/individuals for sharing the benefits have to be ascertained in a holistic manner. In this regard, Authority desired that a note may be submitted for detailed discussion.

Further, the Authority after examining application no. NBA/Tech appl/9/458/11 of Dr.B.S.Vivek desired a detailed note to be prepared on

- 1.The extant provisions of the BD Act covering the National/International organizations including CGIARs* and private sectors/ multinational companies having their offices located in India which are involved in the import of bioresources into India and exporting them to other International/National organizations and Private Sectors / multinational companies located outside India under different Conventions/Treaty obligations.
2. The issue here is that the bioresources are either maintained in labs/stores or grown on fields of India for propagation, improvement, and trials etc. Therefore, a doubt has arisen whether the bioresources can be sent out of India without obtaining prior approval of NBA though they were imported earlier? This has to be examined, studied in detail, so that violation if any can be brought to the notice of all concerned.

Action: Secretary, NBA

* the underlined texts were substituted to the earlier version.