

NATIONAL BIODIVERSITY AUTHORITY

**475, 9th SOUTH CROSS STREET
KAPALEESWAR NAGAR
NEELANKARAI, CHENNAI 600 041
www.nbaindia.org**

MINUTES OF THE SIXTH MEETING



**20th APRIL, 2006
NATIONAL BUREAU OF ANIMAL GENETIC RESOURCES
KARNAL**

NATIONAL BIODIVERSITY AUTHORITY MINUTES OF THE SIXTH MEETING

**20th APRIL, 2006
NATIONAL BUREAU OF ANIMAL GENETIC RESOURCES
KARNAL**

DATE : 20th APRIL 2006

TIME : 10.00AM to 6:00PM

VENUE: NATIONAL BUREAU OF ANIMAL GENETIC RESOURCES, KARNAL

The proceedings of the fifth meeting of the National Biodiversity Authority commenced at 10.30 am on 20.4.2006 at NATIONAL BUREAU OF ANIMAL GENETIC RESOURCES, KARNAL. The Chairman, NBA **Prof. S. Kannaiyan** extended a warm welcome to the members of the Authority to the 6th meeting and briefed them the major achievements made by NBA during the period between 5th and 6th meeting.

The Chairman Prof. S. Kannaiyan gave a brief account on NBAGR's background and its achievements in Research and Development. NATIONAL BUREAU OF ANIMAL GENETIC RESOURCES, KARNAL is playing a significant role in Animal genetic resources Research in India. The institute is catering to the need of the India's domesticated animal research and technology transfer. The Chairman, NBA, Prof. S. Kannaiyan has also briefly indicated the significant achievements of NBAGR to the members of National Biodiversity Authority.

1 . MAJOR ACTIVITIES OF NBA

MEETINGS CONDUCTED BY NATIONAL BIODIVERSITY AUTHORITY

- Seventh meeting for organizing “**National Conference on Agro Biodiversity** “ organized by National Biodiversity Authority on 29.1.2006 at conference Hall, National Biodiversity Authority, Chennai – 600041
- Second Meeting for “**Expert Group on Database on Biodiversity and Traditional Knowledge**” organized by National Biodiversity Authority on 3.2.2006 at DIRC Auditorium, National Chemical Laboratory, Pune.
- “**National Conference on Agro biodiversity**” organized by National Biodiversity Authority on 12th Feb – 15th Feb, 2006 at NIOT Campus, Pallikaranai, Chennai.
- Second Meeting for “**Expert Committee on Threatened, Endangered and Endemic Species**” organized by National Biodiversity Authority on 28.2.2006 at conference Hall, National Biodiversity Authority, Chennai – 600 041.
- “**One day workshop on Bird Flu**” organized by National Biodiversity Authority on 6.3.2006 at conference Hall, National Biodiversity Authority, Chennai – 600 041.
- “**National Conference on Forest Biodiversity Resources: Exploitation, Conservation and Management**” Organized jointly by National Biodiversity Authority and Centre for Biodiversity and Forest Studies, School of Energy, Environment and Natural Resources on 21-23 March 2006.
- **Expert Committee meeting on preparation of guidelines for collaborative research projects** on 07.04.2006 at Conference hall, National Biodiversity Authority, Chennai
- **Subcommittee meeting of the Expert Committee meeting on Threatened, Endangered and Endemic species** on 17-18, April, 2006 at Conference hall, National Biodiversity Authority, Chennai.

PUBLICATIONS BY NATIONAL BIODIVERSITY AUTHORITY

PAPERS PUBLISHED BY Prof. Dr. S. Kannaiyan, Chairman, NBA, Chennai.

1. **Kannaiyan S.** 2006. Biological Diversity Act – 2002. National Conference on Agrobiodiversity held during 12-15th Feb, 2006 organized by National Biodiversity Authority, Neelankarai, Chennai. Tamil Nadu. P 1-5.
2. **Kumar K and S. Kannaiyan** 2006. Genetic diversity of Diazotriphs in rice ecosystem. National Conference on Agrobiodiversity held during 12-15th Feb, 2006 by NBA, Chennai, Tamil Nadu, p 133
3. **Kumar, K and S. Kannaiyan.** 2006. Ectomycorrhizal Diversity in Tropical forest ecosystem. National conference on Forest Biodiversity Resources, Exploitation, Conservation and Management held during March 21-22, 2006 at Madurai Kamaraj University, Madurai, Tamil Nadu p. 78.
4. **Kannaiyan. S.** 2006. Abstracts. National Conference on Agrobiodiversity. (ed. S. Kannaiyan). National Biodiversity Authority, Neelankarai, Chennai. P.1-269.
5. **Kannaiyan, S. and K. Muthuchelian,** 2006. Abstracts National conference on Forest Biodiversity Resources, Exploitation, Conservation and Management (ed S. Kannaiyan and K. Muthuchelian) National Biodiversity Authority and centre for Biodiversity and Centre for Biodiversity and Forest studies, Madurai Kamaraj University, Madurai, Tamil Nadu. P.

2. CONFIRMATION OF MINUTES OF FIFTH MEETING

DATE : 20th January 2006
TIME : 10.00AM to 6:00PM
VENUE : Indian Institute of Spice Research, KOZHIKODE

The Members of the Authority appreciated the achievements made during the period of 5th Authority meeting. The following points were raised by the members while approving the minutes of the minutes of the 5th Authority meeting.

The following are the comments made by Dr RK Rai, Addl. Director, MoEF, New Delhi on the minutes of the 5th meeting of the Authority.

- 1. Approval of applications received by NBA for access of genetic material:** It was generally agreed that wherever prescribed “Conditions” in the Act are not possible to be fulfilled due to logistic and absence of certain institutional arrangements, such reasons need to be recorded in the Minutes on case to case basis.
- 2. Approval of proposal for funding:** The list of proposals placed before the “Authority” for endorsement was reviewed. Some proposals such as establishment of Botanic Gardens and funding to international organization neither were nor found appropriate. It was also pointed out that Authority should focus its activities within its mandate.
- 3. Placement of additional agenda at the time of the meeting:** Normally policy issues such as guidelines on collaborative research should not be placed at the time of the meeting but should be circulated well in advance to ensure benefit of inputs from members of the Authority. This will ensure inputs from various concerned departments of Govt. apart from experts.

General comments made by the Members of the Authority:

Prof Anil Gupta made the following are the comments:

1. The publication of other members of the Authority should also be included in the achievements made by the Authority for which the members agreed to send the relevant achievements related to Biodiversity issues to be included in the Achievements of the Authority.
2. The awareness meeting of NBA should be conducted throughout the country.
3. The norms for approval of projects should be as per the protocol developed by the authority.
4. NBA should evolve norms for reply to the members and the civil society.
5. The way in which the Biodiversity Act 2002 was formed, same spirit should be maintained in implementing the Authority,

Dr Pushpangadan made the following comments:

1. Botanical Survey of India, Kolkata is another place where next Authority meeting can be held.
2. Agenda for the meeting should reach the members before 15 days of the meeting and 20 days before the meeting the venue and date should be informed.

Dr A K Ghosh made the following comments:

1. At present, NBA has the limitation due to inadequate supporting staff.
2. Adequate supporting staff should be in place to get the required out put.

Shri D D Verma made the following comments:

1. National Biodiversity Authority and Biodiversity Act, 2002 are the strength for the country and it is first among all countries.
2. Process through which clearing of application need to be developed.
3. NBA should not loose the central sight of the Act
4. The agreements prepared by the Authority are very good and it is well appreciated. It will be circulated to a few more persons and corrections will be indicated before it is being sent to the Law ministry for notification.
5. The funding of awareness projects is objected by the Finance Department.
6. Other problems of NBA are being discussed with the Chairman in the Review meeting conducted by Ministry of Environment.
7. Ministry of Environment and Forest, Government of India will extend all kinds of support to NBA.

Prof S. Kannaiyan, Chairman NBA's response to the above comments:

1. At present NBA has minimum skeletal staff. The members should also share the responsibility of the NBA.
2. Proper notice will be made well in advance: Agenda and date of the meeting will be sent by Email as well as by speed post.

**Following are the specific comments made by individuals on the
ACTION TAKEN ON THE MINUTES OF THE 5TH NATIONAL BIODIVERSITY
AUTHORITY MEETING**

*Page No 110 of the 6th Authority meeting Agenda Circulated
Item: Approval of Application Received by NBA:*

Comments by Mr. DD Verma:

- All cases of GM Crop unless and until cleared by GEAC, MoEF , NBA cannot take up for approval,
- Approval of GM Crops is not the mandate of the NBA
- NBA needs GEAC permission for approval of application.
- NBA should withdraw the approval given to **GEAC**.
- Send a copy of the approval letter sent to GEAC to Joint Secretary, MoEF, New Delhi

Action: Member Secretary

Comments by Dr A K Ghosh:

Correction to be made on the 16th and 17th Application Forms not featured in the Agenda.

Action: Member Secretary

Comments by Mr. DD Verma:

Expert Committee on Normally Traded Commodity (as per Section 40 of BD Act 2002) should meet immediately and prepare the list of NTC (i.e.: the items of different Normally Traded Commodity) for notification in different stages instead of all in one.

In this connection The Secretary NBA should write to **Prof. Dr Anil Gupta**, IIM, Ahmedabad and **Dr J.P. Mishra**, ADG, ICAR, New Delhi and get additional informations. Also the NBA may get information from Trade division of Agricultural Ministry, Commerce Ministry, Food and Consumer Affairs, DGFT, AYUSH and other relevant agencies.

NBA should conduct the meeting of the Expert committee on Access, Benefit sharing and Material Transfer immediately with the support of TERI, NBA should insist TERI that **Mr. Yogesh Gokle** (who left MoEF recently) to be persuaded to take up the post of Expert Consultant.

NBA should convene the Expert Committee meetings immediately with the Secretary, NBA as the Expert Consultant for those EC where Expert Consultants are not available.

Action: Member Secretary

Page No 123 of the 6th Authority meeting Agenda Circulated
Item: Approval of Proposals for Funding by NBA:

Comments by Dr A K Ghosh:

1. SBB to be informed to take up awareness programmes to different stake holders by themselves or through other relevant institutions.

Comments by DR Anil Gupta:

1. Capacity building programme for SBB to conduct awareness programmes on BMC and PBR.
2. Forest Department is to be involved in the awareness programmes

Comments by DR L Kannan:

1. Capacity building programme for Union Territories to conduct awareness programmes on BMC and PBR

Comments by Mr. D. D. Verma:

1. Proposals for funding related to Commissioning of studies relevant to Biodiversity Act can be taken up by NBA.
(As per page 34 of the Biodiversity Act and Rule book (Biological Diversity Rules 12. (viii): organize through mass media a comprehensive programme regarding conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.)

Action: Member Secretary

Page No 124 of the 6th Authority meeting Agenda Circulated
Item: Approval of Terms of Reference on the Preparation of Guidelines by Expert Committees:

Comments by Mr. DD Verma:

NBA to convene the Expert Committee meetings immediately with the Member Secretary of NBA as the Expert Consultant where ever Expert Consultant is not available.

Action: Member Secretary

Page No 126 of the 6th Authority meeting Agenda Circulated
Item: Approval of Microbial Cultures Import

Comments by Mr. DD Verma:

NBA not to entertain applications which are not under the purview of the Biodiversity Act 2002.

NBA to write to the applicant and enquire whether any other organization has been approached for permission and whether the permission has been denied by any other organization etc. before bringing the case to the Authority.

Approval of Import of Microbial Cultures is only through GEAC, Ministry of Environment and Forests and NBA not to entertain such applications.

Action: Member Secretary

Page No 130 of the 6th Authority meeting Agenda Circulated
Item: Sanction Power of Chairman

Comments by Mr. DD Verma:

The sanctioning power of Chairman is as per Rule 13 sub section 5: The Chairperson, either himself or through an officer of the authority authorized for the purpose, may sanction and disburse all payments against the approved budget.

Action: Member Secretary

Page No 130 of the 6th Authority meeting Agenda Circulated
Item: Appointment of Expert Consultant on Expert Committee on Access and Benefit Sharing by TERI, New Delhi.

Comments by Mr. DD Verma:

NBA to convene the Expert Committee meeting at the earliest with the Expert consultant.

Comments by Dr Pushpangadhan:

Dr Pushpangadhan, Chairman of the Expert committee on Access, benefit sharing and Material Transfer has agreed to prepare the background paper for the meeting and agreed to convene the first meeting in May 2006.

Action: Member Secretary

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Item: 14. Number of plant material per each application for access for commercial purpose/Bioassay/Screening etc.

The members of the Authority opined that **only one species** per application will be allowed.

Action: Member Secretary

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Item: 15. Expert Committee on Database meeting recommendations.

While discussing the recommendations of the Database meeting, **Dr Anil Gupta** mentioned that he may be contacted by the Member Secretary, NBA send proceedings of the two meeting to NBA.

It was also decided that **Dr Pushpangadan** will send a proposal for funding to NBA for the Ethanobiology Database.

Shri D D Verma that Dr Pushpangadan can arrange to send the Ethanobiology data base to MoEF, New Delhi first and later it will be decided for the publication.

Action: Member Secretary

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Item: 6. Honorarium for NBA Bulletin.

The Authority members while approving the agenda on Honorarium for NBA Bulletin informed that the Chairman NBA has the power to sanction such payment as honorarium and such agenda should be kept separate under the title AGENDA FOR INFORMATION.

Action: Member Secretary

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Item: Guidelines on Collaborative Research Projects.

The Authority while discussing the guidelines on Collaborative Research Projects opined that ETHICAL GUIDELIENES is missing. Dr Anil Gupta informed the Authority that Ethical Guidelines is to be incorporated and he will send his comments as well as the Ethical guidelines to be incorporated in the Guidelines on Collaborative Research Projects.

Action: Member Secretary

Page No 150 of the 6th Authority meeting Agenda Circulated

Item: 10. Minutes of the Meeting on Expert Committee on Collaborative Research Projects conducted on 7th Jan 2006.

Shri DD Verma, JS, MoEF, New Delhi informed that under the **C. Guiding Principles** Page 157 of the Agenda – the first sentence should be changed as -The National Biodiversity Authority abides by all relevant National laws concerned with management of biological diversity.

Action: Member Secretary

Page No 169 of the 6th Authority meeting Agenda Circulated

Item: Meeting on Finalization of Agreements on 17th Jan 2006.

Shri DD Verma appreciated the finalization of agreements prepared by the NBA. He informed the Authority that he had some comments on the agreements submitted for approval. Also he circulated the agreements for comments. These comments/corrections have to be incorporated after consulting the Legal Consultant as well as the Chairman of the Expert Committee constituted for this purpose.

Action: Member Secretary

3. DISCUSSION ON THE AGENDA FOR THE 6TH AUTHORITY MEETING

Page No 210 of the 6th Authority meeting Agenda Circulated

Item: 1. Budget Estimates for the year 2006-2007.

The members of the Authority approved the budget for the year 2006-2007 as Rs 192 lakhs on the same heads sanctioned during 2005-2006. Over and above this, The Chairman, NBA is authorized to propose additional budget of Rs. 100 lakhs for grants in aid the State Biodiversity Board and Rs. 50 lakhs for the Projects to be initiated by State Biodiversity Boards including awareness programmes.

A total of Rs 342 lakhs (Rs 192 (same as on 2005-2006) + 100 lakhs more for State Biodiversity Boards and Rs 50 lakhs for Projects to be initiated by State Biodiversity Boards) was approved by the Authority and for the additional budget the Chairman NBA has to send a proposal with justification to Ministry of Environment Forests.

NBA should also provide Budget proposal for Land and Building as a separate item.

Action: Member Secretary

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Item: 3. Extension of period from Feb 2006 for expert consultants

The Members of the Authority approved the period of extension for the Expert consultants till June 2006 or completion of the guidelines which ever is earlier.

Action: Member Secretary

Page No 219 of the 6th Authority meeting Agenda Circulated
Item: 5. Pay Fixation

The Authority informed that the pay fixation in the higher post as per FR 49 (iii) of Dr K Venkataraman for the period he has worked has been recommend by the Authority and the same to be sent to DOPT for approval.

Also the Authority Members unanimously approved that Dr K. Venkataraman be appointed as Member Secretary, NBA on deputation. For this purpose Dr Venkataraman should write a proposal letter through the Chairman, NBA to the Administrative Ministry (MoEF) at the earliest.

Action: Member Secretary

Page No 220 of the 6th Authority meeting Agenda Circulated
Item: Setting up of India Herbal Garden at World Health Organisation Head Quarters, Geneva

The Authority members informed that as per the Act it was not possible to approve the application. However, NBA should write to NBPGR, New Delhi, IARI, New Delhi and Botanical Survey of India, Kolkata for their opinion and consultation.

Action: Member Secretary

Page No 222-226 of the 6th Authority meeting Agenda Circulated
Item: Comments of Prof Anil Gupta, Member of National Biodiversity Authority

The Comments on the action taken on the agenda raised by Prof. Anil Gupta was discussed in detail and the following points emerged.

Point No 1. The Chairman informed that more meetings will be conducted in other parts of India in the coming years.

Point No 2. The Chairman informed that the publications of members will be included in the agenda. Members of the Authority may periodically send their list of publication to be incorporated in the agenda.

Point No 3. The Chairman agreed to the points raised by Prof Anil Gupta and informed that before finalizing the important matters such as agreements, issues of IPR

and other relevant matters, sufficient time will be given to the members to go through the content for discussion and wide consultation will be made with civil society through NBA web site.

Point No 4. The Chairman informed that necessary action will be initiated.

Point No 5. The Note submitted by **Shri Asish Kothati** to be placed before the authority in the next meeting.

Point No 6. The frame work of prioritization of activities of NBA will be informed.

Point No 7. The Chairman NBA informed that the Expert Committee on Database Chaired by Prof Madhav Gadgil has incorporated the activities of NIF in the Guidelines prepared. The final meeting of the EC on Database is due to be conducted in the coming month and the guidelines prepared by the Committee will incorporate the NIF as part of the BIS database.

Point No 8. The Chairman informed that the Act and Rule Book has been prepared in different national languages for the local people for empowerment.

Point No 9. The Chairman informed that the Ethical Code will be included in all the activities of NBA.

Point No 10. The Chairman NBA informed that NBA is preparing common guidelines for all the different Ministries of India. Also NBA will have a dialogue and discussion on the commonalities with the Chairperson of PVPV and FR Act, New Delhi in June, 2006.

Point No 11. The Chairman NBA informed that there were 14 SBBs established till date and NBA will give priority to the establishment of more SBB in the future.

Point No 12. The Chairman informed that the list prepared was only preliminary in nature and it was open for modification.

Point No 13. The Chairman informed that proper care was be taken to prepare the list of Expert committees. Also the Chairman, NBA requested the members of the authority to send the names of Women Experts to be included in the final list of Experts and panels.

Point No 14. The Chairman informed that many points submitted as minutes of the meeting were edited as per suggestions given by the members.

Point No 15. Shri DD Verma JS, MoEF informed that NBA should take up the notification of Normally Traded Commodity through EC on Normally Traded Commodity step by step in different stages. The NBA should come out with the first list of NTC during July meeting of the Authority.

Point No 16. The Chairman informed that Expert Committee for the ABS guidelines was in place and only after the preparation of the Guidelines on ABS the activities pertaining to export of specific species could be restricted.

Point No 18. The Chairman informed that the permission to Coral snake was not approved in the 5th Authority meeting.

Point No 19. The Chairman informed that the matter was already discussed in this meeting and the suggestions of the members will be implemented.

Point No 20. The Chairman informed that a Committee approved by the Authority went through the project proposals before recommending the same for approval by the Authority. The Members informed that these projects are not being approved by the Authority and NBA can take up funding of proposals only made by the SBBs.

Point No 21. The Chairman informed the members that NBA was planning to invite the Expert consultant to give presentation on ABS before the Expert Committee. The Secretary NBA informed that the Director TERI informed him telephonically that an experienced person will take up this work. **Shri. D.D. Verma** informed that NBA should insist TERI for **Mr. Yogesh Gokle** to be the Expert Consultant for the EC on ABS and informed that he has wide experience on ABS and has served in the LMMC, MoEF.

Point Nos 22, 23 and 24. The Chairman informed that these points will be taken up in future.

Action: Member Secretary

Page No 1 of the 6th Authority meeting Agenda Circulated

AGENDA ITEMS: WITH THE PERMISSION OF THE CHAIR

1. Report of the Committee on Jatropa Germplasm at Indira Gandhi Agricultural University, Raipur.

The Authority members after going through the Report of the Committee constituted by NBA informed that NBA should issue a notice to 1. The Scientist Involved with a copy to the State biodiversity Board and 2. D1 Oil Company

Action: Member Secretary

Page No 2 of the 6th Authority meeting Agenda Circulated

AGENDA ITEMS: WITH THE PERMISSION OF THE CHAIR

1. Date of the next meeting before the close of each meeting and announce it in the minutes.

It was decided by the members of the authority that the next meeting will be held on **20th July 2006** and the Venue would be **Botanical Survey of India, Kolkata** or **NBA office, Chennai.**

Action: Member Secretary

Appendix 1: ATTENDANCE OF MEMBERS PRESENT

OFFICIAL MEMBERS PRESENT

- 1. Shri, D D Verma,**
Joint Secretary, Ministry of Environment and Forests
Paryavaran Bhavan, New Delhi 11. 003.
- 2. Smt. Sushama Nath,**
AS (D) and Secretary, Dept of Agri. Res. Edu., Ministry of Agri.,
Govt of India, New Delhi 110 001.
- 3. Dr J S Mishra,**
Assistant Director General (RSM & CSC),
Room No 212, Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi – 110001.
(Nominee of Shri Satish Chandra, Joint Secretary,)

LEAVE OF ABSENCE GRANTED TO OFFICIAL MEMBERS

- Shri Rajeev Kumar, J.S.,** Ministry of Tribal Affairs, New Delhi
- Shri Nihillesh Jha, J.S.,** Ministry of Science and Technology, New Delhi
- Dr. S. Natesh,** Advisor, Department of Biotechnology, CGO Complex, Block No. 2,
Lodhi Road, New Delhi 110003, **(nominee of Shri U.N. Behara, Joint
Secretary, DBT).**
- Shri R P S Katwal,** Additional Director General of Forests (Wild Life), Ministry of
Environment and Forests, New Delhi 110 003
- Dr M A Kumar,** Deputy Advisor – Siddha, Ministry of Health and Family Welfare,
201, Indian Red Cross Building; Parliament Street, New Delhi 110 001
**(Nominee of Shri Tara Dutt, J.S., Department of Indian Systems of Medicine
and Homeopathy, New Delhi)**
- Dr.B.R.Subramaniam,** Advisor and Project Director, Department of Ocean
Development, NIOT campus; Pallikaranai, Chennai 601 302. **(Nominee of
Joint Secretary, DOD, New Delhi)**
- Shri A.J.Kurian,** Director, Department of Science and Technology, Technology Bhavan;
New Meharauli Road, New Delhi 110 016
**(Nominee of Mr Sajeev Nair (JS Rank) Department of Science and
Technology).**

NON-OFFICIAL MEMBERS PRESENT

- 1. Prof. L. Kannan**, Director of Research, Centre for Advanced Study in Marine Biology, **Parangipettai - 608 502**
- 2. Dr A. K. Ghosh**, Director, Centre for Environment and Development, 329, Jodhpur Park, Kolkata -700 068.
- 3. Dr. P. Pushpangadan**, Director, Rajeev Gandhi Centre for Biotechnology Thycaud PO, Pujappura, Thiruvananthapuram 695 014.
- 4. Prof Anil Gupta**, Indian Institute of Management, Ahmedabad 380 015

LEAVE OF ABSENCE GRANTED TO NON OFFICIAL MEMBERS

- 1. Prof. Raghavendra Gadagkar**, Centre for Ecological Sciences, Indian Institute of Science, Bangalore 560 012.

Appendix 2: AGENDA FOR THE 6TH AUTHORITY MEETING

AGENDA ITEM 1. BUDGET ESTIMATES FOR SALARIES FOR THE YEAR 2006-2007

**NATIONAL BIODIVERSITY AUTHORITY, CHENNAI
BUDGET ESTIMATES FOR SALARIES FOR THE YEAR 2006-2007**

**Part – B
1. SALARIES**

(Amount in Rs.)

S. No.	Name of the Post	Pay Scale	No. of Posts	Pay per month	Pay for 12 months	D.P.	D.A.	CCA	H.R.A.	T.A.	Medical, LTC, etc.	Total
1.	Chairperson	26,000 (fixed)	1	26,000.00	3,12,000.00	1,56,000.00	98,280.00	3,600.00	1,40,400.00	9,600.00		7,19,880.00
2.	Member Secretary	18400-22400	1	18,400.00	2,20,800.00	1,10,400.00	69,552.00	3,600.00	99,360.00	9,600.00		5,13,312.00
3.	P.S. to Chairperson	10000-15200	1	10,000.00	1,20,000.00	60,000.00	37,800.00	3,600.00	54,000.00	9,600.00		2,85,000.00
4.	P.S. to Member Secy.	6500-10500	1	6,500.00	78,000.00	39,000.00	24,570.00	3,600.00	35,100.00	4,800.00		1,85,070.00
5.	Admin. Officer	10000-15200	1	10,000.00	1,20,000.00	60,000.00	37,800.00	3,600.00	54,000.00	9,600.00		2,85,000.00
6.	Technical Officer Grade-I	7500-12000	2	7,500.00 x 2	1,80,000.00	90,000.00	56,700.00	7,200.00	81,000.00	9,600.00		4,24,500.00
7.	Advisor (Law)	7500-12000	1	7,500.00	90,000.00	45,000.00	28,350.00	3,600.00	40,500.00	4,800.00		2,12,250.00
8.	Accounts Officer	8000-13500	1	8,000.00	96,000.00	48,000.00	30,240.00	3,600.00	43,200.00	9,600.00		2,30,640.00
9.	Steno Gr.C	5500-9000	1	5,500.00	66,000.00	33,000.00	20,790.00	3,600.00	29,700.00	1,200.00		1,54,290.00
10.	Steno Gr.D	4000-6000	1	4,000.00	48,000.00	24,000.00	15,120.00	3,600.00	21,600.00	1,200.00		1,13,520.00
11.	Office Asstt./ Computer Asstt.	5500-9000	2	5,500.00 x 2	1,32,000.00	66,000.00	41,580.00	7,200.00	59,400.00	2,400.00		3,08,580.00
12.	Tech. Asstt.	5500-9000	2	5,500.00 x 2	1,32,000.00	66,000.00	41,580.00	7,200.00	59,400.00	2,400.00		3,08,580.00
13.	Peon/Daftry *2 by outsourcing & 2 in scale of pay	2550-3200	*4	2,550.00 x 2	61,200.00	30,600.00	19,278.00	3,000.00	27,540.00	2,400.00		1,44,018.00
											2,15,360.00	2,15,360.00
	G.TOTAL		19		16,56,000	8,28,000	5,21,640.00	57,000.00	7,45,200.00	76,800.00	2,15,360.00	41,00,000.00

2. WAGES (*On contract basis.)

1.	Tech./computer Asstt.* (one no.)	6,00,000/-
2.	Accounts clerk* (one no.)	
3.	Peon/Daftry * (one no.)	
4.	Security Guard* (3 nos.) / Sweeper* (one no.)	
5.	Project Consultant/Expert Consultant	20,00,000/-

TOTAL= 26,00,000/-

3. HONARARIUM

1.	Honorarium for performing administrative works of National Biodiversity Authority using persons from outside office	1,00,000
		TOTAL= 1,00,000/-

4. TRAVELLING EXPENSES

1.	National Travel	20,00,000
2.	International Travel	10,00,000
3.	Conducting meeting of the State Biodiversity Boards in connection with Orientation, progress/various activities	30,00,000
		TOTAL= 60,00,000

5. RENT/RATES/TAXES

1.	Rent for office building @69,045/- per month <i>(subject to increase in rent if any, after the expiry of three years lease period i.e., from 1.8.2006)</i>	10,00,000
		TOTAL= 10,00,000

6. OFFICE EXPENSES (Recurring)

1.	Payment of telephone charges	2,00,000
2.	Electricity charges for the office	2,00,000
3.	Hiring of Car for office use	6,00,000
4.	Hiring of vehicles for meetings	2,00,000
5.	Stationery/forms/printing/postage stamps etc.	5,00,000
6.	Computer stationery	1,00,000
7.	Xerox papers	1,00,000
8.	Speed post and Courier	1,00,000
		TOTAL=20,00,000

7. OFFICE EXPENSES (Non-recurring)

1.	Office Furniture	2,00,000
2.	Glass door book shelves (2 nos.)	25,000
3.	Xerox machine	2,25,000
		TOTAL= 4,50,000

8. OTHER CONTINGENCIES

1.	Miscellaneous expenses (items not included in any of the above heads)	15,00,000
		TOTAL= 15,00,000

9. PRINTING

1.	Printing of Act and Rules Book and Printing of National Biodiversity Authority Bulletin etc	20,00,000
		TOTAL= 20,00,000

10. WEBSITE AND COMPUTERS

1.	Website maintenance	5,00,000
2.	Database	1,00,000
3.	Lap tap (1 no.) (Chairman)	50,000
4.	Compaq server	1,00,000
5.	Personal computer	1,00,000
6.	HP Laser printer (2 nos.) (Latest model)	50,000
7.	ISDN line including connectivity charges (For inter net)	1,00,000
8.	HUB (for connecting to the server)	50,000
9.	UPS 1000 K. Watts (5 nos.)	1,00,000
10.	Software for computers (Win 2000, Photo shop, etc.,)	1,00,000
TOTAL=		12,50,000

11. LIBRARY (BOOKS AND PERIODICALS)

1.	Purchase of Library Books and Periodicals	20,00,000
TOTAL=		20,00,000

12. VEHICLE

1.	Vehicle for office/Chairman	5,00,000
TOTAL=		5,00,000

13. LAND AND BUILDING

1.	Purchase of land for office	2,50,00,000
2.	Building construction and establishment of <i>in situ</i> maintenance of genetic resources <i>ex situ</i> establishment of plant, animal and microbial genetic resources, establishment of plant genetic resources and herbal parks.	24,50,00,000
TOTAL=		27,00,00,000

14. AUTHORITY MEETING/EXPERT COMMITTEE MEETINGS EXPENSES

1.	Traveling Allowance (Authority /Committee members)	20,00,000
2.	Sitting fee	2,50,000
3.	Meeting arrangements	3,50,000
4.	Hiring of vehicle, accommodation	4,00,000
TOTAL=		30,00,000

15. ONE TIME GRANT FOR STATE BIODIVERSITY BOARD

1.	One time grant for State Biodiversity Boards @Rs.10,00,000/- each for remaining states and UTs – 26 (5 States have been paid Rs.10 lakhs and 2 states Rs.5 lakhs)	2,00,00,000
2.	Projects initiated by State Biodiversity Board	1,50,00,000
TOTAL=		3,50,00,000

16.PROJECTS

1.	Projects received from outside agencies for funding to conduct	2,50,00,000
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	Workshops, awareness creation, extension, etc.	
		TOTAL= 2,50,00,000

NATIONAL BIODIVERSITY AUTHORITY
475, 9TH SOUTH CROSS STREET, KAPALEESWARAR NAGAR,
NEELANKARAI, CHENNAI – 600 041.

**STATEMENT SHOWING THE BUDGETARY REQUIREMENT FOR
 THE FINANCIAL YEAR – 2006-07**

Summary:

Sl.No.	Detailed Sub-Heads	Amount
1.	Salaries	41,00,000
2.	Wages	26,00,000
3.	Honorarium	1,00,000
4.	Traveling Expenses	60,00,000
5.	Rent/Rates/Taxes	10,00,000
6.	Office Expenses (Recurring)	20,00,000
7.	Office Expenses (Non-Recurring)	4,50,000
8.	Other Contingencies	15,00,000
9.	Printing and Binding	20,00,000
10.	Website and Computers	12,50,000
11.	Library (Books and Periodicals)	20,00,000
12.	Vehicle	5,00,000
13.	Land and Building	27,00,00,000
14.	Authority Meeting / Expert Committee Meetings	30,00,000
15.	One time grant for State Biodiversity Boards	3,50,00,000
16.	Projects	2,50,00,000
	Total	35,65,00,000

The Authority is requested to approve

**AGENDA ITEM 2. APPROVAL OF SECOND MEETING MINUTES OF
THE EXPERT COMMITTEE ON THREATENED,
ENDANGERED AND ENDEMIC SPECIES**

Venue and Date: NBA office, Chennai, February 28, 2006

The second meeting of the National Biodiversity Authority Expert Committee on Threatened, Endangered and Endemic Species was held on February 28, 2006 at Chennai at the NBA Office in Nilankarai.

Members present

Professor S. Kannaiyan, Chairman, National Biodiversity Authority

Professor T.N. Ananthkrishnan, Chairman

Shri R P S Katwal, ADG (Forests), Ministry of Environment and Forests, New Delhi

Dr R. Uma Shaanker, University of Agricultural Sciences, Bangalore

Dr. Lalitha Vijayan, Director, SACON, Coimbatore

Dr. J.R.B. Alfred, Director, ZSI, Calcutta

Dr. A. Rahmani, Director, BNHS

Dr M Subramanian, Madurai

Dr. M. Sanjappa, Director, BSI, Calcutta.

Dr. K. Venkataraman, NBA, Chennai.

Dr. K. Shanker, Expert Consultant.

Leave of absence

Dr Narayanan Nair, National Botanical Research Institute, Lucknow

Dr M Swamiappan, Agricultural College and Research Institute, Madurai

Dr Janardhanam, Botany Department, Goa

Prof T Balasubramaniam, Director, CAS in Marine Biology, Annamalai University

INTRODUCTION

1. Professor S. Kannaiyan, Chairman, NBA welcomed the chairman and the members of the committee.
2. Dr. Ananthkrishnan welcomed all the members of the committee and initiated the meeting. He reiterated two aspects which were raised during the first meeting ie. focus on lesser known habitats and species and the importance of inter-institutional collaborative research projects.
3. Dr. Kartik Shanker presented the background material for the meeting, including inputs from Dr. Narayan Nair and Dr. Janarthanam, who were not able to be present at the meeting
4. Dr. Uma Shaanker posed the following questions for the committee:
 1. Statement of the problem
 2. What is the alternate set of criteria ?
 3. Mechanics: How do we go about it ?
 4. How does that get communicated to national processes ?

He suggested that given the difficulties in applying the IUCN criteria strictly, we must develop an alternate set of criteria that can be broadly applied to come up with a hit list of species (APPENDIX 1). It was strongly recommended that all listed species should have associated recovery programmes. It was also recommended that research shall be encouraged for all categories and schedules.

5. Based on this, it was decided to conduct a two day meeting on April 17 – 18, 2006, to develop criteria and categories for three sub-groups, namely plants, vertebrates and invertebrates, with Dr. Sanjappa, Dr. Rahmani and Dr. Alfred as the respective convenors. A TOR was developed for three groups, and a list of participants suggested (APPENDIX 2)

6. Dr. Alfred pointed out the overlap with committees of the MOEF. Mr. Katwal suggested that they could present the findings of this committee to the Indian Board for Wildlife, to legalise the guidelines under the Indian Wild Life Protection Act. It was suggested that the categories under NBA must correspond to the schedules of the WLPA.

7. Kartik Shanker presented a draft of subheadings for the guidelines (APPENDIX 3). He presented the concept of an information matrix for all listed species. This was endorsed by the committee. Dr. Alfred presented ZSI publication on threatened mammals, which already contains such information. He was asked to draft the guidelines prior to the next meeting.

8. The date for the final meeting of the committee was decided as April 29, 2006.

Follow up Action and Deadlines

- The approval of the Chairman, NBA is required for funds for the meeting on April 17-18, 2006 in Chennai.
- Draft guidelines should be prepared by March 31, 2006 by Kartik Shanker, for circulation amongst the committee and other experts
- The sub-group meeting to decide categories and criteria should be conducted on April 17-18, 2006. The convenors for each of the groups will be responsible for inviting participants to the meeting. Kartik Shanker may be requested to assemble any material that is required for each of the groups, and assist them during the meeting. NBA, Chennai will arrange local logistics and accommodation. The meeting will be conducted in ZSI, Chennai.
- Categories and criteria should be developed by April 18, 2006 by the conclusion of the above meeting
- The final meeting of the committee should be held on April 29, 2006.
- The final guidelines of the committee can be submitted by end May, 2006

APPENDIX 1

DISCUSSION OF CATEGORIES AND CRITERIA

1. Statement of the problem – IUCN guidelines not working for various reasons for some taxa

The committee suggested that though it is implementable to some extent, it is more easily applicable to highly localized species. It is difficult to apply to widespread species, especially in tropical ecosystems. Though it worked well for some taxa such as birds, there are difficulties with many other taxa.

It was suggested that, in reality, most species would be listed as data deficient, even for economically important species for sandalwood, as it depended heavily depends on quantitative data. It was also mentioned that the CAMP survey was not a scientific method for assessing status of species and it was stressed that it was not a substitute for scientific process. It was agreed that CAMPs do provide good compilations of existing knowledge and gaps in knowledge.

HENCE IT WAS AGREED NOT TO ADOPT THE IUCN GUIDELINES IN TOTO.

2. What is the alternate set of criteria?

It was suggested that we need 'Rapid and Dirty Assessments' with a set of possible implementable criteria. There are two main parameters that need to examine with regard to threats to biodiversity from human interventions:

- Perceptible decline in numbers
- Spatial Scale of the decline

In addition, an indirect indication of decline is:

- Scale of habitat change or loss

Thus, one may be able to examine decline in each species at Local, Regional, National, Global Scales.

Other points that were mentioned were:

- we must adopt nationalistic perspective on categorization (ie. species found elsewhere must be protected if they have undergone a decline in India)
- the criteria must account for endemism of different groups
- taxonomic changes must be taken into account.
- there must be taxa specific suggestions on implementation
- many taxa show sensitivity to scale.
- the cause for the decline in numbers must be analysed

In the context of the last point, it was suggested that the following should be examined:

- intrinsic factors (incompatibility – reproductive habits, life features)
- extrinsic factors (habitat loss and fragmentation, extraction/exploitation)

APPENDIX 2

TOR FOR SUB-GROUP MEETING

Introduction: Need for modifying available criteria/guidelines because the IUCN criteria may not serve the purpose in the Indian context in entirety

- Group meeting: Date: **April 17 – 18, 2006**
Venue – ZSI, Chennai

- to develop guidelines/criteria for red listing species belonging to different taxonomic groups

Plants (Dr. Sanjappa, Convenor)
Vertebrates (Dr. Rahmani, Convenor)
Invertebrates (Dr. Alfred, Convenor)

- Based on the mainframe of guidelines provided by committee
- Case examples should be provided using the developed guidelines for representative taxa within each major group
- Each group should defend the guidelines in plenary
- Develop recommended models for assessing status for each of the taxa

Sub - Groups

Vertebrates

1. Dr. Rahmani, BNHS (Birds and mammals), **Chairman of the sub committee**
2. Dr. Lalitha Vijayan, SACON (Birds)
3. Dr. Bhupathy, SACON (Reptiles)
4. Dr. Alfred, ZSI
5. Dr. Rama Devi, ZSI, Chennai (Fish)
6. Dr. Sushil Dutta (Amphibians)
7. Mr. BC Choudhury, WII (IUCN)
8. Dr. Ranjit Daniels, Chennai (Herpetofauna and fish)
9. Director, NBFGR, Lucknow (Fish)
10. CMFRI, Cochin (marine fish)
11. Dr. Pradhan, ZSI, Pune (small mammals)
12. Dr. Kartik Shanker, CES, IISC

Invertebrates

1. Dr. Alfred, ZSI, Calcutta **Chairman of the sub committee**
2. Dr. Kathiravel, CMFRI, Cochin
3. Dr. Chandrasekhar, UAS, Bangalore
4. Dr. Mrs. Matthew, ZSI, Shillong
5. Dr. George Mathew, KFRI
6. Dr. J.M. Julka, Retd ZSI, Solan
7. Dr. C.A.N. Rao, ZSI, Hyderabad
8. Dr. S. Balasubramaniam, CAS in Marine Biology, Annamalai University, Parangipettai.
9. Dr. Bastawade, ZSI, Pune
10. Dr. Ramakrishna, ZSI, M Block, New Alipore 700 053, Kolkata
11. Dr. G. Tirumalai, ZSI, Chennai
12. Dr. V.V. James, Chennai
13. Dr. K. Venkatraman, NBA, Chennai

Plants

1. Dr. Sanjappa, Director, BSI Kolkata **Chairman of the sub committee**
2. Dr. Ahmedullah, BGIR, BSI, New Delhi
3. Dr C. Sathish Kumar, TBGRI, Trivandrum
4. Dr. Sasidharan, KFRI, Peechi
5. Dr. S.R. Yadav, Kolhapur
6. Dr. Janarthanam, Goa
7. Dr. K.N. Nair, NBRI, Lucknow
8. Dr. Uma Shaanker, UAS, Bangalore
9. Dr. R.R. Rao, CIMAP, Bangalore
10. Dr. Ravikumar, FRLHT, Bangalore
11. Dr. Vasudeva, Sirsi
12. Dr. Ramesh, French Institute, Pondicherry

APPENDIX 3
National Biodiversity Authority
Guidelines on Endangered, Endemic and Threatened Species

DRAFT OF HEADINGS

Endangered, Endemic and Threatened Species

1. Definitions
2. Categories and Criteria
3. Relationship to Indian Wild Life Protection Act categories
4. Nominations process
5. Scientific Advisory Committee
 - a. core members
 - b. invited members
 - c. agencies
6. Nominations flowchart
7. Petition process
8. Ongoing and periodic reviews
9. Listing a species
10. Delisting a species
11. Species of concern
12. Species Recovery Programmes
13. Research
 - a. status surveys
 - b. taxonomic research
 - c. collaborative research
 - d. long term monitoring of species and habitats
14. Recommended models for evaluating specific taxa
15. Information matrix for listed species

Alien and Invasive Species

1. Definitions
2. Nominations process
3. Environmental Impact Assessments
4. Social Impact Assessments
5. Guidelines

Genetically Modified Organisms

1. Definitions
2. Nominations process
3. Environmental Impact Assessments
4. Social Impact Assessments
5. Guidelines

The Authority is requested to approve

**AGENDA ITEM 3: EXTENSION OF THE PERIOD FROM FEBRUARY 2ND 2006
FOR EXPERT CONSULTANTS**

As per the office memorandum No F No 2/5/2005 Admin dated 3rd November 2005 **Dr Hemal Kanvinde** and **Ms Tijitha Anand** joined NBA office as Expert Consultant for the Expert Committees on Collaborative Research and Expert Committee on Database. As per the decision taken during the 2nd meeting of the Authority the period for the consultancy is only 90 days that has come to an end on February 2nd 2006. **The Expert consultants have requested for extension of the period from February 2nd either till the final meeting of the Expert committee or final submission of the draft guidelines.**

The Authority is requested to approve

**AGENDA ITEM 4: APPOINTMET OF ADMINISTRATIVE
OFFICER**

With reference to the Agenda Item No.3 approved in the Fourth meeting of NBA held on 6th October, 2005 for the appointment of Administrative Officer, the Under Secretary (Home) Govt. of Arunachal Pradesh, Itanagar has officially forwarded the application of Shri. **R. Narayanan**, Dy. S. P. Administrative Officer, vide Letter No. PHU/ESTT – B/07/95/Pt dt 29th November, 2005.

The authority is requested to approve

AGENDA ITEM 5: PAY FIXATION

Dr. K. Venkataraman, Officer in Charge, Marine Biological Station of ZSI was appointed to look after the works of the Secretary in the National Biodiversity Authority vide Letter No. J. 22018/12/2003 – CSC (BC) dated 24th July, 2003 Govt. of India, Ministry of Environment and Forest, New Delhi. The post of Secretary in NBA is not the same cadre or in the same line of promotion for Dr.K.Venkataraman. Since he is holding two posts is eligible to draw the pay in the higher post as per F.R.49 (iii) since the scale of pay the post of Secretary is 18,400 – 22,400. F.R. 49(iii) provides that the remuneration for additional post could be paid only for three months. Since the Authority is the Supreme, it is requested for approval.

The F.R. 49 (iii) provides that where a Government servant is formally appointed to hold charges of another post or posts which is or are not in the same office, or

which, through in the same office is or are not in the same cadre/line for promotion, he shall be allowed the pay of the higher post, or of the highest post. FR 49 (iii) provides that the remuneration for additional post could be paid only for three months and for payment exceeding three months, approval of Department of Personnel and Training is necessary. Since the Authority is the Supreme, this is placed to the Authority for making additional remuneration, ie. Pay in the higher post of Secretary to Dr K Venkataraman. Since he is drawing his salary and allowances at present from ZSI the difference between salary and allowances at present from Zoological Survey of India the difference between salary and allowances he is drawing and the salary and allowances of the higher post may be made to him out of budget allocation 9of National Biodiversity Authority.

The authority is requested to approve

**AGENDA ITEM 6: SETTING UP OF INDIA HERBAL GARDEN AT WORLD
HEALTH ORGANISATION HEAD QUARTERS, GENEVA**

Subject: Setting up of India Herbal en at WHO HQ, Geneva.

Reference: D.O. No. M-II019; /O4-E&C(IH) from Shri B.S. Sajwan, Chief Executive Officer, National Medicinal Plants Board

Dear Prof. Kannaiyan,

We have been approached by the National Medicinal Plants Board to set up a 60 sqm. Indian Herbal Garden at the WHO Headquarters in Geneva. The above referred letter addressed to Director, National Botanical Research Institute (NBRI) in this reference is enclosed for your ready reference.

Under the central theme of Ayurveda, the following Indian herbs have been short listed for developing herbal garden.

1. *Aconitum heterophyllum* Wall
2. *Angelica glauco* Edgew
3. *Arctium lappa* L.
4. *Allium wallichiana*
5. *Berberis aristata* DC
6. *Berberis /ucium* Royle
7. *Bergenia ciliata*
8. *Cinnamom''Elm ta,nala* Nees
9. *Ephedra gerardiafta* Wall
10. *Hedychium spicatum* Buch.-Ham.
11. *Mallotus philippinensis* Muell.-Arg.
12. *Picrotrhiza kurrooa* Royle ex Benth
13. *Rheumemodi* Wall
14. *Saussurea costus*
15. *Swertia chirita*
16. *Taxus baccata* L. / *Abies webbiana*
17. *Zanthoxylum alatln* Roxb.

18. Zinger Officmale

Can you kindly advice on the procedural details and official clearances required for the export of about twenty plants (rooted plants in polythene bags), in each case? Also please advise if we are expected to submit any formal proforma for this purpose and for obtaining from the Indian and Swiss Authorities.

The plants need to be exported in April, under personnel care of two scientists from NBRI who would develop the Indian Herbal Garden in Geneva. The Ministry of Health & Family Welfare has advised the project to be concluded by April, 2006 end so that the Garden can be inaugurated during the World Health Assembly to be held in May, 2006.

B.S. Sajwan IFS,
Chief Executive Officer,
Ministry of Health and Family Welfare,
Dept. of Ayush, National Medicinal Plants Board
Do No. M-11019/1/04-E&C(IH)
November 30, 2005

Kindly refer to my telephonic talk with you regarding setting up of an India Herbal Garden at the WHO headquarters in Geneva. There is a small plot of land measuring 60 sqm (10m x 6m) at the WHO headquarters in Geneva which is proposed to be converted into a India Herbal Garden by planting Indian trees, shrubs & perennial herbs used in traditional Indian systems of medicines like Ayurveda. However, only such species from India which can grow well in a temperate climate of Geneva will have to be selected for planting. Also, the area being small, large sized trees will have to be excluded.

The work will involve landscape planning and finalizing the layout keeping in view the physiological requirements of plants as well as the aesthetics. The soil analysis report & information on other climatic parameters like precipitation, temperature are available in this office and will be made available to you.

Kindly let us know if NBRI will be in a position to undertake the entire work of planning and execution of the work of the herbal garden at Geneva on a turn key basis. The Permanent Mission of India in Geneva will help in arranging phytosanitary clearance from Swiss Authorities ~ render general support. However, the work will have to be executed by NBRI in consultation with WHO. PMI Geneva & Deptt. of AYUSH and completed before the end of April 2006 so that the garden could be inaugurated during the World Health Assembly 2006, scheduled to be held sometime in May 2006.

Kindly convey your willingness together with details of cost estimates at the earliest.

To

Dr. P. Pushpangadan,

Director, NBRI

**AGENDA ITEM 7: COMMENTS OF PROF. ANIL K GUPTA, MEMBER OF
NATIONAL BIODIVERSITY AUTHORITY**

Prof. Anil K Gupta,
Indian Institute of Management,
Vastrapur, Ahmedabad – 380015.

13th March 2006

Dr.K.Venkataraman

Member Secretary,
National Biodiversity Authority,
475, 9th South Cross Street
Kapleeswar Nagar
Neelankarai, Chennai 600 041

Dear Dr. Venkataraman,

Sub: Non-Acknowledgement of my letter dated 9th January 2006 till date

I am quite intrigued that the minutes of the fifth meeting of NBA made no reference to the issues I raised in my above letter.

I am marking a copy of this letter now to all the members of NBA and hope that they would be able to raise the matter in the next meeting, should they attend the same.

I don't know if I can or should say anything more. After all, the NBA is a statutory body and is expected to acknowledge the communications of its members.

Prof Anil K Gupta: 9th January 2006

Dr .K. Venkataraman
Member Secretary,
National Biodiversity Authority,
475, 9th South Cross Street

Dear Dr. Venkataraman,

Many thanks for your letter No.8/2/218/2003-NBA(S) dated 2nd January 2006 received here on 6th Jan regarding 5th meeting of NBA to be held on 20th January at IISR, Calicut.

I reciprocate your kind greetings and wish you and others a very happy and productive new year.

I am sorry that due to prior commitments made about six months ago, I have to be in IIT Mumbai on this date. I wish we had a mechanism to plan the dates much in advance.

I have several comments on the action taken and agenda of the Biodiversity Authority and would appreciate if these comments are shared with the members of the Authority.

1. Out of all the activities listed on pages 4 and 5, the venue is Chennai in nine out of eleven meetings. It may be useful to discuss whether it may not be productive to explore other locations in different parts of the country for pursuing various activities.

2. Under the column, Publications of NBA, only publications of Chairman and Secretary are given. The NBA obviously does not comprise only Chairman and Secretary. Efforts made to pool the information from other members of the NBA may also be shared.

3. What efforts have been made to discuss the agreements, issues of IPR and other relevant matters in the meeting of the Authority before being finalized. I convey my humble protest at any attempt to finalize any policy of National Biodiversity Authority without it being discussed thoroughly in the meeting of NBA with sufficient advance notice about the content and the reviews received on the content from the experts. I believe that a proper process has to be evolved for the conduct of NBA activities which at present is not being done. We must hold wide consultations with civil society organizations on various policies in different parts of the country before finalizing the same. I am not aware if any such effort has been made so far. I hope that other members of the NBA will agree with this feeling and contribute to the proper functioning of NBA in a legitimate and transparent manner.

4. The composition of the project evaluation committee of the NBA needs to be discussed afresh because it ought to have experts in different branches of biodiversity from various parts of the country. The eminence of **Dr. Madhav Gadgil** is not matched by many of the other members. I assume that this committee is now replaced by the committees listed in pages 24 -28. The policy for reviewing projects cannot be finalized without discussion in the NBA. Vide reference to the action taken on agenda item 5, page 21, writing a letter to Airport Manager, Chennai alone would not serve the purpose. It is obvious. Such communications should be sent to all the international airport and ship ports and also the custom offices. I hope that the necessary action will be initiated after the 5th meeting.

5. I understand that a note has been submitted by **Mr. Ashish Kotari** for discussion in the NBA. The same may be brought before the Authority with whatever comments Authority has.

6. Point 9, page 40 -It will be useful if the framework for prioritization of activities of NBA is shared with the members so that consistency between the framework and the actual activities may be monitored by the Authority from time to time.

7. Regarding the MOU between the NBA and NIF, there were no suggestions that NIF be made part of the BIS because such a BIS does not exist. What members had suggested that NBA may discuss the areas of cooperation with NIF, to begin with. In any case, I take it that NBA has no intention to getting involved with the value chain that NIF is building in collaboration with leading institutions such CSIR and ICMR to share benefits with knowledge holders from various parts of the country. I would like to put on record that NIF welcomes such cooperation, and in fact considers it very important for giving the traditional knowledge communities and individual knowledge holders their due. NIF will be very happy to strengthen the efforts of NBA in this regard as and when NBA intends to build up a framework of accountability towards knowledge holders.

8. Page 41, point 2 -Kindly share with the NBA the resources spent to empower traditional communities, their organizations and networks in getting the benefit of the Biodiversity Act.

9. Regarding point 5 page 41 -I do not know how the setting up of committee on database will address the issue of ethical code governing all the activities of NBA which include the sanctioning of projects, sharing of information and empowering communities. Do I understand that unlike other bodies of international eminence which have an ethical code in such regards, NBA does not intend to establish an ethical code.

10. Agenda item 6, page 44

a. I agree with the request of DARE for delegation of the Authority with regard to germplasm change.

b. The points 19 to 23 of the guidelines sent by DARE need wider discussion. NBA needs to consider discussion with Department of Science and Technology about the registration of knowledge under the NBA with NIF. NBA may develop its own system if it wishes to, at a later date. Duplication of efforts in this regard is avoidable as also the development of the competence and capacity may take time, given the gigantic nature of the task. However, it NBA can handle this activity with current staff, the same can be presented to the members of the , Authority for further discussion.

c. The guidelines do not refer to the role of the PV & FR Act which has come into force already, except in point 32, page 51. It may be useful to discuss this matter with the Chairperson of the NPVFRA. Approval of NBA, MOEF, ICAR and DARE may be granted through a single window. We may consider designating the national gene banks for regulating exchange of various agro biodiversity resources keeping NBA informed.

11. The NBA may consider whether setting up fifteen RBBCs (page 56 and 65) would be viable and administratively feasible for the Authority. Shouldn't the state Biodiversity Boards be strengthened first before creating RBBCs. In case NBA needs to experiment, it could begin with one regional centre in northeast and after evaluating its performance, it may consider replication of the model elsewhere.

12. Point 13, page 67 -The international advisory committee does not include many eminent Indians working abroad such as **Dr.K.S. Bawa** as well as non-Indians such as **Dr. Calestous Juma**, Harvard University and former Secretary, General, CBD. I suggest that the composition of the committee may be ~# discussed further in the NBA and members from developing countries may also be involved, particularly China, Brazil and South Africa which are strategic partners of India in certain matters. It has far more people from agricultural sciences than from any other science. It is obvious that the composition of this committee does not represent the diversity of intellectual capital in diverse fields with notable exceptions. It is not a reflection on the eminence of the colleagues involved. My request only is to balance the disciplinary and regional backgrounds of various colleagues in this committee. I hope that the other members of the Authority would also share their suggestions in this regard.

13. Page 68 -The Authority needs to follow a system of writing names with their initials and possibly designation and affiliation. In the absence of this information, it may become difficult for the members to make any suggestion. The participation of the women is extremely low at present in most of the committees. The obvious hurry in

which the committees have been constituted is apparent when the name of a law firm has been shown as a professional. This is a very important task and the wider discussion in the

Authority and with other experts would certainly help. The committee on intellectual property rights for instance, does not include many people who have worked in this area. Similarly, several other committees can include many more eminent professionals in the country. We could look at the list of INSA fellows and also others recognized for their contribution and then see the glaring gap in the composition of the committees.

14. Page 74 -The language of the minutes of the meeting held on November 11, 2005 may be edited to make it more comprehensible. A careful reading of the minutes will make my point clear. I would be very happy to comment on it after the revision.

15. Page 77 -Why should NBA come into picture for accessing resources which are commercially traded in the national and international market, unless the germplasm is being sourced. It may be useful to clarify the policy.

16. On what ground does the Authority decide whether export of a particular species be allowed or not (page 78). If market is emerging for a resource which is not endangered and is in abundant supply, why should NBA not encourage it after putting appropriate safeguards in place? One must remember that all our actions are subject to the provision of WTO. Our own import of various species may be affected likewise. India is becoming a major biotechnology research centre and may seek bio resources from all over the world in the coming decade.

17. The caution is well justified in areas like Ladakh.

18. In the point 9, page 80, the permission granted for coral snake may be looked at from the point of view of endemism and abundance. The experts in the field may be able to advise.

19. The applications for the GM crops need to be accompanied by the guidelines on environmental monitoring particularly from the point of view of the effect on the wild biodiversity. The sanctions to **MAHYCO** do not seem to include any such advice. This is an issue on which widespread concern exists in the country, particularly in crops like egg plant in which we have considerable diversity in several regions of the country. Contamination of local agro biodiversity may have to be kept in view while considering such requests. In my view, these sanctions may be kept in abeyance till the information and advice from experts in the field have been sought. The location where these trials will be conducted is also not mentioned. The Indian law does not permit any protection on the genes and yet this matter has not been clarified in the earlier cases of the Bt. Crops developed by the farmers. Ministry of Environment and DBT have not taken up any systematic study to the best of my knowledge of the possible impacts of widespread diffusion of Bt. gene in cotton crops on the soil microbial diversity. Before any sanction is granted to **MAHYCO**, the data may be collected about the extent to which the company has adhered to the provisions of Biodiversity Act, in various earlier field trials of Bt. crops.

20. Page 91 - I am amazed that the recommendation of the proposals listed particularly on page 91 has not been shared with the Authority before the approval. I thought the members of the Authority had particularly requested that *this* be done in future. The comments of the reviewers of the proposals, list of publications of the proponents along with the recommendations of the committee should ordinarily be shared with the Authority before approval at least in the cases where the budget is above 5 or 10 lakhs as considered appropriate by the Authority. I propose that this matter be discussed in the meeting of the Authority to develop clear guidelines in the matter. These papers should be sent in advance so that the members can read and comment on them.

21. Page 99 -The project on access and benefit sharing is a very comprehensive one but I am not aware whether the concerned institution has done any research in this field before the submission of this proposal. It may be advisable to support the institution for building its own capacity before it can give advice to the expert committee.

22. The provision in the Indian Patent Act on the issue of traditional and oral knowledge has very wide implications for the protection of the rights of local communities and individual knowledge holders. The NBA may take up full-fledged discussions on the subject in a future meeting after preparing proper background note.

23. The *in-situ* conservation of indigenous animal breeds has not received adequate attention at various levels. The Authority may like to commission position papers to the experts in the field and list the items for discussion in the future meetings. Similarly, we can plan a discussion on *in-situ* conservation of agro biodiversity.

24. The spell check is a useful facility in the word processing soft wares and using it will bring no harm to the NBA. .The document would look much better

I hope that my comments help the Authority make Its systems more robust and accountability more apparent.

**AGENDA ITEM 8: MINUTES OF THE EXPERT COMMITTEE
MEETING ON COLLABORATIVE RESEARCH HELD ON 7.04.2006**

MINUTES OF THE MEETING

INTRODUCTORY REMARKS: Prof. Dr. S. Kannaiyan, Chairman, NBA

Prof. Dr. S. Kannaiyan recalled the last meeting and explained the process used by the ICAR to develop their guidelines. He explained that to this end he has invited a few special invitees to get more diverse views on collaborative

research. He explained that the lead ministry had asked the NBA to develop a comprehensive policy that would be accepted by all the concerned ministries. He hoped that the committee will deliberate on the draft sent to them and finalise it, so that he could forward the guidelines to all ministries for their comments. He then asked the committee chairman to take charge of the meeting.

OPENING REMARKS: Dr. B. S. Dhillon, Chairman, EC on Collaborative Research

Dr. B. S. Dhillon thanked the Chairman of NBA and welcomed all the committee members and the special invitees. He thanked the committee members for sending their comments and forwarding relevant comments on collaborative research which they have received from their interactions with other scientists. He thanked the member secretary of this EC for preparing and collating the document that was going to be discussed. He asked the committee to comment upon the minutes of the last meeting and the minutes were approved. He also asked the committee to go through the list of experts prepared by the Member Secretary and provide and new names as experts to review the document. He asked the committee to discuss the draft guidelines and very carefully guided the committee through each sentence of the guidelines.

The various introductory and technical chapters were reviewed by the committee and appropriate modifications were made at the meeting (Annexure I).

Recommendations:

Dr. B. S. Dhillon asked the Member Secretary of the EC to get comments on the Draft Guidelines from the experts as approved by the committee. He also requested the Chairman to organise a small workshop to fine tune the document before sending it to the relevant ministries.

Concluding Remarks: Dr. B. S. Dhillon, Chairman, EC on Collaborative Research

The Chairman thanked all and one for their cooperation and inputs to the deliberations.

DRAFT GUIDELINES FOR COLLABORATIVE RESEARCH PROJECTS

AND

BILATERAL AND MULTILATERAL PROGRAMES

THAT INVOLVE

FOREIGN UNIVERSITIES /INSTITUTIONS/AGENCIES /INDUSTRIES / NGOS

I. PREAMBLE

1. The National Biodiversity Authority is a Statutory Body established by the Government of India as per the Section 8(1) of the Biological Diversity Act 2002. The mandate of the NBA is:

- a. To encourage and support conservation and sustainable use of biological diversity and equitable sharing of benefits arising out of the utilisation of the biological resources.
 - b. To respect and protect the knowledge of the local communities relating to the use of biological diversity.
 - c. To regulate by issue of guidelines for access to biological resources and for fair and equitable benefit sharing and for collaborative research.
2. The Government of India's policy on Collaborative Research has been developed by the National Biodiversity Authority to fulfill the objectives of Biodiversity Act, 2002.
 3. Approval of a collaborative project should be given by any Ministry/Department of the Central Government or by the NBA as stated in Section 5 (3) (b) of the BD Act 2002. A copy of all such approvals should be sent to the NBA before clearance for information.
 4. The provisions of the Sections 3 and 4 of the Biological Diversity Act 2002 shall not apply to the collaborative research projects conforming to these guidelines as per the provisions of the Section 5 (3) (a) and (b) for the transfer / exchange of biological resource(s) and related knowledge to foreign agencies.
 5. Extant projects not consistent with the provisions of the BD Act and based on agreement(s) concluded before the commencement of the Act will need to apply for continuation of the project.

II. CONTEXT

Taking cognizance of the provisions of the Convention of Biological Diversity (CBD), and respecting the rich heritage of biodiversity and related knowledge available in our country on the other hand, the Government of India enacted an umbrella legislation called the Biological Diversity Act, 2002 (No.18 of 2003), and also notified the Biological Diversity Rules, 2004. The Biological Diversity Act, 2002 (BDA) came into effect from 1.10.2003 [MoEF Notification S.O. 1146 (E)]. The commencement of different provisions of the Act took place from two different dates of appointment. The BDA provisions covered under sections 1, 2, 8-17, 48, 54, 59, and 62-65 were notified on 1.10.2003, and those covered under sections 3-7, 18-47, 49-53, 55-58, and 60-61 on 1.7.2004 [MoEF Notification S.O. 753 (E)].

The BD Act, 2002 permits exchange or transfer of biological material or information for collaborative research projects with foreign institutions without making a reference to NBA [Section 5(1)] if: (i) the collaborative projects conform to the policy guidelines issued by the Central Government on this behalf [Section 5(3)(a)] and, (ii) are approved by the Central Government [Section 5(3)(b)].

Thus, a comprehensive strategy and general guidelines for transfer/exchange of biological resources and related knowledge in collaborative projects needs to be formulated.

The purpose of this policy is to set out the process by which proposed collaborative research partnerships with foreign institution or agencies will be assessed.

This document aims to provide the means, mechanisms and system for the transfer or exchange of biological resources and/or related knowledge between collaborators in research projects.

In view of the fact that it is the responsibility of the different relevant ministries of Government of India to enhance the quality of research, academic programmes and also to assess and address any academic, legal safety and financial risks to India's environment and biological diversities relevant communities and scientists; the relevant Ministries will assess the relevance of the collaborative research projects.

In consideration of the fact that departments of the central Government have been exempted from obtaining approval of the NBA for initiation of collaborative Research projects and that the transfer/exchange of biological resources cannot be ruled out in such projects, the need for developing guidelines about such transfer/exchange is established because of large constructive role anticipated in the act for expeditious processing of the research projects.

III. GUIDING PRINCIPLES

The National Biodiversity Authority abides by all relevant Indian national laws and international agreements and treaties concerned with management of biological diversity and related knowledge.

The National Biodiversity Authority shall adopt procedures and employ practices to safeguard India's Biological Diversity and related knowledge and to facilitate expeditious and timely processing of the collaborative research project proposals by concerned ministries/departments.

IV DEFINITIONS AND EXPLANATIONS OF TERMS FOR THE PURPOSE OF THE GUIDELINES

- a) "benefit claimers" means the conservers of biological resources, their byproducts, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
- b) "biological diversity" means the variability among living organisms from all sources and the ecological complexes of which they are part, and includes diversity within species or between species and of eco systems;

- c) "biological resources" means plants, animals and microorganisms or parts thereof, their genetic material and products (excluding value added products) with actual or potential use or value, but does not include human genetic material;
- d) "biosurvey and/or bioutilization" means survey or collection of species, subspecies, varieties, breeds, strains, gene(s) and other cellular components and all extracts and isolates of biological resource (s) for any purpose and includes characterization, inventorisation and bioassay;
- e) "commercial utilization" means end uses of biological resources for commercial utilization such as (includes but not restricted to) drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and isolates and gene(s) used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry including aquaculture, apiculture and sericulture.
- f) "fair and equitable benefit sharing" means sharing of benefits as determined by the National Biodiversity Authority under Section 21;
- g) "National Biodiversity Authority" means the National Biodiversity Authority established under section 8 of the Biodiversity Act, 2002;
- h)** "Research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof and includes methods to make or modify products or processes for any use;
- i) "State Biodiversity Board" means the State Biodiversity Board established under section 22 of the Biodiversity Act, 2002;
- j) "Sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the long term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;
- k) "Collaborative Research" means mutual agreement between Indian organization(s) and foreign organization(s) (as in Section 3 (2) (a) (b) (c)) and terms of sharing infrastructure, manpower, financial implications and benefit sharing arising out of the research on any biological resources and related knowledge or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use.
- l) "Repository" means an institution/agency mandated with collection and storage of biological resources.

- m) "Biodiversity related knowledge" means traditional knowledge system covering economic products collected/extracted from biological diversity as well as traditional manipulations of biological diversity influencing ecosystem level processes. (PSR)
- n) Living Modified Organism means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.
- o) Transfer of results (technology) based on biodiversity related knowledge, should be first given to local community /area which will be most beneficial to local benefit claimers (as a part of benefit sharing mechanism) and as per the benefit sharing guidelines developed by NBA for the Government of India. (CBD/Bonn Gdl modified)

Arrange the definitions in the logical order.

V. SCOPE

1. The guidelines are applicable to Indian researchers / Universities /Institutions /Agencies/ Industries and NGO's/CSO (Civil Society Organization that wish to undertake collaborative research with foreign agencies which has a component of biological resource(s) and related knowledge in the project.
2. The guidelines are applicable to collaborative research projects including bilateral/multilateral agreements, Memorandum of Understanding (MoU) and work plans there-under for research, which may involve transfer or exchange of biological resources, or information relating thereto between institutions, institutions , including government sponsored institutions of India, and such institutions in other countries.
3. The guidelines cover all biological resources and related knowledge as defined in these guidelines.

VI. GUIDELINES FOR COLLABORATIVE RESEARCH PROJECTS

I. Introductory Statements

1. The concerned ministry should assess that the project proposal on the following points:
 - 1.1. The proposal is in accordance with National research priorities.
 - 1.2. Foreign collaboration is essential and is expected to add value or bring benefits to India.
 - 1.3. The research project, in no way, should jeopardize the stake of claims of national sovereignty on biological resources and related knowledge of India.

- 1.4. The research project should not harm the environment or people of India either by introduction of harmful alien invasive or by any other means.
2. The project must be reviewed from National security and sensitivity angle and concerned Central Government Department to endorse and provide specific recommendations on :
 - 2.1. The project does not involve any national security and/or sensitivity (as above) angle either proximately or remotely now or in the foreseeable future. Or
 - 2.2. The project involves issues of national security and/or sensitivity angle and due diligence has been exercised in the laboratory/institution/Indian counterpart and measures (specify) put in place to adequately safeguard the security and sensitivity issues.
3. The concerned ministries/departments of Central Government should inform the National Biodiversity Authority in the event of any difficulty encountered in complying with the guidelines/agreements.
4. The guidelines should not be construed to be in contradiction with the provisions of national laws, regulatory mechanisms and international agreements/treaties such as Protection of Plant Varieties & Farmers Rights Act (PPV&FR Act) 2001, Convention of Biological Diversity (CBD) and its subsidiary instruments such as the Cartagena Protocol, International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), CITES etc.

II. All the basic terms/permissions that a researchers needs before starting the project.

1. The collaborators should make best efforts to identify any restraint (such as species listed in wildlife schedules or protected under Indian/International law) associated with the use and distribution of the biological resource or knowledge they plan to investigate. Any restraint should be disclosed in the project proposal/applications.
2. The collaborators should clearly bring out risk assessment if relevant to the project, in the project proposal which should be examined and endorsed by the concerned departments in the ministries of the central government.
3. The collaborating parties shall follow the guidelines on benefit sharing developed by NBA for the Central Government.
4. The list of biological resource(s) to be transferred /exchanged under the project shall be sent to the designated repositories of the concerned departments conforming to the norms stipulated by the concerned repositories and a copy marked to NBA.

5. Annual reports of the biological resources accessed should be forwarded to NBA.

III. Points to be mentioned in Collaboration MOU.

1. MOU between collaborators should incorporate the relevant portions of the agreements on Access for Research, Access for Commercial Use, Material Transfer, Benefit Sharing, Transfer of Research Results and IP of the Government of India developed at the NBA.
2. In the event of the Principal Investigator leaving the Institute, the Co-investigator will take up the responsibly of the collaborative project and this change should be intimated to NBA.

IV. Transgenic research

1. Collaborative research project that deals with Genetically Modified Organism/LMO should follow the rules/guidelines developed by the Government of India as well and International agreements/commitments.
2. Transfer/exchange of transgenic material if any in the collaborative project would be governed by the provisions of Environmental Protection Act 1986 and its subordinate legislation, operative guidelines and extant provisions set by the nodal ministry/department i.e. Department of Biotechnology (DBT), Ministry of Science and Technology, and Ministry of Environment and Forestry (MOEF).

V. Special and protected areas and species :

1. Collaborative projects that involve survey/collection from protected areas of India, island ecosystems and fragile ecosystems or other restricted activity areas (including Eco-Sensitive Areas, Costal Management Zone, Biodiversity Heritage Sites) of similar kind should be in accordance with, inter alia, the Wild Life (Protection) Act, 1972 and subsequent amendments, Environment Protection Act 1986 and Biological Diversity Act 2002.
2. Collaborative projects aiming at conservation and restoration of habitat(s) and species, should have undergone thorough review and appraisal with regard to environmental concerns.
 - I. Access to biological resources
 1. Access to biological resource(s) that have any unique trait of commercial value should be processed by the concerned department of the Central Government on case-by-case basis after prior intimation to concerned SBB. This is not applicable to the crop plants listed in Annexure I of International Treaty on Plant Genetic Resources for Food and Agriculture.
 2. Any new taxon / breed / genetic stock / culture / strain / line discovered /developed through the project shall be reported to the SBB/BMC/NBA

- and the concerned designated repository(ies) and the voucher specimen be deposited with the designated repository(ies).
3. All requests made for the permission to access microbial germplasm samples must be accompanied with the detailed information on aspects such as scientific name, markers, identification and detection techniques, distribution and habitat, genetic stability and related aspects. (33 of D1 modified)- Make a general statement for all biodiversity KV Under the Collaborative research mode Sec 3 (on access)is not applicable, NBA will not get a request for access - HK

VIIIa. Transfer/exchange of biological material

1. The transfer/exchange of biological resources shall be for research purpose only as described in the collaborative project.
2. The quantity of material to be transferred / exchanged shall be limited to the needed experimental quantity of the biological resource(s) as specified in the proposal and as per the guidelines developed by NBA.
3. The transfer/exchange of the biological resource(s) shall be effected through the concerned ministries as per the guidelines on Material Transfer developed by NBA and with intimation to the NBA. The voucher specimen shall be deposited in concerned designated repositories.
4. The NBA shall designate repositories (under the provision of Section 39 of the BD Act) for storing, conserving and transferring samples of biological resource(s).
5. Exchange and transfer dead specimens and /or herbariums (of no commercial value) on loan for taxonomic studies and return by bonafide scientists/professors of recognized universities and Government Institutions of India who are engaged in pure classical Taxonomic studies shall be done through the concerned departments/Ministries of the Government of India.
6. Biological resource(s) transferred for research should be free from pests/pathogens of quarantine importance. While effecting the transfer/exchange of the biological resource, the necessary sanitation and phyto-sanitation measures and quarantine procedures as prescribed shall be strictly adhered to. These may include reports on case history of the biological resource(s) and risk analysis based on the recognized scientific principles.
7. The transfer and exchange of biological resource(s) for collaborative research shall be made through ports of entry as per the Material Transfer Guidelines of the Government of India.

VIII b. Transfer of Research Results (new addition in March)

1. Collaborators aiming to transfer research results of collaborative and non collaborative research programs for commercial gains should intimate the NBA.
2. Research results/technology of collaborative projects that promote conservation of biological diversity should be made freely available to anyone with a legitimate interest in using the results for the furtherance of conservation. (BNHS)
3. Transfer of results (technology) based on biodiversity related knowledge, should be first given to local community /area which will be most beneficial to local benefit claimers (as a part of benefit sharing mechanism) and as per the benefit sharing guidelines developed by NBA for the Government of India. (CBD/Bonn Gdl modified)
4. For results of a joint research program, each collaborator shall for its own country the right(s) attached to the results obtained. For other countries the collaborator shall decide upon a common policy for the right of the results and inform NBA. (CSIR modified)
5. Collaborators may communicate research results to 3rd party provided it has no such restriction from any benefit claimer/stakeholder and has the approval of the NBA.
6. In the event of commercial exploitation the research results of a collaborative project, all intellectual contributors to that work should be entitled to share in the proceeds in proportion to their contributions, unless the entitlement to share has been willingly waived through informed consent.

IX. IPR issues (biological resources, products and knowledge)

1. IP rights should be attributed in accordance with written negotiated agreements among the collaborators concerned, with due consideration given to Indian law and international agreements approved by the GOI including those that protect biodiversity related knowledge.
4. Collaborators should specify in the project proposal, how the process by which the rights to IP arising out of the collaboration will be determined. The determination of right(s) should be based on the extent and nature of the contribution. Any waiver or modification of rights requires informed consent and intimation to NBA.
5. In cases where a collaborative research project is under way and an agreement(s) with respect to the sharing of IP rights has been established, no individual may modify the agreement without making a effort to obtain written informed consent of all other parties to the research. Where established agreements are modified which waive, limit or assign IP

- rights, that modified agreement must be reviewed and approved by the Institutions, NBA as well as by local community if any that has contributed to the development of the right(s).
6. Credit for new varieties, breeds or new improved taxa/genetic material or new processes or new taxon that are developed/discovered under the collaborative project should be shared between the collaborators in a mutually beneficial way that is defined clearly in the proposal. NBA should ensure that the benefit sharing is equitable. The New varieties, new processes or new taxon that is developed should be registered in the concerned repository.
 7. Benefits eventually accruing from the use of biological resource(s) transferred/exchanged under the collaborative research projects would be assessed and the benefit sharing would be determined by the NBA as per provisions of the Section 21 of the BD Act.
 8. The exemptions provided in the guidelines are not applicable to the collaborative research project merely and solely aiming towards exploration and collection of biological resources. The exploration and collection of biological resources, if considered, a prerequisite of any collaborative research project, should be undertaken by the national concerned designated repositories only.

(this is unclear. Firstly, such collection would be subject to other provisions of the Act anyway. Secondly, it seems to be far too restrictive to allow only the designated repositories to do the collection, this would mean that no university, institution, individual, or community other than these designated repositories would be able to do any collection for research. Note that this applies to plants also. Though I appreciate the intent, it seems to me that this would be a major impediment to research. The other provisions of the Act applying to collection of biological material should apply, but this additional requirement seems to be unfair).(AK)

This statement is specifically meant for ICAR institutions and should be modified to suit the needs of all universities and research institutions (HK). The material so collected should be deposited in the concerned national repository/bureau and given an indigenous collection accession number. Thus collected and documented resource can, then, be used in the collaborative research project. (limited to ICAR)

9. Research papers, books, bulletins, registered accessions, patents and outputs in other IP forms shall be appropriately shared between the collaborators. The mechanism of sharing and protecting/patenting the outputs should be explicitly spelt out in the project and approved by the competent authority.

Biodiversity related knowledge (New addition in March)

1. Biological resource(s) and related knowledge should not be allowed for grant of any form of intellectual property rights.
2. The knowledge associated with any biological resource intended to be transferred or the knowledge generated during the execution of the project shall not be commercially utilized without the prior approval of the local community/BMC and NBA and this will continue even after the project is over.
3. Biodiversity related knowledge collected, should be kept with the concerned community(ies) and local collaborator and any publication(s) that should arise out of this work should include, as authors, the names of the communities, relevant individuals within the communities, and the collaborative scientists. Any use of such knowledge must be with the prior informed consent of the communities/individuals who are the original holders of this knowledge. (AK)
4. Transfer of results (technology) based on biodiversity related knowledge, should be first given to local community /area which will be most beneficial to local benefit claimers (as a part of benefit sharing mechanism) and as per the benefit sharing guidelines developed by NBA for the Government of India. (CBD/Bonn Gdl modified)
5. Local/traditional knowledge in oral or any other form accessed/collected and documented in the collaborative project shall be reported/intimated to both NBA and State Biodiversity Board(SBB) / Biodiversity Management Committee (BMC) as per Section 36 (5) of BD Act for facilitating documentation of such knowledge in Peoples Biodiversity Register at the local level and should be compiled at the National level by the concerned ministries.

X. What is not allowed

1. The biological resources, which could be used for biological warfare/high risk group/sensitive for the environment and should not be exported or imported or such project be implemented.
2. A project that allows access by foreigners to sensitive information, data or material should not be approved.
3. The project should not impinge on areas of national security, particularly through custody and control over data and its dissemination/publication

to the detriment of national security or interest, now or in the foreseeable future.

4. The project should not threaten the rights and interests of the citizens of India, and in particular of its local communities, nor should it threaten biodiversity and environment in any irreparable manner.

XI Closing Statements

NBA should distribute these guidelines to all universities and research institutions so that all researchers are made aware on this policy and surrounding issues.

This policy is effective from _____ and will remain in force until notification is issued in writing by the National Biodiversity Authority to that effect NBA shall regularly review this policy statement and its implementation in order to ensure that its mission is achieved.

AGENDA ITEMS: With the Permission of the Chairman

1. REPORT OF THE COMMITTEE ON *JATROPHA* GERMPLAM AT INDIRA GANDHI AGRICULTURAL UNIVERSITY, RAIPUR.

National Biodiversity Authority received a letter from Dr Sanket Thakur on 26 January 2006 in connection with misappropriation of *Jatropha* Germplams at Indira Gandhi Agricultural University, Raipur, India. The NBA sent letters to the Chief Secretary and a copy to the Chief Minister, the Minister of Forest, the Minister of Agriculture, The PCCF, Forest Dept, The Secretary, Forest Dept and the Secretary Agriculture Dept, Raipur on 01.02.2006. In connection to this a reply was received from Prof. ASRAS Sastri enclosing clarification on Research Activities on *Jatropha* by Dept of forestry, IGAU, Raipur and the details about the role of Dr Sunil Puri. As decided by the Chairman NBA, a committee was constituted under the chairmanship of Dr S Edison, Director, CTCRI with two other members (listed below) to enquire the details with Dr Sunil Puri.

The National Biodiversity Authority (NBA) Govt. of India, Chennai *vide* letter No.8/2/213/2003-NBA (S) 5868 dated 21 February 2006 constituted a committee headed by

Dr. S Edison, Director, Central Tuber Crops Research Institute (CTCRI), Trivandrum as Chairman **and**

Dr. C. Surendran, Former Director, Centre for Plant Breeding and Genetics, Tamil Nadu Agricultural University (TNAU) **and**

Dr. M. Anandaraj, Project Coordinator Spices, Indian Institute of Spices Research (IISR), Calicut **as members.**

The terms of reference were to enquire about the alleged misappropriation of *Jatropha* germplasm at Indira Gandhi Agricultural University (IGAU) Raipur and submit a detailed report to Chairman, NBA.

The report is placed before the Authority for approval

2. DATE OF THE NEXT MEETING BEFORE THE CLOSE OF EACH MEETING AND ANNOUNCE IT IN THE MINUTES

From: "Raghavendra Gadagkar" <rgadagkar@gmail.com>

To: <nba_india@vsnl.net>

Sent: Thursday, April 13, 2006 6:20 PM

Subject: Regret and Request

Dear Dr. Venkataraman,

On 10th April, I received your letter about the next NBA meeting to be held on the 20th of April in Karnal. Unfortunately I have already made other commitments for that period and regret my inability to attend this meeting. I am missing many of your meetings because the information reaches me too late. **Please decide the date of the next meeting before the close of each meeting and announce it in the minutes. This will facilitate greater participation.**

Please place this request of mine as an agenda item in the forthcoming meeting. Thank you.

Yours sincerely,

Raghavendra Gadagkar

THE AUTHORITY IS REQUESTED TO DECIDE ON THE DATE FOR THE NEXT MEETING