



## NATIONAL BIODIVERSITY AUTHORITY

*(An Autonomous and statutory body under the Ministry of Environment, Forests and Climate Change, Government of India)*

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F.No. NBA/3/376/CBD Cell/A 167/24-25/25/3192

Date: 03.2025

25/3/25

### OFFICE ORDER

**Sub:** Constitution of the Expert Committee on Normally Traded as Commodities (Fresh water, Brackish water and Marine Biological Resources) to prepare an inventory of aforesaid biological resources and items derived from such resources for notifying as Normally Traded as Commodities under Section 40 of the Biological Diversity Act, 2002 as amended in 2023- reg.

**Ref:** This office order NBA/3/376/CBD Cell/A 167/24-25/25/3111 dated 10.03.2025

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In exercise of the powers conferred under section 40 of the Biological Diversity Act, 2002, the Ministry of Environment, Forest and Climate Change vide notification dated 07.04.2016 and 07.11.2017 notified the list of biological resources or items as normally traded as commodities.

2. The Biological Diversity (Amendment) Act, 2023 came into force on 01.04.2024 as per the notification dated 18.01.2024 issued by the Ministry of Environment, Forest and Climate Change. Subsequently, the Biological Diversity Rules, 2024, was notified by the MoEFCC on 22.10.2024, which came into force on 21.12.2024.

3. Some changes have been made in Section 40 of the amended Act, and thereby, notification issued under Section 40 of the Act needs revision to give effect to the amended provisions of the Act. Furthermore, the list of biological resources/items notified by the MoEFCC in the years 2016 & 2017 consists of plant species only.

4. In the above circumstances, and in exercise of powers conferred under section 13(2) of the Biological Diversity Act, 2002 as amended in 2023 and in supersession of the office order dated 10.03.2025, an Expert Committee on Normally Traded as Commodities (Fresh water, Brackish water and Marine Biological Resources) is herewith constituted to identify and prepare an inventory of aforesaid biological resources and/or items derived from such resources for notifying as Normally Traded as Commodities under Section 40 of the Act. The composition of the EC is as given below: -

Chair
<b>Shri Hem Kumar Pande IAS (Retd)</b> , Ex-Secretary, Ministry of Consumer Affairs, Food and Public Distribution, Govt. of India, Former Chairman, NBA & Special Secretary, Ministry of Environment, Forest and Climate Change, New Delhi

<b>Co-Chair</b>	
<b>Dr M. Surya Prakash, IFS (Retd),</b> Former Principal Chief Conservator of Forests (Arunachal Pradesh Forest department), Hyderabad & Ex-Commissioner, Fisheries, Arunachal Pradesh	
<b>Members</b>	
1.	<b>The Fisheries Development Commissioner,</b> Department of Fisheries, Ministry of Fisheries, Animal Husbandry & Dairying, Krishi Bhawan, New Delhi- 110001 <b>or his representative</b>
2.	<b>The Director General,</b> Directorate General of Foreign Trade (DGFT), Vanijya Bhawan, New Delhi. <b>or his representative</b>
3.	<b>The Chief Executive,</b> National Fisheries Development Board, Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, Hyderabad-500 052 <b>or his representative</b>
4.	<b>The Director General,</b> Fishery Survey of India (Headquarters) , Mumbai - 400 005 Maharashtra <b>or his representative</b>
5.	<b>The Secretary,</b> Coastal Aquaculture Authority, Fanepet, Nandanam, Chennai-600 035. Tamilnadu <b>or his representative</b>
6.	<b>The Director, Zoological Survey of India (ZSI),</b> Kolkata <b>or his representative</b>
7.	<b>The Director,</b> ICAR-National Bureau of Fish Genetic Resources (ICAR-NBFGR), Lucknow <b>or his representative.</b>
8.	<b>The Director,</b> Central Marine Fisheries Research Institute, Ernakulam North P.O., Kochi-682 018 <b>or his representative.</b>
9.	<b>The Director ,</b> ICAR-Central Institute of Fisheries Technology, Cochin-682 029, Kerala <b>or his representative.</b>
10.	<b>The Director,</b> ICAR - Central Inland Fisheries Research Institute, Barrackpore Kolkata, West Bengal - 700 120 <b>or his representative.</b>
11.	<b>The Director,</b> ICAR-Central Institute of Brackishwater Aquaculture, Indian Council of Agricultural Research, Chennai, Tamil Nadu. 600028. <b>or his representative.</b>
12.	<b>The Director,</b> CSIR – National Institute of Oceanography (NIO), Goa <b>or his representative.</b>
13.	<b>The Secretary,</b> The Marine Products Export Development Authority (MPEDA), Kochi, Kerala <b>or his representative.</b>
14.	<b>The Dean,</b> Fisheries College and Research Institute, Tamil Nadu Dr.J.Jayalalithaa Fisheries University, Thoothukudi, Tamil Nadu <b>or his representative</b>
15.	<b>The Director,</b> Suganthi Devadason Marine Research Institute (SDMRI), Tuticorin – 628 001, Tamil Nadu <b>or his representative</b>
16.	<b>The Director &amp; Dean,</b> Centre of Advanced Study (CAS) in Marine Biology, Annamalai University, Parangipettai, Tamil Nadu – 608 502 <b>or his representative</b>

17.	<b>Dr. C. Suvarna</b> , IFS, Principal Chief Conservator of Forest, Government of Telangana. Hyderabad & Former Chief Executive, National Fisheries Development Board, Hyderabad.
18.	<b>Dr.R.Murugan,IFS</b> , Director, Gulf of Mannar Marine National Park, Ramathapuram, Tamil Nadu
19.	<b>Dr P Krishnan</b> , Director, Bay of Bengal Programme-Inter-Governmental Organisation, Chennai, Tamil Nadu, India.
20.	<b>Dr N. Saravanane</b> , Scientist F, Marine Biodiversity, Marine Biodiversity Centre for Marine Living Resources and Ecology (CMLRE),Cochin
21.	<b>Smt. Mamta Sanjeev Dubey, IFS (Retd)</b> , Former Principal Chief Conservator of Forests & HoFF, Uttar Pradesh Forest Department, Uttar Pradesh & Chairperson, State Environment Impact Assessment Authority, Uttar Pradesh
22.	<b>Dr Yogesh, IFS (Retd)</b> , Former Principal Chief Conservator of Forests (Wild Life), Arunachal Pradesh.
23.	<b>Shri Rakesh Bhushan Sinha, IFS (Retd)</b> , Senior Advisor (Forestry & Agroforestry), Food & Agriculture Organization of United Nations, B-44, 3rd Floor, South Extension II, New Delhi
24.	<b>Dr. G. Rajeshwar Rao, ARS (Retd) Former</b> Director, ICFRE-Tropical Forest Research Institute , Jabalpur , Madhya Pradesh
25.	<b>Shri Mankena Srinivasa Reddy</b> , Rural development and food processing expert, Hyderabad, Telangana
26.	<b>Dr. Deepak Samuel V</b> , Scientist – E, CMR – Conservation of Coastal and Marine Resources Division, National Centre for Sustainable Coastal Management, Chennai

**Convener cum Coordinator:** Shri K.Satheesh, Scientific Consultant, NBA, Chennai

**Focal Point:** **Dr. B. Balaji, IFS.**, Member Secretary, National Biodiversity Authority, Chennai

**5. The Terms of Reference (ToR) of the Committee are as follows:**


- (i) To analyze the notification of Normally Traded as Commodities issued by the MoEFCC in light of the Section 40 of the Biological Diversity (Amendment) Act, 2023.
- (ii) To examine the suggestions of the various stakeholders, including Ministries/ departments, for the exemption of fresh water, brackish water and marine biological resources, including fish, under section 40 of the Act.
- (iii) To prepare an inventory of aforesaid biological resources and/or items derived from such resources to be notified as Normally Traded as Commodities under section 40 of the BD Act, 2002 as amended in 2023.

- (iv) Recommend a procedure to be followed, if any, for availing exemption under section 40 of the amended Act.
- (v) Any other issues as relevant based on outcomes of the above issues.

**6. Other points of guidance: -**

- (i). The Expert Committee may invite other Experts/ Professionals/ Civil servants to the meetings whenever required as a special Invitee with the prior approval of Chairman, NBA.
- (ii). The NBA may amend the ToRs, if required, without giving prior information to the Expert Committee.
- (iii). The tenure of the committee shall be Six Months from the date of issue of this order and can be extended if required and as per the discretion of Chairman, NBA.
- (iv). The NBA reserves the right to add more members/ special invitees as and when required. NBA also reserves the right to drop any member of the expert committee without assigning any reason.
- (v). The detailed guidelines for the Expert Committee shall be as referred to in the **Annexure-1**.
- (vi). A background note on this subject is placed as **Annexure-2**.
- (vii). The recommendations of Expert Committee are not binding on NBA.

This issues with the approval of the Chairman, NBA.

  
(B. Balaji)  
Member Secretary, NBA 25/3/25

## GUIDELINES

The following guidelines are issued for proper conduct of the meetings to achieve the expected outcomes.


- (1). The expert committees are being constituted mainly to advise the NBA on technical, techno-legal, administrative, scientific, statutory and miscellaneous matters, as the NBA does not have the required in-house expertise and experience in various disciplines. The role of the expert committee is more or less similar to that of 'Amicus Curiae' in the court of Law.
- (2). The Chair of the EC is authorised to decide the mode of the meeting to be convened, either physical or through virtual mode or Hybrid mode.
- (3). The Chair of the Committee, in consultation with the Member Secretary, NBA can (1) invite additional experts in the subject matter, if required, to the meeting of EC as special invitees, (2) to hold or conduct a meeting in any part of India, if it is deemed fit, to expedite the task assigned in consultation with NBA.
- (4). The Chairman and members are requested to kindly make it convenient to attend the meeting at the fixed venue and time. The NBA will arrange transport from the Airport / Railway station/bus stand to and from the venue of the meeting.
- (5). In respect of the travel cost, the fares by Air (economy class) / train (AC I class / AC II tier)., incurred by the Chairman, Co-chair and the non-official members / special invitees shall be reimbursed on production of the tickets and boarding pass along with bills in the prescribed format provided by NBA. The lodging and boarding will be provided by the NBA. The AC taxi fare will be reimbursed as and when the bill is produced with the TA Bill. Alternatively, road mileage will be paid based on the declaration of Kms.
- (6). In respect of official members, the travel cost (Air fare & road journey) to reach Chennai & back shall be borne by their parent organizations. However, if official members give a declaration that their parent organization is not providing travel costs, then the NBA shall reimburse the travel cost after getting approval from the Competent Authority. The local lodging & boarding logistics, i.e., transport cost at Chennai, will be borne by NBA.
- (7). As per the directions issued by the Ministry of Finance vide O.M. no. No. 19024/03/2021-E. IV, dated 16.06.2022, the Members are required to purchase the ticket from **three authorised travel agents viz. M/s. Balmer Lawrie & Company Limited (BLCL), M/s. Ashok Travels & Tours (ATT) and Indian Railways Catering and Tourism Corporation Ltd. (IRCTC)** only. The tickets booked other than these authorised agencies will not be reimbursed. The submission of a boarding pass shall be mandatory for reimbursement by the NBA.
- (8). The Chair, Co-Chair are entitled for Rs.6000/per day of sitting fee and all non-official members of the EC are entitled for Rs.4000/per day of sitting.
- (9). The Chairman and members may preferably arrive at the city of venue one day in advance before the scheduled date of meeting.



- (10). The committee is requested to submit the proceedings/summary of discussions to the NBA duly authenticated by all the members. In order to finalise and submit proceedings/summary of the meeting on the same day, outstation members are requested to plan their return journey on the next day of the meeting. If required, the Chair, Co-chair and Convener and a few selected members at the discretion of the Chairman, EC may stay for one more day and leave on the next day AN (Three nights), after finalising the draft proceedings of the meeting.
- (11). This may please be coordinated by the Convener cum coordinator in consultation with the Chair and Co-Chair of the EC. Under exceptional circumstances, the Chairman, EC may get the summary/ proceedings/ minutes finalised at later dates and send the document to NBA duly authenticated by all members (*through e-mail*) who were present in the meeting. In such case, a lump sum of Rs.3000/- will be paid to the Chairman to meet the postal expenses, mobile, internet charges and cost of secretarial assistance at his place of stay on request. For payment of a lump sum, a self-declaration to the effect that the expenditure has actually been incurred for the above purpose has to be furnished by the Chairman.
- (12). In the absence of Chairman, the Co-Chair will conduct the proceedings of the meeting.
- (13). The committee is requested to go through the subject area and refer to BD Act 2002 as amended in 2023, and Biological Diversity Rules, 2024 made thereunder, relevant laws, scientific articles, and books and browse the internet to facilitate lively and useful discussion on the subject. All members are requested to go through the previous Report submitted by the EC.
- (14). The Chairman and members may exchange notes and views through the Internet on the subject area to be discussed during the meeting.
- (15). Given the sensitivity and nature of deliberations of the Committee, members are requested not to engage in any bilateral discussion with the non-members regarding the subject matter. However, they can collect information from non-members working in similar autonomous and statutory bodies that may be useful for the expert committee.
- (16). The Member Secretary, NBA, after obtaining prior permission from the Chairman, NBA, is authorised to invite, as and when required, any other experts/ professionals/ civil servants to the meetings of the Working Group as special invitees.
- (17). The Chair and Co-chair are authorised to conduct meetings anywhere in India in consultation with the Secretary, NBA.
- (18). The Chairman of the Working Group (Expert Committee) is vested with powers to constitute sub-committees to contribute/ draft interim reports and review specific chapters of the final report. The Convener shall assist the Chair and Co-chair in coordination and organising work of sub-committees. Those who write chapters or contribute actively to compiling information will be paid a work day allowance by the NBA on the recommendation of the Chair of EC. However, the NBA will pay the amount as per its discretion. This is in addition to sitting fees.
- (19). The Convener will convene the meetings after consulting the Focal point in NBA. If required, he can visit anywhere in India with the prior approval of the Chairman of NBA.

- (20). The Convener shall submit a summary of the proceedings of every meeting after getting the approval of the Chair, Co-chair and all Members through email. He will coordinate with the entire group/ sub-committees and see that the final report is submitted within time. If required, the Convener may travel separately to any city to meet the Chair of EC, Co-chair of EC, to plan the meetings after obtaining approval of the Chairman, NBA.
- (21). Since it is not possible to take all members of the committee to interact with Senior officers/ Chief Secretaries of States/ UTs, the Chair of the EC, in consultation with the Co-chair and Member Secretary, shall decide the composition of the delegation. Alternatively, the Chair, Co-chair, Member Secretary, & Convener may form a delegation of three and interact with officials of states and UTs and other stakeholders like SBBs, private individuals, communities/ NGOs/ Autonomous councils/ Panchayat Raj functionaries/ Associations, etc. The Member Secretary NBA may join the delegation if possible.
- (22). The Chairman of NBA reserves the right to dissolve the Working Group/ change the composition of the Expert Committee without assigning any reason.
- (23). The Chairman, NBA reserves the right to disband the committee without assigning any reason.

This issues with the approval of the Competent Authority.

  
(B. Balaji)  
Member Secretary, NBA


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(B. Balaji)  
Member Secretary, NBA 25/3/25

## **BACKGROUND NOTE FOR EXPERT COMMITTEE ON Normally Traded Commodities –Fresh water, Brackish water and Marine Biological Resources**

### **I. Introduction**

The United Nations Convention on Biological Diversity (CBD), commonly referred to as the Biodiversity Treaty was one of two significant treaties opened for signature at the United Nations Conference on Environment and Development (UNCED) in 1992. Parties to the Biodiversity Treaty "*affirm sovereign rights over the biological resources found within their countries, while accepting responsibility for conserving biological diversity and using biological resources in a sustainable manner*". The Biodiversity Treaty entered into force December 29, 1993. The objectives of the CBD are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. India being a signatory to the treaty, provides a framework and foundation for sustainable development and preservation of its biodiversity with a lot of focus on natural resources.

2. In order to fulfil the obligations under the CBD, the Act was passed by the parliament of India to conserve biological resources, sustainable use of its components and fair and equitable sharing of benefit arising from the utilization of biological resources with benefit claimers. The Biological Diversity (BD) Act was enacted in the year 2002 and Rules were notified as the Biological Diversity Rules, 2004.

3. The Biological Diversity (Amendment) Act, 2023 came into force on 1<sup>st</sup> April, 2024 as per MoEFCC notification no. S.O. 295(E). dated 18.01.2024. Subsequently, the Biological Diversity Rules, 2024 was notified by the MoEFCC on 22.10.2024 which came into force on 21.12.2024.

### **II Implementation of the BD Act:**

4. The Act and the Rules are implemented in India through a decentralized system. A three-tiered structure has been established under the Act at the national, state and local levels. The below-mentioned institutions are statutory, autonomous bodies established under the Biological Diversity (Amendment Act), 2023.

(a) At the local level, the Biodiversity Management Committees (BMCs) are to be established by institutions of local self-government for implementation of specific provisions of the Act and Rules'

(b) At the state level, the State Biodiversity Boards (SBBs) are established to deal with all Matters relating to implementation of the Act and the Rules.

(c) At the national level, the National Biodiversity Authority (NBA) is established to deal with all matters relating to implementation of the Act and the Rules'.

5. Each of these structure is required to be connected for decision making processes on various issues, including on issues of access and benefit sharing (ABS). The Act aims in conserving the Biological Diversity, sustainable use of its components, ensuring fair and equitable distribution of benefits arising out of the use of biological resources. With respect to the above-mentioned objectives, the Act regulates access to biological resources, including Digital Sequence Information and or knowledge associated thereto, under sections 3,4, 6,7 r/w section 24.

### III. Normally Traded as Commodities:

6. Section 40 of the erstwhile Biological Diversity Act, 2002 provides as below:

Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources as normally traded as commodities.

7. Accordingly, MoEFCC in consultation with the NBA vide notification dated 7th April, 2016 and November 2017 exempted 421 items including biological resources which are normally traded as commodities and also products that are derived from such items and traded as a matter of common practice shall also be treated as normally traded as commodities. The list comprises different factory plant species, including timbers.

8. The BD Act, 2002 has been amended by Biological Diversity (Amendment) Act, 2023. Section 40 of the Amended Act provides as below:

*Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall not apply to biological resources when normally traded as commodities or to the items derived from them, including agricultural wastes, as notified and cultivated medicinal plants and their products for entities covered under section 7, registered as per the regulations made or as may be prescribed:*

*Provided that no exemption shall be made for the activities referred to in sub-sections (1) and (2) of section 6.*

9. Besides, the stakeholders have also requested to expand the list of Normally Traded as Commodities under section 40 of the Act.

10. Considering the amendments made in section 40 of the BD Act and requests made by the different stakeholders, NBA is in the process of expanding the list of biological resources or items derived from them as NTAC. Toward this, NBA has constituted this Expert Committee to identify and recommend a list of Fresh water, Brackish water and Marine biological resources and/or items derived from them for notifying as Normally Traded as Commodities under Section 40 of the Act.

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#### **Enclosure:**

1. Clean copy of the Biological Diversity Act, 2002 as amended by The Biological Diversity (Amendment) Act, 2023 with new insertions/changes shown in Red Colour.

2. Biological Diversity Rules, 2024

3. Biological Resources notified as normally traded commodities under section 40 of BD Act, 2002 Dated: 7 April 2016, & MoEFCC NTAC Amendments, S.O. 3533 (E), dated 7<sup>th</sup> November 2017