OFFICE ORDER

Sub: Constitution of an Expert Committee to examine Biological Diversity Rules, user country measures under Nagoya protocol and development of sector specific standard Operating procedures - reg.

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In exercise of powers conferred under Sub Section (2) of Section 13 of the Biological Diversity Act, 2002 read with Rule 11 of Biological Diversity Rules, 2004 and pursuant to the decision taken in the 52nd Authority meeting under agenda no.52.06, an Expert Committee is constituted to examine Biological Diversity Rules, user country measures under Nagoya Protocol and development of sector specific Standard Operating Procedures on access and benefit sharing, as under:

Chairman: Shri A.K.Goyal IFS (Retd.), Former Special Secretary, Ministry of Panchayati Raj, New Delhi.

Co-chair: Shri C. Achalender Reddy, IFS, Director, Centre for Innovations in Public Systems, Hyderabad.

Members

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<td>1</td>
<td>A representative of Department of Industrial Policy &amp; Promotion, Ministry of Commerce and Industry, New Delhi</td>
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<td>2</td>
<td>A representative of Department of Agriculture, Co-operation and Farmers Welfare, New Delhi</td>
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<td>3</td>
<td>Shri Shivendu K. Srivastava, IFS (Retd.), Former, Member,NBA</td>
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<td>Shri Kunal Satyarthi, IFS, Principal Central Academy for State Forest Service (CASFOS),UttaraKhand</td>
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<td>5</td>
<td>Dr. Biswajit Dhar, Former Member, New Delhi</td>
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<td>Prof M.K. Ramesh, Professor, National law School, Bengaluru.</td>
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2. Terms of Reference (ToR) of the Committee shall be as under:

a) To review the Biological Diversity Rules, 2004 in light of the recommendation made by the expert committee to identify issues in the Biological Diversity Act and Rules that may require changes; as well as report of the expert committee to review the guidelines on ABS; and suggest appropriate modifications in the Rules, if any, within the ambit of the Biological Diversity Act, 2002; and

b) To develop sector specific guidelines on Access and benefit sharing to sectors like Seed, Cosmetics/biotechnology, AYUSH and Research.

c) To examine the draft user country measures developed by the NBA vis-à-vis provisions of the Nagoya Protocol or access and benefit sharing vis-a-vis existing legal frame work on this subject in India.

d) To form sub-committees within the EC, as and when required, to discuss and suitable recommendations on the issues.

3. The NBA may amend the ToRs, if required.

4. The tenure of the committee shall be for six months from the date of issue of this order.

5. The guidelines for the Expert Committee shall be as referred to in Annexure.

5. The Secretary, NBA will be the focal point and he will participate and express his opinion in the meetings. He is also authorised to invite experts in the subject matter, if required, to the meeting of EC as special invitees.

This issue with the approval of the Competent Authority.

(Purvaja Ramachandran)
Secretary, NBA
GUIDELINES

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

1. The expert committees are being constituted mainly to advise NBA on technical, techno-legal, administrative, scientific, statutory and miscellaneous matters as NBA does not have the required in-house expertise and experience in various disciplines. The role of expert committee is more or less similar to that of 'Amicus Curiae' in the court of Law.

2. 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 Airport / Railway station / bus stand to and from the venue of the meeting.

3. The travel cost by Air (Air India - economy class) / train / road mileage etc., incurred by the Chairman and the members / invitees will be reimbursed on production of the tickets / boarding pass along with bills in the prescribed format provided by NBA. The lodging and boarding will be provided by the NBA.

4. As per the directions issued by the Ministry of Finance vide O.M. no. No.19024/2212017-E. IV, dated 19th July, 2017, the Members are required to purchase the ticket from three authorized 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), or tickets may be booked directly from the Airlines.

5. The Chairman and Co-chair of the committee are entitled for an amount of Rs.6000/- as sitting fee per day. Members and other invitees are entitled for an amount of Rs.4000/- as sitting fee per day.

6. As per OM. No. 19047/10/2016-E-IV dt 12/4/2017 issued by Ministry of Finance, non-official members alone are entitled to draw sitting fees for attending the meetings of the Expert Committee. The definition of Non-official members as per OM are as follows: "For the purpose of grant of sitting fee only such persons are to be considered as Non-Officials who are not employed in any institution / organisation / body funded by the Central Government".

7. The Chairman and members may preferably arrive at the city of venue one day in advance before the scheduled date of meeting.

8. The committee is requested to submit the proceedings / minutes to the NBA duly authenticated by all the members. In order to finalize and submit proceedings / minutes of the meeting on the same day, outstation members are requested to plan their return journey on the next day of the meeting. Under exceptional
circumstances the Chairman may get the proceedings / minutes finalized at later dates and send the document to NBA duly authenticated by all members who were present in the meeting. In such case, a lump sum of Rs.2000/- 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 lump sum, a self-declared certificate to the effect that the expenditure has been incurred for the above purpose has to be furnished by the Chairman.

9. In the absence of Chairman, the Co-Chair will conduct the proceeding of the meeting.

10. The committee is requested to kindly go through the subject area and refer BD Act 2002 and Rules made thereunder, the Guidelines on access to biological resources and / or associated knowledge regulations, 2014, relevant laws, scientific articles, and books, browse internet to facilitate lively and useful discussion on the subject.

11. The Chairman and members may kindly exchange notes and views through internet on the subject area to be discussed during the meeting.

12. 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 to subject matter. However, they may discuss only scientific / legal / technical aspects with others without disclosing name of the applicant or details of application.

13. The Secretary, NBA is authorised to invite any experts to the meetings of the expert committee as special invitees.
To

1) Shri A.K. Goyal IFS (Retd.), Former Special Secretary, Ministry of Panchayati Raj, New Delhi. Mobile No.: 098888083749, Email: akg@nic.in (Chair)

2) Shri C. Achalender Reddy, IFS, Director, Centre for Innovations in Public Systems (CIPS), College Park Campus (CPC) of Administrative Staff College of India (ASCI), Road No. 3, Banjara Hills, Hyderabad – 500 034, India. Email: director@cips.org.in, achal.reddy@gmail.com. (Co-Chair)

3) Shri Ashwani Kumar, IAS., Joint Secretary (Seeds), Department of Agriculture and Cooperation, Room no. 244, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi -110 001. Tel: 011-23381503, Fax: 011-23387669. Email: isseeds-agri@nic.in.

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6) Shri Kunal Satyarthi, IFS, Principal Central Academy for State Forest Service (CASFOS), Ministry of Environment, Forest & Climate change P.O. New Forest Dehradun, Uttarakhand-248006 < kunalsatyarthi@gmail.com >

7) Dr. Biswajit Dhar, Professor of Economics, Jawaharlal Nehru University, I Block, 1796A Chittaranjan Park, New Delhi - 110019, Email: bisjit@gmail.com. Mobile: 0981197839.

8) Prof. M.K. Ramesh, Professor of Law, National Law School, Nagarbhavi, Bangalore – 560 072 Email: mkramesh@nls.ac.in, mkrarsh613@gmail.com. Mobile: 09483190062.

9) Dr. L. Pushpakumar, Assistant Professor, Faculty of Law, University of Delhi Delhi – 110007, Email: pushpaharvard@gmail.com, pushpakumarL@gmail.com Mobile: 9871820771

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(Purvaja Ramachandran)
Secretary, NBA