



NATIONAL BIODIVERSITY AUTHORITY

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

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NBA/Tech/EC/9/14/33/2018/18-19/ 3843

Date: 26 December 2018

OFFICE ORDER

Sub: Reconstitution of Expert Committee on Access and Benefit Sharing - for evaluation of the ABS applications received by NBA – reg.

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 in supersession of all preceding office orders on this subject, the Expert Committee on Access and Benefit Sharing (ABS) to evaluate the ABS applications, examine other techno-legal issues and recommend to NBA is reconstituted as under:

CHAIRMAN	Dr R.V. Varma , Former Chairman, Kerala Biodiversity Board
CO-CHAIR	Shri K.S.Sugara , IFS (Retd), Principal Chief Conservator of Forests, Karnataka Forest Department, Bangalore
MEMBERS	
1	A Representative of the Director General, Indian Council of Forestry Research and Education, Dehradun
2	A Representative of the Director, Indira Gandhi National Forest Academy, Dehradun
3	A Representative of the Controller General of Patents, Designs & Trade Marks, Mumbai.
4	A Representative of the Director General of Foreign Trade, New Delhi.
5	A Representative of the Joint secretary, Department of Agriculture and Cooperation, New Delhi
6	A Representative of the Department of Biotechnology, New Delhi


7	The Chairperson or his representative, Protection of Plant Varieties & Farmers' Rights Authority, New Delhi
8	The Member Secretary, Nagaland Biodiversity Board
9	The Member Secretary, Uttar Pradesh Biodiversity Board
10	The Member Secretary, Chhattisgarh Biodiversity Board
11	The Director, Zoological Survey of India, Kolkata or his representative
12	The Director, Botanical Survey of India, Kolkata or his representative
13	The Director, National Bureau of Plant Genetic Resources, New Delhi or his representative
14	The Director, National Bureau of Animal Genetic Resources, Karnal or his representative
15	A Representative of the Chief Executive Officer, National Medicinal Plant Board, New Delhi
16	The Director, Institute of Microbial Technology, Chandigarh or his representative
17	A Representative of the Director, National Institute of Siddha, Chennai
18	A Representative of the Foundation for Revitalisation of Local Health Traditions (FRLHT) Trust, Bangalore
19	Dr L Venkatachalam , Professor (RBI Chair), Madras Institute of Development Studies, Adyar, Chennai
20	Dr S. Elumalai, Assistant professor, The Tamil Nadu Dr Ambedkar Law University, Chennai
21	Dr V.G.Malathi, Adjunct Faculty, Department of Plant Pathology, Tamil Nadu Agricultural University Coimbatore
22	Dr. V. Venkatasubramanian, Principal Scientist (Agrl. Extension), Sugarcane Breeding Institute, Coimbatore.
23	Dr Kirti Kulkarni, Advocate, Mumbai
24	Dr. M. Sanjappa, Former Director, Botanical Survey of India
25	Dr. D. Narasimhan, Former Professor, Madras Christian College Chennai

2. The Terms of Reference (ToR) of the Committee shall be as under: -

- a) To consider and evaluate the ABS applications as per the guidelines on access to biological resources and / or associated knowledge regulations, 2014, provisions of the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004.
- b) To consider and evaluate the ABS applications which are received by the Members through electronically and provide the recommendations including benefit sharing component, on the same to NBA through electronically.

- c) To fix the benefit sharing mechanism (monetary and/or non-monetary) including upfront payments, on case by case basis.
 - d) To record the reasons/basis, on which decisions such as restriction of access, conditions for access, contravention of the provisions of the Act, rejection etc., are taken on the applications.
 - e) To examine the applicants' plea for revision of benefit sharing component and other issues, on a case by case basis barring cases in which the benefit sharing component is fixed as per the guidelines under Regulation 4 for access to biological resources for commercial utilization.
 - f) To examine the response / reply / plea received from the applicants [u/s 19(3)] whose applications are decided for rejection by the Authority.
 - g) To provide recommendations on techno-legal matters as and when required.
 - h) To form sub-committees, as and when required, to discuss and provide recommendation on techno-legal issues.
 - i) The NBA may amend the ToRs, if required.
3. The tenure of the committee shall be for **one year from the date of issue** of this order.
 4. 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.

This issues with the approval of the Competent Authority.


(T. Rabikumar)
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) only otherwise the claim will not be settled by the NBA.
5. The Chairman and Co-chair of the committee are entitled for an amount of Rs.3000/- as sitting fee per day. Members and other invitees are entitled for an amount of Rs.2000/- 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 applicants or non-members with regard 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 NBA may forward the legal matters concerned with court cases / the matters which are urgent in nature will be sent to Chairman and Co-Chairman through email or by post. They shall consult the members and other experts, if required also and provide consolidated recommendations / inputs to NBA. For seeking advice on each subject, the NBA will pay Rs.3000 each to the Chairman and Co-chairman and Rs.2000 each to the members involved.
14. The Secretary, NBA is authorised to invite three Member Secretaries of SBBs on rotation basis to every meeting of EC on ABS as special invitees.


To

1. **Dr. R.V.Varma**, Former Chairman, Kerala Biodiversity Board, Lakshmpuram, Royal avune , Trichur City – 680 020, Kerala, Mobile: 09446423655, Tel: 0487- 2336555, Email varmarv@gmail.com. (**Chair**)
2. **Shri K.S.Sugara, IFS (Retd)**, Former Principal Chief Conservator of Forests, Karnataka Forest Department, Bangalore – 560 003, Mobile : 09448189516; sugaraks@gmail.com. (**Co-chair**)
3. **Shri. Ashwani Kumar**, Joint Secretary (Seeds), Department of Agriculture Cooperation & Farmers Welfare, Room no. 2381, Krishi Bhawan, Rajendra Prasad Road, New Delhi-110001. Email: ashwani.hub@nic.in
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6. **The Controller General of Patents, Designs & Trade Marks**, Boudhik Sampada Bhavan, Antop Hill, S.M. Road, Mumbai-400037, Phone.No : 022-24132735, Fax : 022-24123322, Email: cgooffice-mh@nic.in
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8. **The Chairperson**, Protection of Plant Varieties and Farmers' Rights Authority Govt. of India, Ministry of Agriculture and Farmers Welfare, Department of Agriculture and Co-operation, NASC Complex, DPS Marg, Opp- Todapur Village, New Delhi-110 012, Tel: 011-25848127, Fax: 011-25840478, Email: chairperson-ppvfra@nic.in
9. **The Chief Executive officer**, National Medical Plant Board, Ministry of Ayush, Government of India, 3rd Floor, Ayush Bhawan, B Block, G.P. O. Complex, I. N. A, New Delhi – 110 023, Phone.No: 011-24651829 Fax: 011 – 24651827 Email: ceo-nmpb@nic.in
10. **Dr. Mohd. Aslam**, Scientist 'G', Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi 110 003. Email: aslam@dbt.nic.in , aslam.dbt@nic.in .
11. **Shri Darshan Shankar**, Chancellor, TransDisciplinary University, C/o Foundation of Revitalization of Local Health Traditions (FRLHT), Bangalore – 560 064 <darshan.shankar@frlht.org>
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(T. Rabikumar)
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