



सत्यमेव जयते



अस्यै ह्ये सचिवाली ।  
कदां ह्ये खुशाहाली ॥

## NATIONAL BIODIVERSITY AUTHORITY



### Proceedings of the 24<sup>th</sup> Meeting of NBA

23<sup>rd</sup> May, 2012

#### Venue

#### **National Biodiversity Authority**

5<sup>th</sup> Floor, TICEL Biopark, CSIR Road,  
Taramani, Chennai-600 113



# Proceedings of the 24<sup>th</sup> Meeting of the National Biodiversity Authority

**Date: 23<sup>rd</sup> May 2012**

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

The twenty fourth meeting of the National Biodiversity Authority (NBA) was held on 23<sup>rd</sup> May, 2012 at the Conference Hall of the National Biodiversity Authority, Chennai under the Chairmanship of Dr. Balakrishna Pisupati, Chairman, NBA to consider the agenda items circulated amongst the members earlier by email on 9<sup>th</sup> May, 2012 as well as by speed post. The list of participants is given in **Annex-I**.

The meeting commenced at 10:30 AM. At the outset, Secretary, NBA welcomed the Members of the National Biodiversity Authority to the meeting. Before initiating discussions, the members were informed by the Chairman about successful conduct of various events during the celebrations of the International Day for Biological Diversity held on 22.05.2012.

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

## **A. Items considered and approved**

### **24.1: Confirmation of Proceedings of the 23<sup>rd</sup> Authority Meeting of NBA**

The Authority was presented with the Proceedings of the 23<sup>rd</sup> Authority Meeting for confirmation. In respect of the item no. 23.3, pertaining to Bt.brinjal, a few suggestions that were received from Dr.Swapan K. Datta and Dr.K.M.Bujarbaruah, were placed before the members for comments. The Members suggested for deletion of para 3 and the last sentence in para 4 of the agenda item and subject to these changes, the proceedings were confirmed by the Members. It was further agreed, that henceforth, draft minutes along with comments from members may be circulated to all the members and the comments that were agreed to by all will be incorporated in the final proceedings and the same will be placed in the succeeding Authority meeting for confirmation.

Members suggested that NBA may organise a one-day brainstorming session for selected scientists from ICAR, DST, DBT etc in which members of the Authority also would participate with a few legal and other specialists and field officers. Chairman and some members of EC on ABS may also be invited to have useful discussions, with a view to creating awareness on the nuances and intricacies of the statutes governing the biodiversity in India. The proposal was agreed to by the Authority.

**Action: Secretary**

#### **24.2: Action taken report**

Action has been taken with respect to most of the items of the 23<sup>rd</sup> Authority meeting and action is yet to be completed in respect of a few items. Members agreed to the action taken report presented in Annex-III.

**Action: Secretary**

#### **24.3: To consider the proposal of NIUCBD to seek affiliation with NBA**

The proposal of NIUCBD seeking affiliation with NBA was placed before the Authority. During the discussions members opined that the proposal is general in nature and additional information like what sort of affiliation is requested, etc., are required for consideration. Shri. Hem Pande suggested to forward the proposal to the Ministry of Environment and Forests to ascertain its views since it involves a foreign entity. It was therefore decided to seek more details from NIUCBD and refer the matter to the Ministry after receiving details and then place the proposal before the Authority for consideration and decision.

**Action: Secretary**

#### **24.4: To consider proposal of Royal Bank of Scotland-‘RBS Earth Heroes Award’**

The Members were informed of the proposal received from the Royal Bank of Scotland (RBS) Mumbai, involving the presentation of an annual award viz. ‘RBS Earth Heroes Award’, instituted by RBS in 2001 to recognize

exceptional work done by individuals, officials, NGOs, media for securing nature and natural sources and seeking NBA's association as a 'knowledge-partner' owing to the mandate of NBA in conservation of the biodiversity. Further, it was informed that the RBS desired to conduct the award presentation ceremony during CoP-11 at Hyderabad on 14<sup>th</sup> October, 2012. The proposal was deliberated and the members decided that the same may be further discussed with MoEF and then placed for consideration of the Authority.

**Action: Secretary**

**24.5: To consider and approve adoption of the revised checklist format for processing applications**

The revised checklist format for scrutinizing the applications was placed before the Authority. The members reviewed and approved the adoption of the revised checklist format (appended as **Annex II**) for processing applications.

**Action: Secretary**

**24.6: To consider and approve the modifications suggested in the PBR format by the National Consultation on PBR held in Dec 2011 at Bengaluru**

The Members were apprised of the intensive two- day National Consultation-cum-Workshop on People's Biodiversity Registers organised by NBA in collaboration with the Karnataka Biodiversity Board, United Nations Development Programme (UNDP), Global Environment Facility (GEF) and Institute of Ayurveda and Integrative Medicine (I-AIM) on 22<sup>nd</sup> and 23<sup>rd</sup> December 2011 at Bengaluru. Further, it was informed that the main objectives of the workshop were to review the process and structures of PBRs currently available, come up with means to strengthen the process of developing the PBRs, their structure and use criteria and identify plans for linking PBRs to achieve the objectives of the Biological Diversity Act, 2002 and Rules, 2004. Over 94 delegates from NBA, MoEF, UNDP, GEF, I-AIM, SBBs, ZSI, BSI, research organizations, NGOs as well as community representatives attended the workshop. The following modifications were suggested in the PBR format by the National Consultation:

- To include the term "Medicinal use" in Annexure-2
- To specify the context for wild plant species of importance (as economic/social/cultural etc.) in Format 19.

- To replace the terms “Other Plants in wild” with “Coastal and Marine flora” in Format 27A
- To replace the terms “Other Plants in wild” with “Coastal and Marine fauna” in Format 27B
- To add Format 31 with heading “any other information of local importance”

The members appreciated the efforts of NBA for organizing such a national event. Further they deliberated on the revised PBR formats and opined that flexible formats may be developed keeping in view the density and variety of biodiversity and also local conditions. It was resolved that the SBBs may take liberty to effect additions/ modifications to the PBR format after taking approval of the respective Board. A copy of the revised format of PBR shall be sent to NBA by the SBB for record.

**Action: Secretary**

**B: Items ratified**

<b>24.7 Restructuring /constitution of expert/executive committees</b>
--

In accordance with earlier decisions of the Authority under item 13.3 and 13.5, the Chairman, NBA was authorized to constitute/restructure the expert committees. Accordingly, the constitution of Executive Committee for facilitating the implementation of strategic objectives of the “UN Decade on Biodiversity (UNDB) 2011-20” and the reconstitution of Expert Committees on Agro biodiversity and on Medicinal plants were brought to the notice of the Authority for ratification. On consideration, the members suggested that in future, in addition to the selecting of individuals based on their background, proficiency, field experience from different disciplines by the NBA, the concerned departments/institutions may be informed of such nominations and where needed approvals sought. Members opined that NBA may avoid holding of EC/Authority meetings when the Parliament is in session. However, in case of any urgency, such meetings may be organized in New Delhi to enable maximum participation of Ex-Officio members who are all based in Delhi.

#### **24.8. Ratification of applications cleared by the NBA Secretariat**

Five applications which did not require detailed technical evaluation were processed and cleared by the NBA Secretariat and placed before the members for post facto approval, as decided in 22<sup>nd</sup> Authority meeting held on 22.11.11. It was decided that when there is a precedent in respect of a particular bioresources is cleared by the Authority, then the Secretariat may clear applications of similar nature. With respect to other cases, applications have to be examined by the EC on ABS. If the EC recommended the application for approval, the same may be cleared at NBA Secretariat level and placed before the Authority for ratification. Further, if any case requires intervention of Authority, the same may be put up before the Authority for appropriate decision. Authority, based on the above discussions, noted that the clearance of a few applications, done by the NBA Secretariat recently, was done in good faith and also directed the Secretariat to place such clearances before the EC for its comments/ ratification. Chairman, NBA suggested review of processing of routine applications by the secretariat due to time lags involved in the scrutiny process and approvals. It was suggested that this item be discussed by the EC on ABS for developing further guidance and clarity on this matter. This is an information item.

#### **24.9 Royalty received**

The Authority was apprised of the royalty received by NBA viz., Rs.1,810.00 from M/s. Bio India Biological Corporation towards export of *neem* leaves to Japan for the second consignment, Rs.420.00 as royalty from Dr.Geeta Pandurang for the financial year 2011-12 towards sale of tablet '*Pinak*', Rs. 1,24,112.00 as royalty from M/s. PSS Ganesan& Sons towards export of dried seaweeds to Korea. Members noted the item.

#### **24.10. Draft report and guidelines on BMC submitted by the BMC Task Force**

The Biodiversity Management Committees play a pivotal role in the implementation of the Biological Diversity Act, 2002. To gear up the process of constitution and operationalization of BMCs, a Task Force (Expert Committee) for preparation of guidelines on creating structures, running administration, maintenance of accounts and other related matters was constituted in October

2009. The Committee, consisting of ten members, made several sittings, held consultation with different stakeholders and undertook field visits to Karnataka and North Eastern States and submitted a report along with draft guidelines. The members were informed that the draft guidelines have been placed in the NBA website inviting comments/suggestions from the members of the public and also circulated to all State Biodiversity Boards for their feedback. On receipt of their views, the guidelines will be finalised and placed for ratification by the Authority. The members appreciated the efforts of Chair and members of the task force.

**24.11. Reported export of Embryos of Gir breed of cattle and Ongole breed bull and semen to Brazil.**

The members were apprised of the latest developments in the reported export of embryos of prized Indian cattle from Gujarat to Brazil. It was at the instance of the NBA, the Andhra Pradesh Biodiversity Board and Gujarat Biodiversity Board initiated investigation and NBA also extended financial support to the AP SBB for the said purpose. Based on the report submitted by the AP SBB and Gujarat SBB, the latter was requested to find out as to whether there was any commercial intent in the above export and reply is awaited. The members stated that the matter may be placed before the next Authority Meeting after receiving comments from the Gujarat Biodiversity Board.

**24.12. Reported export of Rabbit and Rat antibody to foreign countries for preparation of Medicine by M/s. Imgenex India Pvt. Ltd**

Members were informed of an inquiry ordered in pursuance of a complaint from Smt. Maneka Gandhi, through the Ministry of Environment and Forests, reporting that an organization called 'People for Animals' have found that M/s. Imgenex India, a biotech company, located in Bhubaneswar, Odisha is drawing blood from the body of rabbit and rat, and sending antigen and antibodies to foreign countries for preparation of medicine. NBA has asked the Odisha Biodiversity Board to examine the case and submit a report. The State Board, however, examined the case in the light of the provisions of the Wild Life (Protection) Act, and submitted its report. Hence, NBA again requested the board to re-examine the case under the context of Biological Diversity Act



and submit a report. The report is awaited. The members asked the NBA to intimate on further progress in the next meeting.

**24.13. Meeting of EC on Agro biodiversity held on 24<sup>th</sup> February 2012**

The first meeting of the reconstituted Expert Committee on Agro biodiversity was convened by the NBA on 24<sup>th</sup> February 2012 at Chennai under the Chairmanship of Dr.E.A.Siddiq, Ex-DDG, ICAR. The Chairman of the EC briefed on the items of the agenda and provided the outline of discussion. Deliberations were made on the following issues:

- Draft Guidelines on exchange of germplasm developed by DARE/ICAR.
- Emerging issues and challenges – research, commercialization and related issues within the ICAR, CGIAR systems and compliance issues.
- Patenting of virus resistant traits of Indian melon by M/s. Monsanto, USA.

Suggestion was made for formation of separate sub-committees to discuss and deliberate further on certain issues. Members ratified the constitution of sub committees under the EC on Agro-biodiversity.

**This decision requires action and follow up by the Secretariat.**

**Action: Secretary**

**24.14. Meeting on issues related to linkages between Nagoya protocol on ABS and current provisions of the BD Act and Rules and other related Acts held on 20<sup>th</sup> March 2012**

It was brought to the notice of the Authority that the NBA convened the second meeting on issues related to linkages between Nagoya Protocol on ABS and current provisions of the Biological Diversity Act and Rules and other related Acts at NBA, Chennai on 20<sup>th</sup> March 2012. The participants included distinguished technical and legal experts. There were discussions on the need for early ratification of the Nagoya Protocol by India and the probable amendments to the Biological Diversity Act and Rules for fulfilling the requirement of the Protocol. The Members noted the outcomes of the meetings.

**24.15. National Consultation on Biodiversity Targets held on 9 April 2012 at Delhi**

The members were informed that the first National Consultation on 'Biodiversity Targets' for India was held at New Delhi on April 9, 2012. The meeting was chaired by Dr. Balakrishna Pisupati, Chairman, NBA who presented a list of ten draft targets and their possible indicators. Dr. Thomson Jacob, Expert Consultant briefed on the Aichi Biodiversity Targets. A presentation on linking the National Targets with NBAP was made by Dr. R.J.R. Daniels, Expert Consultant, NBA. Representatives from MoEF, CSIR, WII, UNDP, NBPGR, NBFGR, Bioversity International, SBBs, BSI, ZSI, WWF India, NAIP-ICAR and some NGOs participated in the consultation. Subsequently a separate meeting was held with members from Ministry of Rural Development, Dept. of Science and Technology, MoEF, Ministry of Agriculture, AYUSH, Women's Welfare, New and Renewable Energy, Health and Family Welfare and Department of Tribal Affairs. This meeting was jointly convened with the Planning Commission to present the draft Targets & NBAP. Further inputs are sought from these Departments and Ministries. The members appreciated the efforts taken on this item.

**24.16. First meeting on the UNDB held on 10<sup>th</sup> April 2012**

The First meeting of the Executive Committee for facilitating the implementation of strategic objectives of the UN Decade on Biodiversity 2011-2020 was organised by the NBA on 10<sup>th</sup> April 2012 at New Delhi. Chairman, NBA briefed Members on the purpose, mandate and outcome of the meeting. The members applauded the initiative of NBA in organizing such important meeting which addresses the issues of biodiversity.

**24.17. Brainstorming session cum National Consultation on Normally Traded Commodities held on 13-14 April 2012 at Chennai**

The Gazette notification on NTCs was published in Oct 2009. The MoEF and NBA have received a communication from an NGO pointing out that certain threatened species have been notified in the NTC list. In this

context, to implement the decision of the 17<sup>th</sup> Authority Meeting, a one-day meeting on issues related to NTCs was held in Dec 2011. In the meeting it was decided to hold a National level consultation to sort out the issue. Accordingly, a Brainstorming session-cum-National Consultation on Normally Traded Commodities was organized by the NBA on 13-14, April 2012 at Chennai. The meeting was chaired by Dr. Balakrishna Pisupati, Chairman, NBA and co-chaired by Shri A.K. Goyal, Addl. PCCF, Kerala Forest Department, Dr. Naresh Kumar, Former Member, NBA and Shri C. Achalender Reddy, Secretary, NBA. The Consultation was well represented by various stakeholders including few SBBs, CSIR, DGFT, MPEDA, NACEN, IISC, ADMA, BSI, Controller of Patents and Designs, WCCB, FRLHT, RIS, IISC, Rubber Research Institute, Academy of Business Studies, R&D Centres, Universities and NGOs. Also Dr. Subramanian, Member, NBA, Dr. M. Sanjappa, Former Director, BSI and Dr. T. Ramakrishna, Former, Director, ZSI attended the meeting. Presentations made by experts from various fields on the understanding of NTCs by different stakeholders provided the base for the discussions. The following issues were discussed by three break-up groups:-

- The definition and listing process of NTCs
- Linking trade, commodities with ABS issues and the Act
- Issues of classification, trade and links to NTCs, under the Act

The inputs from the different groups were placed in the Plenary Session held on the following day. The discussions and deliberations that followed were recorded as the outcome of the meeting. It was suggested to constitute a special committee to take forward the discussions/recommendations of this meeting. Members appreciated the efforts of the NBA and suggested future course of action be perused. It was also suggested that an officer from AYUSH may be included as member in the Committee.

**24.18. First Meeting of the Reconstituted Expert Committee on Medicinal Plants held on 14<sup>th</sup> April 2012**

NBA organized the first meeting of the reconstituted Expert Committee on Medicinal Plants on 14<sup>th</sup> April 2012 at Chennai under the Chairmanship of Dr.Darshan Shankar and Dr.D.K.Ved as Vice-Chairman. Chairman, NBA in his opening remarks highlighted that the constitution of this committee by NBA was in the context of its facilitating and advisory role. NBA also expected inputs relating to TK and medicinal plants from the committee that would help in its regulatory role functions. He also recognized the important role of medicinal plant resources because of their sheer magnitude in the context of their conservation and sustainable use. It was proposed to constitute sub committees to deal with different issues on medicinal plants.

Members suggested the induction of a member from EC on ABS, since the issue of benefit sharing is involved. It was also recommended to include Director, NBPGR in the Expert Committee on Medicinal Plants. Dr.Balaprasad suggested that NBA should request the Secretary, AYUSH to nominate an officer of Dept. of AYUSH in a Committee, instead of nominating any officer on its own.

**24.19. Launch of the Centre for Biodiversity Policy and Law and Conference on Biodiversity Governance held on 24-25 April 2012**

The NBA, MoEF, Norwegian Embassy and Norwegian Directorate for Nature launched the Centre for Biodiversity Policy and Law (CEBPOL) at Chennai on 24<sup>th</sup> April 2012. The welcome remarks of Dr.Balakrishna Pisupati, Chairman, NBA was followed by special remarks from Ms. Ann Ollestad, Norway's Ambassador to India and Dr.Tishyarakshit Chatterjee, IAS, Secretary, Ministry of Environment and Forests. On the occasion Ms. Heidi Sorensen, Permanent Secretary, Ministry of Environment, Government of Norway released a publication on "Biodiversity Governance" authored by Dr.Balakrishna Pisupati. Also Ms. Heidi Sorensen gave a special presentation on Norwegian Nature Diversity Act. In addition, a special workshop on Biodiversity Governance was held on 24 and 25 April 2012. Panel discussions on topics viz., 'Biodiversity Governance: Lessons', 'Experiences from

Biodiversity governance for Rio+20' and 'Responding to Governance challenges' were made. International and National experts actively took part in the workshop. Members appreciated the efforts of the NBA.

**24.20. Engaging of Project staff/ Expert consultants for UNEP-GEF-MoEF Project and CoP-11 activities**

NBA has launched a prestigious project of UNEP-GEF-MoEF, a full scale project for strengthening the implementation of the BD Act and Rules with focus on ABS Provisions in August 2011. To implement the project component the NBA has started engaging project staff and expert consultants. The item was noted and ratified.

<b>S.No</b>	<b>Name of the Project staff / Expert Consultant</b>	<b>Name of the Project</b>	<b>Position</b>
1	Shri. Ishwar Chanabasappa Poojar	UNEP-GEF	Project Manager
2	Dr.Prakash Nellyyat	UNEP-GEF	Project associate (Economic valuation)
3	Dr. C. Thomson Jacob	UNEP-GEF	Expert Consultant (Process documentation and database development)
4	Dr. Sanjay Kabir Bavikatte	UNEP-GEF	Expert Consultant (Policy and regulatory issues on ABS agreement)
5	Mrs.Seema Bhatt	UNEP-GEF	Consultant (Compilation of ABS case studies for show casing during CoP-11)
6	Mrs.Sujatha Dulip Singh	UNEP-GEF	Computer specialist
7	Mrs. R. Vidhya	UNEP-GEF	Administrative secretary
8	Dr.Ranjith Daniels	NBAP	Consultant (Revision of National Biodiversity Action Plan)

9	Dr. P. Thamilzholi	CoP-11	Consultant (Preparation of policy and strategy on biodiversity and livelihood)
10	Dr. Sanjay Deshmukh	CoP-11	Consultant (Coastal and marine biodiversity)
11	Dr.A.Damodharan	COP-11	Consultant (India's biodiversity financing exercise)
12	Mr. K. SivaPrasad	CoP-11	Expert consultant (Liaison and Techno Administrative works)

**24.21. Major Expenditure incurred for various activities**

Members ratified the expenditure to the tune of Rs.231.00 lakhs incurred by the NBA on various activities.

S.No.	Purpose	Expensesincurred (Rs in lakhs)
1	Meeting on Issues related to NTC	6.80
2	National Workshop on PBR	9.75
3	Special session in the 99 <sup>th</sup> Indian Science Congress	4.18
4	Breed Saviour Award Ceremony	4.19
5	Consultation meeting with Seed industry	1.77
6	7 <sup>th</sup> Meet of the State Biodiversity Boards	20.00
7	Funding to Projects for Awareness Programs	17.15
8	Funding to SBBs for Awareness Programs	28.10
9	Funding to SBBs for International Day for Biological Diversity 2012 Celebrations	25.25
10	Funding to SBBs for Outsourcing of Staff /Manpower	97.64
11	Funding to Maharashtra SBB as Infrastructure Grant	10.00
12	Funding to SBBs for CoP-11 related expenses	6.15
	<b>Total</b>	<b>231.00</b>

**24.22. Repatriation of Smt. Lakshmi Sankararaman, Accounts Officer and Transfer of ShriSurendra Ram, Group D.**

The above developments were noted and the advertisement calling for candidates for different posts was ratified.

**24.23. CoP – 11 Activities**

NBA is actively engaged in the preparatory work for the CoP-11 scheduled to be held in Oct 2012 at Hyderabad such as preparation of background papers, policy guidance for high level ministerial segment, training on negotiation skills, preparation of a documentary film on biodiversity, a film on Gandhiji and Biodiversity and a theme-song on SBBs and BMCs, etc. In this regard, the Ministry of Environment and Forest, GoI has released a sum of Rs. 2,62,87,823/- (Rupees Two crore sixty two lakhs eighty seven thousand eight hundred and twenty three only) during the financial year 2011-12 towards grant-in-aid to NBA for CoP-11 related activities. Out of this amount Rs.69,38,000/- has been released to the Centre for Environment Education, Ahmedabad towards 1<sup>st</sup> and 2<sup>nd</sup> instalment of the total amount for content development, designing, fabrication and installation of the eight coaches of Science Express Biodiversity Special. Members noted and ratified the same.

**24.24. Annual Report of NBA for the year 2010-2011**

The Annual report for the year 2010-2011 was approved in the 22<sup>nd</sup> Authority meeting. As per the decision of the Authority, printed copies of the Report were forwarded to the Ministry of Environment and Forests for placing before both the houses of the Parliament. Members noted the same.

**24.25. Extension of term of deputation to Shri C.A. Reddy, Secretary, NBA**

As regards the extension of term of deputation of Shri C. Achalender Reddy, IFS Secretary, NBA, the competent authority has conveyed approval for a period of one year i.e., up to 11<sup>th</sup> March 2013. The item was noted by the members.

#### **24.26. Additional space for office accommodation**

NBA is currently housed in a rental accommodation provided by M/s. TICEL Biopark, Taramani, Chennai with a total carpet area of 6990 sq.ft.in the 5<sup>th</sup> Floor. Taking into account the expansion of the office concomitant to addition of external aided projects coupled with engaging of expert consultants for effective discharge of the functions of the NBA, there is every justification for additional accommodation. Accordingly the NBA has taken over an additional space opposite to the NBA Secretariat in the same floor. The said additional accommodation, it is felt, would provide sufficient working space to NBA inclusive of project office. The additional space works out to 7650 sq.ft (carpet area). The total commitment of expenditure towards rent, A/c and O.M. charges of existing and additional space will be less than Rs.10.00 Lakhs which is reasonable keeping in view the standards maintained in the building by a state government owned company. The Members noted and ratified the action.

#### **24.27. Any other items with the permission of Chair. - Addl. Agenda**

##### **24.27.1: To consider guidelines for operationalization of documentation of People's Biodiversity Register**

The documentation of People's Biodiversity Register (PBR) involves financial implication and extensive preparatory works and the formation of Biodiversity Management Committees is a pre requisite for the preparation of PBRs. In accordance with the consensus arrived at in the National Consultation cum Workshop on PBRs in December 2011, guidelines have been prepared for operationalization of documentation of PBR. The proposed guidelines state that the State Biodiversity Board concerned will be the nodal agency that extends financial and technical support to the documentation process and the financial aid will flow from NBA to SBB and then to BMC. The fund transferred by SBB to BMC should be deposited in the Local Biodiversity Fund Account as per Sec 43(c) and the account should be operated and



maintained by the elected Chairman/Secretary or any one member authorized to sign the cheque. A detailed apportioning of the fund for different purposes has also been given. Further, it was also proposed that preliminary draft is submitted to the SBB at the end of the first year, based on which the SBB may release the required money as a second installment to the BMC. The PBR may be prepared in phases stretching from one to three years. Confidentiality of the PBR should be maintained till it is cleared by SBB. In case any doubt/complexity the SBB can refer the matter to NBA. On submission of authenticated utilization certificate by the BMC, the SBB will consolidate and submit the same to NBA at the end of each financial year; monitoring may be done through performance audit conducted by special teams constituted by NBA for the purpose. These guidelines will be updated by NBA from time to time. A copy of the proceedings was circulated to the members. The members appreciated the team for bringing out the codified guidelines for PBR and approved the same.

**24.27.2: Alleged misappropriation of the viral resistant trait of Indian melons by M/s Monsanto**

NBA received a communication from the Ministry of Environment and Forests on the alleged misappropriation of viral resistant trait of Indian melon by M/s Monsanto, USA. M/s Monsanto had also obtained patent on the seeds containing the said virus-resistant trait from the European Patent Office. The US Department of Agriculture database reveals the place of collection of the seeds (family: Cucurbitaceae, *Cucumismelo* subsp. *melo*) as India. It is also found that the same was accessed from India in 1966. As NBPGR acts as a nodal institute at national level for acquisition and management of indigenous and exotic plant genetic resources for food and agriculture, a request was made to NBPGR to arrange screening of their record/database for the said species and inform such details to NBA. Based on the information provided by the NBPGR, a communication was sent to the Director, Indian Agricultural Research Institute as his office handled import and export of germplasm prior to the existence of NBPGR. Reply is awaited from IARI. It was suggested that further developments may be appraised in the next meeting.

**24.27.3: Proposal from the Kerala State Biodiversity Board for the conduct of the Second Biodiversity Congress in December 2012**

The members were informed that the first Indian Biodiversity Congress (IBC) was held in December 2010 at Thiruvananthapuram and in the Congress it was decided to convene the Meet once in two years. The Kerala Biodiversity Board has again expressed its desire to host the second Biodiversity Congress also in Thiruvananthapuram during 28-30, December 2012 and suggested "Marine and Coastal Biodiversity" as the main theme with a special session on "Biodiversity and Food Security". In order to conduct several events associated with the Congress, the State Board has sought for the intervention of the NBA in raising funds to meet the expenditure, involving the other State Boards. Members felt that the Indian Biodiversity Congress having an All India outlook, confining its annual event to a particular state will deprive other states of the benefit of hosting it. It was therefore decided that the Congress can be organized by various SBBs on rotation basis with NBA serving the Chair / co-ordinator. Further, Members requested to consult MoEF since the proposal has both financial and programmatic implications.

**24.27.4: The First Meeting of State Biodiversity Boards in the North East Region from 4th-5th May 2012**

The Members were informed about the first meeting of SBBs in the NE region held at Shillong on 4-5, May 2012. Shri. Ranjan Chatterjee, IAS, Senior advisor and consultant, Planning Commission, Government of India was the Chief Guest and Dr. Balakrishna Pisupati, Chairman, NBA, presided over the conference, Shri. V.K. Nautiyal, PCCF, Meghalaya, Shri. C. Achalender Reddy, IFS, Secretary, NBA, Member Secretaries of eight North Eastern States and representatives of SBBs participated in the discussions. Consensus was arrived at for the establishment of a Regional Office at Shillong to record and conserve the rich biodiversity of the North Eastern Region. The members noted the information and decided to discuss it in the next meeting with a proposal on establishing a regional office as per section 8 of the Act.

#### **24.27.5: International Day for Biological Diversity celebrations 2012**

The United Nations has proclaimed May 22<sup>nd</sup> as the International Day for Biological Diversity (IDB) to enhance understanding and awareness on biodiversity issues. The members were informed of the events organized by the NBA in association with Loyola College, Chennai, such as exhibition, inter-collegiate competitions including poster/painting, innovation (junk art), quiz, elocution, and screening of documentaries with attractive cash prizes for winners, on the 10<sup>th</sup> and 11<sup>th</sup> of May, 2012. The events were aimed at creating awareness on the need for conservation of marine and coastal biodiversity which is incidentally the theme of IDB 2012. Celebrations were held at GRT Hotel, Chennai on this day which was graced by Dr. Braulio Ferreira de Souza Dias, Executive Secretary to the Convention on Biological Diversity and Shri M.F. Farooqui, IAS., Special Secretary, MoEF. Dr. R.S. Rana and Dr. S. Subramaniyan Members of NBA have participated in the event. The informative talks on conservation of marine biodiversity were given by eminent persons in the field. Further, on the 22<sup>nd</sup> of May 2012, a biodiversity conservation campaign in the form of skit/drama/street play/ enviro song/ release of brochure, pledge for life etc., was launched at Marina Beach as an innovative and creative strategy to attract public towards the cause of biodiversity conservation and clean-beach concept. The Members commended the NBA for organizing such awareness events.

#### **24.27.6: To consider items proposed by Dr. R.S. Rana, Member, NBA & Chairman, EC-ABS.**

##### **Policy for Scrutiny of Applications for Export of Seeds (Value Added Products) for Commercial Purpose**

While presenting recommendations of the 16<sup>th</sup> meeting of the Expert Committee on ABS (held on 26 July, 2011) during the 20<sup>th</sup> NBA meeting (held on 20 June, 2011), the EC Chairman Dr. Rana drew attention to the applications submitted by several seed companies, including some MNCs, for bulk export of seeds of varieties/ hybrids (including GMOs) developed by them and requested for policy guidance on this matter.

Main points for consideration are as under:

1. Whether NBA should be granting approval for bulk export of seeds of varieties/ hybrids/ GMOs (Value Added Products of Bioresources) or this matter needs to

be handled by the concerned Ministry/ Department/ Agency of the Central Government? DGFT and APEDA (Ministry of Commerce & Industry), for example.

2. In case it is to be dealt with by the NBA, should there be a restriction on the quantities of seeds under export? What may be the reasonable quantity of seeds that may be permitted for conducting multi-location yield trials in other countries? GEAC, in its 96th meeting held in September 2009, permitted M/s Nath Biogene to export 100g seeds of each of 15 Bt cotton hybrids to Pakistan and Philippines for conducting multi-location trials, subject to approval by NBA. NBA permitted M/s Rasi Seeds to export 10Kg of each of two Bt cotton hybrids, approved by the GEAC, to Pakistan.
3. Is it essential that the variety/ hybrid/ GMO, whose seeds are proposed to be exported, should have prior approval of the Central Variety Release Committee or the GEAC as the case may be?

It was requested that the issue may be discussed to develop an appropriate policy in this context. Members opined that quantifying 'bulk' differs from one bioresource to another bioresource; hence it has to be dealt carefully on case to case basis. It was decided that this item may be taken up separately by the ABS expert committee, by convening a special session on this topic and also involving some legal experts, and the outcome may be presented to the Authority for further consideration.

#### **24.27.7 Suggestions from Dr.Darshan Shankar, Member, NBA**

Dr.Darshan Shankar, Member, NBA proposed to enhance the level of focus and awareness on biodiversity in the country through the establishment of a 'National Innovation Council on Biodiversity' with inputs from NBA. The second proposal on creating a network of biodiversity information and data was deliberated. It was also informed that the development of an information network on biodiversity has been the mandate of NBA and NBA should explore the options to move this idea forward. It was suggested that the NBA may develop a concept paper and explore options on these issues seeking inputs from experts by involving Dr.D.Shankar for further discussion during the next meeting.

**24.27.8: Providing infrastructure grant to SBB projects for implementing UNEP-GEF project on ABS**

The West Bengal State Biodiversity Board had placed a request with NBA for renting additional space for housing the State Project Unit of the UNEP-GEF-MoEF project which will cost around Rs.9,00,000 per annum (Rs.75,000 per month). Since, the approved project document does not contain budget provision for incurring expenditure towards rent, either in GEF portion or in Govt. of India portion; the request was placed in the Authority for guidance. The Authority suggested that the NBA Secretariat may refer the matter to MoEF.

**24.27.9: Confirmation of employees in NBA**

The matter relating to a long pending issue of confirmation of three employees of NBA who have completed their probation period of two years, was placed before the Authority and the members were apprised of the administrative concerns inasmuch as these officials have fulfilled all the requirements for confirmation as per the DoPT instruction, but the same was pending on account of non-compliance of a stipulation in Regulation 7, and their guidance was sought for regularization. It was suggested that the Authority may consider condonation of the stipulation as permissible under Rule12(xii) of the Biological Diversity Rules, 2004 in order to enable the Departmental Promotion Committee to consider the employees for confirmation. The above rule envisages the National Biodiversity Authority to approve the method of recruitment of the officers and servants of the Authority. The Authority suggested that the NBA Secretariat may refer the matter to the MoEF, since this relates to recruitment and promotion rules which need to be finalized in consultation with the Administrative Ministry.

**The meeting ended with vote of thanks to and from the Chair.**

**Sd/-**  
**Secretary**  
National Biodiversity Authority

**sd/-**  
**Chairman**  
National Biodiversity Authority

## **Annex-I**

### **OFFICIAL MEMBERS**

1. Dr. BalakrishnaPisupati,  
Chairman, NBA
2. Dr. Bala Prasad IFS  
Chief Executive Officer,  
National Medicinal Plants Board,  
Department of AYUSH,  
Chandralok Building,  
36 Janpath,New Delhi- 100 001
3. Shri Hem Pande, IAS.,  
Joint Secretary,  
Ministry of Environment and Forests, ParyavaranBhavan,  
CGO Complex, Lodhi Road, New Delhi - 110003
4. Dr. Swapan Kumar Datta,  
Deputy Director General (Crop Science)  
Division of Crop Science, ICAR  
KrishiBhavan, New Delhi-114
5. Dr. RenuSwarup,  
Advisor,  
Department of Biotechnology,  
CGO Complex, Block No. 2  
Lodhi Road, New Delhi 110 003

### **NON-OFFICIAL MEMBERS**

1. Dr. Darshan Shankar,  
Advisor, FRLHT, Chairman, Institute of Ayurveda and Integrative Medicine (IAIM)  
74/2, Jarakabande Kaval, Post Attur, Via Yelahanka, Bangalore –560 064.
2. Dr.R.S.Rana  
Chairman, Bio-Link,  
D-43, Indraprastha Apartments, Sector 14, Rohini, New Delhi-110 025.
3. Dr. UppeandraDhar,  
11, SBI Apartments, Near Eicher School, Sector 46, Faridabad-121 002, Haryana.
4. Dr. K.M. Bujarbaruah,  
Vice-Chancellor, Assam Agriculture University, Jorhat-785013.

### **Secretary, NBA**

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

### **LEAVE OF ABSENCE GRANTED TO OFFICIAL MEMBERS**

1. ShriArun K Bansal, IFS  
Addl. Director General of Forests (FC),

Ministry of Environment & Forests, GOI,  
ParyavaranBhavan, CGO Complex, Lodhi Road, New Delhi – 110 003.

2. Dr. B. Harigopal,  
Adviser, Dept. of Science & Technology,  
Technology Bhavan, New Mehrauli Road, New Delhi.
3. Shri. S.K.G. Rahate IAS.,  
Joint Secretary (Plant Protection),  
Dept. of Agri. and Cooperation, KrishiBhavan, New Delhi.
4. Shri P. Madeswaran,  
Director, Ministry of Earth Science, Block -12, CGO Complex,  
Lodhi Road, New Delhi – 110003.
5. Shri A. K. Srivastava,  
Director,  
Ministry of Tribal Affairs, ShastriBhavan, New Delhi

**LEAVE OF ABSENCE GRANTED TO NON-OFFICIAL MEMBERS**

6. Dr. S. Subramaniyan  
54, VGP, Golden Sea View,  
Part-II, 2nd Main Road, 5th Cross Street, Palavakkam, Chennai-600 041.

**ANNEX-II**

<b>Check list for processing of Application in the NBA Secretariat</b>		
<b><u>Part A: To be Filled by the NBA Secretariat</u></b>		
		Reference FileNo.NBA/Tech Appl/9/473/11
1.		Name & Address of the Applicant
2.	(a)	DiaryNo.& Date
	(b)	Category of Application Form
	(c)	Whether the prescribed application Form has been used
	(d)	Whether the Application contains all the required information
	(e)	Whether the Applicant is Indian/ Non-Indian/Indian having Non-Indian participation in its share capital or management
	(f)	Application Fee received
3.	(a)	Nature of the requested bio-resources
	(b)	Name of the species
	(c)	Common/ Scientific Name
4.		Geographical location for access of the bioresource
5.		Quantity of bioresource
6.	(a).	WhetherSBB/BMCConsultationisrequired:[Ifalreadyconsulted,acopyoftheComments
	(b)	Recommendations of SBB/BMC is to be attached
7.		Proposed use of the bioresource: Research/ Commercial/ Bio-survey and Bio-utlization/ TransferofResearchResults/IPR/ThirdPartyTransfer*/ <i>(*Copy of NBA's approval for access is required where applicable)</i>
8.		Objective for seeking NBA's approval
9.		Whether listed in NTC by MoEF
10.	a	Time taken between receipt of application and its placement before EC on ABS:
	b	Reasons for inordinate delay if any



11.	Whether this application of the applicant had already been Examined /considered bytheEC?	Yes/No
11.	Any other remarks	

<b>Signatures of:</b>	
<b>Expert Consultant (if any)</b>	
<b>Technical Staff (Contract)</b>	
<b>Technical Assistant</b>	
<b>Technical Officer(BS)</b>	
<b>Advisor(Law)</b>	
	<b>Counter signed : Secretary,NBA</b>

<b>Part B: To be checked by the Expert Committee</b>		
11.	Whether Traditional Knowledge has been used	
12.	Screening of the bioresource species:	
	(a) Whether Rare/Endemic/Endangered/Threatened	
	(b) Whether listed under Wildlife Act/CITES/BDA, etc	
	(c) Whether restricted/prohibited underEXIM policy/DGFT guidelines/rules	
13	Whether the original file of the applicant was placed before the EC	Yes/No
14	Whether the proposal is likely to have an adverse impact on environment/sustainability of use/ livelihoods/ national interest	
15	<i>If 'Yes" then mention the date and the earlier recommendation</i>	
16	Any other item	
<b>Recommendations of the Expert Committee on ABS</b>		

Signature of Chairman and Members (Present) of Committee on ABS

**ANNEX – III**

### Action Taken Report

S. No.	Decision taken in the 23 <sup>rd</sup> Authority Meeting	Action taken
23.3	<p>Before taking up voting as proposed in agenda, on request made for Members, Chairman, NBA gave a brief on the Bt brinjal issue to bring home the provisions of the Act to the Members. He reiterated that the issue in question is not the use of biotechnology or issues related to collaborative research but it was about possible alleged violation of Biological Diversity Act in accessing local brinjal varieties. Referring to the various letters received from the Members of the NBA on the voting issue and related matters, the Chairman, NBA stated that it was the legal view that there has been violation of the Act even assuming that the access made was under a collaborative research project. Accordingly it was decided and reiterated in the previous meetings of Authority to proceed against the alleged violators to take the issue to logical conclusion.</p> <p>The representative of official member of DBT had brought the written opinion of other ministries (DST &amp; MoES) and handed over to Chairman for consideration. The Chairman, NBA was also requested to permit the representatives of MoES and NMPB to vote since they have been deputed by the concerned Ministries.</p> <p>Then the issue was taken up for voting.</p> <p>The meeting was attended by Chairman, NBA and two (2) non-official Members in person, and five (5) Members nominated by the Ex-Officio Members as per following details:-</p> <ol style="list-style-type: none"> <li>1. Dr.J.S.Sandhu, Asst. Director General (Seeds), ICAR (<b>Represented Dr.Swapan Kumar Datta</b>).</li> <li>2. Dr.Manoj K Modi, Scientist-C, Dept. of Biotechnology, Ministry of Science and Technology (<b>Represented Dr.Renu Swarup</b>).</li> <li>3. Dr.R.Kirubakaran, Scientist-F, National Institute of Ocean Technology, Chennai (<b>Represented</b></li> </ol>	<p><b>Action is being taken</b></p> <p>- Based on the decision of the Authority, NBA is examining the issue of proceeding with the lodging of complaint by consulting the Additional Solicitor General of India regarding formalities to be complied with. This is in view of the intricacies involved in the matter.</p>

	<p><b>Dr.Madeswaran).</b></p> <p>4. Dr.Sunil Dutt, Research Officer, Nat. Medicinal Plant Board, Dept. of AYUSH, (<b>Represented Dr.Bala Prasad</b>).</p> <p>5. Dr.G.N. Hazarika, Director of Research (Agriculture), Assam Agriculture University (<b>Represented Dr.Bujarbaruah, Non- official Member</b>).</p> <p>6. Dr.S. Subramaniyan, Non- Official Member</p> <p>7. Dr. Darshan Shankar, Non-Official Member</p> <p>However, it was informed by Chairman, NBA that 2 Members viz., Dr. R. Kirubakaran (MoES) and Dr.Sunil Dutt (NMPB) who have not submitted the proxy forms and Dr.G. N. Hazarika who represented the non-official member could not exercise their voting. Accordingly, voting slips/papers were distributed to eligible members to cast their vote. It was announced that <b>3 (three) members voted <u>for - initiating legal proceedings against the alleged violators</u></b> while <b>2 (two) Members (Proxy) were <u>not for such action</u></b>. Taking into account the majority it was decided to initiate legal action against the alleged violators subject to completion of all other formalities.</p> <p>Members pointed out the lack of awareness of the Act and the possibility of inadvertent error made by well-meaning citizens of this country.</p> <p>Shri K.S.Reddy, Min. of Environment and Forests, GoI, Regional Office, Bangalore who represented <b>Shri Arun K Bansal</b>, ADG(F), MoEF, New Delhi couldn't vote due to late arrival at 1.00 PM.</p>	
<p><b>23.4</b></p>	<p><b>To consider review of the Proceeding of 1<sup>st</sup> Interface meeting of the NBA, ICAR, DARE and NBPGR</b></p> <p>The Secretary, NBA informed that there is no term like “non-collaborative research” under the BD Act and that rule of law has to be followed. Further, he informed that the matter was discussed in the meeting of the reconstituted Expert Committee on Agrobiodiversity held on 24<sup>th</sup> Feb 2012. A sub-committee under the EC is looking into the issue. Also, he informed that applicants may have to go for either collaborative research project as per guidelines issued by the MoEF, GoI or approach</p>	<p><b>Action taken</b> – In this connection a communication has been sent to DG, ICAR &amp; Secretary, DARE <i>vide</i> letter no NBA/Tech. Gen/22/43/12-13/ dt 01.05.2012.</p>

	<p>NBA for necessary approval under the Act. The Members endorsed the same. The decision taken earlier in the First Interface meeting of NBA, DARE, ICAR and NBPGR on issues related to exchange of Plant Genetic Resources for research and the Para no (b) relating to non - collaborative research projects has been nullified after review.</p>	<p>Further, a Joint meeting with DARE, ICAR &amp; NBPGR was held on 2<sup>nd</sup> May 2012 at N.Delhi to discuss the draft guidelines on exchange of germplasm, implementation of ITPGRFA and repositories.</p>
<p><b>23.6.1</b></p>	<p><b>To consider Item proposed by Dr. Darshan Shankar, Member</b></p> <p>Dr.Darshan Shankar, Member explained in detail about the proposed agenda of evolving a comprehensive policy on medicinal plants. Given the immense cultural, economic, scientific, regulatory and conservation values associated with the 6500 odd species of medicinal plants of India, he stressed that the NBA may constitute a committee to initiate an “inter-sectoral policy document” on the conservation and sustainable use of medicinal plant resources. The document may be used by different departments of Government as well as by other stakeholders to formulate their plans, programmes and priorities in the 12<sup>th</sup> Five year plan. This policy should be comprehensive covering action being taken by different organizations while taking into consideration the IUCN guidelines, RET species, taxa, habitats, different Acts, policy guidelines etc. Also, he suggested that the committee may comprise members drawn from MoRD, ICFRE, NMPB, DST, DBT, ICAR, UNDP, representatives of industry and relevant NGOs. In response Secretary, NBA informed the members that the NBA is going to in reconstitute the Expert Committee on Medicinal Plants and that committee may be assigned the above task of coordination, compilation and coopting members to draft policy. The Chairman mentioned that mapping out the priorities set by the different departments have also to be taken into</p>	<p><b>Action taken</b> - EC on medicinal plant has been reconstituted <i>Vide</i> Office Order No. 2/33-2008/Admn.NBA/439 3-44 dt. 28<sup>th</sup> March 2012. The first meeting of the said committee was held on 14<sup>th</sup> April 2012.</p>

	consideration. The members endorsed the same.	
23.6.2	<p><b>To consider Designation of National Bureau of Agriculturally Important Insects as National Repository u/s 39 of the BD Act</b></p> <p>The proposal of NBAIL, Bengaluru to notify it as a designated national repository was agreed to by the Members.</p>	<p><b>Action taken-</b> Suitable proposal was sent to the MoEF <i>vide</i> NBA letter no. 2/23/2006/Admin/12-13/309-310 dated 19.04.12 for further necessary action.</p>
23.6.3	<p><b>To consider the Proceedings of the 18<sup>th</sup> Meeting of EC on ABS</b></p> <p>Recommendations of the 18<sup>th</sup> Meeting of EC on ABS held on 25<sup>th</sup> Feb 2012 were considered by the Members. The members suggested for a slight modification on the benefit sharing component with regard to Form-III (IPR) under the opition 'B' 2<sup>nd</sup> para to read as follows:-</p> <p>➤ The assignee/licensee shall enter into a tripartite agreement with the Applicant and the NBA to pay 5% of the lumpsum payment made by him to the licensor and also royalty @ 5% of the highest ex-factory sale price of the product sold and also used for captive consumption to NBA.</p>	<p><b>Action is being taken.</b></p>
23.6.4	<p><b>To consider item proposed by Dr.Subramaniyan, Member</b></p> <p>The items proposed by Dr.Subramaniyan, Member were discussed and the efforts taken by the Member were appreciated. It was informed that the NBA has to move forward in line with the provisions of the Act. However, the optimal way of doing needs further deliberations for operationalization.</p>	<p><b>Noted</b></p>
23.6.5	<p><b>To consider the proposal of Breed Saviour award by NBA</b></p> <p>Draft proposal and guidelines on "Breed Saviour Award" to be given by NBA were placed as an item of additional Agenda for the first time. Though, the proposal is in principle agreed by the members, it was suggested to circulate it to improvise it in respect of operationalisation of the proposal. It was also suggested that the cash award may be fixed as Rs.50,000 to each awardee.</p>	<p>Draft proposal/ guidelines were circulated and comments have been received. The final announcement and guidelines thereof were finalized and announcement inviting nominations for the award will be made on 5<sup>th</sup> June 2012.</p>