



सत्यमेव जयते



National Biodiversity Authority

Proceedings of the 56th Authority Meeting [Virtual Mode]

Held on 23rd & 30th June 2020

Proceedings of the 56th Authority Meeting of the National Biodiversity Authority, held on 23rd and 30th June 2020

The 56th Authority meeting of the National Biodiversity Authority (NBA) was held on 23rd and 30th June 2020 in 'virtual mode' under the Chairmanship of Dr.V.B. Mathur, Chairman, National Biodiversity Authority. The list of participants is placed as **Annexure-I**.

2. At the outset, Dr.V.B. Mathur, Chairperson, NBA welcomed the *ex-officio* Members and newly nominated non-official members to the first meeting of the reconstituted Authority. After the self-introduction of members, Chairman, NBA made a brief presentation on the mandates and activities of NBA in which inter-alia he highlighted the new initiatives taken by the NBA such as the National Mission on Biodiversity and Human Well-being (2020-2025) in partnership with Biodiversity Science Consortium; launch of "Biodiversity Samrakshan Internship Programme" for the youth; Webinar series on "Biodiversity Conservation and Biological Diversity Act, 2002"; National Initiative for Sustainable Assessment of Resources Governance (NISARG Bharat) for e-PBR framework; and initiation of the process of acquisition of building for NBA and land for establishing an International Biodiversity Park in Chennai. He also provided details of the development of various learning resources on BD Act under the GIZ ABS project viz. development of "Simply Explained" - Series of films on BD Act, BMC, PBR; Guidance documents for ABS compliance; and compilation of case studies of good practices.

3. Shri. J. Justin Mohan, Secretary NBA presented the agenda items for the meeting.

56.01: Confirmation of the Proceedings of the 55th Authority meeting
--

The draft proceedings of the 55th Authority meeting of the National Biodiversity Authority held on 12th March 2020 at Delhi were circulated to the Members for seeking their comments vide email dated 24th March, 2020. Since no comments were received from the members, the Proceedings of the Authority were confirmed.

Decision: The proceedings of the 55th Authority Meeting were confirmed by the members.

Action: Secretary, NBA

56.02: Action Taken Report of the 55th Authority Meeting

The Secretary, NBA apprised the members about the actions taken and actions that are in progress on the decisions taken in the 55th Authority Meeting. Dr. M.M.Kutty suggested that action(s) taken on each decision may be provided in greater detail.

Decision: Members noted the action taken on the decisions.

Action: Secretary, NBA

56.03: To consider the Proposed Draft Amendments to the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004

The Chairman, NBA explained the need and rationale for making amendments in the BD Act, 2002 and the BD Rules, 2004. He said that revision of Definitions given in the BD Act 2002 and BD rules, 2004 was needed to provide more clarity to users, facilitating ease of doing business, making regulatory regime more facilitative, incentivizing conservation especially Access and Benefit Sharing (ABS), response to COVID-19 Pandemic and difficulties faced by various stakeholders in implementing these legal instruments were also the reasons for going in for amendments.

2. Pursuant to the decision taken in the Authority in its 52nd meeting held on 19th March 2019, NBA vide office order dated 24th May 2019 constituted an Expert Committee under the Chairmanship of Shri. A. K. Goyal, IFS (Retd.) and Former Spl. Secretary in the Ministry of Panchayati Raj, to examine Biological Diversity Rules, User Country Measures under Nagoya Protocol on ABS & ABS regulations. Subsequently, the Expert Committee was also entrusted to examine Biological Diversity Act 2002 and development of sector specific SOPs on ABS as per the direction of the MOEFCC.

3. The Expert Committee, after ascertaining the views of the various stakeholders, developed draft amendments to the BD Act, 2002 and BD Rules, 2004 and submitted the same to NBA. Subsequently, draft amendments were circulated to the SBBs in February, 2020 for their comments on the same. Subsequently, NBA organized consultations with State Biodiversity Boards along with the members of the Expert Committee constituted for this purpose through virtual mode, for ascertaining the views / comments / suggestions of the State Biodiversity Boards / UTs on the proposed amendments to BD Act and BD Rules. The comments/inputs received from the SBBs were considered by the EC and the draft amendments proposed to the BD Act and BD Rules have been finalized and submitted to NBA, which have also been examined by the NBA Secretariat.

4. The Authority decided to first examine the amendments proposed to the BD Rules, 2004. Accordingly, the matrix showing the existing provisions of the rules and

the amendments proposed by the Expert Committee were presented by the Secretary, NBA to elicit the views of the members of the Authority on the proposed amendments. The modifications made by the Authority are summarized below:

- a). With regard to the amendments proposed by EC for replacing “traditional knowledge” with “associated knowledge”; members unanimously agreed to retain the words provided in the preamble of the BD Act i.e. ‘associated traditional and contemporary knowledge’ wherever the words ‘traditional knowledge’ occurs in the BD Rules, 2004.
- b). Similarly, members decided to replace the word ‘prescribed’ by the word ‘notified’ pertaining to the fees and forms, which have been brought outside the purview of BD Rules.
- c). With respect to the timelines for the disposal of applications in Rule 14 (3), Rule 17, Rule 18 and Rule 19, members deliberated on the reduced timelines proposed by the Expert Committee for granting approvals for different categories of applications. The existing procedures and statutory requirements in disposing off applications by the NBA Secretariat were also considered and members agreed to the proposed reduction in timelines by the Expert Committee.
- d). Members agreed to retain the existing provisions of Rule 4(1) pertaining to the Term of office of the Chairman as it was felt that the existing term of the Chairman is in line with the Government Policy. Similarly, members agreed to retain the existing provisions of Rule 8 pertaining to Removal of the members of the Authority.
- e). With respect to the appointment of the Secretary of the Authority, members felt that the provisions in Rule 9 should be retained to provide more flexibility to NBA to select a suitable officer.
- f). Members also agreed to retain the existing provisions in Rule 10(1) and include the words ‘or virtual mode’ to enable the Authority to convene meetings on virtual platforms, if required.
- g). With respect to Rule 10(9), members agreed to retain the existing provisions and include the words ‘electronically’ to issue notice of Authority meetings to members.
- h). Members agreed to delete the new provision given as Rule 11 (1) (A) for constitution of Sub Committees by the Expert Committees.
- i). Members also decided to retain the existing provisions in Rule 12 pertaining to the General functions of the Authority.

- j). In Rule 12(v), Members agreed to include the words, 'that pertains to the overall objectives of the NBA' to the existing provisions.
 - k). Members also decided to retain the existing provisions in Rule 12 (xviii) and (xix) pertaining to the physical inspection of areas and appointment of legal experts to oppose IPRs outside India.
 - l). Members agreed to include the word 'financial sanction' and to retain the word 'estimate' instead of the word 'proposal' in Rule 13 (6).
 - m). With respect to Rule 14 (10), members agreed to the suggestions of the Expert Committee but decided to remove the sentence relating to the monitoring process.
 - n). Members decided to include the words 'such revocation may be published on NBA website' in Rule 15 (2).
 - o). Members also decided to include 'endangered' to the recommendations made by the Expert Committee to Rule 16 (1) (i).
 - p). Members agreed to include tripartite agreement under Rule 19 (5) while executing agreement with the applicant (transferor) and the third party (transferee).
 - q). Members decided to retain the existing provisions in Rule 20 (1) pertaining to Guidelines and benefit sharing formula.
 - r). Members decided to include the word 'or' between monetary and non-monetary under Rule 20 (2).
 - s). Members agreed to retain Rule 23(3) as per the existing provisions pertaining to appeal and relief sought for.
 - t). With respect to Rule 23 (5), Rule 23 (6) and Rule 24 (2) Members agreed to retain the existing provisions and include the word 'in electronic form' with respect to the Memorandum of Appeal to be submitted by the aggrieved SBBs.
 - u). Members decided to retain the existing provisions for providing natural justice under Rule 23 (9).
5. Members from the AYUSH Ministry and CSIR-IMTECH requested the NBA Secretariat to examine the issues faced by the AYUSH industry and the scientific community while depositing microbial cultures in foreign repositories and it was decided to have separate meetings with the stakeholders.

Decision

- a). After examining the amendments proposed by the Expert Committee, the Authority authorized the Chairman to submit the Draft amendments proposed to the BD Rules, 2004 to the MoEF&CC. The matrix of the amendments proposed is enclosed as **Annexure-II**.
- b). Authority directed NBA to convene separate meetings with the officials of the AYUSH Ministry and the Scientific community to examine their proposals for ease of doing business and research respectively.

Action: Secretary, NBA

56.04: Updation of BMC formation and PBR documentation in the States in view of the NGT order in OA 347/2016

Consequent to the Order of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in O.A. No. 347 of 2016, Chandra Bhal Singh Vs. Union of India & Others directing the MoEF&CC and NBA to monitor the constitution of adequate numbers of Biodiversity Management Committees (BMCs) as against the local bodies and also documentation of People's Biodiversity Register (PBRs) as per Rule 22 of the Biological Diversity Rules, 2004 the MoEF&CC in coordination with NBA has been following upon the compliance and submitting reports to the Hon'ble NGT.

2. The Hon'ble NGT has directed the concerned respondents by issuing fixed timeline for completion of the above tasks in its interim orders dated 12.04.2019, 09.08.2019 and 18.03.2020. Chairman, NBA apprised the members that NBA is regularly pursuing the matter with the State Biodiversity Boards and Union Territory Biodiversity Councils (UTBCs) by conducting monthly review meetings and taking stock of the latest update. So far, ten review meetings have been conducted in last ten months to discuss the progress in setting up of BMCs and preparation of PBRs.

3. The Hon'ble NGT has also advised the MoEF&CC to constitute a Monitoring Committee that may oversee the quality of People's Biodiversity Registers on sample basis by evolving a suitable mechanism. The Chairman, NBA informed that two committees have been constituted vide O.M No. BA/15/30/2019/SBB/NGT dated 20.01.2020 for monitoring and evaluating the PBRs. So far these committees have met three times and have also made field appraisal and have made scoping visits in the state of Haryana, Karnataka, Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh, Uttarakhand and Kerala during Feb- March 2020.

4. Chairman, NBA also stated that committees have finalized a Framework for Quality Evaluation and Monitoring of the People's Biodiversity Registers (PBRs) documented in the country. The committees have also proposed a draft framework for formulation and updation of PBRs at Panchayat level including steps and budgetary

provisions for PBR preparation. However, on account of COVID-19 Pandemic, the site visits for evaluation of PBR quality have been put 'On hold'. The MoEFCC has also requested the Chief Secretaries of the all the States to form a State level Quality Evaluation Monitoring committee to evaluate the PBRs prepared at the State level using the same framework developed by the National level monitoring committee. He also added that NBA in association with NIC, Delhi and C-DAC, Pune is the process of developing a format of e-PBR preparation.

Decision: The Authority members appreciated the efforts taken to complete the formation of BMCs and the preparation of PBRs by the MoEFCC and NBA in close coordination with SBBs/ UTBCs.

Action: Nil

56.05: Ratification of Constitution/ Extension of Expert Committees
--

As per Office Memorandum issued by the MOEFCC, NBA vide office order dated: 18 April, 2020 constituted an Expert Committee under the chairmanship of Shri. C. Achalender Reddy, IFS to work on Digital Sequence Information (DSI) and related matters.

2. The tenure of the Expert Committee constituted to examine the Biological Diversity Rules, 2004; Biological Diversity Act, 2002; User Country measures under Nagoya Protocol; Development of Sector Specific SOPs on ABS; Evaluation of comments of stakeholders for incorporation in the draft Regulations on ABS, 2019; and suggesting measures for streamlining various approvals by NBA/SBB has been extended for three months or until further orders, whichever is earlier vide NBA office order dated 02.06.2020.

3. NBA wants to constitute an Expert Committee on Agro-biodiversity to deal with issues relating to agriculture and make recommendations thereof under the chairmanship of Dr.K.V Prabhu, Chairman, Protection of Plant Varieties & Farmers Rights Authority, New Delhi and Dr P.Santhanakrishnan, Former Vice Chancellor, Tamil Nadu Agricultural University and Atmiya University as the Co-chair of the committee.

Decision: The Authority members ratified the constitution of Expert Committees and also extension of tenure of the committee. Members also accorded consent to the composition of the Expert Committee on Agro-biodiversity.

Action: Secretary, NBA

56.06: Updation on National and International Projects

a) ASEAN-India Cooperation Project entitled “Capacity Building towards implementing the Nagoya Protocol on ABS, the City Biodiversity Index and Strategic Plan on Biodiversity” implemented by ASEAN Centre for Biodiversity, Manila and National Biodiversity Authority, Chennai.

The ACB-NBA cooperation is within the context of ASEAN-India cooperation and the financial support for the project activities are made by ASEAN-India Green Fund (AIGF) announced by Hon’ble Prime Minister of India at the 6th ASEAN-India summit held on 21 November, 2007 at Singapore with an initial contribution of USD 5 million from India to support collaboration activities relating to climate change, biodiversity conservation and environmental education among others. AIGF is administered by the ASEAN Secretariat based at Jakarta.

2. This cooperation project aims to complement experience and expertise, interests and priorities on biodiversity between NBA and ACB through the implementation of collaborative activities on specific thematic areas. The MoEFCC vide Office Order F.No.C/12025/03/ 2010-CS-III (Vol.II) dated 9 September, 2015 constituted a Project Steering Committee (PSC) to oversee the implementation of Project, chaired by Additional Secretary and incorporates representatives from ASEAN lead country as co-chair of the PSC, representative from ASEAN Secretariat, representative from MEA among others as members.

3. The Secretary, NBA apprised the members that during the project implementation period of 2018-2019, eight ASEAN-India Regional Capacity Building Workshops were organized jointly by NBA and ACB as per the approved project document. The details of workshops held under the Cooperation are available on NBA website: <http://nbaindia.org/aseanindia/events1.html> . The project is due for actual closure in July, 2020. Since there are no further physical activities possible due to COVID-19 pandemic, the project will be closed in June, 2020 as per the communication received from Indian Mission to ASEAN and the remaining funds will be returned to AIGF along with the Final Project Report. Secretary, NBA also informed that the final report of ASEAN project will be sent to the members in due course.

b) India – GIZ project on strengthening the institutional structure to implement the ABS mechanism

The Agreement was signed by MoEFCC, NBA and GIZ on 30.10.2017 on “Indo-German Access and Benefit Sharing (ABS) Partnership Project’. The objective of the ABS Project is to strengthen the capacities of the National Biodiversity Authority (NBA), the State Biodiversity Boards (SBB) and selected Biodiversity Management

Committees (BMC) in three pilot states, as well as User Groups for the effective implementation of the ABS mechanisms under the Biological Diversity Act 2002, and taking into account India's obligations under the Nagoya Protocol on ABS. NBA is the nodal agency and operational partner of GIZ for project implementation. The project is implemented at the national level in partnership with the NBA; at the state level with SBBs viz. Maharashtra, Uttarakhand and Tamil Nadu; and at local level with selected Biodiversity Management Committees (BMC) in these three states.

2. The project has made following achievements / progress during the implementation period: (1) developed ABS Communication strategy for NBA and SBBs focusing on 10 key stake holder groups; (2) developed Training modules and methods for Training of Trainers for operationalization of BMCs; (3) National and state level business dialogues held with biological resource based industries; (4) developing Sector specific guidance documents for seeds, biotechnology, research and cosmetics sectors; (5) developed 10 Model PBRs in three states; (6) developed eight ABS good practices documentation in the three partner states; (7) ZIZ in association with C-DAC Chennai developed IT enabled ABS monitoring system for NBA for monitoring the utilization of biological resources.

3. Secretary, NBA also apprised the members that the Project Steering Committee in its meeting held on 23rd April 2020 has agreed to endorse the 'Cost neutral' extension of the project up to 31st December, 2020.

Decision: The members took of the details of the Projects as information.

Action: Nil

56.07: To consider the Internal Audit Observations

Members were apprised about the Audit Report of Internal Audit Wing (IAW), MoEFCC for the FY April 2003 to March 2009 & FY April 2015 to March 2017 that has been received by NBA from O/o. Chief Controller of Accounts (IAW), MoEFCC. It was mentioned that out of 33 audit paras, 26 audit paras have been dropped during this year. The Audit comments from Principal Director of Audit, (Scientific Departments), Indian Audit and Accounts Department (IAAD) for the FY 2007-08 to 2016-17 have also been received by NBA in which out of total no. of 50 paras, 31 paras have been dropped during this year.

2. On perusal of the IAW's Audit Report and IAAD's comments, the following has been observed:

- (i) Booking Air tickets through unauthorized travel agencies,
- (ii) Performance of Travel of NBA officials/Official Members by private airlines between the sectors where Air India services were available.

3. Secretary, NBA informed that NBA regularly issues advisories to its committee members and staffs/officials to follow the guidelines issued by the Government of India for procurement of tickets. However, there are cases where the tickets have been procured in private airlines by citing reason of non-availability of seats / greater transit times / etc., for non-adherence of the said advisories. He added that an endorsement is obligatory from the Competent Authority in such cases and NBA needs to forward the same to the Internal Finance Division of MoEFCC for ratification and dropping of the Audit Para.

Decision: The Authority endorsed the proposal and instructed NBA to forward such cases to the Internal Finance Division of MoEFCC for ratification.

Action: Secretary, NBA

56.08: To consider the revised proposal on the Creation of New Posts for NBA

Secretary, NBA apprised the members that NBA has been functioning since its inception with 16 regular positions created initially in 2007 (staff recruitment in 2006) and these positions include those of Chairperson and the Secretary. Recognising the increase in functions and activities, the Authority recommended the creation of 58 new positions in 2012. As part of the 12th Five-year plan, an '*in-principle*' approval was accorded by the Expenditure Finance Committee (EFC) for creation of these 58 new positions. The proposal was sent to the Ministry of Finance which was examined and was returned for seeking clarifications including clearance from the NITI AAYOG and submission of a checklist for creation of new positions.

2. Chairman, NBA stated that NBA has recently reviewed its requirements of manpower at various levels in the context of its growing mandate and activities. Based on this, the proposal for creation of new positions has been internally reviewed. While the total number of new positions required remains the same as 58, for which an '*in principle*' approval has been received, the level and scale at which these positions have to be created has been made more pragmatic in order to address the present and emerging challenges in the effective implementation of the Biological Diversity Act, 2002. He also explained the need to create four (4) technical and (1) administration positions at the Director level as follows for effective functioning of NBA:

- a) Director (Scientific)
- b) Director (IPR and Law)
- c) Director (International Cooperation)
- d) Director (Coordination)
- e) Director (Administration and Finance)

3. Under the proposed five (5) Director level positions, a team of Senior Scientific Officers, Scientific Officers and Assistant Scientific Officers and other Administrative and Financial positions will have to be created to facilitate efficient functioning of NBA.

4. He mentioned that while four Director level positions will be based in the NBA headquarters at Chennai, One Director level post will be based in New Delhi for better coordination with the MoEFCC and other Ministries /Departments/Institutions. He also stated that two Director level positions will be filled up on a deputation basis from the Indian Forest Service while the remaining positions will be filled up on a permanent basis through, open selection/ promotions, as applicable.

5. Members endorsed the need and rationale for creating 58 new positions (**Annexure-III**) and agreed that NBA can move forward and submit the revised proposal for creation of new posts for approval of the competent authority. On priority basis, NBA may also develop draft Recruitment Rules for the 58 new positions at NBA and the same may be brought to the Authority for consideration.

Decision:

- a) The Authority endorsed the proposal for creation of 58 new positions (**Annexure-III**) and directed NBA to submit the same to MoEFCC for further action.
- b) Authority also directed NBA to develop Draft Recruitment Rules for all 58 positions, on a priority basis.

Action: Secretary, NBA

56.09: Items for information

(1) Meeting held with senior officials of the MoEFCC and NBA held on 5th May 2020 to discuss for unlocking the financial resources from the Ministry of Panchayati Raj for documenting PBRs'

A meeting was organized through video conference with senior officials of the MoEFCC and NBA held on 5th May 2020 to discuss issues related to unlocking the financial resources from the Ministry of Panchayati Raj for documenting People's Biodiversity Register at the local body's level. Dr. B. Umadevi, Additional Secretary, MoEFCC, Dr. V.B. Mathur, Chairman, NBA, Dr. Sujit Kumar Bajbayee, Jt. Secretary, MoEFCC, Shri. J. Justin Mohan, Secretary, NBA and Dr. Tarun Kathula, Director, MoEFCC have been participated in the meeting. The Additional Secretary, MoEFCC endorsed the proposal for unlocking the funds for preparation of People's Biodiversity Register at the local body's level.

(2) Meeting held with National Informatics Centre, Kerala and Chennai on development of e-PBR

Recognizing the importance of the PBR in various sectors, NBA wants to develop a National Information Network for PBR's for use by all stakeholders with the help of experts in order to protect the biological resources and traditional knowledge associated with it. Having realized the emerging & urgent need of setting up of national electronic PBR network, it is necessary to develop in-depth roadmap, and then begin with its implementation of this e-PBR concept.

2. In this context, NBA is actively pursuing the development of e-PBR network in association with National Informatics Centre (NIC). Accordingly, NBA convened an virtual meeting on 29.04.2020 with the officials of the NIC, Kerala and Chennai to review project components of e-PBR pilot phase project and way forward on this subject.

(3) Meeting held to discuss strategy towards “Summit on Biodiversity”

The CBD vide notification no. SCBD/OES/EM/DC/IS/88838 dated 14 April 2020 informed about the resolution A/RES/74/269 adopted by the United Nations General Assembly on 31.03.2020, in which the General Assembly has decided that the Summit on Biodiversity at the level of Heads of State and Government would be convened by the President of the General Assembly at the United Nations Headquarters in New York on 22.09.2020. The Summit on Biodiversity will be convened under the theme “Urgent Action on Biodiversity for Sustainable Development” and will consist of a plenary segment for general discussion, two Leaders’ Dialogues and a closing segment. The dialogues will be held under the following themes:

- a) “Addressing biodiversity loss and mainstreaming biodiversity for sustainable development” (dialogue 1)
- b) “Harnessing science, technology and innovation, capacity-building, access and benefit sharing, financing and partnerships for biodiversity” (dialogue 2)

2. In order to discuss the strategy for the proposed summit, as instructed by the MoEFCC, NBA organized a meeting with the senior officials of the MoEFCC to discuss strategy towards “Summit on Biodiversity” on 27.04.2020. The meeting was attended by senior officials including Dr. B. Umadevi, IFS, Additional Secretary, MOEFCC, Dr. V.B. Mathur, Chairman, NBA and Shri Justin Mohan, IFS, Secretary, NBA.

(4) Meeting held with officials of UNDP for strengthening the institutional structure: NBA organized a meeting on 05.05.2020 with the officials of the UNDP for evolving projects towards strengthening the institutional capacities for the effective implementation of the BD Act across the country.

(5) Meeting held to review a project on “IT based ABS monitoring tool”

Under the GIZ ABS project, one of the objectives is to develop IT enabled system for monitoring the utilization of Indian biological resources to enhance NBA's capacity to monitor the utilization of Indian bio-resources and associated traditional knowledge. The task of development of IT based tool has been entrusted to the Centre for Development of Advanced Computing (C-DAC), Government of India, Chennai and a foreign consultant Dr. Paul Oldham. Accordingly, the GIZ team developed on monitoring tool and tested the functionality; however, it needs further improvements for effective functioning.

In this context, NBA organized a meeting under the chairpersonship of Dr. V.B. Mathur, Chairman, NBA with representatives the GIZ India, NIC and C-DAC on 20.04.2020 to review the project on “Online ABS monitoring tool”.

(6) Streamlining of Procedures for examination of ABS applications and granting approval by NBA

As per the 100 days' plan adopted by the MoEFCC, one of the goals under the 100 days programme included “Suggesting Measures for streamlining the various Clearances by the NBA/SBBs”. Accordingly, NBA constituted an expert committee under the Chairmanship of Shri. A.K. Goyal, IFS (Retd.) to examine BD Act, Rules and suggested modification thereof, suggesting Measures for Streamlining Various Clearances by NBA/SBBs, etc.

2. Subsequently committee submitted an Interim report “Suggesting Measures for Streamlining the various Clearances by the NBA” on September, 2019. The report was considered by the 54th Authority and approved the same.

3. Based on the report of the committee, NBA vide office order dated 19.03.2020 has streamlined the movement of ABS applications and processing of ABS applications in the NBA Secretariat. As per the streamlined procedures, all ABS applications received by the NBA may not be referred the Expert committee on ABS for examination whereas applications involve any critical issues may alone refer to the Expert committee. This approach would reduce the timeline for granting approval in greater extent.

(7) Generating the Internationally Recognized Certificate of Compliance (IRCC)

Under the Article 17 of the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization, Parties are required to issue a permit or its equivalent at the time of access as evidence that access to genetic resources was based on prior informed consent and that mutually

agreed terms were established. Since India is being a party to the Nagoya Protocol, NBA has uploaded details of the approvals granted in the ABS CH platform and Internationally Recognized Certificate of Compliances were generated to the 1061 approvals, so far. Of which, 320 IRCCs have been generated from January, 2020 onwards.

(8) Fast track procedure for obtaining approval of NBA for conducting research on biological resources occurring in India or knowledge associated thereto on COVID-19 related applications

In response to the COVID-19 outbreak, there is an urgent need to accelerate the development of diagnostics, vaccines, novel therapeutics and re-purposing of drugs for this novel coronavirus. Accordingly, NBA vide office order No. vide office order No. NBA/ Chairman /Misc/2020-21 Dated 3rd April, 2020 introduced a fast track the process of application obtaining approval of NBA for conducting research on biological resources occurring in India or knowledge associated thereto. As mandated under Section 3 of the Biological Diversity Act 2002, for the person/entity falling under Section 3(2) of the said Act, it has been decided to process the applications received by NBA, complete in all respects, within 5 (five) working days.

2. Accordingly, NBA is giving top priority to COVID-19 research and manufacture of drugs for treatment of COVID related ABS applications and disposing the same within short spam. The NBA has forwarded the draft agreement to two applicants for execution to grant approval.

(9) Details of Form-C applications received by the NBA

The Authority in its 37th meeting held in March 2016 under agenda item 37.14.02, decided that the Indian researchers / scientists should provide prior intimation to the NBA in the prescribed format viz., Form-C for deposition of microorganisms in other country's repository for claim of novel species for publication in journals. NBA has received 201 such intimations since March 2016 – March 2020 and the same have been reported to the Authority from time to time. Since March 2020 the Secretariat has received three Form-C applications.

(10) Celebrations of the International Day for Biological Diversity 2020 and World Environment Day 2020

The NBA in partnership with UNDP, India celebrated the International Day for Biological Diversity, 2020 on 22nd May 2020 in a very elaborate manner and in virtual mode.

2. The celebrations were inaugurated by Shri. Prakash Javadekar, Hon'ble Minister for Environment, Forest and Climate Change in Indira Paryavaran Bhawan,

New Delhi. The Hon'ble Minister of MoEFCC launched the NBA-UNDP Biodiversity Samrakshan Internship Programme and the webinar series on 'Biodiversity and Biological Diversity Act, 2002'. The Chairman, NBA moderated the panel discussion on 'COVID-19 and the One-Health' approach. To celebrate the World Environment Day, 2020 on 5th June 2020 the NBA partnered with UNESCO-India, TERI, WWF and the Surabhi Foundation to launch a Natural Television Series 'Pockets of Hope' on the World Network of Biosphere Reserves and organized four webinars on Sundarbans, Nilgiris, Gulf of Mannar and Nanda Devi Biosphere Reserves. The State Biodiversity Boards in a large number of states also celebrated the two events in a very elaborate way by organizing a large number of virtual events to promote awareness about Biodiversity Conservation.

Decision:

- a) The members appreciated the planning and conduct of meetings by NBA and the celebrations of International Day for Biological Diversity 2020 and the World Environment Day, 2020.
- b) The Authority took note of receipt of three Form C applications.

Action: Nil

56.10: Allotment of Building/ Land for housing of Office of National Biodiversity Authority in Chennai and Establishment of International Biodiversity Park

The Chairman, NBA apprised the members that the office of the NBA has been functioning in rented premises in TICEL Biopark, Chennai since its inception, which is owned by the State Government. The NBA is in the process of expanding its activities related to conservation of biodiversity across India and therefore requires more space. MoEFCC is also keen to set up a model Biodiversity Park of International standards in Chennai through NBA. This park would further contribute to raising the profile of India at both national and international levels, besides demonstrating the commitment towards effective conservation of biological diversity.

2. In this connection, NBA has identified a building along with a piece of land in the Forest Office complex at Nanmangalam, which is nearly 10 km away from the present office premises. The land belongs to Forest Department, Government of Tamil Nadu. The Government of Tamil Nadu has indicated its willingness to support the proposal of NBA. Chairman, NBA also stated that the Hon'ble Minister of Environment, Forest and Climate Change has written a letter to Hon'ble Chief Minister of Tamil Nadu to consider allotting 50 acres of land for establishing the Biodiversity Park along with constructed office building to NBA and also consider waiving off the land and asset costs.

Decision:

- a) Members noted the updates on acquisition of building for NBA and also expressed their consent on requirement of own building and more space to NBA.
- b) The members also appreciated the efforts being taken for the development of Biodiversity Park of International standards in Chennai.

Action: Nil

56.11: Any other item (s) with the Permission of the Chair

56.11.01: To Consider the revised Guidelines for Engagement of Consultants; Young Professionals and Interns
--

The Chairman apprised the members that a committee under the Chairmanship of Shri P.C.Tyagi, PCCF (Retd) had sent its recommendation to NBA, electronically due to COVID-19 situation. Further, the Ministry of Environment, Forest and Climate Change has issued an OM No.No.A.65013/7/2018-P.II, dated 21-12-2018, prescribing guidelines for engagement of Consultants. Based on the committee's recommendations and OM of MoEFCC, NBA has finalized the guidelines for engagement of Consultants and Young Professionals as two separate guidelines.

2. Chairman, NBA also apprised that Hon'ble Minister MoEF&CC has launched a "Biodiversity Samrakshan Internship Programme" for the youth in May 2020. In order to implement the programme, NBA with the help of the said committee has also developed a "Guidelines for engagement of Biodiversity Samrakshan Internship Programme at NBA".

3. Chairman, NBA informed that the NBA Committee has also revised the guidelines for engagement of Young Professionals (Scientific and Legal) and various levels based on qualifications and experiences.

Decision:

- a) The Authority ratified the revised guidelines for engagement of Consultants (**Annexure-IV**) and Interns (**Annexure-V**) and also agreed for the initiation of the process of engagement).
- b) The Authority ratified the revised guidelines for engagement of Young Professionals (Scientific and Legal) in various categories (**Annexure-VI**).

Action: Secretary, NBA

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

Annexure -1

List of Participants

S.no	23 June 2020	30 June 2020
Official Members		
1	Dr V.B. Mathur , Chairman, NBA	Dr V.B. Mathur , Chairman, NBA
2	Dr. Sujit Kumar Bajpayee , Joint Secretary, Ministry of Environment, Forest and Climate Change, New Delhi	Dr. Sujit Kumar Bajpayee , Joint Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
3	Dr.J.L.N. Shastri , Chief Executive Officer, National Medicinal Plant Board, New Delhi	Dr.J.L.N. Shastri , Chief Executive Officer, National Medicinal Plant Board, New Delhi
4	Dr. Mohd. Aslam , Scientist 'G', Department of Biotechnology ,New Delhi	Dr. Manoj Kumar Modi , Scientist 'E', Department of Biotechnology ,New Delhi
5	Dr. Atmanand , Director, National Institute of Ocean Technology, Chennai	Dr. Atmanand , Director, National Institute of Ocean Technology, Chennai
6	Dr. Sanjay Kumar , Director, Institute of Himalayan Bioresource Technology	Dr. Sanjay Kumar , Director, Institute of Himalayan Bioresource Technology
Non-official Members		
7	Dr. M.M. Kutty , IAS (Retd.), 14/6, Officers Flat, Tilak Marg, New Delhi.	Dr. M.M. Kutty , IAS (Retd.), 14/6, Officers Flat, Tilak Marg, New Delhi.
8	Dr. Unnat P. Pandit , Professor of IP, Innovation and Entrepreneurship, IPMC, JNU, New Delhi	--
9	Dr. Joykumar Meitei Laishram , Professor and Dean, College of Agriculture, Central Agriculture University, Imphal, Manipur	Dr. Joykumar Meitei Laishram , Professor and Dean, College of Agriculture, Central Agriculture University, Imphal, Manipur
10	Dr. Alka Rao , Principal Scientist, CSIR-Institute of Microbial Technology (CSIR-IMTECH), Chandigarh	Dr. Alka Rao , Principal Scientist, CSIR-Institute of Microbial Technology (CSIR-IMTECH), Chandigarh
11	Shri M.S. Chaitra , Director and Fellow, Aarohi Research Bangalore- 560076, Karnataka	Shri M.S. Chaitra , Director and Fellow, Aarohi Research Bangalore- 560076, Karnataka
Secretary to the Authority		
12	Shri. J. Justin Mohan , IFS Secretary, National Biodiversity Authority, Chennai –600 113	Shri. J. Justin Mohan , IFS Secretary, National Biodiversity Authority, Chennai –600 113

Annexure - II

Revised Amendments to the Biological Diversity Rules, 2004 as per discussions held during the 57th Authority meeting of NBA held on 23 June and 30 June 2020

(based on the Existing Provisions of the Biological Diversity Act, 2002)

General decision – With regard to issue of using “associated knowledge in the rule instead of using associated traditional knowledge, Authority noted that Rule 14(1) of the BD Rules, 2002 denotes associated traditional knowledge. Whereas regulatory provision of the BD Act 2002 viz 3, 4, 6 use as “associated knowledge”. The provisions of the CBD & Nagoya Protocol on ABS use “associated traditional knowledge”. It was pointed out that Preamble of BD Act, 2002 provides that associated traditional and contemporary knowledge system relating thereto. Thus, it was suggested that as “traditional and contemporary” denoted in the preamble of the BD Act has been omitted in the BD Rules, the same may be captured in the Rules in order to have uniformity amongst BD Act as well as Nagoya protocol. Considering this in view, it was **decided to use the phrase “associated traditional and contemporary knowledge” instead of “associated knowledge” throughout the BD Rules.**

Text of the Existing BD Rules, 2004 (1)	Changes Proposed in the Existing B D Rules by the Expert Committee (2)	Final Text of the Rules as Proposed by the Expert Committee (3)	Justification for the Amendments Proposed by the EC (4)	56 th Authority's decision / Final Text (5)	Comments of the Authority Members (6)
Short title and commencement		1.Short title and commencement		1.Short title and commencement	—
1(1) These rules may be called the Biological Diversity Rules, 2004.	1(1) These rules may be called the Biological Diversity (Amendment) Rules, 2020 2004	1(1) These rules may be called the Biological Diversity (Amendment) Rules, 2020		1(1) These rules may be called the Biological Diversity (Amendment) Rules, 2020	—
1(2) This shall come into force on 15th April, 2004	1(2) This shall come into force on 15th April, 2004	1(2) These rules shall come into force, 60 days after the date of their	Sometime will be required by the Central Government for	1(2) These rules shall come into force, 60 days after the date of their	—

	1(2) These rules shall come into force, 60 days after the date of their notification in the Official Gazette.	notification in the Official Gazette.	issue of notifications on the revised fee and formats of the applications and similar preparations by the NBA.	notification in the Official Gazette.	
2 Definitions In these rules, unless the context otherwise requires, -		2 Definitions In these rules, unless the context otherwise requires, -		2 Definitions In these rules, unless the context otherwise requires, -	—
2(a) “Act” means the Biological Diversity Act 2002 (18 of 2003);		2(a) “Act” means the Biological Diversity Act 2002 (18 of 2003);		2(a) “Act” means the Biological Diversity Act 2002 (18 of 2003);	—
2(b) “Authority” means the National Biodiversity Authority established under sub-section (1) of Section 8,		2(b) “Authority” means the National Biodiversity Authority established under sub-section (1) of Section 8,		2(b) “Authority” means the National Biodiversity Authority established under sub-section (1) of Section 8,	—
2(c) “Biodiversity Management Committee” means a Biodiversity Management Committee established by a local body under sub-section (1) of Section 41;		2(c) “Biodiversity Management Committee” means a Biodiversity Management Committee established by a local body under sub-section (1) of section 41;		2(c) “Biodiversity Management Committee” means a Biodiversity Management Committee established by a local body under sub-section (1) of section 41;	—
2(d) “Chairperson” means the chairperson of the National Biodiversity Authority or as the case may be, of the		2(d) “Chairperson” means the Chairperson of the National Biodiversity Authority or as the case may be, of		2(d) “Chairperson” means the Chairperson of the National Biodiversity Authority or as the case may be, of the State Biodiversity Board.	—

State Biodiversity Board.		the State Biodiversity Board.			
2(e) “fee” means any fee stipulated in the Schedule;	2(e) “fee” means any fee stipulated in the Schedule; as notified by the Central Government from time to time.	2(e) “Fee” means any fee as notified by the Central Government from time to time.	This empowers the Central Government to make changes in the fee structure as required from time to time and as recommended by the NBA based on their experience in implementation of the provisions of the Act and Rules	2(e) “Fee” means any fee as notified by the Central Government from time to time.	—
2(f) “Form” means form annexed to these rules;	2(f) “Form” means forms as prescribed by the Central Government from time to time—annexed to these rules;	2(f) “Form” means forms as prescribed by the Central Government from time to time	This empowers the Central Government to make changes in the formats of the various applications, add or delete any form as recommended by the NBA based on their experience in implementation	2(f) “Form” means forms as prescribed by the Central Government from time to time	—
2(g) “Member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the chairperson as the case may be;	2(g) “Member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson as the case may be;	2(g) “Member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson as the case may be;		2(g) “Member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson as the case may be;	—

2(h) “section “ means a section of the Act;		2(h) “Section“ means a section of the Act;		2(h) “Section“ means a section of the Act;	—
2(i) “Secretary” means the full time Secretary of the Authority.		2(i) “Secretary” means the full time Secretary of the Authority.		2(i) “Secretary” means the full time Secretary of the Authority.	—
2(j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.		2(j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.		2(j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.	—
3 Manner of selection and appointment of the Chairperson		3 Manner of selection and appointment of the Chairperson		3 Manner of selection and appointment of the Chairperson	—
3(1) The Chairperson of the Authority shall be appointed by the Central Government.		3(1) The Chairperson of the Authority shall be appointed by the Central Government.		3(1) The Chairperson of the Authority shall be appointed by the Central Government.	—
3(2) Every appointment of Chairperson under sub-section (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.	3(2) Every appointment of Chairperson under sub-rule (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.	3(2) Every appointment of Chairperson under sub-rule (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.		3(2) Every appointment of Chairperson under sub-rule (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.	—

4 Term of office of the Chairperson		4 Term of office of the Chairperson		4 Term of office of the Chairperson	—
4(1) The Chairperson of the Authority shall hold the office for a term of three years' and shall be eligible for re-appointment,	4(1) The Chairperson of the Authority shall hold the office for a term of three years and which may be extended not exceeding two years.	4(1) The Chairperson of the Authority shall hold the office for a term of three years and which may be extended not exceeding two years.	<p>*Three years term for Chairperson is quite inadequate keeping in view the responsibilities to be discharged by him. Apart from maintaining liaison with officials in various states, he is required to represent the country in a number of international fora. Further, selection process for appointment to the post of Chairperson is quite elaborate and takes a lot of time and hence extension of tenure for two years is proposed at the discretion of the Government.</p> <p>*This issue was discussed a number of times in detail by the EC and there were some divergent views. However, finally majority of the members agreed to</p>	4(1) The Chairperson of the Authority shall hold the office for a term of three years' and shall be eligible for re-appointment,	The Chairperson, NBA is equivalent to the rank of Secretary to the Government of India and appointment or extension of such positions has to be in line with the Central government policies/rules. Hence, it was decided that status quo should be maintained.

			the proposals made in the Rules.		
4(2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires which is earlier.	4(2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires which ever is earlier.	4(2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires whichever is earlier.		4(2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires whichever is earlier	—
4(3) The Chairperson may resign from his office by giving at least one month notice in writing to the Central Government.	4(3) The Chairperson may resign from his office by giving at least one three months' notice in writing to the Central Government. However, the Central Government may relax the period of notice.	4(3) The Chairperson may resign from his office by giving at least three months' notice in writing to the Central Government. However, the Central Government may relax the period of notice.	<p>**This provides adequate time to the Central Government for completing the selection process of the new Chairperson.</p> <p>**This issue was discussed a number of times in detail by the EC and there were some divergent views. However, finally majority of the members agreed to the proposals made in the Rules.</p>	4(3) The Chairperson may resign from his office by giving at least three months' notice in writing to the Central Government. However, the Central Government may relax the period of notice.	—
	4(4) Selection process for appointment of the Chairperson shall be initiated at least six months before the completion of the tenure of incumbent.	4(4) Selection process for appointment of the Chairperson shall be initiated at least six months before the completion of the tenure of incumbent.	This provides adequate time to the Central Government for completing the selection of the new Chairperson	4(4) Selection process for appointment of the Chairperson shall be initiated at least six months before the completion of the tenure of incumbent.	—

			and also to the new incumbent to prepare himself to take up the new assignment		
5 Pay and allowances of Chairperson :	5 Pay and allowances of the Chairperson	5 Pay and allowances of the Chairperson		5 Pay and allowances of the Chairperson	—
5(1) A Chairperson shall be entitled to a fixed pay of Rs. 26,000/- per month. In case of retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons.	5(1) A Chairperson shall be entitled to pay equivalent to that of Secretary to the Government of India to a fixed pay of Rs. 26,000/- per month. In case of a retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons.	5(1) A Chairperson shall be entitled to pay equivalent to that of Secretary to the Government of India. In case a retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons.		5(1) A Chairperson shall be entitled to pay equivalent to that of Secretary to the Government of India. In case a retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons.	
5(2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, house and other perquisites, etc., to be decided by the Central Government from time to time.	5(2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, medical facilities, house and other perquisites, etc., to be decided by the Central Government from time to time.	5(2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, medical facilities, house and other perquisites, etc., to be decided by the Central Government from time to time.		5(2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, medical facilities, house and other perquisites, etc., to be decided by the Central Government from time to time.	—
6 Term of office and allowances of non-official Members:	6 Terms of office and allowances of non-official Members	6 Terms of office and allowances of non-official members		6 Terms of office and allowances of non-official members	—
6(1) Every non-official member of the		6(1) Every non-official member of the Authority		6(1) Every non-official member of the Authority	

Authority shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the official Gazette.		shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the Official Gazette.		shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the Official Gazette.	—
6(2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official member of commissions and committees of the Central Government attending the meeting (s) of such Commissions or Committees.		6(2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official members of Commissions and Committees of the Central Government attending the meeting(s) of such Commissions or Committees.		6(2) Every non-official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non-official members of Commissions and Committees of the Central Government attending the meeting(s) of such Commissions or Committees	
7 Filling up of vacancies of non-official members	7 Filling up of vacancies of non-official members	7 Filling of vacancies of non-official members		7 Filling of vacancies of non-official members	—
7(1) A non –official member of the Authority may resign his office at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the		7(1) A non-official member of the Authority may resign at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the Authority shall become vacant.		7(1) A non-official member of the Authority may resign at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the Authority shall become vacant.	—

Authority shall become vacant.					
7(2) A casual vacancy of a non – official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.		7(2) A casual vacancy of a non-official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.		7(2) A casual vacancy of a non-official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.	—
8 Removal of the members of the Authority.	8 Removal of the members and Chairperson of the Authority.	8 Removal of the members and Chairperson of the Authority		8 Removal of the members of the Authority.	—
No member of the Authority shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member a reasonable opportunity of being heard	No member of the Authority, including the Chairperson , shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member or Chairperson a reasonable opportunity of being heard.	No member of the Authority, including the Chairperson, shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member or Chairperson a reasonable opportunity of being heard.		No member of the Authority shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member a reasonable opportunity of being heard	Since the appointment of the Chairperson is made by the Central Government, it has power /discretion to remove any Chairperson as a member of the Authority if it may deem it. Hence, it was decided that status quo shall be maintained.
9 Secretary of the Authority		9 Secretary of the Authority			

9(1) The Authority shall appoint a Secretary to it.	The Authority shall appoint a Secretary to it. 9(1) The Secretary to the Authority shall be appointed by the Central Government. He shall be entitled to pay equivalent to that of Joint Secretary to the Government of India.	9(1) The Secretary to the Authority shall be appointed by the Central Government. He shall be entitled to pay equivalent to that of Joint Secretary to the Government of India.	As experienced in the past, a lot of administrative delay takes place in appointment of Secretary because the advertisement is issued by the Authority and all other approvals are obtained from the Central Government. Hence, to avoid such type of delays, the appointment has been proposed at the level of Central Government. Clarity in pay scale has also been provided.	9(1) The Authority shall appoint a Secretary to it.	It was decided that status quo shall be maintained.
9(2) The terms and conditions of the appointment of the Secretary shall be determined by the Authority by regulation.	9(2) The terms and conditions of the appointment of the Secretary shall be as determined by the Authority by regulation by the Central Government.	9(2) The terms and conditions of the appointment of the Secretary shall be as determined by the Central Government.		9(2) The terms and conditions of the appointment of the Secretary shall be as determined by the Central Government.	—
	9(2)A Selection process for appointment of Secretary shall be initiated at least six months before the completion of the	9(2)A Selection process for appointment of Secretary shall be initiated at least six months before the completion of the tenure of the incumbent.	This provides adequate time to the Central Government for completing the selection of the new Secretary and also to the new	9(2)A Selection process for appointment of Secretary shall be initiated at least six months before the completion of the tenure of the incumbent.	—

	tenure of the incumbent.		incumbent to prepare himself to take up the new assignment		
9(3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority		9(3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.		9(3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.	—
	9(4) The Secretary shall be in-charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.	9(4) The Secretary shall be in-charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.		9(4) The Secretary shall be in-charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.	—
10 Meetings of the Authority		10 Meetings of the Authority		10 Meetings of the Authority	
10(1) The Authority shall meet at least four times in a year normally after a period of three months at the Headquarters of the Authority or at such place as may be decided by the Chairperson.	10 (1) The Authority shall meet at least once in a quarter in a year four times in a year normally after a period of three months at the Headquarters of the Authority or at such place as may be decided by the Chairperson.	10(1) The Authority shall meet at least once in a quarter in a year at the Headquarters of the Authority or at such place as may be decided by the Chairperson.		10(1) The Authority shall meet at least four times in a year normally after a period of three months at the Headquarters of the Authority or at such place as may be decided by the Chairperson.	The proposed amendments insist that Authority must meet once in a quarter. It may not be possible to have meeting in every quarter due to various administrative / other issues. Whereas the existing rule provides more leverage by having four meeting in a year. Hence, it was decided that status quo shall be maintained.

10 (2) The Chairperson shall, upon a written request from not less than five Members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.		10(2) The Chairperson shall, upon a written request from not less than five members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.		10(2) The Chairperson shall, upon a written request from not less than five members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.	—
10(3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.		10(3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.		10(3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.	—
10(4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.		10(4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.		10(4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.	—
10(5) The decision of the Authority at a meeting shall, if necessary, be taken by a simple majority of the members	10(5) The decisions of the Authority at a meeting shall, if necessary, be taken by a simple majority of the members present and	10(5) The decisions of the Authority at a meeting shall, if necessary, be taken by a simple majority of the members present and		10(5) The decisions of the Authority at a meeting shall, if necessary, be taken by a simple majority of the members present and voting and the	—

present and voting and the Chairperson or in his absence, the Member presiding shall have a second or casting vote.	voting and the Chairperson or in his absence, the Member presiding shall have a second or casting vote.	voting and the Chairperson or in his absence, the member presiding shall have a second or casting vote.		Chairperson or in his absence, the member presiding shall have a second or casting vote.	
10(6) Each member shall have one vote.		10(6) Each member shall have one vote.		10(6) Each member shall have one vote.	—
10(7) The quorum at every meeting of the Authority shall be five.		10(7) The quorum at every meeting of the Authority shall be five.		10(7) The quorum at every meeting of the Authority shall be five.	—
10(8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.		10(8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.		10(8) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.	—
10(9) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.	10 (9) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in any such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.	10(9) Notice of the meeting may be given to the members electronically or in any such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.		10(9) Notice of the meeting may be given to the members electronically or by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in any such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.	The existing mode of communicating the meeting notice may not have cause any harm, however, it adds advantage only. Hence, it was decided to retain existing rule as such by incorporating a word "electronically".
11 Appointment of Expert Committee	11. Appointment Constitution of Expert	11. Constitution of Expert Committees by		11. Constitution of Expert Committees by	

by the Authority and their entitlement	Committees by the Authority and their entitlements of the members	the Authority and entitlements of the members		the Authority and entitlements of the members	
11(1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.	11(1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or and partly of other persons.	11(1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members and partly of other persons.		11(1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members and partly of other persons.	
	11 (1A) The Expert Committee may constitute sub-committee(s) for any specific purpose.	11(1A) The Expert Committee may constitute sub-committee(s) for any specific purpose.		Deleted	The constitution of sub-committee by the Expert committee needs approval of the NBA. Further, NBA is already vested with such powers and it may not be required to provide explicitly in the rules. Hence, it was decided that proposed new sub-rule to be deleted.
11(2) The members of the Committee other than the members of the Authority shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.	11(2) The members of the Committee other than the members of the Authority and the special invitees/co-opted members shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.	11(2) The members of the Committee and the special invitees/co-opted members shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.		11(2) The members of the Committee and the special invitees/co-opted members shall may be paid such fees and allowances for attending the meetings as the Authority may deem fit.	If any Officials who are employed in any institution / organisation / body funded by the Central Government", they may not be entitled for sitting fee as per the recent orders of the Ministry of Finance. Hence, it was decided to replace the word “ shall ” with “ may ”.

12 General functions of the Authority: The Authority may perform the following functions; namely:-	The Authority may shall perform the following functions; namely:-	12 General functions of the Authority The Authority shall perform the following functions; namely:-		12 General functions of the Authority: The Authority may perform the following functions; namely: -	It was decided to maintain status quo since some of the functions given under this rules are not undertaken by the NBA as the situation is not warranted. Thus, it was decided to retain status quo.
12(ii) lay down the procedure and guidelines to govern the activities provided under sections 3, 4 and 6;	12(ii) lay down the procedure and guidelines to govern the activities provided under sections 3, 4, 6 and 20;	12(ii) lay down the procedure and guidelines to govern the activities provided under sections 3, 4, 6 and 20;			
12(ii) advise the Central Government on any matter concerning conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;	12(ii) advise the Central Government on any matter concerning conservation of biodiversity , sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources s and knowledge;	12(ii) advise the Central Government on any matter concerning conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and knowledge;		12(ii) advise the Central Government on any matters concerning biodiversity including conservation, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated traditional and contemporary knowledge;	In order to have better clarity and wider scope for NBA, the word “including” was added after rephrasing terms. As decided above, the term “ associated knowledge” has been replaced with “associated traditional and contemporary knowledge “
12(iii) coordinate the activities of the State Biodiversity Boards;		12(iii) coordinate the activities of the State Biodiversity Boards;		12(iii) coordinate the activities of the State Biodiversity Boards;	—
12(iv) provide technical assistance and guidance to the State Biodiversity Boards;		12(iv) provide technical assistance and guidance to the State Biodiversity Boards;		12(iv) provide technical assistance and guidance to the State Biodiversity Boards;	—
12(v) commission studies and sponsor	12(v) commission studies and sponsor investigations and	12(v) commission studies and sponsor investigations and		12(v) commission studies and sponsor investigations and	In principle, NBA may commission any kind of

investigations and research;	research including on sustainability of biological resources;	research including on sustainability of biological resources;		research that pertains to the overall objectives of the NBA	Studies / research /surveys on any three of its objectives. It was decided to maintain status quo and also to include the text referring to objectives of the Act in the end of the para.
12(vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions : Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.		12(vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions: Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.		12(vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions: Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.	
12(vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits	12(vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of biodiversity , sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological	12(vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of		12(vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to biodiversity including conservation and sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and	In order to have better clarity and wider scope for NBA, the word “including” was added after rephrasing terms. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.

arising out of the use of biological resource and knowledge;	resources and associated knowledge;	biological resources and associated knowledge;		associated traditional and contemporary knowledge;	
12(viii) organise through mass media a comprehensive programme regarding conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.	12(viii) organise through mass media a comprehensive programme for creating awareness regarding conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated knowledge;	12(viii) organise through mass media a comprehensive programme for creating awareness regarding conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated knowledge;		organise through mass media a comprehensive programme for creating awareness regarding relating to biodiversity including conservation and sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated traditional and contemporary knowledge;	In order to have clarity, the rephrasing of words has been done. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.
12(ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of biodiversity and sustainable use of its components;	12(ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated knowledge;	12(ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated knowledge;		plan and organise training of personnel engaged or likely to be engaged in programmes relating to biodiversity including conservation and sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and associated traditional and contemporary knowledge;	In order to have clarity, the rephrasing of words has been done. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.
12(x) prepare the annual Budget of the Authority incorporating its own receipts as also the devaluation from the Central Government	12(x) prepare the annual budget of the Authority incorporating its own receipts as also the devolution of funds from the Central Government	12(x) prepare the annual budget of the Authority incorporating its own receipts as also the devolution of funds from the Central Government provided		12(x) prepare the annual budget of the Authority incorporating its own receipts as also the devolution of funds from the Central Government provided that the	—

provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;	Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;	that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;		allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government;	
12(xi) recommend creation of posts to the Central Government, for effective discharge of the functions by the Authority and to create such posts, provided that no such post whether permanent / temporary or of any nature, would be created without prior approval of the Central Government;	12(xi) recommend creation of posts to the Central Government for effective discharge of the functions by the Authority and to create such posts provided that no such post whether permanent or other nature, would be created without prior approval of the Central Government;	12(xi) recommend creation of posts to the Central Government for effective discharge of the functions by the Authority and create such posts provided that no such post whether permanent or temporary or of any other nature, would be created without prior approval of the Central Government;		12(xi) recommend creation of posts to the Central Government for effective discharge of the functions by the Authority and create such posts provided that no such post whether permanent or temporary or of any other nature, would be created without prior approval of the Central Government;	—
12(xii) approve the method of recruitment to the officials and servants of the Authority;	12 (xii) approve the method of recruitment to of the officials and servants of the Authority;	12(xii) approve the method of recruitment of the officials of the Authority;		12(xii) approve the method of recruitment of the officials of the Authority;	—
12(xiii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity	12 (xiii) take steps to build up databases including electronic databases and to create information and documentation systems for biological resources and associated traditional knowledge through	12(xiii) build databases including electronic databases and create information and documentation systems for biological resources and associated knowledge through People's Biodiversity Registers to ensure		12(xiii) build databases including electronic databases and create information and documentation systems for biological resources and associated traditional and contemporary knowledge through People's Biodiversity	As decided above, the term "associated knowledge" has been replaced with "associated traditional and contemporary knowledge".

registers and electronics data bases, to ensure effective management, promotion and sustainable uses ;	People's Biodiversity Registers and electronics data bases, to ensure effective management, promotion and sustainable use of biological resources and associated knowledge ;	effective management, promotion and sustainable use of biological resources and associated knowledge;		Registers to ensure effective management, promotion and sustainable use of biological resources and associated knowledge;	
12(xiv) give directions to State Bio-diversity Boards and the Bio-diversity Management Committees in writing for effective implementation of the Act;	12(xiv) give directions, and technical advice, as required, to State Biodiversity Boards and the Biodiversity Management Committees in writing for effective implementation of the Act;	12(xiv) give directions and technical advice, as required, to State Biodiversity Boards and the Biodiversity Management Committees for effective implementation of the Act;		12(xiv) give directions and technical advice, as required, to State Biodiversity Boards and the Biodiversity Management Committees for effective implementation of the Act;	
12(xv) report to the Central Government about the functioning of the Authority and implementation of the Act;		12(xv) report to the Central Government about the functioning of the Authority and implementation of the Act;		12(xv) report to the Central Government about the functioning of the Authority and implementation of the Act;	
12(xvi) recommend, modify, collection of benefit sharing fee under sub section (1) of Section 6 or Changes of royalties under sub-section (2) of section 19 in respect of biological resources from time to time;	12(xvi) recommend determine, modify and collect collection of benefit sharing component (monetary or non-monetary) under subsection (2) of Section 6 or changes of royalties under sub-section(3) of section 19 in respect of for accessing and or utilizing the biological resources and or	12(xvi) determine, modify and collect benefit sharing component (monetary or non-monetary) for accessing and or utilizing the biological resources and or associated knowledge from time to time;		12(xvi) determine, modify and collect benefit sharing component (monetary and / or non-monetary) for accessing and or utilizing the biological resources and or associated traditional and contemporary knowledge from time to time;	As benefit sharing component can be determined either monetary or non-monetary or both, on a case by case basis, it was decided that "and/or" may be added. As decided above, the term "associated knowledge" has been replaced with "associated traditional and contemporary knowledge".

	associated knowledge from time to time;				
12(xvii) sanction grants in aid and grants to the state Bio-diversity Boards and Bio-diversity Management Committees for specific purposes;	12(xvii) sanction grant-in-aid and grants to the State Biodiversity Boards and Biodiversity Management Committees for specific purposes;	12(xvii) sanction grant-in-aid and grants to the State Biodiversity Boards and Biodiversity Management Committees for specific purposes;		12(xvii) sanction grant-in-aid and grants to the State Biodiversity Boards and Biodiversity Management Committees for specific purposes;	
12(xviii) undertake physical inspection of any area in connection with the implementation of the Act;	12(xviii) undertake field inspection of any area in connection with the implementation of the Act;	12(xviii) undertake field inspection of any area in connection with the implementation of the Act;		12 (xviii) undertake physical inspection of any area in connection with the implementation of the Act;	Since proposed amendments provides for field inspection in any area, it may not empower to conduct physical inspect the biological resources, if required. Whereas the existing rule provides to do so. It was decided to maintain status-quo.
12(xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated knowledge obtained	12(xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property rights in any country in or outside India on any biological resource and or associated knowledge obtained from India in an illegal manner;	12(xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property rights in or outside India on any biological resource and or associated knowledge obtained from India	sts	12(xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated traditional and contemporary knowledge obtained from India in an illegal manner;	1. The last sentence in the existing rule is serving as qualifying term by stating about legal status of the particular resources which was obtained from India. It may not be apt to delete the same. Therefore, it was decided to maintain status-quo.

from India in an illegal manner;					2. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.
12(xx) do such other functions as may be assigned or directed by the Central Government from time to time.	12(xx) Perform do such other functions as may be assigned or directed by the Central Government from time to time.	12(xx) Perform such other functions as may be assigned or directed by the Central Government from time to time.		12(xx) Perform such other functions as may be assigned or directed by the Central Government from time to time.	—
13 Powers and duties of Chairperson	13 Powers and duties of the Chairperson	13 Powers and duties of the Chairperson		13 Powers and duties of the Chairperson	
13(1) The Chairperson shall have the overall control of the day - to - day activities of the Authority.	13(1) The Chairperson shall have the overall control of the day-to-day activities of the Authority.	13(1) The Chairperson shall have overall control of the day-to-day activities of the Authority.		13(1) The Chairperson shall have overall control of the day-to-day activities of the Authority.	—
13(2) Subject to the provisions of section 10, the Chairperson shall have the powers of general superintendence over the officers and staff of the Authority and he may issue necessary directions for the conduct and management of the affairs of the Authority.	13(2) Subject to the provisions of section 10, the Chairperson shall have the powers of general superintendence over the officials officers and staff of the Authority and he may issue necessary directions for the conduct and management of the affairs of the Authority.	13(2) Subject to the provisions of section 10, the Chairperson shall have the powers of general superintendence over the officials of the Authority and may issue necessary directions for the conduct and management of the affairs of the Authority.		13(2) Subject to the provisions of section 10, the Chairperson shall have the powers of general superintendence over the officials of the Authority and may issue necessary directions for the conduct and management of the affairs of the Authority.	—
13(3) The Chairperson shall be in charge of all the confidential papers	13(3) The Chairperson shall be in charge of all the confidential papers and records of the	13(3) deleted		13(3) deleted	—

and records of the Authority and shall be responsible for their safe custody.	Authority and shall be responsible for their safe custody.				
13(4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorised by the Chairperson in this behalf.		13(4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorised by the Chairperson in this behalf.		13(4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorised by the Chairperson in this behalf.	—
13(5) The Chairperson, either himself or through an officer of the authority authorised for the purpose, may sanction and disburse all payments against the approved budget.		13(5) The Chairperson, either himself or through an officer of the Authority authorised for the purpose, may sanction and disburse all payments against the approved budget.		13(5) The Chairperson, either himself or through an officer of the Authority authorised for the purpose, may sanction and disburse all payments against the approved budget.	—
13(6) The Chairperson shall have full powers for granting administrative and technical sanction to all estimates.	13(6) The Chairperson shall have full powers for granting administrative, financial and technical sanctions to all the proposals estimates.	13(6) The Chairperson shall have full powers for granting administrative, financial and technical sanctions to all the proposals		13(6) The Chairperson shall have full powers for granting administrative, financial and technical sanction to all estimates.	First, estimate needs to be obtained for procuring any items as per the Government norms and subsequently it may require administrative, financial and technical sanctions for procuring the same. It was decided to maintain status-quo and the word “financial” may also be added.
13(7) The Chairperson shall convene and preside over all the meetings	13(7) The Chairperson shall convene and preside over all the meetings of the	13(7) The Chairperson shall preside over the meetings of the Authority and shall		13(7) The Chairperson shall preside over the meetings of the Authority and shall ensure that all	—

of the Authority and shall ensure that all decisions taken by the Authority are implemented in proper manner.	Authority and shall ensure that all decisions taken by the Authority are implemented. in proper manner. In the absence of the Chairperson, any member of the Authority, chosen by the members present at the meeting shall preside at the meeting.	ensure that all decisions taken by the Authority are implemented. In the absence of the Chairperson, any member of the Authority, chosen by the members present at the meeting shall preside at the meeting.		decisions taken by the Authority are implemented. In the absence of the Chairperson, any member of the Authority, chosen by the members present at the meeting shall preside at the meeting.	
13(8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.		13(8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.		13(8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.	—
14 Procedure for access to biological resources and associated traditional knowledge	14. Procedure for access to biological resources and / or associated knowledge associated thereto — traditional knowledge	14. Procedure for access to biological resources and or associated knowledge		14. Procedure for access to biological resources and or associated traditional and contemporary knowledge	As decided above, the term “associated knowledge” have been replaced with “associated traditional and contemporary knowledge”.
14(1) Any person seeking approval of the Authority for access to biological resources and associated knowledge for research or for commercial	14(1) Any person, referred to in sub-section(2) of section 3 of the Act, seeking approval of the Authority for access to biological resources and or associated knowledge for research	14(1) Any person, referred to in sub-section(2) of section 3 of the Act, seeking approval of the Authority for access to biological resources and or associated knowledge for research or for bio-		14(1) Any person, referred to in sub-section(2) of section 3 of the Act, seeking approval of the Authority for access to biological resources and or associated traditional and contemporary knowledge thereto for	1. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.

utilization shall make an application in Form I	or for bio-survey and bio-utilization or for commercial utilization shall make an application in Form I. shall make an application in the format as may be prescribed.	survey and bio-utilization or for commercial utilization shall make an application in the format as may be prescribed.		research or for bio-survey and bio-utilization or for commercial utilization shall make an application in the format as may be notified prescribed.	2. Since the forms and fee have been delinked from the BD rules and these would be notified separately, the word 'prescribed' has been deleted and 'notified' has been incorporated.
14(2) Every application under sub-rule (1) shall be accompanied by a fee of ten thousand rupees in the form of a cheque or demand draft drawn in favour of the Authority.	14(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee of ten thousand rupees in the form of electronic transfer in the form of a cheque or demand draft drawn or electronic transfer in favour of the to the National Biodiversity Fund Authority.	14(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee in the form of electronic transfer to the National Biodiversity Fund		14(2) Every application under sub-rule (1) shall be accompanied by a fee as notified in the form of electronic transfer to the National Biodiversity Fund	Since the forms and fee have been delinked from the BD rules and these would be notified separately, the word 'prescribed' has been deleted and 'as notified' has been incorporated.
14(3) The Authority shall after consultation with the concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, dispose of the application, as far as possible, within a period of six months from the date of its receipts.	14(3) The Authority shall after consultation with the Biodiversity Management Committee(s) concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise.	14(3) The Authority shall after consultation with the Biodiversity Management Committee(s) concerned and collecting such additional information from the applicant and other sources, as it may deem necessary, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise.		14(3) The Authority shall after consultation with the Biodiversity Management Committee(s) concerned and collecting such additional information from the applicant and other sources, as it may deem necessary, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise.	

<p>14(4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.</p>	<p>14(4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.</p> <p>14(4) Approval as referred under sub-rule (3) shall be granted within a period of 90 days subject to such terms and conditions as it may deem fit.</p>	<p>14(4) Approval as referred under sub-rule (3) shall be granted within a period of 90 days subject to such terms and conditions as it may deem fit.</p>	<p>Timelines for according approval by the NBA and period for signing of agreement by the applicant have been provided separately for types of approvals as in many cases the applicants don't turn up for months for signing the agreement after approval is accorded</p>	<p>14(4) Approval as referred under sub-rule (3) shall be granted within a period of 90 days subject to such terms and conditions as it may deem fit.</p>	<p>Some members suggested that in the event of NBA failing to grant approval within a period of 90 days, it would be considered as deemed approval for pursuing the activities. It was noted that approval of NBA is granted in the form of agreement between NBA and the user. Further the provisions of the BD Act do not empower to grant deemed approval and thereby it may not be possible to have such a clause in the BD rule. The section 41(2) mandates NBA/SBB to consult with BMC before granting approval for access which often takes considerable time. Most of the delays are taking place due to want of information, which are mandatory for processing of ABS applications.</p> <p>The timeline envisaged in the Rule is a maximum limit, however, NBA is disposing most of the applications within period of 50-60 days.</p> <p>Considering these view and existing legal provision in the Act, it was decided to retain time limit of 90dyas for granting approval</p>
--	---	--	--	--	--

14(5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant.	14(5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant between the applicant and the Authority, to be executed within a further period of 90 days.	14(5) The approval to access shall be in the form of a written agreement between the applicant and the Authority, to be executed within a further period of 90 days.		14(5) The approval to access shall be in the form of a written agreement between the applicant and the Authority, to be executed within a further period of 90 days.	—
14(6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following; namely:-		14(6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following; namely:-		14(6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following; namely:-	—
14(6)(i) general objectives and purpose of the application for seeking approval;		14(6)(i) general objectives and purpose of the application for seeking approval;		14(6)(i) general objectives and purpose of the application for seeking approval;	—
14(6)(ii) description of the biological resources and traditional knowledge including accompanying information;	14(6)(ii) description of the biological resources and information thereof and associated traditional knowledge including accompanying information ;	14(6)(ii) description of the biological resources, information thereof and associated knowledge;		14(6)(ii) description of the biological resources and associated traditional and contemporary knowledge including accompanying information ;	1. As existing rule has wider scope compare to proposed rules, hence, it was decided to maintain status-quo. 2. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.

14(6)(iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)	14(6)(iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)	14(6)(iii) intended uses of the biological resources		14(6)(iii) intended uses of the biological resources	—
14(6)(iv) conditions under which the applicant may seek intellectual property rights;	14(6)(iv) conditions under which the applicant may apply for seek intellectual property rights;	14(6)(iv) conditions under which the applicant may apply for intellectual property rights;		14(6)(iv) conditions under which the applicant may apply for intellectual property rights;	—
14(6)(v) quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case if the biological material is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently.	14(6)(v) quantum of monetary and other incidental non-monetary benefits.	14(6)(v) quantum of monetary and non-monetary benefits.		14(6)(v) quantum of monetary and/or non-monetary benefits.	—
	14(6)(va) If need be, a commitment conditions to enter into a fresh agreement particularly in case if the biological resource material is taken for research purposes and later on sought to be used for any other commercial	14(6)(va) conditions to enter into a fresh agreement in case the biological resource is taken for research purposes and later on sought to be used for any other purpose.		14(6)(va) conditions to enter into a fresh agreement in case the biological resource is taken for research purposes and later on sought to be used for commercial purpose any other purpose .	It was noted that the first part of paragraph talks about research and second part talks about subsequent applications. After research, subsequent application of biological resources will be “commercial purpose” only. Hence, it was decided to

	purposes, and also in case of any other change in use thereof subsequently.				replace “any other purpose” with “commercial purpose” for making explicit reference.
14(6)(vi) restriction to transfer the accessed biological resources and the traditional knowledge to any third party without prior approval of Authority;	14(6)(vi) restriction to transfer the accessed biological resources and or the traditional associated knowledge to any third party without prior approval of Authority;	14(6)(vi) restriction to transfer the accessed biological resources and or associated knowledge to any third party without prior approval of Authority;		14(6)(vi) restriction to transfer the accessed biological resources and or associated traditional and contemporary knowledge to any third party without prior approval of Authority;	As decided above, the phrase “associated traditional and contemporary knowledge thereto” has been included instead of associated knowledge.
14(6)(vii) to adhere to a limit set by the Authority on the quantity and specification of the quality of the biological resources for which the applicant is seeking access;	14(6)(vii) to adhere to a limit set by the Authority on the quantity and specifications of the quality of the biological resources for which the applicant is seeking access granted approval .	14(6)(vii) to adhere to a limit set by the Authority on the quantity and specifications of the biological resources for which the applicant is granted approval.		14(6)(vii) to adhere to a limit set by the Authority on the quantity and specifications of the biological resources for which the applicant is granted approval.	—
14(6)(viii) guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;	14(6)(viii) undertaking guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories notified identified in under section 39 of the Act ;	14(6)(viii) undertaking to deposit a reference sample of the biological material sought to be accessed with the repositories notified under section 39 of the Act;		14(6)(viii) undertaking to deposit a reference sample of the biological material sought to be accessed with the repositories notified under section 39 of the Act;	—
14(6)(ix) submitting to the Authority a regular status report of research and other developments;	14(6)(ix) submitting to the Authority a regular status report of research and other developments, as may be prescribed ;	14(6)(ix) submitting to the Authority a regular status report of research and other developments, as may be prescribed;		14(6)(ix) submitting to the Authority a regular status report of research and other developments, as may be prescribed;	—

14(6)(x) commitment to abide with the provisions of Act and rules and other related legislations in force in the country;	14(6)(x) commitment to abide by with the provisions of Act, rules, regulations and other related legislations in force in the country;	14(6)(x) commitment to abide by the provisions of the Act, rules, regulations and other related legislations in force in the country;		14(6)(x) commitment to abide by the provisions of the Act, rules, regulations and other related legislations in force in the country;	_____
14(6)(xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed;		14(6)(xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed;		14(6)(xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed;	_____
14(6)(xii) commitment to minimize environmental impacts of collecting activities;	14(6)(xii) commitment to minimize environmental impacts while of collecting the biological resources activities ;	14(6)(xii) commitment to minimize environmental impacts while collecting the biological resources;		14(6)(xii) commitment to minimize environmental impacts while collecting the biological resources;	_____
14(6)(xiii) legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentiality clause.	14(6)(xiii) legal provisions such as duration of the agreement, notice period to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations relating to in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), any confidentiality clause, if any .	14(6)(xiii) legal provisions such as duration of the agreement, notice period to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations relating to benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, confidentiality clause, if any.		14(6)(xiii) legal provisions such as duration of the agreement, notice period to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations relating to benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, confidentiality clause, if any.	_____

	14(6) (xiv) The conditions for access may specifically provide measures for conservation and sustainable use of biological resources to which the access is being granted.	14(6)((xiv) The conditions for access may specifically provide measures for conservation and sustainable use of biological resources to which the access is being granted.		Deleted	As this has been already covered holistically under rule 14(6)(xiii), it was decided to delete this rule.
14(7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.	14(7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.	14(7) deleted	Covered under rule 14(6)(xiv) above	Deleted	—
14(8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.		14(8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.		14(8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.	—
14(9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.		14(9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.		14(9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.	—
14(10) The Authority shall take steps to widely publicize the approvals granted, through print or electronic media and	14(10) The Authority shall publish take steps to widely publicize the approvals granted on its website.	14(10) The Authority shall publish the approvals granted on its website.		14(10) The Authority shall publish the approvals granted and rejected on its website.	As the approvals granted by the NBA is finding place in the website, rejections also to be made available in the website. Hence, it was decided to include

shall periodically monitor compliance of conditions on which the approval was accorded.					the word “ rejected ” in the rule.
	14(11) The applicant shall report annually the compliance of the terms and conditions under which the approval is granted. The compliance report shall be monitored by the Authority and the State Biodiversity Boards and Biodiversity Management Committees also may be involved for this purpose.	14(11) The applicant shall report annually the compliance of the terms and conditions under which the approval is granted. The compliance report shall be monitored by the Authority and the State Biodiversity Boards and Biodiversity Management Committees also may be involved for this purpose.		14(11) The applicant shall report annually the compliance of the terms and conditions under which the approval is granted. The compliance report shall be monitored by the Authority and the State Biodiversity Boards and Biodiversity Management Committees also may be involved for this purpose.	The proposed amendment provides compliance to be monitored by NBA /SBB / BMC. The involvement of many agencies may make the process more complicated, instead of easing of process. Therefore, it was decided to delete the sentence relating to monitoring process.
15 Revocation of access or approval:-		15 Revocation of access or approval: -		15 Revocation of access or approval: -	
15(1) The authority may either on the basis of any complaint or <i>suo moto</i> withdraw the approval granted or access under rule 15 and revoke the written agreement under the following conditions namely;	15(1) The Authority may either on the basis of any complaint or <i>suo moto</i> withdraw the approvals granted or access under rule 15 and revoke the written agreement, in full or in part , under the following conditions namely;	15(1) The Authority may either on the basis of any complaint or <i>suo moto</i> withdraw the approvals granted and revoke the written agreement, in full or in part, under the following conditions namely;		15(1) The Authority may either on the basis of any complaint or <i>suo moto</i> withdraw the approvals granted and revoke the written agreement, in full or in part, after providing reasonable opportunity of being heard , under the following conditions namely;	Before making any revocation or rejection natural justice should be followed. Thus, it was decided to include “after providing reasonable opportunity of being heard” in the rules as it was also provided in the Act.
15(1)(i) on the basis of reasonable belief that the person to whom the approval	15(1)(i) on the basis of reasonable belief that the person to whom the approval was granted	15(1)(i) on the basis of reasonable belief that the person to whom approval was granted		15(1)(i) on the basis of reasonable belief that the person to whom approval was granted has violated	—

was granted has violated any of the provisions of the Act or the condition on which the approval was granted;	has violated any of the provisions of the Act; or the condition on which the approval was granted;	has violated any of the provisions of the Act;		any of the provisions of the Act;	
15(1) (ii) when the person who has been granted approval has failed to comply with the terms of the agreement ;		15(1)(ii) when the person who has been granted approval has failed to comply with the terms of the agreement;		15(1)(ii) when the person who has been granted approval has failed to comply with the terms of the agreement;	—
15(1) (iii) on failure to comply with any of the conditions of access granted;	15(1) (iii) on failure to comply with any of the conditions of access granted;				—
15(1) (iv) on account of overriding public interest or for protection of environment and conservation of biological diversity;	15(1) (iv) on account of overriding larger public interest or for protection of environment and conservation of biological diversity;	15(1)(iii) on account of larger public interest or for conservation of environment and biological diversity;		15(1)(iii) on account of larger public interest or for conservation of environment and biological diversity;	—
15 (2) The Authority shall send a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and	15 (2) The Authority shall forward a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees concerned for prohibiting the access and also to assess the damage caused, if any, caused	15(2) The Authority shall forward a copy of every order of revocation issued by it to the State Biodiversity Board and the Biodiversity Management Committee(s) concerned for prohibiting the access and also to assess the damage caused, if any, and take steps to recover the damages.		15(2) The Authority shall forward a copy of every order of revocation issued by it to the State Biodiversity Board and the Biodiversity Management Committee(s) concerned for prohibiting the access and also to assess the damage caused, if any, and take steps to recover the damages. Such revocations may be	Members suggested that akin to approvals, revocation of approvals may also be published on NBA website, in addition to forwarding to SBB. It was decided to include the same as it appears rational.

take steps to recover the damage.	and take steps to recover the damages.			published on NBA website.	
16 Restriction on activities related to access to biological resources		16 Restriction on activities related to access to biological resources			—
16(1) The Authority if it deems necessary and appropriate shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons; namely:-	16(1) If the Authority if it deems necessary and appropriate, shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons namely:-	16 If the Authority deems necessary and appropriate, shall take steps to restrict or prohibit the request for access to biological resources for the following reasons namely:-	There was some confusion in numbering the sub-rules, hence re-numbered.	16 If the Authority deems necessary and appropriate, shall take steps to restrict or prohibit the request for access to biological resources for the following reasons namely:-	—
16(1)(i) the request for access is for any endangered taxa;	16 (1) (i) the request for access is for any endangered, threatened and endemic species taxa; also including those notified under section 38 of the Act	16(i) the request for access is for any threatened and endemic species also including those notified under section 38 of the Act		16(i) the request for access is for any endangered, threatened and endemic species also including those notified under section 38 of the Act	Members decide to retain the word "endangered" as access to endangered species are need to be restricted.
16(1)(ii) (the request for access is for any endemic and rare species ;	16(1)(ii) (the request for access is for any endemic and rare species ;	16(ii) deleted		16(ii) deleted	—
16(1)(iii) the request for access may likely to result in adverse effect on the livelihoods of the local people	16 (1)(iii) (iii) the request for access may likely to result in adverse effects on the livelihoods of the local people	16(iii) the request for access may likely to result in adverse effects on the livelihood of the local people		16(iii) the request for access may likely to result in adverse effects on the livelihood of the local people	—
16(1)(iv) the request to access may result in adverse environmental	16(1)(iv) (iv) the request to access may result in adverse environmental impact	16(iv) the request to access may result in adverse environmental impact which may be		16(iv) the request to access may result in adverse environmental impact which may be	—

impact which may be difficult to control and mitigate.	which may be difficult to control and mitigate.	difficult to control and mitigate.		difficult to control and mitigate.	
16(1)(v) the request for access may cause genetic erosion or affecting the ecosystem function;	16 (1)(v) (v) the request for access may cause genetic erosion or affecting the ecosystem functions;	16(v) the request for access may cause genetic erosion or affect the ecosystem functions;		16(v) the request for access may cause genetic erosion or affect the ecosystem functions;	—
16(1)(vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.	16 (1)(vi) (vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.	16(vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.		16(vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.	—
17 Procedure for seeking approval for transferring results of research		17 Procedure for seeking approval for transferring results of research		17 Procedure for seeking approval for transferring results of research	—
17 (1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non Resident Indians (NRIs), shall make an application to the Authority in the Form II	17(1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration or otherwise to the persons referred to under sub-section (2) of section 3, foreign nationals, companies and Non Resident Indians (NRIs), shall make an application in the format as may be	17(1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration or otherwise to the persons referred to under sub-section (2) of section 3, shall make an application in the format as may be prescribed.		17(1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration or otherwise to the persons referred to under sub-section (2) of section 3, shall make an application in the format as may be notified prescribed.	Since the forms and fee have been delinked from the BD rules and it would be notified separately, the word ' prescribed ' has been deleted and ' notified ' has been incorporated.

	prescribed. to the Authority in the Form II				
17(2) Every application under sub-rule (1) shall be accompanied by a fee of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.	17(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee in electronic form to the National Biodiversity Fund. of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.	17(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee in electronic form to the National Biodiversity Fund.		17(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee, as notified, in electronically to the National Biodiversity Fund.	Since the forms and fee have been delinked from the BD rules and it would be notified separately, the word ' prescribed ' has been deleted and ' as notified ' has been incorporated.
17(3) Every application under sub-rule (1) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same.	17(3) Every application under sub-rule (1) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same. The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 75	17(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 75 days subject to such terms and conditions as it may deem fit.		17(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 75 days subject to such terms and conditions as it may deem fit.	—

	days subject to such terms and conditions as it may deem fit.				
17(4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.	17(4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.	17(4) deleted	Merged with rule 17(3) above	17(4) deleted	—
17(5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.	17(5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority. 17(5) The approval for transfer shall be in the form of a written agreement between the applicant and the Authority, to be executed within a further period of 90 days.	17(5) The approval for transfer shall be in the form of a written agreement between the applicant and the Authority, to be executed within a further period of 90 days.		17(5) The approval for transfer of results of research shall be in the form of a written agreement between the applicant and the Authority, to be executed within a further period of 90 days.	

<p>17(6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed;</p> <p>Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.</p>		<p>17(6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed;</p> <p>Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.</p>		<p>17(6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed;</p> <p>Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.</p>	<p>—</p>
<p>18 Procedure for seeking prior approval before applying for intellectual property protection.</p>		<p>18 Procedure for seeking prior approval before applying for intellectual property protection</p>		<p>18 Procedure for seeking prior approval before applying for intellectual property protection</p>	<p>—</p>
<p>18(1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall make an application in Form III.</p>	<p>18(1) Any person desirous of applying for a patent or any other intellectual property right based on research on biological resource material—and or associated knowledge obtained from India shall make an application to the Authority in the format as may be prescribed. in Form III.</p>	<p>18(1) Any person desirous of applying for a patent or any other intellectual property right based on research on biological resource and or associated knowledge obtained from India shall make an application to the Authority in the format as may be prescribed.</p>		<p>18(1) Any person desirous of applying for a patent or any other intellectual property right based on research on biological resource and or associated traditional and contemporary knowledge thereto obtained from India shall make an application to the Authority in the format as may be notified prescribed.</p>	<p><i>1. As decided above, the term “associated knowledge” has been replaced with “associated traditional and contemporary knowledge”.</i></p> <p><i>2. Since the forms and fee have been delinked from the BD rules and it would be notified separately, the word ‘prescribed’ has been deleted and “notified” has been incorporated.</i></p>

18(2) Every application under sub- rule (1) shall be accompanied by paying a fee of five hundred rupees.	18(2) Every application under sub-rule (1) shall be accompanied by paying a a prescribed fee, in electronic form to the National Biodiversity Fund.	18(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee, in electronic form to the National Biodiversity Fund.		18(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee, as notified, in electronic form to the National Biodiversity Fund.	—
18(3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same.	18(3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same. 18(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 60 days subject to such terms and conditions as it may deem fit.	18(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 60 days subject to such terms and conditions as it may deem fit.		18(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 60 days subject to such terms and conditions as it may deem fit.	—
18(4) On being satisfied that the applicant has fulfilled all the necessary requirements, the	18(4) On being satisfied that the applicant has fulfilled all the necessary requirements, the	18(4) deleted	Merged with rule 18(3) above	18(4) deleted	—

Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.	Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.				
18(5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority.	18(5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority. 18(5) The approval shall be in the form of a written tri-partite agreement between the applicant, the transferee and the Authority, to be executed within a further period of 90 days.	18(5) The approval shall be in the form of a written tri-partite agreement between the applicant, the transferee and the Authority, to be executed within a further period of 90 days.		18(5) The approval shall be in the form of a written tri-partite agreement between the applicant, the transferee and the Authority, to be executed within a further period of 90 days.	It was observed that scope of tri-partite agreement is not applicable in all IPR cases. Thus, the phrase "tri-partite" has been deleted.
18(6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the	18(6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an	18(6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an		18(6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an opportunity of being heard.	—

applicant shall be given an opportunity of hearing.	opportunity of being heard. hearing.	opportunity of being heard.			
19 Procedure for third party transfer under sub- section (2) of Section 20.		19 Procedure for third party transfer under sub- section (2) of Section 20.		19 Procedure for third party transfer under sub- section (2) of Section 20.	
19(1) The persons who have been granted approval for access to biological resources and associated knowledge, intend to transfer the accessed biological resource or knowledge to any other person or organization shall make an application to the Authority in Form IV	19(1) The Any persons who has have been granted approval for access to biological resources and or associated knowledge, intends to transfer the accessed biological resource or associated knowledge to any other person or organization shall make an application to the Authority in the format as may be prescribed. in Form IV.	19(1) Any person who has been granted approval for access to biological resources and or associated knowledge, intends to transfer the accessed biological resource or associated knowledge to any other person or organization shall make an application to the Authority in the format as may be prescribed.		19(1) Any person who has been granted approval for access to biological resources and or associated traditional and contemporary knowledge, intends to transfer the accessed biological resource or associated traditional and contemporary knowledge thereto to any other person or organization shall make an application to the Authority in the format as may be notified prescribed.	As decided above, the phrase “associated traditional and contemporary knowledge thereto” has been included instead of associated knowledge.
19(2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of Bank draft or cheque drawn in favour of the Authority.	19(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee to be paid in electronic form to the National Biodiversity Fund.	19(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee to be paid in electronic form to the National Biodiversity Fund.		19(2) Every application under sub-rule (1) shall be accompanied by a prescribed fee, as notified, to be paid in electronic form to the National Biodiversity Fund.	—
19(3) The Authority shall after collecting any additional information, decide upon the application as far as possible	19(3) The Authority shall after collecting such any additional information, decide upon the application as far as possible within a	19(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the		19(3) The Authority shall after collecting such additional information from the applicant and other sources, and on being satisfied with the merit of the application	

within a period of six months of receipt of the same.	period of six months of receipt of the same. from the applicant and other sources, and on being satisfied with the merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 90 days subject to such terms and conditions as it may deem fit.	merit of the application under sub-rule (1), take a decision on granting approval or otherwise within a period of 90 days subject to such terms and conditions as it may deem fit.		under sub-rule (1), take a decision on granting approval or otherwise within a period of 90 days subject to such terms and conditions as it may deem fit.	
19(4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.	19(4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.	19(4) deleted	Merged with rule 19(3) above	19(4) deleted	—
19(5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.	19(5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.	19(5) The approval to access shall be in the form of a written agreement between the applicant and the Authority within a further period of 90 days.		19(5) The approval to access shall be in the form of a written tripartite agreement between the applicant and the Authority within a further period of 90 days.	This provision provides for transfer of already accessed biological resources to third party by section 3(2) person who has obtained approval of NBA under section 3 of the BD Act NBA is executing agreement between applicant (transferor) and NBA for according approval for Form-IV application. Members observed that, in such instances, the

	19(5) The approval to access shall be in the form of a written agreement between the applicant and the Authority within a further period of 90 days.				transferee being real user has not been subject to ABS obligations with NBA through the said agreement. It was opined that transferee is a real user of the biological resources and he needs to be kept in the loop of ABS obligations. In order to cope with the issue, member suggested that execution of tripartite agreement may be put in place.
19(6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.		19(6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.		19(6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.	—
20 Criteria for equitable benefit sharing (Section 21)	20 Criteria for determining fair and equitable benefit sharing (Section 24)	20 Criteria for determining fair and equitable benefit sharing		20 Criteria for determining fair and equitable benefit sharing	
20(1) The Authority shall by notification in the Official Gazette formulate the guidelines and describe the benefit sharing formula.	20(1) The Authority shall by notification in the Official Gazette, notify regulations and prescribe formulate the guidelines and describe the benefit	20(1) The Authority shall by notification in the Official Gazette, notify regulations and prescribe the benefit sharing criteria.		20(1) The Authority shall by notification in the Official Gazette, notify guidelines by regulations and prescribe the benefit sharing criteria.	a). The committee proposed that “notify regulations and prescribe the benefit sharing criteria” in which the word “

	sharing formula criteria.				guidelines” has been deleted. Members suggested that guidelines may be used instead of regulation so that NBA can have leverage to amend the guidelines as and when required. Further, section 21(4) of the BD Act provides for NBA to frame guidelines by regulations and in 2014, NBA issued a Guidelines on ABS regulations. Hence, it was decided to modify the phrase as “notify guidelines by regulations” which would be more apt.
20(2) The guidelines shall provide for monetary and other benefits such as royalty; joint ventures; technology transfer; product development; education and awareness raising activities; institutional capacity building and venture capital fund.	20(2) The guidelines regulations notified by the Authority shall provide for monetary and non-monetary other benefits such as royalty, upfront payments , joint ventures; technology transfer, product development, education and awareness raising activities, institutional capacity building and venture capital fund.	20(2) The regulations notified by the Authority shall provide for monetary and non-monetary benefits such as royalty, upfront payments, joint ventures; technology transfer, product development, education and awareness raising activities, institutional capacity building and venture capital fund.		20(2) The regulations notified by the Authority shall provide for monetary and for non-monetary benefits such as royalty, upfront payments, joint ventures; technology transfer, product development, education and awareness raising activities, institutional capacity building and venture capital fund.	In order to have leverage of determination of benefit sharing either monetary & non-monetary or both, it was decided to “and/ or “in the rule.
20(3) The formula for benefit sharing shall be determined	20(3) The formula for benefit sharing shall be	20(3) The benefit sharing shall be		20(3) The benefit sharing shall be determined on a case-by-case basis.	—

on a case-by case basis	determined on a case-by-case basis.	determined on a case-by-case basis.			
20(4) The Authority while granting approval to any person for access or for transfer of results of research or applying for patent and IPR or for third party transfer of the accessed biological resource and associated knowledge may impose terms and conditions for ensuring equitable sharing of the benefits arising out of the use of accessed biological material and associated knowledge.	20(4) The Authority While granting approval to any person for access for research or for bio-survey and bio-utilisation or for commercial utilisation or for transfer of results of research or applying for patent and IPR intellectual property rights or for third party transfer of the accessed biological resource and or associated knowledge, terms and conditions may be imposed for ensuring equitable sharing of the benefits arising out of the use of accessed biological material resources and or associated knowledge.	20(4) While granting approval to any person for access for research or for bio-survey and bio-utilization or for commercial utilization or for transfer of results of research or for intellectual property rights or for third party transfer of the accessed biological resource and or associated knowledge, terms and conditions may be imposed for ensuring equitable sharing of the benefits arising out of the use of accessed biological resources and or associated knowledge.		20(4) While granting approval to any person for access for research or for bio-survey and bio-utilization or for commercial utilization or for transfer of results of research or for intellectual property rights or for third party transfer of the accessed biological resource and or associated traditional and contemporary knowledge , terms and conditions may be imposed for ensuring equitable sharing of the benefits arising out of the use of accessed biological resources and or associated knowledge.	As decided above, the phrase “associated traditional and contemporary knowledge thereto” has been included instead of associated knowledge.
20(5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the local bodies and benefit claimers and may be decided in due regard to the defined parameters	20(5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the Biodiversity Management Committees or local bodies and benefit claimers and may be	20(5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the Biodiversity Management Committees or local bodies and benefit claimers and may be decided with due regard		20(5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the Biodiversity Management Committees or local bodies and benefit claimers and may be decided with due regard to the defined parameters of access, the extent of use, impact and expected	—

of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.	decided in with due regard to the defined parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, nature of technology applied, time-lines, milestones fixed from the initiation of research to the development of the product and risks involved in the commercialization of the product including measures ensuring conservation and sustainable use of biological diversity.	to the defined parameters of access, the extent of use, impact and expected outcome levels, nature of technology applied, time-lines, milestones fixed from the initiation of research to the development of the product and risks involved in the commercialization of the product including measures ensuring conservation and sustainable use of biological diversity.		outcome levels, nature of technology applied, time-lines, milestones fixed from the initiation of research to the development of the product and risks involved in the commercialization of the product including measures ensuring conservation and sustainable use of biological diversity.	
20(6) Depending upon each case, the Authority shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits.	20(6) Depending upon each case, The Authority shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits, on case-by-case basis.	20(6) The Authority shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits, on case-by-case basis.		20(6) The Authority shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits, on case-by-case basis.	—
20(7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.	20(7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.	20(7) deleted	Deleted as it is already covered under rule 220(5)	20(7) deleted	—

<p>20(8) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them through the district administration.</p> <p>Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.</p>	<p>20(8) Where biological resources and or associated knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them as deem fit, or through the State Biodiversity Board, district administration. Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.</p>	20(8) deleted	For the sake of clarity, the determination of benefit sharing and sharing of benefits with the SBBs, BMCs and benefit claimers have been given in separate rules 20 and 20A.	20(8) deleted	—
<p>20(9) Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be, towards administrative and service charges.</p>	<p>20(9) Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be and shall be utilized as decided by the Authority or the Board as the case may be, towards administrative and service charges.</p>	20(9) deleted	Provided under rule 20A below	20(9) deleted	—
<p>20(10) The Authority shall monitor the flow of benefits as determined under</p>	<p>20(10) The Authority shall monitor the flow of benefits as determined under sub rule (4) in a</p>	20(10) deleted	Provided under rule 20A below	20(10) deleted	—

sub rule (4) in a manner determined by it.	manner determined by it.				
	20A Criteria for sharing and utilizing the accrued benefits	20A Criteria for sharing and utilizing the accrued benefits		20A Criteria for sharing and utilizing the accrued benefits	
	20A(1) The Authority shall stipulate measures for utilization and monitoring of the accrued benefits for conservation and sustainable use of biological diversity including channelling benefits to the benefit claimers, conservation and promotion of biological resources, socio-economic development of areas from where the biological resources and or the associated knowledge have been accessed or occur.	20A(1) The Authority shall stipulate measures for utilization and monitoring of the accrued benefits for conservation and sustainable use of biological diversity including channelling benefits to the benefit claimers, conservation and promotion of biological resources, socio-economic development of areas from where the biological resources and or the associated knowledge have been accessed or occur.		20A(1) The Authority shall stipulate measures for utilization and monitoring of the accrued benefits for conservation and sustainable use of biological diversity including channelling benefits to the benefit claimers, conservation and promotion of biological resources, socio-economic development of areas from where the biological resources and or the associated traditional and contemporary knowledge have been accessed or occur.	As decided above, the phrase “associated traditional and contemporary knowledge thereto” has been included instead of associated knowledge.
	20A(2) All monetary benefits shall be deposited in the National Biodiversity Fund.	20A(2) All monetary benefits shall be deposited in the National Biodiversity Fund.		20A(2) All monetary benefits shall be deposited in the National Biodiversity Fund.	—
	20A(3) Where biological resource(s) and or associated knowledge are accessed from a specific individual or a group of individuals or organizations, the Authority may take	20A(3) Where biological resource(s) and or associated knowledge are accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the		20A(3) Where biological resource(s) and or associated traditional and contemporary knowledge are accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed	—

	steps to ensure that the agreed amount is paid directly to them as deemed fit or through the State Biodiversity Board concerned.	agreed amount is paid directly to them as deemed fit or through the State Biodiversity Board concerned.		amount is paid directly to them as deemed fit or through the State Biodiversity Board concerned.	
	20A(4) Not exceeding five percent of the accrued benefits in each case shall be earmarked and utilized by the Authority or Board, as the case may be.	20A(4) Not exceeding five percent of the accrued benefits in each case shall be earmarked and utilized by the Authority or Board, as the case may be.		20A(4) Not exceeding five percent of the accrued benefits in each case shall be earmarked and utilized by the Authority or Board, as the case may be.	—
21 Application of National Biodiversity Fund.–	21 Management and application of National Biodiversity Fund.–	21 Management and application of National Biodiversity Fund. –		21 Management and application of National Biodiversity Fund. –	
	21(1A) The National Biodiversity Fund may be managed based on the recommendations of a committee constituted by the Authority.	21(1A) The National Biodiversity Fund may be managed based on the recommendations of a committee constituted by the Authority.		21(1A) The National Biodiversity Fund may be managed based on the recommendations of a committee constituted by the Authority.	—
21 (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorized in this regard	21 (1) The National Biodiversity Fund shall be operated by the Chairperson or the Secretary or by such other officer of the Authority as may be authorized by the Chairperson in this regard	21(1B) The National Biodiversity Fund shall be operated by the Chairperson or the Secretary or by such other officer of the Authority as may be authorized by the Chairperson in this regard		21(1B) The National Biodiversity Fund shall be operated by the Chairperson or the Secretary or by such other officer of the Authority as may be authorized by the Chairperson in this regard	—
21(2) The National Biodiversity Fund shall have two separate heads of accounts, one	21(2) The National Biodiversity Fund shall have two separate heads of accounts, one	21(2) The National Biodiversity Fund shall have separate heads of accounts, relating to the receipts from the Central		21(2) The National Biodiversity Fund shall have separate heads of accounts, relating to the receipts from the Central	—

relating to the receipts from the Central Government and the other concerning the fee, licence fee, royalty and other receipts of the Authority.	from the Central Government, and the other concerning the application fee, licence fee, monetary benefit sharing royalty and any other receipts mentioned under section 27 of the Act. of the Authority.	Government, application fee, monetary benefit sharing and any other receipts mentioned under section 27 of the Act.		Government, application fee, monetary benefit sharing and any other receipts mentioned under section 27 of the Act.	
22 Constitution of Biodiversity Management Committees	22 Constitution and functions of Biodiversity Management Committees	22 Constitution and functions of Biodiversity Management Committees		22 Constitution and functions of Biodiversity Management Committees	
22(1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.		22(1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.		22(1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.	—
22(2) The Biodiversity Management Committee as constituted under Sub-rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/ Scheduled Tribes.	22(2) The composition of the Biodiversity Management Committee shall be as prescribed by the State Government. Provided that the Biodiversity Management Committee as constituted under sub-rule (1) shall consist of a Chairperson and not less than six and not exceeding six ten members nominated by the local body, of	22(2) The composition of the Biodiversity Management Committee shall be as prescribed by the State Government. Provided that the Biodiversity Management Committee as constituted under sub-rule (1) shall consist of a Chairperson and not less than six and not exceeding ten members nominated by the local body, of whom not less	The proposed changes provide leeway to the State Governments to frame their rules regarding constitution of BMCs within the scope of this rule. The rule also provides for co-option of ex officio members from the related departments of the Government.	22(2) The composition of the Biodiversity Management Committee shall be as prescribed by the State Government. Provided that the Biodiversity Management Committee as constituted under sub-rule (1) shall consist of a Chairperson and not less than six and not exceeding ten members nominated by the local body, of whom not less than one third should be women and not less than 18% belonging	—

	<p>whom not less than one third should be women and not less than 18% should belonging to the Scheduled Castes and or Scheduled Tribes.</p> <p>Provided further that, in addition to the members mentioned in the above proviso, the Biodiversity Management Committee may include <i>ex officio</i> members not exceeding four, representing the concerned departments of the State Government. The <i>ex officio</i> members shall not have any voting rights. The Biodiversity Management Committee may co-opt local experts for technical support.</p>	<p>than one third should be women and not less than 18% belonging to the Scheduled Castes and or Scheduled Tribes.</p> <p>Provided further that, in addition to the members mentioned in the above proviso, the Biodiversity Management Committee may include <i>ex officio</i> members not exceeding four, representing the concerned departments of the State Government. The <i>ex officio</i> members shall not have any voting rights. The Biodiversity Management Committee may co-opt local experts for technical support.</p>		<p>to the Scheduled Castes and or Scheduled Tribes.</p> <p>Provided further that, in addition to the members mentioned in the above proviso, the Biodiversity Management Committee may include <i>ex officio</i> members not exceeding four, representing the concerned departments of the State Government. The <i>ex officio</i> members shall not have any voting rights. The Biodiversity Management Committee may co-opt local experts for technical support.</p>	
<p>22(3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a</p>	<p>22(3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the Committee in a meeting to be chaired by the Chairperson of</p>	<p>22(3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the Committee in a meeting to be chaired by the</p>		<p>22(3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the Committee in a meeting to be chaired by the Chairperson of the local body.</p>	<p>—</p>

meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.	the local body. The Chairperson of the local body shall have the casting votes in case of a tie.	Chairperson of the local body.			
22(4) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years.	22(4) The term of office of the members including Chairperson of the Biodiversity Management Committee shall be co-terminus with the tenure of the local body. Provided that the existing members and chairperson of the Biodiversity Management Committee shall continue to function until the new members are nominated / elected. have a tenure of three years.	22(4) The term of office of the members including Chairperson of the Biodiversity Management Committee shall be co-terminus with the tenure of the local body. Provided that the existing members and Chairperson of the Biodiversity Management Committee shall continue to function until the new members are nominated / elected.	To ensure that BMC remains functional even if the office bearers of the local body are not in position.	22(4) The term of office of the members including Chairperson of the Biodiversity Management Committee shall be co-terminus with the tenure of the local body. Provided that the existing members and Chairperson of the Biodiversity Management Committee shall continue to function until the new members are nominated / elected.	—
	22 (4A) The Biodiversity Management Committee shall be a body by the name aforesaid, having perpetual succession and a common seal.	22(4A) The Biodiversity Management Committee shall be a body by the name aforesaid, having perpetual succession and a common seal.	To ensure that BMC remains a permanent organisational structure in the local body.	22(4A) The Biodiversity Management Committee shall be a body by the name aforesaid, having perpetual succession and a common seal.	—
	22 (4B) The State Government may	22(4B) The State Government may		22(4B) The State Government may	

	designate any <i>ex officio</i> member of the Biodiversity Management Committee as Secretary of the Committee. This person along with the Chairperson of the Committee shall be responsible for the maintenance of accounts, records and reports.	designate any <i>ex officio</i> member of the Biodiversity Management Committee as Secretary of the Committee. This person along with the Chairperson of the Committee shall be responsible for the maintenance of accounts, records and reports.		designate any <i>ex officio</i> member of the Biodiversity Management Committee as Secretary of the Committee. This person along with the Chairperson of the Committee shall be responsible for the maintenance of accounts, records and reports.	—
22(5) The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.		22(5) The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.		22(5) The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.	—
22(6) The main function of the BMC is to prepare People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any	22(6) The State Government shall prescribe the functions of the Biodiversity Management Committee for promoting conservation, sustainable use and documentation of biological diversity and associated knowledge as referred to in section 41 of the Act.	22(6) The State Government shall prescribe the functions of the Biodiversity Management Committee for promoting conservation, sustainable use and documentation of biological diversity and associated knowledge as referred to in section 41 of the Act.		22(6) The State Government shall prescribe the functions of the Biodiversity Management Committee for promoting conservation, sustainable use and documentation of biological diversity and associated knowledge as referred to in section 41 of the Act.	—

other traditional knowledge associated with them.	22 (6A). The documentation of the biological diversity shall be in the form of People's Biodiversity Register, as prescribed by the Authority, preferably in electronic form, which shall contain comprehensive information on availability and associated knowledge of local biological resources and their use	22(6A) The documentation of the biological diversity shall be in the form of People's Biodiversity Register as prescribed by the Authority, preferably in electronic form, which shall contain comprehensive information on availability and associated knowledge of local biological resources and their use.		22(6A) The documentation of the biological diversity shall be in the form of People's Biodiversity Register as prescribed by the Authority, preferably in electronic form, which shall contain comprehensive information on availability and associated traditional and contemporary knowledge of local biological resources and their use.	As decided above, the phrase "associated traditional and contemporary knowledge thereto" has been included instead of associated knowledge.
	22(6B) The People's Biodiversity Register shall be validated by the local body concerned and maintained by the Biodiversity Management Committee.	22(6B) The People's Biodiversity Register shall be validated by the local body concerned and maintained by the Biodiversity Management Committee.		The People's Biodiversity Register shall be validated by the local body concerned and maintained by the Biodiversity Management Committee.	After deliberations on the issue of replacing the term "validated" with "ratified", it was decided to retain the word validated instead of ratified.
	22(6C) The State Biodiversity Board with the prior approval of the State Government may prescribe guidelines for collection fee to be charged by the Biodiversity Management Committee including registration of persons dealing in collection of biological resources from their jurisdiction.	22(6C) The State Biodiversity Board with the prior approval of the State Government may prescribe guidelines for collection fee to be charged by the Biodiversity Management Committee including registration of persons dealing in collection of biological resources from their jurisdiction.	Some guidelines are necessary for BMCs on the criteria for collection fee to be charged and registration of persons/traders accessing the biological resources, otherwise it would be very difficult to keep track of the	22(6C) The State Biodiversity Board with the prior approval of the State Government may prescribe guidelines for collection fee to be charged by the Biodiversity Management Committee including registration of persons dealing in collection of biological resources from their jurisdiction.	<hr/>

			<p>persons accessing and quantum of the biological resources being collected. For want of this information, it is difficult to determine benefit sharing.</p> <p>However, it may be advisable for NBA to issue model guidelines.</p> <p>The State Government may exercise these powers under section 63 of the act.</p>		
<p>22(7) The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local voids and practitioners using the biological resources.</p>	<p>22(7) The other functions of the Biodiversity Management Committee shall are to advise on any matter referred to it by the State Biodiversity Board or Authority for taking any decision relating to the use of for granting approval biological resources and or associated knowledge. Biodiversity Management</p>	<p>22(7) The Biodiversity Management Committee shall advise on any matter referred to it by the State Biodiversity Board or Authority for taking any decision relating to the use of biological resources and or associated knowledge. Biodiversity Management Committee shall maintain data about the local voids and</p>		<p>22(7) The Biodiversity Management Committee shall advise on any matter referred to it by the State Biodiversity Board or Authority for taking any decision relating to the use of biological resources and or associated traditional and contemporary knowledge. Biodiversity Management Committee shall maintain data about the local voids and practitioners using the biological resources.</p>	<p>As decided above, the phrase “associated traditional and contemporary knowledge thereto” has been included instead of associated knowledge.</p>

	Committee shall maintain data about the local vaids and practitioners using the biological resources.	practitioners using the biological resources.			
	22(7A) The Biodiversity Management Committee shall advise the State Government on areas of biodiversity importance to be notified as Biodiversity Heritage Sites.	22(7A) The Biodiversity Management Committee shall advise the State Government on areas of biodiversity importance to be notified as Biodiversity Heritage Sites.		22(7A) The Biodiversity Management Committee shall advise the State Government on areas of biodiversity importance to be notified as Biodiversity Heritage Sites.	—
22(8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.	22(8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.	22(8) deleted	Provided under rule 22(6A)	22(8) deleted	—
22(9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.	22(9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers. 22(9) The Biodiversity Management Committee shall function under the guidance and technical	22(9) The Biodiversity Management Committee shall function under the guidance and technical support provided by the State Biodiversity Board.	Also provided under rule 12(xiv) for NBA	22(9) The Biodiversity Management Committee shall function under the guidance and technical support provided by the State Biodiversity Board.	—

	support provided by the State Biodiversity Board.				
22(10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.	22(10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.	22(10) deleted	Provided under rule 22(6B)	22(10) deleted	—
22(11) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.	22(11) The Biodiversity Management Committee shall also maintain a Register giving having information about the details of the access granted to biological resources and traditional or associated knowledge granted, details of the collection fee charged, imposed and details of monetary and non-monetary benefits derived and their mode of their sharing.	22(11) The Biodiversity Management Committee shall also maintain a Register having information about the details of the access granted to biological resources and or associated knowledge, details of the collection fee charged,—details of monetary and non-monetary benefits derived and their mode of sharing.		22(11) The Biodiversity Management Committee shall also maintain a Register having information about the details of the access granted to biological resources and or associated traditional and contemporary knowledge, details of the collection fee charged, details of monetary and non-monetary benefits derived and their mode of sharing.	As decided above, the phrase “associated traditional and contemporary knowledge thereto” has been included instead of associated knowledge.
23 Appeal for settlement of disputes under Section 50. –	23 Appeals for settlement of disputes under Section 50. –	23 Appeals for settlement of disputes under Section 50		23 Appeals for settlement of disputes under Section 50	
23(1) If a dispute arises between the Authority or a State	23(1) If a dispute arises between the Authority or a State Biodiversity	23(1) If a dispute arises between the Authority or a State Biodiversity		23(1) If a dispute arises between the Authority or a State Biodiversity Board	

<p>Biodiversity Board or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, prefer an appeal to the Central Government under section 50, in Form V to the Secretary, Ministry of Environment and Forests, Government of India.</p>	<p>Board or Boards or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, may prefer an appeal to the Central Government under section 50, in the form as may be prescribed, Form V to the Secretary, Ministry of Environment, and Forests and Climate Change, Government of India.</p>	<p>Board or Boards on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, may prefer an appeal to the Central Government under section 50, in the form as prescribed, to the Secretary, Ministry of Environment, Forest and Climate Change, Government of India.</p>		<p>or Boards on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, may prefer an appeal to the Central Government under section 50, in the form as notified prescribed, to the Secretary, Ministry of Environment, Forest and Climate Change, Government of India.</p>	
<p>23(2) In case the dispute arises between a State Biodiversity Board and another state Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government which shall refer the same to the Authority.</p>	<p>23(2) In case the a dispute arises between a State Biodiversity Board and another State Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government in the format as may be prescribed, which shall refer the same to the Authority for comments.</p>	<p>23(2) In case a dispute arises between a State Biodiversity Board and another State Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government in the format as may be prescribed, which shall refer the same to the Authority for comments.</p>		<p>23(2) In case a dispute arises between a State Biodiversity Board and another State Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government in the format as may be notified prescribed, which shall refer the same to the Authority for comments.</p>	

23(3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for	23(3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for	23(3) deleted	Not necessary	23(3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for	After deliberation, it was decided to maintain <i>status quo</i> of the Rule.
23(4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorized representative of the appellant.		23(4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorized representative of the appellant.		23(4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorized representative of the appellant.	—
23(5) The memorandum of appeal shall be submitted in quadruplicate, either in person or through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impugned provided that if the Central Government is	23(5) The memorandum of appeal shall be submitted in quadruplicate, either in person or in electronic form through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impugned provided that if the Central Government is	23(5) The memorandum of appeal shall be submitted in quadruplicate, either in person or in electronic form within 30 days from the date of the order, direction or policy decision, impugned provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be		23(5) The memorandum of appeal shall be submitted in quadruplicate, either in person or in electronic form or a registered post with Acknowledgement due, within 30 days from the date of the order, direction or policy decision, impugned provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it	The conventional method communication by registered post with Acknowledgement to be retained as it adds advantage to the process.

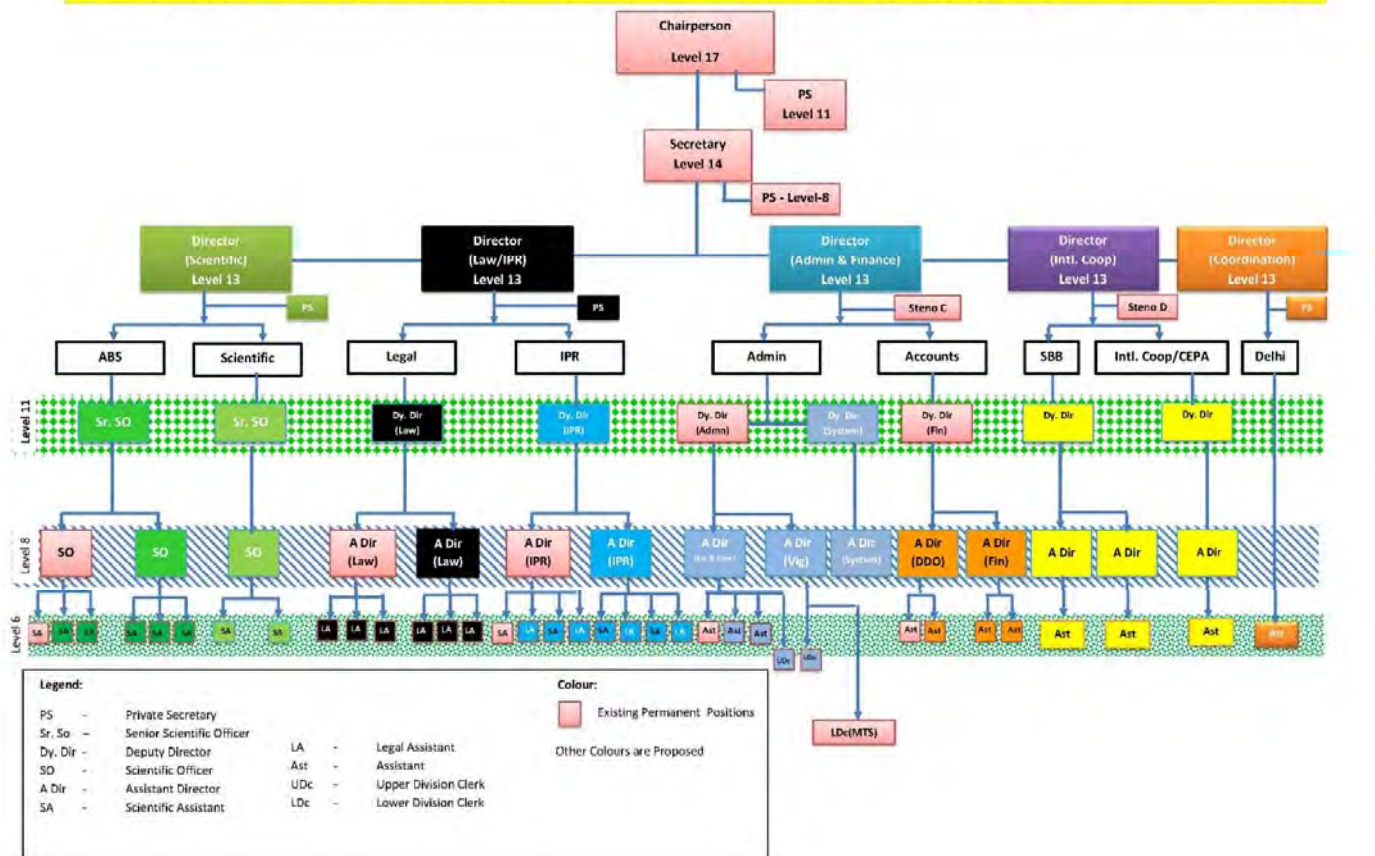
satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the orders impugned, direction or policy decision, as the case may be.	satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 60 days from the date of the orders impugned, direction or policy decision, as the case may be.	recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 60 days from the date of the order impugned, direction or policy decision, as the case may be.		may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 60 days from the date of the order impugned, direction or policy decision, as the case may be.	
23(6) The notice for hearing of the appeal shall be given in Form VI by a registered post with an acknowledgement due.	23(6) The notice for hearing of the appeal shall be given in the format as may be prescribed. by a registered post with an acknowledgement due.	23(6) The notice for hearing of the appeal shall be given in the format as may be prescribed.		23(6) The notice for hearing of the appeal shall be given in the format as may be notified prescribed by a registered post with an acknowledgement due.	The conventional method communication by registered post with Acknowledgement to be retained as it adds advantage to the process.
23(7) The Central Government shall, after hearing the appellant and the other parties, dispose of the appeal.	23(7) The Central Government shall, after hearing the appellant and the other parties, and after taking into consideration the comments as mentioned under sub-rule (2), dispose of the appeal.	23(7) The Central Government shall, after hearing the appellant and other parties, and after taking into consideration the comments as mentioned under sub-rule (2), dispose of the appeal.		23(7) The Central Government shall, after hearing the appellant and other parties, and after taking into consideration the comments as mentioned under sub-rule (2), dispose of the appeal.	—
23(8) In disposing of an appeal it may		23(8) In disposing of an appeal it may vary or		23(8) In disposing of an appeal it may vary or	

vary or modify or cancel impugned order, direction or policy, as the case may be.		modify or cancel impugned order, direction or policy, as the case may be.		modify or cancel impugned order, direction or policy, as the case may be.	—
23(9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.	23(9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.	23(9) deleted	Not necessary, it is implied.	23(9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.	As the rule talks about following principles of natural justice, it may not cause any harm while keeping it. Hence, it was decided to maintain status quo of the rule.
24 Manner of giving notice under Section 61	24 Manner of giving notice under sub-section (b) of section 61	24 Manner of giving notice under sub-section (b) of section 61		24 Manner of giving notice under sub-section (b) of section 61	
24(1) The manner of giving notice, under clause (b) of section 61, shall be as follows namely: (i) The notice shall be in writing in Form VII (ii) The person giving the notice may send it to,	24(1) The manner of giving notice, under sub-section clause (b) of section 61, shall be as follows namely: (i) The notice shall be in writing in Form VII in the format as may be prescribed.	24(1) The manner of giving notice, under sub-section (b) of section 61, shall be as follows namely: (i) The notice shall be in writing in the format as may be prescribed. (ii) The person giving the notice may send it to		24(1) The manner of giving notice, under sub-section (b) of section 61, shall be as follows namely: (i) The notice shall be in writing in the format as may be notified prescribed . (ii) The person giving the notice may send it to	
24(1) (a) If the alleged offence has	24(1) (a) If the alleged offence has taken	24(1)(a) if the alleged offence has taken place		24(1)(a) if the alleged offence has taken place in	

taken place in a Union territory, to the Chairperson of the National Bio-diversity Authority; and	place in a Union territory, to the Chairperson Secretary of the National Bio-diversity Biodiversity Authority; and	in a Union territory, to the Secretary of the National Biodiversity Authority; and		a Union territory, to the Secretary of the National Biodiversity Authority; and	
24(1)(b) If the alleged offence has taken place in a State, to the Chairperson of the State Bio-diversity Board	24(1)(b) If the alleged offence has taken place in a State, to the Chairperson Member-Secretary of the State Bio-diversity Biodiversity Board	24(1)(b) if the alleged offence has taken place in a State, to the Member-Secretary of the State Biodiversity Board		24(1)(b) if the alleged offence has taken place in a State, to the Member-Secretary of the State Biodiversity Board	
24(2) The notice referred to in sub – rule (1) shall be sent by registered post acknowledgement due; and	24(2) The notice referred to in sub – rule (1) shall be sent by registered post or in any other manner as may be prescribed acknowledgement due; and	24(2) The notice referred to in sub–rule (1) shall be sent by registered post or in any other manner as may be prescribed; and		24(2) The notice referred to in sub–rule (1) shall be sent by registered post or electronic form or in any other manner as may be notified prescribed ; and	
24(3) The period of thirty days mentioned in clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub – rule (1).	24(3) The period of thirty days mentioned in sub-section clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub – rule (1).	24(3) The period of thirty days mentioned in sub-section (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub–rule (1).		24(3) The period of thirty days mentioned in sub-section (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub–rule (1).	

Organogram for creation of new posts

PROPOSED ORGANOGRAM OF NATIONAL BIODIVERSITY AUTHORITY (16 + 58 = 74Posts)



Annexure-IV

**Government of India
Ministry of Environment, Forest and Climate Change
National Biodiversity Authority
Chennai**

Guidelines for engagement of Consultants

In exercise of the powers vested under sub-rule (vi) to Rule 12 of Biological Diversity Rules, 2004, the National Biodiversity Authority (**NBA**) makes the following guidelines for engagement of Consultants and regulation of their remuneration and terms of engagement.

Purpose and Scope

National Biodiversity Authority, established in 2003 to implement the Biological Diversity Act, 2002, is a statutory body to perform regulatory and advisory functions for Government of India on issues of conservation of biodiversity, sustainable use of its components and realization of fair and equitable sharing of benefits arising out of use of biological resources.

As part of its mandatory functions, NBA regulates access to India's biological resources and associated knowledge by individuals and entities, for various kinds of activities, such as access for research, commercial utilization and obtaining of IPRs for the inventions based on any research or information on a biological resource obtained from India.

The Biological Diversity Rules, 2004 framed under the Act, lays down the procedures the Forms, specified fees, time lines to facilitate the applicants in obtaining prior approval of the NBA for various activities under the BD Act.

The National Biodiversity Authority requires Consultants for rendering services for the implementation of the Biological Diversity Act, 2002 and related matters.

Guidelines:

The following guidelines have been framed taking into account the Consultancy guidelines framed by the Ministry of Environment, Forest and Climate Change, vide its O.M. No.No.A.65013/7/2018-P.II, dated 21-12-2018 with suitable modifications, wherever required.

The general conditions for engagement of Consultants are hereunder:-

- (i) Consultants would be engaged for a fixed period of time for providing high quality services to NBA and for attending to specific and time-bound jobs like preparation of documents, reports, etc;

(ii) Professionals with requisite qualifications and experience would be hired as Consultants. They shall submit their education qualification and experience details along with the supporting documents as per Annexure. Retired Government employees with relevant experience would also be eligible for engagement as Consultants;

(iii) The job/activities for engagement of Consultant will invariably be quantifiable in measurable terms and the time period required for completion of such should be carefully assessed and specified so that unnecessary engagement of any individual Consultant, for a longer period than it is actually required, may be avoided;

(iv) The appointment of Consultants would be on fulltime basis and they would not be permitted to take-up any other assignment during the period of Consultancy with the NBA.

(v) The Consultant shall not, except with the previous sanction of NBA in the bonafide discharge of his/her duties, publish a book or a compilation of articles or participate in a radio broadcast or contribute an article or write a letter to any newspaper(s) or periodical(s) either in his/her own name or anonymously or pseudonymously in the name of any other person, if such book, article, broadcast, uses any information that he may gather as part of this Consultancy assignment.

(vi) Official (Government) e-mail id and access to intranet system could be provided to Consultant with the approval of the Secretary/Chairperson. The sensitivity and confidentiality of the documents being handled by NBA and the nature of job of the Consultants will also be kept in view.

(vii) The engagement of Consultants is of a temporary nature and the engagement can be cancelled at any time by the NBA without assigning any reason. Chairperson NBA shall have powers to terminate any or all the professionals at any time without assigning any reason. Absence from duty for a continuous period of 12 days, without any information or any valid reason shall lead to automatic termination of contractual engagement.

(viii) The term "Consultant" would mean Consultant in any of the five categories mentioned below, the qualifications, experience and remuneration/fee of these are given hereunder:-

Category of Consultant	Qualifications and Experience	Consolidated Remuneration per month (in Rupees)
Consultant – A (Junior Consultant)	Consultant should have (i) Doctoral degree in Life Science from a recognized University with 5 years experience (or) MPhil degree in Life Science / Law (LLM) from a recognized University with 6 years experience (or) Masters degree in Life Science with 7 years	60,000

	<p>experience and good knowledge of MS Office</p> <p>OR</p> <p>Retired Government Employee with (Grade pay of Rs.4600/- and above and good knowledge of MS Office</p>	
Consultant – B (Consultant)	<p>Consultant should have (i) Doctoral degree in Life Science from a recognized University with 8 years experience (or) MPhil degree in Life Science / Law (LLM) from a recognized University with 9 years experience (or) Masters degree in Life Science with 10 years experience and good knowledge of MS Office</p> <p>OR</p> <p>Retired Government Employee with Grade pay of Rs.6600/-and above and knowledge of MS Office.</p>	80,000
Consultant – C (Senior Consultant)	<p>Consultant should have (i) Doctoral degree in Life Science from a recognized University with 12 years experience (or) MPhil degree in Life Science / Law (LLM) from a recognized University with 15 years experience and good knowledge of MS Office.</p> <p>OR</p> <p>Retired Government Employee with (i) Grade pay of Rs. 8700/- and above and good knowledge of MS Office.</p>	1,00,000
Consultant – D (Principal Consultant)	<p>Consultant should have (i) Doctoral degree in Life Science from a recognized University with 15 years experience (or) MPhil degree in Life Science / Law (LLM) from a recognized University with 18 years experience</p> <p>OR</p> <p>Retired Government Employee with Grade pay of Rs. 10000/- and above and good knowledge of MS Office.</p>	1,25,000

(ix) **Period of Engagement:**

- (a) The initial tenure of engagement for a person as Consultant would be up to a period of three years (1+1+1) (subject to evaluation of satisfactory performance). Continuation of the Consultant beyond three years for up to additional two years will be considered on case to case basis with the approval of Competent Authority.
- (b) Completion of tenure should be carefully assessed and specified so that unnecessary engagement of any individual Consultant, for a longer period than it is actually required, may be avoided.
- (c) As the engagement of Consultant is temporary in nature and he/she shall not claim for regular employment in NBA .

(x) **Age Limit-**The maximum age limit for all categories of Consultants shall be 65 years.

(xi) **Procedure:**

- (a) The number of Consultants required will be decided by the Chairperson.
- (b) Based on their requirement advertisement will be placed in two newspapers and NBA website. All the applications received in response to the vacancies advertised will be scrutinized and shortlisted and placed before the Consultancy Evaluation Committee (CEC) which would recommend suitable candidate(s), along with one candidate as reserve for each vacancy based on written examination or interview or both, as may be decided.
- (xii) The CEC would be constituted by the Chairperson.
- (xiii) The recommendation of the CEC will be approved by the Chairperson.
- (xiv) The amount of remuneration in the case of retired Government officials appointed as Consultants in any of the categories shall be decided in accordance with the instructions of Department of Personnel and Training, Government of India.
- (xv) **Drawal of Pension:** A retired Government official appointed as Consultant in any of the categories mentioned above shall continue to draw pension and the dearness relief on pension during the period of his engagement as Consultant. His/Her engagement as Consultant shall not be considered as a case of re-employment.
- (xvi) **Allowances:** The consultants shall not be entitled to any allowance such as Dearness Allowance, Conveyance Allowance, Residential Telephone, Residential Accommodation, Personal Staff, CGHS, Medical Reimbursement, etc.
- (xvii) **Leave:**
 - (a) Consultants shall be eligible for 12 days leave in a single year of consultancy.
 - (b) The leave shall accrue to them on start of each month calculated from calculated from their date of joining on pro-rata basis.

- (c) Consultant shall not draw any remuneration in case of his/her absence beyond 12 days in a year (calculated on pro-rata basis).
- (d) Un-availed leave in tenure of single year cannot be carried forward to next tenure of 1 year.
- (e) The intervening Saturday, Sunday or Gazetted Holidays during a spell of leave shall not be counted against the eligible leave.
- (xviii) Revision of remuneration: Upward revision of remuneration on yearly basis will be considered based on performance assessment by NBA, subject to renewal of contract.
- (xix) No TA/DA shall be admissible for interview/joining the assignment or on its completion. Consultants shall be allowed TA, DA and hotel accommodation in connection with the official work as per the provisions of SR190 and shall be regulated by separate orders of NBA.
- (xx) **Attendance and working days:**
 - (a) The working hours of the Consultant shall be same as a regular Government employee working in NBA. No additional remuneration shall be allowed for working beyond office hours or on Saturdays / Sundays / Gazetted holidays. Compensatory leave in such cases shall be at the discretion of NBA.
 - (b) The attendance shall be marked in the Biometric system/other approved means, by the Consultant.
- (xxi) **Conflict of Interest:**
 - (a) The Consultant shall be expected to display utmost honesty, secrecy, sincerity and good conduct while discharging his/her duties. In case, services of Consultants is found in conflict with the interests of Government or unsatisfactory, his/her engagement will be liable for discontinuation without assigning any reason;
 - (b) During the period of assignment with NBA, the Consultant would be subject to the provisions of the Indian Official Secret Act, 1923 and will not divulge any information gathered by him/her during the period of his assignment to anyone who is not authorized to know the same.
 - (c) Selected candidates shall provide integrity certificate from 2 references known to them.
 - (d) A self-undertaking shall be provided by the candidate to the effect that he/she has no criminal record or criminal case in any court is pending against them.
- (xxii) Any amendment/relaxation in the above guidelines would require prior approval of Chairperson.
- (xxiii) The Service of Consultants engaged under the earlier guidelines of NBA will also be governed by the revised guidelines from the date of annual renewal of their contract.

Annex-V

Process and Guidelines for Samrakshan Internship Programme at National Biodiversity Authority

The National Biodiversity Authority (NBA) wishes to engage dynamic and creative students, who are willing to learn about natural resource management and biodiversity conservation and to support the projects of NBA in various State and Union Territories and to technically assist the State Biodiversity Boards/UTs Biodiversity Council in discharge of their mandates.

Description of Tasks:

- (i) Assist in the operationalization of Biodiversity Management Committees (BMCs) in the States and Union Territories
- (ii) Assist BMCs in the preparation of their People's Biodiversity Registers
- (iii) Assist in the GOI-NBA-UNDP India Biodiversity Awards process
- (iv) Assist in the implementation of Biological Diversity Act, 2002

Locations:

Interns will be placed in NBA - Chennai, MoEFCC and UNDP – New Delhi and the State Biodiversity Boards.

Starting date:

1st October, 2020 (Tentative)

Duration:

6 months, with a possibility of extension by an additional 6 months

Eligibility Criteria:

- (i) Candidates with a postgraduate degree and interest in natural resource management
- (ii) Must be between 21 – 30yrs

No. of Positions:

20; may be increased/decreased as per functional needs.

Stipend:

Consolidated amount of Rs.15,000/- per month.

Selection Process:

Applicants must submit an online application to apply. S/he must give an online exam on aspects of natural resource management to qualify for the personal interview. Personal interview may be conducted via Skype as well. Only selected candidates will be informed post the interview.

Annex-VI

**Government of India
Ministry of Environment, Forest and Climate Change
National Biodiversity Authority
Chennai**

Guidelines for engagement of Young Professionals

In exercise of the powers vested under sub-rule (iv), (v), (vii) and (xiii) to Rule 12 of Biological Diversity Rules, 2004, the National Biodiversity Authority (**NBA**) makes the following guidelines for engagement of Young Professionals and regulation of their remuneration and terms of engagement.

Purpose and Scope

National Biodiversity Authority, established in 2003 to implement the Biological Diversity Act, 2002, is a statutory body to perform regulatory and advisory functions for Government of India on issues of conservation of biodiversity, sustainable use of its components and realization of fair and equitable sharing of benefits arising out of use of biological resources.

As part of its mandatory functions, NBA regulates access to India's biological resources and associated knowledge by individuals and entities, for various kinds of activities, such as access for research, commercial utilization and obtaining of IPRs for the inventions based on any research or information on a biological resource obtained from India.

The Biological Diversity Rules, 2004 framed under the Act, lays down the procedures the Forms, specified fees, time lines to facilitate the applicants in obtaining prior approval of the NBA for various activities under the BD Act.

The National Biodiversity Authority requires Young Professionals for rendering services for the effective implementation of the Biological Diversity Act, 2002 and related matters.

Guidelines:

The general conditions for engagement of Young Professionals are hereunder:-

- (i) Young Professionals would be engaged for a fixed period of time for providing high quality services to NBA and for attending to specific and time-bound jobs like preparation of documents, reports and assistance to officers, etc;
- (ii) Young and bright Professionals with requisite qualifications and experience would be hired as Young Professionals. They shall submit their education qualification and experience details along with the supporting documents as per Annexure;

(iii) The job/activities for engagement of Young Professionals will invariably be quantifiable in measurable terms and the time period required for completion of such should be carefully assessed and specified so that unnecessary engagement of any individual Young Professionals, for a longer period than it is actually required, may be avoided;

(iv) The appointment of Young Professionals would be on fulltime basis and they would not be permitted to take-up any other assignment during the period of engagement with the NBA.

(v) The Young Professionals shall not, except with the previous sanction of NBA in the bonafide discharge of his/her duties, publish a book or a compilation of articles or participate in a radio broadcast or contribute an article or write a letter to any newspaper(s) or periodical(s) either in his/her own name or anonymously or pseudonymously in the name of any other person, if such book, article, broadcast, uses any information that he/she may gather as part of this assignment.

(vi) Official (Government) e-mail id and access to intranet system can be provided to Young Professionals with the approval of the Secretary/Chairperson. The sensitivity and confidentiality of the documents being handled by NBA and the nature of job of the Young Professionals will also be kept in view.

(vii) The engagement of Young Professionals is of a temporary nature and the engagement can be cancelled at any time by the NBA without assigning any reason. Chairperson NBA shall have powers to terminate any or all the professionals at any time without assigning any reason. Absence from duty for a continuous period of 12 days, without any information or any valid reason shall lead to automatic termination of contractual engagement.

(viii) The term "Young Professionals" would mean Young Professionals in any of the nine categories mentioned below, the qualifications, experience and remuneration of these are given hereunder:-

SI N o	Category	Academic qualification and Professional experience	Age Limit	Consolidat ed Emolument s per month (Rs.)
	SCIENTIFIC			
1	Young Professional-I (Scientific)	Bachelor of Engineering (Biotechnology) with one year experience (or) Bachelor's degree in - Life Science like Botany, Zoology / Biotechnology / Forestry / Agriculture / Horticulture / Microbiology / Bioinformatics from a recognized University / Institution with 2	Not exceeding 30 years	40000/-

		years' experience in the relevant field		
2	Young Professional-II (Scientific)	Bachelor of Engineering (Biotechnology) with 5 years' experience (or) Master's degree in Life Science like Botany, Zoology / Biotechnology/ Forestry / Agriculture / Horticulture/ Microbiology / Bioinformatics from a recognized University / Institution with 4 years' experience in the relevant field.	Not exceeding 35 years	45,000/-
3	Young Professional-III (Scientific)	Doctoral degree in Life Science like Botany, Zoology / Biotechnology/ Forestry / Agriculture / Horticulture/ Microbiology / Bioinformatics from a recognized University / Institution with 4 years' or MPhil degree in Life Science / Forestry / Biotechnology / Agriculture / Horticulture/ Microbiology / Bioinformatics with 6 years experience in the relevant field.	Not exceeding 45 years	55000/-
LAW				
4	Young Professional-I (Legal)	Bachelor's degree in Law (LLB / BL) from a recognized University with one year work experience in the relevant field	Not exceeding 30 years	40000/-
5	Young Professional-II (Legal)	Bachelor's degree in Law (LLB / BL) from a recognized University with a minimum of 4 years' work experience in the relevant field (or) Master's degree in Law from a recognized University with a minimum of 2 years work experience in the relevant field	Not exceeding 35 years	45000/-
6	Young Professional – III (Legal)	Doctoral degree in Law from a recognized University with a minimum of 2 years work	Not exceeding 45 years	55000/-

		<p>experience in the relevant field (or)</p> <p>Master's degree in Law from a recognized University with a minimum of 5 years work experience in the relevant field (or)</p> <p>Bachelor's degree in Law (LLB / BL) from a recognized University with a minimum of 10 years' work experience in the relevant field</p>		
	ADMINISTRATION			
7	Young Professional-I (Admin & Accounts)	<p>Master's degree in Accountancy / Business Administration / Computer Science / Information Technology or Professional Qualification like CA (Inter / Final), ICWA (Inter / Final), ACS (Inter / Final) with 1 year experience in the relevant field.</p> <p>In the case of CA (Final) qualified persons, no experience is required.</p>	Not exceeding 30 years	40000/-
8	Young Professional-II (Admin & Accounts)	<p>Master's degree in Accountancy / Business Administration / Computer Science / Information Technology or Professional Qualification like CA (Inter / Final), ICWA (Inter / Final), ACS (Inter / Final) with 3 years experience in the relevant field.</p> <p>In the case of CA (Final) qualified persons, one year experience is required.</p>	Not exceeding 35 years	45000/-
9	Young Professional-III (Admin & Accounts)	Professional Qualification like MBA from reputed institutions like IIM, ISB, IIT, NIT etc. or CA, ICWA, ACS with 5 years experience in the relevant field.	Not exceeding 45 years	55000/-

(ix) Period of Engagement:

- (d) The initial tenure of engagement for a person as Young Professionals would be upto a period of three years (1+1+1) (subject to evaluation of satisfactory performance). Continuation of the Young Professionals beyond three years for up to additional two years will be considered on case to case basis with the approval of Competent Authority.
- (e) Completion of tenure should be carefully assessed and specified so that unnecessary engagement of any individual Young Professionals, for a longer period than it is actually required, may be avoided.
- (f) As the engagement are temporary in nature and he /she shall not claim for regular employment in NBA.

(x) Procedure:

- (b) The number of Young Professionals required will be decided by the Chairperson.
- (b) Based on their requirement advertisement will be placed in two newspapers and NBA website. All the applications received in response to the vacancies advertised will be scrutinized and shortlisted and placed before the Consultancy Evaluation Committee (CEC) which would recommend suitable candidate(s), along with one candidate as reserve for each vacancy based on written examination or interview or both, as may be decided.
- (xi) The CEC would be constituted by the Chairperson.
- (xii) The recommendation of the CEC will be approved by the Chairperson.
- (xiii) Allowances: The Young Professionals shall not be entitled to any allowance such as Dearness Allowance, Conveyance Allowance, Residential Telephone, Residential Accommodation, Personal Staff, CGHS, Medical Reimbursement, etc.
- (xiv) **Leave:**
 - a) Young Professionals shall be eligible for 12 days leave in a single year of consultancy,
 - b) The leave shall accrue to them on start of each month calculated from their date of joining on pro-rata basis.
 - c) Young Professionals shall not draw any remuneration in case of his/her absence beyond 12 days in a year (calculated on pro-rata basis).
 - d) Un-availed leave in tenure of single year cannot be carried forward to next tenure of 1 year.
 - e) The intervening Saturday, Sunday or Gazetted Holidays during a spell of leave not be counted against the eligible leave.

(xvi) Revision of remuneration: Upward revision of remuneration on yearly basis will be considered based on performance assessment by NBA, subject to renewal of contract.

(xvi) No TA/DA shall be admissible for interview/joining the assignment or on its completion. Young Professionals shall be allowed TA, DA and hotel accommodation in connection with the official work as per the provisions of SR190 and shall be regulated by separate orders of NBA.

(xvii) **Attendance and working days:**

(a) The working hours of the professional shall be same as a regular Government employee working in NBA. No extra remuneration shall be allowed for working beyond office hours or on Saturdays / Sundays / Gazetted holidays. Compensatory leave in such cases shall be at the discretion of NBA.

(b) The attendance shall be marked in the Biometric system/other approved means, by the Young Professionals.

(xviii) **Conflict of Interest:**

(a) The Young Professionals shall be expected to display utmost honesty, secrecy, sincerity and good conduct while discharging his/her duties. In case services of Young Professionals found in conflict with interests of Government or unsatisfactory, his/her engagement will be liable for discontinuation without assigning any reason;

(b) During the period of assignment with NBA, the Young Professionals would be subject to the provisions of the Indian Official Secret Act, 1923 and will not divulge any information gathered by him/her during the period of his assignment to anyone who is not authorized to know the same.

(c) Selected candidates shall provide integrity certificate from 2 references known to them.

(d) A self-undertaking shall be provided by the candidate to the effect that he/she has no criminal record or criminal case in any court is pending against them.

(xix) Any amendment/relaxation in the above guidelines would require prior approval of Chairperson.

(xx) The Service of Young Professionals engaged under the earlier guidelines of NBA will also be governed by the revised guidelines from the date of annual renewal of their contract.
