



सत्यमेव जयते



## **PROCEEDINGS OF THE 68<sup>th</sup> AUTHORITY MEETING**

**1- 2 December 2023**

at Indian National Science Academy,

New Delhi

**NATIONAL BIODIVERSITY AUTHORITY**

**Chennai**



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**Proceedings of the 68<sup>th</sup> Authority Meeting of National Biodiversity Authority,  
held on 1<sup>st</sup>-2<sup>nd</sup> December, 2023**

The 68<sup>th</sup> Authority meeting of the National Biodiversity Authority (NBA) was held on 1<sup>st</sup> -2<sup>nd</sup> December, 2023 at the Indian National Science Academy, New Delhi under the Chairmanship of Shri. C. Achalender Reddy, IFS (Retd.) Chairman, National Biodiversity Authority. The list of participants is given in the **Annexure-I**.

2. At the outset, Dr. B. Balaji, Secretary NBA welcomed the Chairman, and Members of NBA present for the meeting. He also welcomed the non-official members of the Authority who have been recently appointed by the MoEFCC.

3. In his opening remarks, the Chairperson, NBA also welcomed the members and newly appointed non-official members. He placed on record the contributions made by the past non-official members to the Authority in the smooth functioning of the Authority especially on techno-legal issues dealt in the meetings.

3. Thereafter, the following agenda items were placed before the Authority for deliberations and considered as under

<b>68.01: Draft amendments proposed to the Biological Diversity Rules, 2004 as per the Biological Diversity (Amendment) Act, 2023 for consideration</b>
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The Secretary, NBA informed the members that the Biological Diversity (Amendment) Bill, 2021 was passed in the Lok Sabha on 25.07.2023 and Rajya Sabha on 01.08.2023. Subsequently, the Biological Diversity (Amendment) Act, 2023 received the assent of the Hon'ble President of India on 03.08.2023.

2) Members were informed that MoEFCC vide email dated 23.01.2023, directed the NBA to initiate the work on revision of the Biological Diversity Rules, 2004 (BD Rules, 2004) and ABS Guidelines, 2014 in accordance with the Biological Diversity (Amendment) Bill, 2021 as reported by the Joint Committee and Official Amendments, so as to notify the revised Rules and ABS Guidelines, 2014 at the earliest, once the notification of the Biological Diversity (Amendment) Bill, 2023 is published.



- 3) It was also informed that, NBA had constituted an Expert Committee (EC) comprising of 20 Members under the chairmanship of Shri A. K. Goyal IFS (Retd.), Former Special Secretary, Ministry of Panchayati Raj, with a mandate to review the BD Rules, 2004 and to suggest appropriate modifications to the Rules vide office order dated 22.03.2023. While EC is proposing draft amendments to the BD Rules 2004, the Additional Secretary, MoEFCC, examined the draft amendments and offered comments on the same. Subsequently, the comments offered by the Additional Secretary, MoEFCC was communicated to the EC on 28.08.2023 and the same was considered by EC and made modifications in the Rules, as appropriate.
- 4) The members were apprised that the NBA requested the EC to submit the pre-final version of the draft Rules to NBA for examination and offer comments, if any. Accordingly, EC submitted a pre-final version of the draft amendments to the BD Rules to NBA on 18.09.2023. Thereafter, the NBA Secretariat examined and offered its comments/suggestions on 21.09.2023 to the EC. After considering the comments of NBA, EC had submitted its final report along with amendments proposed to the BD Rules, 2004 to the NBA on 29.09.2023.
- 5) The members were also apprised that the recommendations of the 77th meeting of the Standing Committee of CITES, held in Geneva from 06th to 10th November, 2023, to remove the Red Sanders from the Review of Significant Trade (RST) process unconditionally, came to the notice of the NBA. It was informed that India was under the RST process for Red Sanders, since 2004, and this process enables disciplinary action in the form of trade suspensions directed at countries that do not meet their obligations. This exemption will lead to increase in the export of artificially propagated Red Sanders, thereby serving the farmers in the trade process and to encourage the cultivation of Red Sanders.
- 6) It was also mentioned that, taking into account of the recent developments, EC was again requested to reconsider the amendments proposed to the BD Rules and to explore the possibility of facilitating the export of Red Sanders and other biological resources (non NTACs) by Indians through incorporation of necessary provisions in the Rules. Accordingly, EC in its 18th meeting held on 26th and 27th, November 2023, discussed the proposal of the NBA and submitted its report to the NBA on 29.11.2023.





7) On being heard, members considered the matrix showing the draft amendment to the Rules proposed by the EC, along with comments of MoEFCC and NBA Secretariat, as given in Annex-IV of the Agenda. Members had in-depth discussion clause by clause with the suggestion/ remarks made by the NBA Secretariat against the respective Rules.

8) After having detailed examination, members, in principle, approved the amendments proposed to the Biological Diversity Rules, 2004 subject to modifications in Rules 2(l), 4(1), 6(1), 6(3), 8, 9(3), 10(4), 12(xx), 12(xxiii), 12(xxviii), 12(xxxi), 15(2), 16(5), 16(8), 18(vi), 20(4), 21((1)(d), 21(2)(c), 21(3)(d), 22(1), 22(1)(i), 30(4) & (5), 33(4), 36(2), 36(4)(c), and 38 of the draft amendments proposed to the BD Rules, 2004.

**Decisions:**

a) Authority considered the Report submitted by the Expert committee on amendments to the Biological Diversity Rules and notification of forms and fees. The Authority in-principle approved the report submitted by the EC and placed on record its appreciation.

b) Authority in-principle approved the draft amendments to the BD Rules subject to certain modifications, as appended in Annex.II. The revised rules are applicable prospectively [Prof. R. R. Hanchinal]

c) Members directed NBA Secretariat to forward the revised draft rules to all members for comments, if any by giving 5 days. Comments, if any, are received, the same will be compiled and placed before the Authority for consideration.

**Action: NBA Secretariat**

**68.02: Confirmation of the Proceedings of the 67<sup>th</sup> Authority meeting**

The draft Proceedings of the 67<sup>th</sup> meeting of the NBA held on 24<sup>th</sup> March, 2023, in hybrid mode, at MoEFCC, New Delhi were circulated to the members *vide* this office e-mail dated 2<sup>nd</sup> May, 2023 for seeking their comments and no comments were received from the members. The members unanimously confirmed the Proceedings of the 67<sup>th</sup> Authority meeting.

**Decision:** The Proceedings of the 67<sup>th</sup> Authority Meeting were confirmed.





### **68.03: Action Taken Report of the 67<sup>th</sup> Authority Meeting**

Secretary, NBA apprised the actions taken on the decisions taken in the 67<sup>th</sup> Authority meeting. The members noted the actions taken by the Secretariat and further deliberated on the Agenda item no. 67.13 regarding new Indo-German technical cooperation project being developed jointly by GIZ, NBA and MoEFCC, aimed at supporting the development of a national e-PBR framework.

2. In this regard, the members expressed that the microbial repositories can be involved in the e-PBR activity for verification of the microbial data which are recorded in the PBR. Chairman, NBA mentioned that this will be also discussed at the Annual SBB meeting wherein PBR updation will be included as one of the Agenda items. The actions taken on the other Agenda items were noted.

**Decision:** The action taken by the NBA on decisions taken in the 67<sup>th</sup> Authority meeting were noted by the members.

### **68.04: ABS Applications Dealt by the Secretariat**

The Secretary, NBA apprised the members that based on the recommendations of the Expert Committee constituted for streamlining the approval process by NBA, the Authority in its 54<sup>th</sup> and 55<sup>th</sup> meeting vide agenda no. 54.20.03 considered and endorsed the recommendations of the EC that NBA Secretariat may

process the applications based on the set precedence. Accordingly, NBA vide office order dated 19<sup>th</sup> March 2020 issued for processing ABS applications in NBA without referring to Expert Committee on ABS. However, in case of any contravention/ difficulty such cases only to be placed before in the EC on ABS for examination.

2) Accordingly, the NBA Secretariat has sent 533 draft agreements to applicants (**Form I- 39, Form II- 02, Form III- 492**) for execution, 641 agreements were executed with applicants which construed as an approval (Form I- 79, Form II- 02, Form III- 560) and closed 55 applications (Form I- 07, Form II- 01, Form III- 47) between January 2023- October 2023.

**Decision:** The applications processed and agreements executed by the NBA Secretariat were ratified by the Authority.



**Action: NBA Secretariat**

**68.05: Seeking guidance to consider the request of the applicant (M/s. Shanghai Shenda Imp. & Exp. Co. Ltd) to close the application for access to Red Sanders and adjust the ABS amount already paid for future application**

Secretary, NBA briefed the members that the applicant, M/s. Shanghai Shenda Imp. & Exp. Co. Ltd, China, had submitted a Form-I application [INBA1202203923] on 23.08.2022 seeking approval of NBA for access to 100 MTs of artificially propagated/Cultivated Red Sanders wood logs and roots for the purpose of Commercial Utilization from Chennetivakam village, Tirupati Dist., Andhra Pradesh through trader Mr. K. Vishwanatha Reddy, Andhra Pradesh. In this regard, NBA vide email dt.31.08.2022 had sought the applicant to furnish certain clarification and to submit the documents such as the Certificate of Origin, details of the cultivator and the agreement entered with them.

2. The applicant vide email dt.10.09.2022 had responded to this office, however had not submitted the copy of the Certificate of Origin and the agreements entered between the trader and the cultivator even after reminders. The applicant responded that due to the introduction of new districts in the state of Andhra Pradesh and subsequent transfers of the officers at the Forest Department, the officers responsible for inspection have also been transferred led to delay in obtaining the Certificate of Origin and requested additional time which was granted. Secretary, NBA further informed that the applicant also paid an amount of INR 39,83,936 [USD 50,200] being 5% of the purchase price of the Red sanders, as benefit sharing amount to NBA on 16.09.2022.

3. In this connection, the applicant vide email dt. 02.01.2023 stated that *"We wish to inform that the Exporter herein has undergone medical surgery recently and in need of constant medical attention. Considering this dire situation, the Exporter is unable to further process this application in Form INBA1202203923 dated 23.08.2022. Under the above circumstances, the best option available is for the cancellation of the Application in Form I -INBA1202203923 dated 23.08.2022. In the spirit of good cooperation and responsibility towards our ABS Fee payment of US\$ 50,200/- dated 30.08.2022 for this Form I INBA1202203923, we shall compensate the already paid ABS Fee payment amount under our future Form I Applications. We*





*therefore request your Good Offices to guide us through the process of cancellation of Application in Form I - INBA1202203923 dated 23.08.2022”.*

4. In view of the foregoing points, Secretary, NBA informed that the applicant requested NBA to close the application filed for access to Red Sanders and to adjust the ABS amount already paid under this application for future application.

5. The members expressed that the application may be closed, however, only the capital amount may be refunded to the applicant. Chairman, NBA informed that this may be placed before the reconstituted EC on Red Sanders to deliberate further on this issue and way forward. It was also informed to the members that the EC on Red Sanders also dealing with the issue of developing procedural guidelines for the processing of applications of Red Sanders from cultivated sources.

**Decision:** The Authority members decided that such applications can be placed before the EC on Red Sanders and the recommendations can be considered in the next Authority meeting

**Action: Secretary, NBA**

**68.06: To consider the advisory note sent to the PCCF of Andhra Pradesh & Tamil Nadu, Managing Director of APFDC and TNFPCL with regard to advising traders/exporters/importers of the Red Sanders not to pay 5% ABS amount to NBA prior to receiving directions from NBA especially in respect of cultivated Red Sanders.**

Secretary, NBA explained to the members that NBA regulates access to confiscated and cultivated Red Sanders, in any form, under the Biological Diversity Act, 2002. Accordingly, any person who falls u/s 3(2) of the BD Act, 2002 shall apply in Form-I to NBA and has to pay 5% as ABS on the proceeds of the auction or sale amount as decided by the NBA/SBB, before lifting the Red Sanders from the site. He further mentioned that NBA had developed a simplified procedure for processing applications received to access the Red Sanders wood in the 32<sup>nd</sup> Authority (Agenda item no. 32.07) held on 12.12.2014. As per the said procedure, the applicant has to pay the benefit sharing amount to NBA only upon receipt of the draft agreement from the NBA.

2. Secretary, NBA explained that the applicants who intend to access Red Sanders from “Cultivated Origin” on private lands remitting the benefit sharing amount on their own at the stage of filing of the application itself prior to receipt of



instructions from NBA to pay the ABS amount. The applicants are of the opinion that payment of ABS alone is sufficient to get the approval from NBA for lifting the Red Sanders. Hence, they were demanding that their applications should be cleared immediately whereas the NBA has to scrutinize the application in order to ensure that applicant had furnished the requisite documents like "*Certificate of Origin*" given by the concerned Forest Department, details of the patta land owners, agreement executed by Traders with patta land owners, etc. He pointed out that, in most of the cases, the details of patta land owners are not provided by neither the Forest Department nor by the applicant which would complicate the issue as ABS amount needs to be ultimately transferred to benefit claimers/patta land owners as per the provisions of the Act. Hence, NBA seeks information from the applicants. He further stated that the process of granting approval gets delayed, due to furnish of incomplete information by the applicant

3. Secretary, NBA informed that, It is finding it difficult to receive any unaccountable payment of ABS amount from the applicants without any basis *i.e. without issuance of Clearance letter by NBA*, which is leading to administrative complications. Further, banks are not able to stop any deposit in the account particularly from foreign banks.

4. The members deliberated the issue in detail and informed that NBA may develop procedural guidelines through the reconstituted EC on Red Sanders and place it in the next meeting for consideration.

**Decision:** The Authority decided that NBA shall develop procedural guidelines for access to Red sanders from cultivated source through the EC on Red Sanders and the draft guidelines to be placed in the next Authority meeting for consideration.

**Action: Secretary, NBA**

**68.07: To consider the development of Checklist and procedure for access to Red Sanders from Cultivated source with the help of Expert committee on Red Sanders**

Secretary, NBA briefed the members that the Red Sanders (*Pterocarpus santalinus*); and its products are having high economic value. This is naturally found in the State of Andhra Pradesh particularly restricted to Chittoor, Kadapa, Nandhyal,





Nellore and Prakasam districts. It is also cultivated in the State of Andhra Pradesh, Telangana, Karnataka, Kerala & Tamil Nadu. The species is highly threatened and categorized as 'Endangered' by IUCN. The Red Sanders are also listed under Appendix II of CITES and Schedule IV of The Wildlife (Protection) Amendment Act, 2022 which states "Species that are not necessarily threatened with extinction, but trade must be controlled in order to avoid utilization incompatible with their survival". Hence, the export is either prohibited or restricted under India's Foreign Trade policy.

2. He further explained that, in the year 2013, the Directorate General of Foreign Trade (DGFT) had granted relaxation under the EXIM Policy [Notification No. 47 (RE- 2013)/2009-2014] dated 24 October 2013, within a stipulated time to export the confiscated Red Sanders wood in log form through Government of Andhra Pradesh & Directorate of Revenue Intelligence (DRI).

3. Secretary, NBA reiterated that NBA regulates access to confiscated and cultivated Red Sanders, in any form, as per the provisions of the Biological Diversity Act, 2002. Accordingly, any person who falls u/s. 3(2) of the BD Act, 2002 shall apply in Form-I to NBA and has to pay 5% on the proceeds of the auction or sale amount as ABS component, as decided by NBA/SBB, before lifting the Red Sanders from the site. Further, NBA had developed a simplified procedure for processing applications received to access the Red Sanders wood in the 32<sup>nd</sup> Authority (Agenda item no. 32.07) held on 12.12.2014 and decided to accord approvals without asking consent from the concerned SBBs. He stated that a decision has been taken in the 32<sup>nd</sup> Authority meeting to form an Expert Committee to develop a comprehensive policy for utilizing the amount realised by the NBA/SBB as benefit sharing from the export of Red Sanders. Also, a procedure for scrutinizing and processing the confiscated Red Sanders application was approved by the competent Authority on 30.01.2015.

4. He further explained that in order to utilize the benefit sharing amount realized on access of Red Sanders wood, NBA developed a Comprehensive Policy with the help of Expert Committee, Chaired by Shri. B. Vijayan IAS (Retd.), former Chief Secretary of Goa, and co-Chaired by Shri. B. Somasekhara Reddy, IFS (Retd.), Former Principal Chief Conservator of Forest and Head of Forest Forces, Andhra Pradesh on Red Sanders for "**Conservation, Sustainable use, Fair and Equitable Sharing of Benefits Arising from Utilization of Red Sanders**". The committee

submitted the report to the Authority and it was approved in its 41<sup>st</sup> meeting on 27.03.2017[Agenda item no: 41.07]. The same was communicated to the concerned State Governments/ Ministries/ Departments / Institutions including DGFT for taking necessary action.

5. He also informed that DGFT vide public notice no. 74/2015-20, dated 18<sup>th</sup> February, 2019 made relaxation for export of Red Sanders wood sourced from cultivated origin *i.e.* private or patta land. He added that report of the Expert Committee on Red Sanders recommended to encourage the cultivation of Red Sanders including relaxation in the procedure for export of Red Sanders from Cultivated source and it served as a basis for issuance of the said notification by DGFT. Recently, the DGFT vide notification no. 50/2015-2020 dated 27.12.2022 amended the export policy of Red Sanders wood exclusively sourced from cultivation origin obtained from private land (including patta land) and confiscated source for the State of Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Madhya Pradesh, Manipur, Tamil Nadu, Telangana, Rajasthan, Maharashtra, Uttar Pradesh, Haryana and Karnataka.

6. Secretary, NBA mentioned that as required under the provisions of the BD Act, 2002, NBA is in receipt of applications from foreign buyers for access to both confiscated and cultivated Red Sanders. In the year 2014, NBA had already adopted a simplified procedure for access to confiscated Red Sander wood which are auctioned by the Andhra Pradesh Forest Department. The same procedure with minor modifications was followed by the NBA secretariat while dealing with applications for access to Red Sanders from cultivated sources *viz. Private / Patta land*.

7. The members deliberated and expressed that application for access to Red Sanders wood from cultivated source is a unique in nature which may not be dealt as per the procedures followed for confiscated and auctioned timber. Members also mentioned that it requires due examination/scrutiny of various information / documents. Further, NBA is obligated to ascertain documents such as Certificate of Origin, Name, Address, of the Cultivators / Private / Patta land owners, Identity proof of the cultivator and Survey no., Patta no., of the cultivated land from the applicants in order to distribute the benefit sharing amount to the benefit claimers concerned.





Members stated that the benefit sharing amount realized on the account of access to cultivated Red Sanders from private /patta lands needs to be shared with the such cultivators of private / patta land owner, as per the decision of the 67<sup>th</sup> Authority (Agenda item.no. 67.14). It was proposed that, it is necessary to devise a separate procedure and checklist for access to Red Sanders from cultivated sources private/ patta lands for processing and granting approval by the NBA.

8. It was informed that the reconstituted EC on Red Sanders under the chairmanship of Shri B. Vijayan, IAS., (Retd.) have been given the following tasks:

- a) Devise a separate procedure and checklist for access to Red Sanders from (i) cultivated sources private/ patta lands and (ii) confiscated / seized for processing and granting approval by the NBA
- b) To review the action taken on the recommendations made by the expert committee in its earlier report; to identify the gaps in the recommendations and suggest the way forward.
- c) Any other subject matter related to Red Sanders.

9. The members agreed that procedural guidelines and checklist are needs to be evolved to process applications of Red Sanders especially from cultivated sources, in order to ensure the legitimacy of the Red Sanders wood.

**Decision:**

(a) The Authority decided that a separate procedure and checklist for access to Red Sanders from (i) cultivated sources private/ patta lands and (ii) confiscated for processing and granting approval by the NBA for confiscated/auctioned Red Sanders to be developed with the help of Expert Committee on Red Sanders and place it before the Authority consideration.

(b) Authority also took note of the task assigned to the Expert Committee on Red Sanders i.e. *"review the action taken on the recommendations made by the expert committee in its earlier report; to identify the gaps in the recommendations and suggest the way forward and any other subject matter related to Red Sanders"*

**Action: Secretary, NBA.**



**68.08: To consider acquiring land for construction of Office building for NBA**

Secretary, NBA informed that since inception, NBA has been operating in the rented building. In order to house its own Office building, an attempt was made to acquire One acre of land inside the campus of Anna University (AU) which was also agreed by the Government of Tamil Nadu. In this regard, the Special Secretary (Forest), Tamil Nadu, Anna University in its 265<sup>th</sup> Syndicate meetings had approved the allotment of 50 cents (20000 Sq feet approx.) in Block No. 12, behind NCSCM Block, North-West of Anna University and specified a Memorandum of Agreement (MoA) to be signed between AU and NBA.

2. He further informed that MoA has been drafted, finalised and handed over to the Vice-Chancellor, Registrar, Anna University during the one-to-one meeting held with them, Secretary, NBA and Special Secretary (Forests), Government of Tamil Nadu for their vetting and final process on 17.08.2023. The members deliberated and emphasized that NBA should expedite the process.

**Decision:** Authority directed the NBA Secretariat to expedite the process of acquiring land for construction of Office building for NBA.

**Action: Secretary, NBA**

**68.09: Utilization of funds by the Biodiversity Management Committees (BMCs), recommended by Ministry of Panchayati Raj (MoPR) under 15<sup>th</sup> Finance commission**

Secretary, NBA mentioned that as per the enabling provisions of the Section 41(1) of Biological Diversity Act, every local body i.e. Panchayat shall constitute a BMC. And, BMC being the key player in implementing BD Act, NBA and MoEFCC have made effort in bringing convergence between the BMCs and Panchayati Raj Institutions (PRI) at the local level.

2. He explained that in order to link BMC with the Panchayati Raj Institutions, Additional Secretary, MoPR had written to all the Principal Secretaries of Panchayat Raj departments (States/UTs) for the constitution of BMCs, in coordination with SBBs and declaring them as standing committees of the panchayat raj institution by amending the PR Acts/Rules, and providing technical assistance towards preparation of PBRs. The Additional Secretary, MoPR also had written to MoEFCC informing that MoPR would provide financial support for capacity building and training to BMC



members, if the States include such component in their annual action plans.

3. In pursuance of the said communications from MoPR, the NBA requested all SBBs to take up the matter with the Panchayati Raj Institutions in the respective States with regard to the constitution of BMC, preparation of PBRs and Capacity Building activities, etc. and called for reports on the progress made. The issue was also discussed during the Environment & Forest Ministers' Conference held in April 2015 at New Delhi and it was adopted that States may develop year wise five-year plan for setting up of BMCs at appropriate local level and for preparing PBRs by BMCs, giving priority to biodiversity rich areas.

4. Secretary, NBA also explained that the NBA has also made effort through the Ministry of Panchayati Raj (MoPR) to identify potential resource envelope to support the BMCs at all the local bodies established across the country. Subsequently in 2020, MoPR had issued directives to make use of a part of Basic (untied) Grants allocated under 15<sup>th</sup> Finance commission. This fund is recommended for rural Local Bodies to specific responsibilities mandated under various Acts/Laws e. g. Preparation and Updation of PBRs under Biological Diversity Amendment Act, 2023.

5. The Secretary, NBA further mentioned that he met the Joint Secretary, MoPR to discuss the issue in the month of July, 2023. For the regular budget allocation to BMCs, the issue need to be followed up at the Ministerial level to start yearly funding for operationalization of BMCs and also updation of PBR for implementing ABS mechanism.

6. The members discussed the issue and informed that the officials of the MoEFCC and Secretary, NBA may discuss with the Joint Secretary of the Ministry of Panchyati Raj to pursue the matter.

**Decision:** The Authority decided that the officials of the MoEFCC and Secretary, NBA to have meeting with the Joint Secretary of the Ministry of Panchyati Raj to further pursue the matter.

**Action: Secretary, NBA**

#### **68.10: Status of Local Biodiversity Fund**

The members of the Authority were informed that a Local Biodiversity Fund (LBF) has to be constituted in every BMC established by the local body. The status



of constituting LBF in all the States / Union Territories (UTs) are yet to be known. The use of LBF for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body has also been mandated under the provisions of Section 44 (1) in the BD Amendment Act, 2023. He further explained that as BMC is the key player, responsible for documentation of a repository of biodiversity and traditional knowledge in the form of a PBR, it is essential to have financial resources for basic functioning of BMCs and furtherance of implementing the BD Act. He also stated that lack of funds with BMCs may restrict the role of participatory governance at the grass root level and limits the scope of PBR being an authentic documentation of local resources.

2. Secretary, NBA and the members deliberated that financial allocations made so far towards formation of BMC and preparation of PBRs for the States and UTs have been inadequate across the country and also mentioned that every State/UT need to make sincere effort to constitute LBF and operationalise the BMCs. In this regard, Shri. Vinod Kumar Yadav, member sought the list of BMCs who have opened Local Biodiversity Fund (LBF) account. Further, the members deliberated that awards may be given to the outstanding BMCs to incentivize them. The members debated that SBBs and UTBCs need to create awareness among the BMCs about the importance of opening LBF account in Banks and also direct them to open the LBF account.

**Decision:** The Authority decided that NBA may advise the SBBs and UTBCs to create awareness among the BMCs about the importance of opening LBF account in Banks.

**Action: Secretary, NBA**

#### **68.11: Implementation of Amrit Dharohar Strategy**

Secretary, NBA informed that the MoEFCC on the occasion of World Environment Day launched the implementation strategy of *Amrit Dharohar* for all the 75 Ramsar Sites of the country. Amrit Dharohar focuses on four main components namely *Species and Habitat conservation, Nature Tourism, Wetlands livelihoods and Wetlands Carbon*. The purpose of this initiative is to maintain a healthy and effectively managed network of Ramsar Sites in the country. In order to ensure effective conservation and management of all these sites, it is crucial to have





understanding of the ecological profile of the area and engage local stakeholders in the conservation efforts.

2. The Section 12 (c) under the Species and Habitat Conservation component of this strategy includes the “ecological profile in the local Peoples’ Biodiversity Registers (PBRs) and engaging BMCs for conservation of rare and endangered species. In this regard, MoEFCC had requested NBA to include the ecological profile of the 75 Ramsar sites in the PBRs which includes the key information such as vegetation types, associated fauna, and ecological processes that contributes to the functioning of these wetland ecosystems.

3. Secretary, NBA informed that NBA has already written to 22 states having Ramsar sites with a request to involve BMCs in this initiative as they play a significant role in local level implementation of measures for conservation of Biodiversity and to include wetland biodiversity in the PBR. He further mentioned that considerable progress has already been made by the 22 states in this regard. Shri. Raghu Kumar Kodali, MoEFCC also appreciated the efforts taken by NBA in this regard.

4. Secretary, NBA proposed that budgetary support from MoEFCC is required in this regard to strengthen these BMCs for their continued conservation efforts in these Ramsar sites.

**Decision:**

(a) The Authority members appreciated the efforts taken by NBA to involve BMCs in local level implementation of measures for conservation of Biodiversity, and inclusion of wetland biodiversity in the PBR.

(b) The Authority also decided that NBA may request additional budget from MoEFCC to implement the strategy of *Amrit Dharohar* towards strengthen the BMCs for their conservation efforts in the Ramsar sites.

**Action: Secretary, NBA.**

**68.12: Approval of revalidation proposal for SBBs and UTBCs**

Secretary, NBA mentioned that NBA supports the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBC) by providing Grant-in-aids towards various components in each financial year (FY). In view of partial utilization

of the grant within that FY, for which it was approved, the balance amount is revalidated for utilization in the subsequent FY for the purpose it was sanctioned.

2. He informed that some of the SBBs/UTBCs are not in a position to utilize the Grant in Aid allotted to them by NBA which needs to be revalidated so that it is used in the consequent financial year. In this regard, Secretary, NBA mentioned that the Authority may give post facto approval for the revalidation that have already done by NBA Secretariat for the funds lying with the SBBs/UTBCs.

3. The Chairman, NBA proposed that the Secretary, NBA may be delegated with financial powers upto Rs 5 Lakhs for revalidation of proposals from SBBs/UTBCs. He explained that this delegation may help in quick disposal of the files which will enable SBBs to spend the money for the proposals already sanctioned.

**Decision:**

- a) The Authority granted post facto approval for the revalidation of the Grant-in-aid that have been provided to the SBBs/ UTBCs, which have not been utilized in that financial year to be used in the next following financial year.
- b. The Authority delegated the financial power of giving approval for revalidation up to Rs. 5.00 Lakhs to the Secretary, NBA for the proposals already sanctioned and received from SBBs/ UTBCs.

**Action: Secretary, NBA**

**68.13: To consider all the contravention cases pending before the NBA**

It was explained to the members that the Ministry of Environment, Forest and Climate Change had issued two Office Memorandums vide F.No.C-12025/8/15 (OM-I) dated 10.09.2018 and F.No.C-12027/6/19 (OM-II) dated 18.03.2019 to provide an opportunity to all such entities which are required to obtain prior approval of the Authority for undertaking activities as specified u/s 3, 4, 6 and 20 of the Biological Diversity (BD) Act, 2002 including cases related to past in line with the objectives of the Act and regulate them in a manner that enhances implementation of the Act. In this regard, it was noticed that totally 201 cases were already decided as violation and pending before the National Biodiversity Authority since its inception (2005-2018), which were addressed as categorized violation cases. Apart from this





categorized violation cases, there were totally 100 days open for the stakeholders to file their application before the National Biodiversity Authority as per the Office OM-I and 60 days period provided under OM-II respectively. Altogether, the total number of applications received during the window period of 160 days was 689 applications and the total number of violation cases dealt after the OM period was 203 till date.

2. Secretary, NBA further mentioned that these applications were examined and accorded approval by the Authority by fixing highest percentage in the slab prescribed under Regulation 4 of the ABS regulations, for the purpose of commercial utilization. He also mentioned that, for the purpose of research, an upfront payment was fixed on case by case basis. Accordingly, the ABS agreement was sent to the applicant, wherein few applicants have not yet complied with the provisions of the BD Act. He also mentioned that the NBA had sent several notices and reminders to the applicant with a direction to comply with the provisions of the BD Act, even for which there is no response from the applicants till date. Secretary, NBA mentioned that the Authority in its 66<sup>th</sup> Authority meeting had decided that Section 56 shall not be invoked in view of the amendments being made to the BD Act.

3. Chairman, NBA explained that the Central Government is yet to notify the date on which Biological Diversity (Amendment) Act, 2023 will come into force. In this regard, the members deliberated and decided that till the BD (Amendment) Act 2023 comes into force, all the pending violation cases shall be kept in abeyance and decided in terms of the Amended Act and Rules as applicable.

**Decision:** The Authority decided that all the violation cases shall be kept in abeyance till the Amended Act and Rules come into force.

**Action: Secretary, NBA**

<b>68.14: Seeking guidance to deal with applications which are in contravention of provisions of the Biological Diversity Act, 2002</b>
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It was explained that NBA is in receipt of applications from stakeholders for seeking prior approval for access to biological resources and or knowledge associated thereto for undertaking research or for commercial utilization, or for obtaining Intellectual Property Rights as per the provisions of the BD Act, 2002. He mentioned that upon scrutiny of these applications, there are 21 Form I applications for accessing biological resources and conducting research/ commercial utilization



without obtaining the prior approval of NBA as required under Section 3 of the BD Act. Secretary, NBA further mentioned that NBA has received 26 applications filed in Form-III for obtaining IPR that have contravened the provisions of section 3 and section 6 of the Act. He informed the members that in the past, such applications that have contravened the provisions of the BD Act, were dealt under the amnesty scheme provided by the MoEFCC with a specific period, through issuance of an Office Memorandum (OM) on 10.09.2018 and 18.03.2019. He further mentioned that few applications that were received after the window period of the OM issued by MoEFCC were also considered under the amnesty scheme which was recommended by the EC on ABS and endorsed by the Authority. To this, Shri. Vinod Kumar Yadav, member opined that applications that have been received after the window period may not be considered hereafter under the amnesty scheme and may be kept pending. In this regard, Chairman, NBA explained that such cases have been cleared only after receipt of recommendation by Expert Committee and also after obtaining the approval of the Authority in the past. Mr Yadav He also said that since the Amendment of Biological Diversity Act is coming into force shortly, these applications may be kept in abeyance.

2. In this regard, members discussed the issue in detail and expressed that applications that are in contravention of the provisions of the BD Act may be kept in abeyance till the Biological Diversity (Amendment) Act, 2023 and amended Biological Diversity Rules come in force.

**Decision:** The Authority decided that the 47 applications (Form I- 21 and Form III-26) that have contravened the section 3 and section 6 of the Biological Diversity Act 2002 shall be kept in abeyance till the Biological Diversity (Amendment) Act, 2023 and amended rules comes in force.

**Action: Secretary, NBA**

**68.15: Reassessment of upfront payment levied for parental and segregating lines.**

Secretary, NBA explained that the two applicants namely M/s. Monsanto Holdings Private Limited and M/s. East West Seeds India Limited had requested for levy of the upfront payment to be on the parental lines alone and not along with the segregated hybrid seeds. In this regard, the Expert Committee on Access and Benefit Sharing had recommended that NBA shall levy the upfront payment for the





accessed parental lines alone and revised the upfront payment for the above mentioned applicants based on only the accessed parental lines.

2. Secretary, NBA further mentioned that the issue was discussed in the 66<sup>th</sup> and 67<sup>th</sup> Authority meeting and directed NBA to obtain an affidavit from the M/s. East West Seeds and M/s. Monsanto stating the list of bio-resources used in the research that includes details of the varieties, place of access, quantity, information about parental and segregated lines. Further the Authority also directed to share the details accessed by both the applicants with NBPGR for their comments and inputs. To this Secretary, NBA informed the members that the details of the accessed list of bio resources were shared with NBPGR. To this, the NBPGR responded that *"the list provided has been examined at our end. However, these were not accessed through ICAR-NBPGR and there is no way to validate that the particular lines referred to as parental, hybrids or segregating lines. It is suggested to go by the authentic affidavit provided by the companies in this regard or any other means the Authority may deem fit"*. However, the applicants have submitted the affidavit in this regard. The members deliberated that this may be deferred and placed before the Authority in the next meeting till the detailed examination of the affidavits received from the applicants is required.

3. Secretary, NBA further explained that there are seven applications from M/s. HM Clause India Pvt Ltd having similar issue in calculation of upfront payment. The members deliberated that this may also be deferred and placed before the Authority in the next meeting.

4. In this regard, Chairman, NBA suggested that a sub-committee headed by Dr.Hanchinal Ramappa and Dr. Joykumar Laishram as member may be constituted and the meeting may be conducted in Chennai. He further suggested that other Authority members may also be invited by the Chair of the Sub-committee but their participation is not mandatory. He then added that the applicants may be invited to present their application before the sub-committee. Chairman, NBA further informed that the date for the meeting may be decided by Dr.Hanchinal Ramappa. The members agreed to the suggestions offered by the Chairman, NBA on these cases.

**Decision: (a).** The members deferred the submission made by applications i.e M/s. Monsanto Holdings Private Limited and M/s. East West Seeds India Limited, M/s.



HM Clause India Pvt Ltd to reconsider for levying upfront payment for parental and segregated lines.

(b). Authority decided to form a sub-committee comprising Dr. Hanchinal Ramappa as the chair and Dr. Joykumar Laishram as member to examine the applications *namely* M/s. Monsanto Holdings Private Limited and M/s. East West Seeds India Limited, M/s. HM Clause India Pvt Ltd and submit its recommendations to the Authority for consideration.

**Action: Secretary, NBA**

**68.16: To consider the engaging of staff through outsourcing by NBA**

Secretary, NBA explained that as there is tremendous increase in activities and work load of NBA, the existing capacity of staff is insufficient to meet the requirement. Currently, the NBA has inadequate number of regular staff strength of 16. He informed that to facilitate proper functioning of the NBA, NBA has been engaging staffs through outsourcing vendors to support the day to day activities of NBA.

2. In this regard, 40 outsourcing staffs have already been engaged at various levels but it is far from required strength to meet the increasing work load in the NBA secretariat. Hence, it was proposed to enhance the outsourcing staff strength to 50 and they will be engaged through Government e-Market Place (GeM) on yearly basis.

**Decision:** The Authority decided that the outsourcing staff strength shall be enhanced to 50 through Government e-Market Place (GeM) on yearly basis.

**Action: Secretary, NBA**

**68.17 To consider draft Annual report of NBA for the year 2022-23**

Secretary, NBA requested that the draft annual report on the activities of NBA for the year 2022-23 along with the audit of the Accounts carried out by the office of the C&AG be considered. He mentioned that on approval of the draft Annual Report by the Authority, it will be forwarded to the MoEF&CC for placing on the table of the Parliament in both the houses.

**Decision:** The Authority approved the Annual Report -2022-23 along with the audit of the Accounts carried out by the office of the C&AG and the issue of Certification by



the office of the C&AG to be forwarded to the MoEF&CC for placing on the table of the Parliament in both the houses.

**Action: Secretary, NBA**

**68.18 To consider engaging former contract employees, consultants, Young Professionals, Chairs, Co-Chairs and members of the expert committees of NBA for a period of up to 12 months at a stretch as consultants/ advisors etc.**

Chairman, NBA mentioned that the technical /scientific work load of NBA since its establishment has increased phenomenally and there is a technical/scientific human resource crunch in handling the different techno-legal activities of NBA. He further explained that one of the important reasons for delays is the absence of personnel with experience, expertise in multi disciplines dealt by NBA.

2. In this regard, Chairman, NBA informed that former Consultants, Young Professionals, Chairs/ Co-Chairs, members of the different expert committees, and contract employees etc., who have worked with NBA and has proven track record may be engaged for a period of up to 12 months at a stretch without going for advertisement thereby saving precious time and expenditure. The period of engagement can vary from 6 months to a maximum of 12 months (maximum). They shall be engaged as Experts/ Subject-matter specialists/Consultants/ Advisors. The terms and conditions will be prescribed with regard to each person separately, as per the job to be delivered, according to their expertise and experience of individual person. The work can be extracted through digital mode or in person or in combination of both.

3. Members discussed the proposal of the NBA and also noted that NBA is dealt with multifaceted subject matter which requires adequate manpower with desired experience. Members agreed to the proposal of the NBA and approved to engage former contract employees, consultants, Chairs, Co-Chairs and members of the expert committees of NBA for a period of 6 months and up to 12 months at a stretch without going for advertisement.

**Decision:** The Authority agreed to the proposal of the NBA that former Consultants, Young Professionals, Chairs/ Co-Chairs, members of the different expert committees, and contract employees etc. who have worked with NBA in the past and



has proven track record, may be engaged for a period of 6 months and up to 12 months at a stretch without going for advertisement.

**Action: Secretary, NBA**

**68.19: To consider the Proposals received by NBA seeking financial assistance**

Secretary, NBA mentioned that the NBA has been providing financial assistance to various institutions / organisations/NGOs/SBBs etc. for conducting training/workshops/seminars/ awareness programmes/ book publishing on biodiversity conservation and sustainable use and enriching biodiversity in biodiversity parks, Botanical gardens and such funding was temporarily stopped due to COVID pandemic and the budget crunch.

2. He further pointed out that the NBA is receiving proposals from various institutions / organisations/NGOs/SBBs etc every year. In this regard, a project scrutiny committee has been reconstituted to scrutinize the project proposals received and submit recommendations to the chairman accordingly.

3. Secretary, NBA explained that the Authority in its 31<sup>st</sup> Authority meeting held on 27.08.2014 (Agenda No. 31.06), had approved for a financial limit of Rs. 7 lakhs for each project proposal that can be approved by the Chairman, NBA. However, due to inflation and increase in the rates and cost of living, he proposed that the Authority may increase the financial limit from Rs.7 lakhs to Rs.10 lakhs for each project proposal that may be approved by the Chairman, NBA.

4. In this regard, the members appreciated NBA for extending funding support to such proposals. Members unanimously agreed to increase the financial limit. It was also suggested that chairman may authorize one of the committee/ Members of the authority to visit the project areas/ participate in awareness programs and submit the tour report to NBA.

**Decision:** The Authority members approved the proposal to increase the financial limit from Rs.7 lakhs to Rs.10 lakhs to be sanctioned by the Chairman, NBA for each project proposal.

**Action: Secretary, NBA**



**68.20: Biodiversity Samrakshan Internship Programme (BSIP)**

Secretary, NBA explained that the Biodiversity Samrakshan Internship Programme (BSIP), was planned as a yearlong Internship Programme to inculcate the concept of Biodiversity Conservation and Natural Resource Management (NRM) in Youths. The basic qualification to participate in the BSIP program is post graduate degree or a four year graduate degree. The selection process was through an all-India competitive examination. He further mentioned that the first batch was started in January 2020 with 15 interns from throughout India were selected and were paid 15000/- (Rupees Fifteen thousand only). The second and third batches consisted of 20 and 25 interns respectively. The interns selected in the first three batches have been placed with various State Biodiversity Boards (SBBs), Union Territory Biodiversity Councils (UTBCs), MoEFCC, NBA, and UNDP-India.

2. Secretary, NBA further explained that the 56th Meeting Authority (Agenda 56.11.01) ratified the revised guidelines on internship in NBA Committee formed for framing guidelines for Internship with the intake of 20 and the monthly stipend for the interns was fixed at Rs.15000/- The 61st Authority Meeting (Agenda 61.10) approved for increase the intake of interns from 20 to 25 and the monthly stipend was increased from Rs.15,000/- to Rs.20,000/-. The 64th Authority Meeting (Agenda 64.16) approved the increase of monthly stipend of BSIP interns from Rs. 20,000/- to Rs.22,500/-. Currently, BSIP is in its 4th cycle (2022-23) and 25 interns have been selected and placed at SBBs, UTBCs, NBA and MoEFCC.

3. Secretary, NBA further proposed the following for the approval of the Authority

- i) The number of interns may be increased from 25 to 40 in the forthcoming Vth cycle.
- ii) Keeping in view of the inflation & rising cost, it is proposed to raise the stipend from Rs. 22,500/- to Rs. 23,500/- per month for Vth cycle.
- iii) A travelling allowance in third AC train (to and fro) may be allowed to the interns while joining and after relieving from the internship to their hometown
- iv) The previous cycle interns will be allowed to work for one more year provided concerned SBBs are interested in engaging their services and interns are willing to work. Such senior interns will be paid a stipend of



Rs. 25,000/- per month.

4. The members deliberated the subject and also appreciated the innovative efforts taken by Chairman, NBA and further expressed that it will help in strengthening the SBBs and can also guide the new interns by senior interns in their given tasks. The members agreed to the proposal and also opined that employing young minds and increasing the employment opportunities will benefit biodiversity sector in future. Members also expressed that it will help in creating ambassadors for biodiversity conservation and SBBs/ UTBCs also get additional manpower through this program.

**Decision:** The Authority, after deliberations, decided as follows:

- a. The number of interns can be increased from 25 to 40 in the forthcoming Vth cycle.
- b. The stipend for the interns of the Vth cycle can be increased to Rs. 23,500/- per month.
- c. Travelling allowance in third AC train (to and fro) to be allowed to the interns while joining and after relieving from the internship to their hometown
- d. The interns of the IVth cycle who are currently with various SBBs/ UTBCs can continue for one more year provided both SBBs/UTBCs and interns agree for the same. The stipend shall be Rs. 25,000/- per month.

**Action: Secretary, NBA**

<b>68.21: To consider participation of NBA in the Panacea 2024</b>
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Chairman, NBA informed the Authority members that NBA has received a communication from Seishido Communications with reference to Panacea 2024 - 11<sup>th</sup> Natural Products Expo India Intellectual Property Rights (IPRs). The Expo to be held during 29<sup>th</sup> February to 1<sup>st</sup> March 2024 at the World Trade Centre, Mumbai. He explained that this conference would be a good platform to showcase NBA, SBBs at the National and international level and further added that this will be in line with the decision of the Kunming-Montreal Global Biodiversity Framework.

2. In this regard, the proponent has requested NBA to participate and add value in the above Expo. In order to align with the private entrepreneurship, Chairman, NBA mentioned that the NBA would like to collaborate with this entity in organizing exhibition of bio-resources with the assistance from SBBs representing



various regions and shall display products in about 5 stalls. In this regard, Chairman, NBA requested Dr. Joykumar Laishram, Authority member, to coordinate with the north eastern states to showcase and sell their unique bioresources including bamboo in a stall at the Panacea 2024. Chairman, NBA explained that the stalls will be arranged with the assistance from SBBs and the expenditure for the arrangement and the resource persons will be incurred by NBA. To this, the members appreciated the efforts taken by NBA for being in tune with the decision of the Kunming-Montreal Global Biodiversity Framework in creating awareness and in involvement of local communities.

**Decision:**

(a) The Authority members approved the proposal of NBA for collaborating with the Seishido Communications for the Panacea 2024 -11<sup>th</sup> Natural Products Expo India Intellectual Property Rights (IPRs). Conference to be held during 29<sup>th</sup> February-1<sup>st</sup> March 2024 at the World Trade Centre, Mumbai in organizing exhibition of bio-resources with the assistance from SBBs for about 5 stalls.

(b) The Authority members decided that one of these stalls will exclusively portray the unique biodiversity richness of the North eastern states with the help of the respective SBBs. It is also decided that the Authority member, Dr. Joykumar Laishram will coordinate in this regard.

**Action: Secretary, NBA**

**68.22: Ratification of decisions on Form-B applications**

The members were informed that according to Regulation 13(3) of the Guidelines on Access to Biological Resources and associated knowledge and benefits sharing Regulations, 2014, NBA has to accord approval within a period of 45 days for Form –B applications received from Indian researcher/ Government institution who intends to carry/ send the biological resources outside India to undertake basic research or carry out certain urgent studies to avert emergencies like epidemics etc.

2. In this regard, the 32<sup>nd</sup> Authority meeting vide Agenda No, 32.06 decided the following:



- a) *The Chairman, NBA is authorized to accord approval or otherwise for Form- B applications, without referring to the SBB and the EC on ABS.*
- b) *The approval or otherwise on the applications accorded shall be placed in the subsequent authority meetings for ratification.*

3. Secretary informed that NBA has granted approval to **15** applications and closed **07** applications of **Form-B**.

**Decision:** The Authority considered and ratified the decisions taken on the **22** Form B applications.

**68:23 Details of Form-C applications received by the NBA**

Secretary, NBA informed the members that the Authority in its 37<sup>th</sup> meeting held in March 2016 under agenda item 37.14.02, had 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. In this regard, he mentioned that NBA has received **304** intimations since March 2016 – October 2023 and the same have been reported to the Authority from time to time. Secretary, NBA further mentioned that since November 2023, the Secretariat has received **26** Form-C application which are placed for ratification.

**Decision:** The information regarding the **26** Form-C applications was ratified by the Authority.

**68.24: To consider the applications for access to Red Sanders wood approved by the Chairperson, NBA**

Secretary, NBA mentioned that the Form I applications for seeking approval for accessing the Red Sanders wood were scrutinized as per the procedure approved by the Authority in its 32<sup>nd</sup> (32.07) & 35<sup>th</sup> Authority (35.03 & 35.19.01). He explained that in the 32<sup>nd</sup> Authority meeting (32.07), the Authority had authorized the Chairman, NBA to accord approval to such applications without following the normal procedure and also directed the NBA Secretariat to place such approvals in the subsequent Authority meeting for ratification. Accordingly, the Chairperson, NBA approved **Ten (10)** applications which have been placed for ratification





**Decision:** The Authority ratified the approval granted to ten Red Sanders applications by the NBA Secretariat.

**Action: Secretary, NBA**

**68.25: To consider the agreements executed with respect to Form-I, Form-II and Form-IV by the NBA Secretariat for termination**

Secretary, NBA explained to the members that the approval of NBA for the activities envisaged in the Biological Diversity Act, 2002 is accorded in the form of an Agreement which is executed between the applicant and NBA on mutually Agreed terms, which includes the validity of the agreement and duration of access. Accordingly, around 742 agreements of Form-I, Form-II, Form-IV applications have been signed till now. He further mentioned that these agreements have been terminated for the following reasons:

- (i) completion of the period of the agreement or
- (ii) upon request from the applicant for termination; or
- (iii) Not undertaking the activity for which approval was granted.
- (iv) the activity mentioned in the agreement was completed.

2. Secretary, NBA informed that the NBA secretariat has terminated 43 Form-I, 15 Form-II and 08 Form-IV agreements since July 2009 to October 2023.

**Decision:** The Authority member ratified the termination of the agreements by the NBA Secretariat.

**Action: Secretary, NBA**

**68.26: To consider the reconstitution of Expert Committee**

Secretary, NBA mentioned that few Expert Committees have been reconstituted such as:

1. Expert Committee was reconstituted under the Chairpersonship of Shri A. K. Goyal, IFS( Retd.) and Prof. M. K. Ramesh, Co-Chair, to examine the extant Biological Diversity Rules, 2004 and ABS Regulation, 2014 in the light of the BD Amendment Act, 2023 that was passed in both the houses of the Parliament and assented by the President of India on 03.08.2023 to suggest required modifications thereof; and to frame model Rules for the management



of Biodiversity Heritage Sites as required under Section 37 of the Biological Diversity Act.

2. Expert Committee was reconstituted under the chairmanship of Shri B. Vijayan, IAS., (Retd.), and Shri P. Malikarjuna Rao, IFS (Retd.) co-chair to review the implementation of earlier recommendation made by EC in its report on comprehensive policy on conservation, sustainable use and fair and equitable sharing of benefits arising from use of Red sanders and suggest modifications thereof in the light of sale of red sanders from private/farmers holdings.

**Decision:** The Authority ratified the reconstitution of the Expert Committees.

**Action: Secretary, NBA**

**68.27: To consider the constitution of the following Committees**

Secretary, NBA informed the members that seven different committees have been constituted as per Section 13(2) of the Biological Diversity Act, 2002 for the efficient discharge of its duties and performance of its functions under the Act:

Sl No	Committee	Chair	Co-Chair
1	Expert Committee on Access and Benefit Sharing	Dr. P.L. Gautham, Ex-Chairperson, NBA	Dr. S. Balaji, IFS (Retd.)
2	Expert committee to study the existing administrative structure of the State Biodiversity Boards (SBBs) and Union Territory Biodiversity Councils (UTBCs) and suggest reforms to execute various functions mandated under the Biological Diversity Act	Shri Rajen Habib Khwaja, IAS (Retd.), Former Secretary, Ministry of Tourism & Ministry of Mines	Dr. Rajeev K. Srivastava, IFS (Retd.) Former Principal Chief Conservator of Forests, Government of Tamil Nadu
3	Working Group for preparing NBSAP	Shri. Rajagopalan, Former Secretary, Ministry of Environment, Forests & Climate Change	Dr Mohit Gera, ret. PCCF and HoFF, Jammu and Kashmir
4	Reconstitution of the Expert Committee on Digital Sequence	Smt. Uma Devi, IFS (Retd.), Former	Dr. Alka Rao, Principal Scientist,

	Information	Additional Secretary, Ministry of Environment, Forests & Climate Change	CSIR-IMTECH
5	Committee to scrutinize various proposals (projects, miscellaneous) received for extending the financial support by NBA	Shri. Sanjay Kumar Srivastava, IFS (Retd.), Former PCCF (Apex) Tamil Nadu	
6	Expert committee on materials/chemicals/resources	Dr. Praveen Kumar Rao, IFS (Retd) Former PCCF	Dr. K. Pandian, Head, Professor, University of Madras

**Decision:** The Authority ratified the Expert Committees constituted by the NBA to discharge its duties and perform its functions under the Act.

**Action: Secretary, NBA**

**68.28: To consider the activities of NBA for the promotion of "Mission LiFE - Lifestyle for Environment"**

Secretary, NBA informed that as per the OM of MOEFCC vide No. 8-6/2023-EE-LiFE dated 13.01.2023, all Divisions of MoEFCC were requested to promote the theme of Mission LiFE through various citizen centric function and activities to ensure maximum public outreach. Accordingly, NBA has been actively highlighting Mission LiFE theme, under various **Action point 65: Start Biodiversity Conservation at Community Level** which has direct relevance to the core mandates of the NBA, among the stakeholders concerned. He mentioned that since January 2023 Mission LiFE theme was included in **22** different activities of NBA.

2. Secretary, NBA further mentioned that the MOEFCC and the NBA in association with Maharashtra Forest Dept. and SBB organized the Celebration of International Day for Biological Diversity in conjunction with "Mission Life" on 22<sup>nd</sup> May 2023 at Jio Convention Centre, Mumbai, Maharashtra. Further, to commemorate International year of Millets, a "National Level Millet Exhibition" was organized. Secondly, MoEFCC and NBA in association with the Government of Goa and Goa State Biodiversity Board launched National campaign on updation cum



verification of People's Biodiversity Registers at Neura Village, Goa where the participants took the Mission Life pledge. Secretary, NBA also informed that NBA in collaboration with M S Swaminathan Research Foundation (MSSRF) organized a half-day programme titled "Campaign for creating awareness on Lifestyle For Environment (LiFE), Promote Millets and Backyard Kitchen Gardens among students, farmers and BMC Members" on 28<sup>th</sup> April 2023 at MSSRF, Chennai and also sponsored an International Conference on Mighty Millets for Food, Nutrition, and Health Security organized by MSSRF, Chennai on 6<sup>th</sup> -8<sup>th</sup> August, 2023, where NBA also participated in the event and also put up a stall.

**Decision:** The Authority appreciated and ratified the programs organised and sponsored by NBA to promote the theme of Mission LiFE.

**Action: Secretary, NBA**

<b>68.29: Release of access and benefit sharing amount realized from other than Red Sanders to the benefit claimers from January to July 2023</b>
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Secretary, NBA informed that the NBA has received a sum of Rs. 1,07,87,816/- (One Crore Seven Lakhs Eighty-Seven Thousand Eight Hundred Sixteen) as benefit-sharing component into the National Biodiversity Fund (NBF) after execution of agreement with NBA. As per the decision of 46<sup>th</sup> Authority (vide agenda no. 46.05), the benefit-sharing component shall be distributed to the benefit claimers through the concerned SBB(s) from where the biological resources were accessed for undertaking activities such as conservation, promotion of livelihood of the local people, sustainable use of the biological resources, socio-economic activities, etc.

2. In this regard, NBA had released the benefit sharing amount through issuance of sanction orders as per the ABS Regulation, 2014 to the State of Tamil Nadu, Haryana and Rajasthan for disbursing the same to the concerned benefit claimers including MTCC, Chandigarh, Haryana Beej Centre and ICAR-Directorate of Rapeseed Mustard Research. An amount of Rs 89,54,052.00 /- received for the Bio-resources that were accessed from unknown source & exact geolocation unidentified has been transferred to National Biodiversity Fund and shall be utilized



for undertaking activities as enumerated in the BD Act, 2002, Rules, 2004 & Guidelines on ABS regulations, 2014

**Decision:** The Authority members ratified the release of access and benefit sharing amount realized from other than Red Sanders to the benefit claimers and the transfer of the ABS accrued from Bio-resources that were accessed from unknown source & exact geolocation unidentified to National Biodiversity Fund for utilization for undertaking activities as enumerated in the BD Act, 2002, Rules, 2004 & Guidelines on ABS regulations, 2014

**Action: Secretary, NBA**

**68.30: Annual Accounts for the Year 2022 - 23**

Secretary, NBA informed that as per Authority decision in 13<sup>th</sup> Authority meeting vide Agenda 13.15 in which Members approved that "Chairman, NBA is authorized to approve the "Annual Accounts comprising of receipts and payment account, income and expenditure accounts and balance sheet" for the conduct of statutory audit by O/o. The Principal Director of Audit (Scientific Departments). The Annual Accounts of NBA for the year 2022 - 23 approved by Chairman, NBA has been submitted to Audit and the Annual Accounts for the year 2022 - 23 is placed before the Authority for ratification

**Decision:** The Authority members ratified the NBA Annual Accounts for the year 2022-23.

**Action: Secretary, NBA**

**68.31:IGC Chair's Text on Genetic Resources and Traditional Knowledge Associated with Genetic Resources – Inputs to be submitted before the WIPO IGC.**

Secretary, NBA informed the members that the WIPO General Assembly decided to convene a Diplomatic Conference to conclude an "International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources" no later than 2024. In this regard, the Diplomatic Conference was decided to be preceded by a Special Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore was held from September 4 to 8, 2023 and by the

Preparatory Committee of the Diplomatic Conference from September 11 to 13, 2023.

2. Secretary, NBA mentioned that NBA being a major stakeholder in these subject matter and discussions, was invited by DPIIT Ministry of Commerce and International Trade, to attend the Core Committee meeting on the same and was subsequently included as a member in two sub-groups to discuss on certain areas of the proposed WIPO IGC document via Office Memorandum. Hence, in this regard, the inputs and comments of NBA on the Chair Text was prepared, and sent the required inputs to MoEF&CC.

**Decision:** The members of the Authority noted the information in this regard.

**Action: Secretary, NBA**

**68.32: Constitution of a Working Group to contribute and review the National Biodiversity Strategy and Action Plan (NBSAP) that is under development following the adoption of Kunming-Montreal Global Biodiversity Framework by the CBD in December 2022.**

Secretary, NBA informed the members that Convention on Biological Diversity (CBD) incorporates two mandatory unqualified obligations i.e., preparation of National Biodiversity Strategy and Action Plan (NBSAP) under Article 6, and National Reports under Article 26. NBSAP is the main instrument for implementing the Convention at the National Level. Following the adoption of the Kunming-Montreal Global Biodiversity Framework (KM-GBF), at the COP-15 of the CBD, he mentioned that, MoEFCC vide O.M. F.No.C-12023/2/2023-CS.III (Biodiversity) Division dated 29.03.2023 desired to have a Working Group constituted for preparing the India's NBSAP revised/updated in alignment with KM-GBF goals and targets. NBA has constituted a Working Group under the Chairmanship of Dr. V. Rajagopalan, IAS (Retd.), Formerly, Secretary, Ministry of Environment, Forest & Climate Change, Gol.

**Decision:** The Authority members noted the information in this regard.

**Action: Secretary, NBA**





**68.33: To consider progress made by the Expert Committee constituted to amend the Biological Diversity Rules, 2004 in light of the introduction of BD (Amendment) Bill in the current session of the Parliament and also to frame Models Rules for management of the Biodiversity Heritage Sites.**

Secretary, NBA informed the members that the Expert Committee was constituted to amend the Biological Diversity Rules, 2004 in light of the BD Amendment Act, 2023 that was passed in both the house of the Parliament and also to frame Models Rules for management of the Biodiversity Heritage Sites. He further mentioned that a total of 18 meetings were held in this regard (Online, and Hybrid).

**Decision:** The Authority members noted the information in this regard.

**Action: Secretary, NBA.**

**68.34: Details of NBA ABS applications kept in abeyance which are sub-judice**

Secretary, NBA informed the members that as on date, 85 legal cases are pending before various Courts (Supreme Court, High Courts, Subordinate Courts and National Green Tribunal) all over India, which are filed against the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs), and Ministry of Environment, Forest and Climate Change (MoEF&CC) and some cases filed by NBA. These cases have been filed for the following reasons, namely: -

- a) Challenging the notices issued by the National Biodiversity Authority in fixing the access and benefit sharing.
- b) Questioning the constitutional validity with regard to the provisions of the Act, Rules, and Guidelines.
- c) Alleging that the biological resources accessed by the applicant will come under the value-added-product category and as per the applicant they are not biological resources as per the Act.

2. In view of the above, Secretary, NBA mentioned that the applications filed with NBA connected to the Court Cases are not processed further and are kept in abeyance.

**Decision:** The Authority members noted the information in this regard.

**Action: Secretary, NBA**



**68.35: Updates on the case filed by M/s DCM Shriram Case before the Hon'ble National Green Tribunal (NGT) at Chennai (SZ)**

Secretary, NBA informed the members about the status of the DCM Shriram case where the applicant has preferred 3 Appeals No. 61 to 63 of 2021 before the Hon'ble National Green Tribunal (NGT) at Chennai (SZ), challenging the order passed by the NBA in fixing the ABS for their Form I applications no. 3120, 3090 & 3074.

2. He informed that the appellant contended that they were involved in the business of conventional breeding of crops, including crossing and selection to obtain improved varieties, which is exempted from the requirement of prior approval under the Act, and that it had filed the applications merely by way of abundant caution.

3. However, the Hon'ble NGT, SZ, Chennai did not accept the contentions and points raised by the appellant, observed that the exemption is only for farmers, and also observed that the exemption is provided under section 40 only if the resources are traded as commodities, the appellant involved in the research which leads to commercial utilization, the appellant is not exempted from the access and benefit sharing provisions under the Biological Diversity Act, 2002.

4. Secretary, NBA mentioned that all the three appeals were dismissed in favour of the NBA on 30.05.2023. He further mentioned that the appellant had preferred a Civil Appeal (Civil Appeal No. 5599-5601 of 2023) before the Hon'ble Supreme Court of India aggrieved by the NGT order challenging the same. The matter came up before the Supreme Court on 15.09.2023. The Supreme Court has stayed the directions given in the impugned NGT order to make payment of 0.5% in terms of BD Act. However, there will not be refund of the amount already deposited. The appellant will file monthly statement of sales and accounts with the Authority. Secretary, NBA informed that this matter will be posted on February 2024 for further hearing.

**Decision:** The members noted the status of the case and also appreciated NBA for getting the three appeals (Appeals No. 61 to 63 of 2021) dismissed in favour of the NBA.

**Action: Secretary, NBA**

**68.36: Release of Final Instalment to the Red Sanders Research Projects**

Secretary, NBA explained the status of the different Red Sanders research projects funded by NBA, wherein he mentioned that NBA had approved six projects for a value of Rs. 3.81 crore in 2019-20 and 2020-21 to national institutes like Indian Institute of Chemical Biology (IICB), Institute of Forest Genetics and Tree Breeding (IFGTB), Institute of Wood Science and Technology (IWST). NBA released an amount of Rs.1.99 crore during the years 2019-20 and 2020-21. So far, NBA had three review meetings with the Principal Investigators of the projects concerned on 21<sup>st</sup> January 2021, 18<sup>th</sup> June 2021 and 30<sup>th</sup> April 2022. He further mentioned that NBA has granted no cost extension and sanctioned final instalment for the projects based on the requests of Principal Investigators of IWST.

2. Secretary, NBA further mentioned that IFGTB has requested an extension of 2 years' time period to complete the project as these years was lost during the COVID period. He also said that IFGTB had requested NBA to provide additional sanction of Rs. 30 lakhs due to cost escalation, increase in the salary/ fellowship for JRF/SRF. In this regard, Secretary, NBA informed the members that NBA has accepted the request of IFGTB and would like to sanction additional Rs.25 lakhs to complete the research project.

**Decision:**

- (a) The Authority decided that the Principal Investigators of the projects should submit the project report to NBA and the same may be shared with Authority Members.
- (b) The members of the Authority agreed to the request and ratified the sanction of the additional budget of Rs. 25.00 lakhs to Director, IFGTB to complete the Red Sanders Research project.

**Action: Secretary, NBA**

**68.37: To promote raising germplasm centres in main land of India by collecting various species of plants from Andaman & Nicobar Islands by Government and private entities.**

It was explained to the members of the Authority that Andaman and Nicobar Islands are part of one of the global hotspots and with almost 86 per cent area of





these islands covered with lush green tropical rain forests. In this regard, it was proposed that selective transporting of propagules like seed/ stem/ tuber and other plant parts/ plants, of the trees/ herbs/ shrubs may be permitted to be collected by other Governmental organization namely BSI, research institutes of Government of India and various Departments of State Government and private individuals/ entities, companies and AYUSH institutes etc. from in the Andaman and Nicobar Islands to any area in the Indian main land at the cost of concerned or NBA. This innovative approach to conserve germplasm may be considered to conserve the germplasm in mainland i.e. 28 states and 8 other UTs and further to use them as per the provisions of the BD Act. Further, he also mentioned that Indian entities private firms may be given permission to select and lift any plant material to mainland for growing at their cost so that precious germplasms are preserved- for posterity.

2. Chairman, NBA said that the Andaman & Nicobar Forest department, Andaman & Nicobar UTBC and NBA should be informed about the transplantation/propagation with photographs etc., and raise/ conserve such plants/trees/shrubs/ herbs etc. in the mainland. He also mentioned that this is in line with the spirit of Kunming Montreal Global Biodiversity Framework (KMGBF) targets wherein it is stressed to encourage private entities in conservation of biodiversity. The members opined that there are different species of bamboo including climbing bamboo and other endemic rice varieties that may also be preserved in the mainland.

3. Chairman, NBA further opined that required guidelines have to be framed by NBA in consultation with Forest department of Andaman & Nicobar Islands. The members appreciated this proposal and agreed that such efforts should be taken up by NBA with respect to achieving the KMGBF targets. The draft guidelines once approved by the Authority will be circulated among various stakeholders / SBBs for comments and then compiled one will be submitted to MoEFCC for notification.

**Decision:**

(a) The Authority decided-that NBA may permit Indian entities, private firms to select and lift /transplant/propagate any plant material to mainland to preserve and



conserve the germplasm subject to prior information provided to the Forest department, Andaman & Nicobar UTBC and NBA.

(b). The Authority also decided members—that NBA may frame guidelines in consultation with the Forest Department of Andaman and Nicobar Islands in this regard. Since it is a policy matter, the final draft guidelines framed in consultation with Andaman & Nicobar Forest & Environment Department to be sent to MoEFCC for approval.

**Action: Secretary, NBA.**

**68.38: To consider the utilization of amount available in National Biodiversity Fund account (including interest earned on ABS fund accrued from Red Sanders)**

It was explained that the Chairperson, NBA has been authorized to utilize the accrued benefit sharing component and interest component for activities such as conservation and sustainable use of bio resources, preparation of PBR, formation of BMCs, awareness creation, training and capacity building programme, undertaking specific research studies, publications etc., as per the decision of the 55<sup>th</sup> Authority (Agenda 55.06). It was further proposed that Chairperson, NBA may be authorised to utilize this amount for other different components also such as TA/DA, sitting fee for members of Expert Committees, funding to the project proposal funding awareness program on conservation and any other miscellaneous expenditure.

2. Members deliberated and agreed that NBA has vast mandates to perform for which different expert committees may have to be constituted and also requires to extend financial support to various projects including research projects, awareness programs and other activities.

**Decision:** The Authority authorized the Chairperson, NBA to utilize amount available in National Biodiversity Fund account including interest earned on ABS fund accrued from Red Sanders for other different components also such as TA/DA, sitting fee for members of Expert Committees, funding proposal for projects, funding awareness program on conservation and any other miscellaneous expenditure.

**Action: Secretary, NBA.**

**68.39: Participation of NBA in the Mega Exhibition 'Saksham Haryana 2023'**





Secretary, NBA informed that the NBA and Haryana State Biodiversity Board (HSBB) jointly deployed a stall depicting different activities of NBA and SBB in the three-day mega exhibition 'Saksham Haryana 2023' at Maharaja Aggarsain Bhawan, Hisar, Haryana organised by Friendz Exhibitions and Promotions Private Limited (FEP) during April 27–29, 2023. He mentioned that Dr. S. Rajesh Kumar and Dr. M. Rajiv Gandhi, the Young Professionals represented NBA, and along with Haryana SBB jointly won the '**Best Interactive Stall Award**'.

**Decision:**

- (a). The members appreciated and the information submitted in this regard was noted.
- (b). The members decided that certificates may be given to the winners by NBA to appreciate and acknowledge the efforts taken by the NBA staff.

**Action: Secretary, NBA**

**68.40: Approved Budget Estimate for the year 2023 – 24**

Secretary, NBA explained that as per the provisions contained in the Biological Diversity Rules, 2004 under Clause 12(x) General Functions of the Authority, the Annual Budget Estimate has been prepared with head wise allocation of funds both for GIA-Salaries and GIA- General as approved by the Ministry for the financial year 2023 - 24 and submitted for sanction to Ministry of Environment and Forest and Climate Change.

2. He further mentioned that the Ministry has accorded sanction to the tune of Rs.16.40 crores under Grants in Aid for NBA for the financial year 2023 – 24 which comprises of Rs.3.40crores under Grants-in-Aid - Salaries and Rs. 13.00 crores under Grants-in-Aid - General. As per the provisions contained in the Biological Diversity Rules, 2004 under Clause 12(x) General Functions of the Authority, the Annual Budget

3. He also mentioned that due to delay in allotment of GIA by the Ministry, the NBA has intermittently transferred an amount of Rs. 1.00 crore from National Biodiversity Fund Account and subsequently on receipt of GIA, the same was reversed back to National Biodiversity Fund Account.

**Decision:** The information submitted in this regard was noted by the authority.

**Action: Secretary, NBA.**





**68.41: To consider the constitution of High-Level Technical Committee (HLTC) by the Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India to undertake a more comprehensive study to examine the issue of Red Oil Palm (ROP) plantation in Andaman and Nicobar Islands**

Chairman, NBA explained the members that a High-Level Technical Committee (HLTC) was constituted vide OM No.13-1/2020B-I (NAEB) dated 31<sup>st</sup> January 2023 by the Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India to undertake a more comprehensive study to examine the issue of Red Oil Palm (ROP) plantation in Andaman and Nicobar Islands under the chairmanship of Shri C. Achalender Reddy IFS (Retd.), Chairman, National Biodiversity Authority (NBA), Government of India along with six members to address all the issues which have not been addressed by the earlier two committees viz., Shri Shekhar Singh and ICFRE Report. The constitution of this HLTC was made based on the submissions made by the Solicitor General before the Hon'ble Supreme Court on the cultivation of Red Oil Palm in Andaman & Nicobar Islands.

2. He further elaborately explained the status of the progress of the committee. He further mentioned that the Committee has also engaged three experts who have served in the Andaman & islands considering the complexity of the subject matters referred to the HLTC viz *Shri Richard D'souza, IFS(Rtd.), Former PCCF, Goa, Dr. R.S.C Jayaraj, IFS (Rtd.), Former PCCF, A&N Islands, Shri Rajesh, IFS (Rtd.), Former PCCF, Arunachala & Pradesh A&N Islands*. Chairman, NBA also mentioned that special Invitees (ICFRE, ICAR-IIOPR, etc.), may be called for the meetings and field visits.

3. Chairman, NBA informed that field visits to Andaman & Nicobar Islands specifically to Little Andaman and Katchal was taken up in the month of November 2023. Meeting with Forest, Agriculture and other allied departments were conducted. Further, a workshop was conducted in Port Blair with Agriculture Department, Forest Department, Mill owners, local people, farmers and NGOs / civil societies.

4. It was explained that the NBA would also incur some additional expenditure wherever required, in order to finalize and submit the report to Honourable Supreme Court through MoEFCC. The Chairman, NBA also mentioned that the staffs of NBA may also be deputed to A&N islands to assist the members in the field visit and also get familiarized with flora, fauna and the impact of Red oil palm on them, if any.

5. Members appreciated the efforts taken by NBA and noted that NBA is also mandated to take measures conservation of biological resources. Members also felt that the outcome of the HLTC would be helpful to NBA to understand the prevailing issues related to biodiversity. After deliberations, members agreed for incurring the expense of experts and NBA staff for undertaking visit so that it would be helpful in finalization of the report on the issue of Red Oil Palm (ROP) plantation in Andaman and Nicobar Islands, within a stipulated period.

**Decisions:**

(a) The members of Authority appreciated the efforts taken by NBA on the issue of Red Oil Palm (ROP) plantation in Andaman and Nicobar Islands.

(b) The members also agreed to the proposal that NBA would incur additional expenditure for undertaking field visit by the experts and NBA staffs towards assisting the HLTC during the field visit and also report of the HLTC

**Action: Secretary, NBA**

**68.42: Meetings attended by the Officers of the NBA**

**A. Meetings attended by Chairperson, NBA**

**1. 5<sup>th</sup> Global Conference on Biodiversity Finance, in Cape Town, South Africa, on 9-11 May 2023**

Chairperson, NBA was invited to attend the 5<sup>th</sup> Global Conference on Biodiversity Finance, in Cape Town, South Africa, on 9-11 May 2023. This conference on Biodiversity Finance facilitated the experience sharing and technical discussions among all 41 BIOFIN countries creating a platform for lively discussions about results from BIOFIN implementation to inform global audiences and future initiatives and explore opportunities for biodiversity finance solutions and investments in BIOFIN countries and the regions.

**2. The workshop, organized in this context, has the following objectives:**

- Facilitate experience sharing and technical discussions among BIOFIN countries around the world.
- Sharing experiences and lessons learned on effective implementation of finance solutions.
- Broadening knowledge on global initiatives and emerging finance solutions such as disclosure frameworks, repurposing harmful subsidies, insurance,



and risk management

- Discuss the results from BIOFIN implementation to inform global fora and future programming
- Explore opportunities for biodiversity finance solutions/investments in BIOFIN countries

**Decision:** The information submitted in this regard was noted

**2) Tenth session of the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES-10) scheduled to be held in Bonn, Germany from 28 August- 02 September, 2023.**

Chairperson, NBA has been nominated as the Leader of the Delegation of the Indian delegates to participate in the Tenth session of the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES-10) scheduled held in Bonn, Germany from 28 August- 02 September, 2023.

**Decision:** The information submitted in this regard was noted

**3) Meetings of the Twenty-fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-25) and resumed sessions of CoP-15.2, CoPIMoP-10, CoP/MoP-4 held at Nairobi, Kenya from 15-20 October, 2023**

Chairperson, NBA has been nominated as the Leader of the Delegation of the Indian delegates to participate in the Twenty-fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-25) and resumed sessions of CoP-15.2, CoPIMoP-10, CoP/MoP-4 held at Nairobi, Kenya from 15-20 October, 2023

**Decision:** The information submitted in this regard was noted

#### **B. Meeting Attended by the Secretary, NBA**

**1) Ad Hoc Technical Expert Group (AHTEG) on the New Programme of Work and Institutional Arrangements on Article 8(J) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities on 11 - 13<sup>th</sup> July at Manaus, Brazil.**





- a. The Conference of the Parties to the Convention on Biological Diversity at its fifteenth meeting, adopted a decision on the development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to indigenous peoples and local communities. In the same decision, the Conference of the Parties also decided to establish an ad hoc technical expert group to further elaborate possible elements, tasks and actors of a new programme of work, and institutional arrangements and their modus operandi.
  - b) Accordingly, Ad Hoc Technical Expert Group was formed wherein, the Secretary, NBA was nominated and selected as one of the experts for the AHTEG to develop work programme aligned with Kunming – Montreal Declaration fundamental to achieve the 2050 vision of living in harmony with nature (Goal C).
2. The meeting of the AHTEG on the Article 8(J) was held from 11 to 13<sup>th</sup> July at Manaus, Brazil, wherein the Secretary, NBA had participated in the said meeting.
- 3) The Twelfth meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity (WG8J-12) held from 12 to 16 November 2023 at Geneva, Switzerland
- 4) First meeting of the Ad Hoc Open-ended Working Group on Benefit-sharing from the use of Digital Sequence Information on Genetic Resources (WGDSI-1) held from 14 to 18 November 2023 at Geneva, Switzerland.

**Decision:** The information submitted in this regard was noted

<b>68.43: Celebration of International Day for Biodiversity 2023</b>
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Secretary, NBA mentioned that the NBA under the aegis of Ministry of Environment Forests, Climate Change celebrated the International Day for Biological Diversity (IDB) 2023 at Jio World Convention Centre, Mumbai on 22nd May, 2023 whose theme was "From agreement to action: build back biodiversity" which was given by the Convention on Biological Diversity (CBD).

2. This celebration witnessed the inauguration of a Biodiversity Exhibition with a special focus on Millets in conjunction with the Mission LiFE (Lifestyle for



Environment) launched by the Hon'ble Prime Minister in the 75<sup>th</sup> year of India's independence and had also announced that 2023 will be celebrated as the International Year of Millets. In this regard, the exhibition on "Millets" was organized in collaboration with the Maharashtra State Biodiversity Board and Department of Forests, Govt. of Maharashtra.

3. Secretary, NBA further informed the members that the Millet exhibition was inaugurated by the Hon'ble Union Minister for Environment, Forest and Climate Change, Shri Bhupender Yadav and the other dignitaries in the occasion were Union Minister of State for Environment, Forest and Climate Change, Shri Ashwini Kumar Choubey, The Hon'ble Chief Minister of Maharashtra; Shri Eknath Sambhaji shinde; Hon'ble Minister for Forest, Maharashtra Shri. Sudhir Mungantiwar Secretary for Environment, Forest and Climate Change, Ms. Leena Nandan, Chairman, National Biodiversity Authority, Shri C. Achalender Reddy, Principal Secretary Forest & Revenue Sri B Venugopal Reddy; Principal Chief Conservator of Forest, (HoFF), Maharashtra, Shri. Y.L.P. Rao; Principal Chief Conservator of Forest, Maharashtra Shri. Shailesh G Tembhurnikar, Principal Chief Conservator of Forest, Maharashtra; Biodiversity Management Committee members, Senior officials from the Central / State Government participated in the event. He further informed that the International delegates attending G20 meeting at the Jio Convention Centre also visited the Millet exhibition.

**Decision:** The information submitted in this regard was noted by the members.

<b>68.44: National Campaign on updation cum verification of People's Biodiversity Registers (PBRs)</b>
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Secretary, NBA explained to the members that on the occasion of the UN Climate Change Conference (UNFCCC COP26), India introduced the "Mission LiFE (Lifestyle for the Environment)" to engage individuals in addressing various environmental challenges.

2. He further mentioned that the nationwide campaign on PBRs was launched in conjunction with Mission LiFE from 23/05/2023 to 04/06/2023 across the country. Secretary, NBA explained that the campaign involved large scale participation of youth, especially the students and Biodiversity Management



Committees (BMCs) in the States and Union Territories (UTs). He also informed that the Ministry of Environment, Forest and Climate Change (MoEFCC), Govt of India and National Biodiversity Authority (NBA) in association with the Govt of Goa & the Goa State Biodiversity Board hosted the flag off ceremony for the **"National campaign on updation cum verification of People's Biodiversity Registers (PBRs)" on 23 May 2023** at Neura Village, Tiswadi district, Goa. Hon'ble CM of Goa Dr. Pramod Sawant and the HMoS, Shri Ashwini Kumar Choubey jointly launched the campaign in presence of Central and State Govt officials, large number of local students, teachers and eminent personalities.

3. Secretary, NBA explained that a total of 25 SBBs and 5 UTBCs successfully completed the exercise of updation and verification of 11,921 PBRs during this campaign and uploaded the photo-evidences of these activities on the web portal named, "Meri Life", which was designed specially to project the pro-planet initiatives undertaken and mindful use of resources by the youth of the country following the principles of "Mission LiFE".

**Decision:** The information submitted in this regard was noted by the members.

**68.45: Fire incidence at the premises of the Madhya Pradesh SBB, Bhopal**

Secretary, NBA informed the members that the office of Madhya Pradesh SBB (MPSBB) at Bhopal was badly affected in a fire incidence that took place on 26<sup>th</sup> April 2023. He mentioned that this resulted in a huge loss of infrastructure and considerable damage of official records. He further informed that NBA deputed Shri Surendra Kumar, Ex-PCCF and Ex-Chief Wildlife Warden, Kerala to inspect, assess the damage and submit a detailed report. Secretary, NBA informed that NBA has released Rs.15 lakhs to support the SBB for the purchase of essential office equipment/computers/furniture etc. Further, Madhya Pradesh SBB was permitted to utilize ABS funds to the tune of Rs 6 lakhs for the purpose by following due procedure.

**Decision:** The information submitted in this regard was noted by the Members.





**68.46 Recruitment of TO (IPR) in NBA- information of current status**

Secretary, NBA explained that an Agenda was placed before the Authority (Agenda 66.14) to revise the education qualification and experience for the post of Technical Officer (Intellectual Property Rights) in order to widen the scope of getting the sufficient candidates which was considered and approved by the Authority. Consequent upon the approval of MoEFCC, an advertisement was issued and applications have been received till the last date of the receipt. He informed that processing of the applications is under progress and the final proceedings are expected to be completed before 31<sup>st</sup> December, 2023.

2. Secretary, NBA also mentioned that Shri. Ananda Kumar, Technical Assistant and Shri. Jaishankar, Technical Assistant have approached the Hon'ble Madras High Court to impose stay on the process of recruitment. NBA has defended the case and the Hon'ble Madras High Court has dismissed the plea of both officials at the admission stage itself.

3. The process of recruitment for the post of To(IPR) is in progress and likely to be completed by 31<sup>st</sup> December, 2023

**Decision:** The information submitted in this regard was noted by the Members.

**68.47: City Biodiversity Index (CBI)**

Secretary, NBA explained that some of the States /UT have initiated the assessment of the native biodiversity and the City Biodiversity Index (CBI) in their cities and a few cities have already released the reports. He mentioned that 13 cities of 11 states have already taken the initiative to assess the CBI. He also mentioned that NBA has written to the States/UTBCs to take up City Biodiversity Index in good number of cities.

**Decision:** The information submitted in this regard was noted by the authority.

**68.48 Biological Diversity (BD) Amendment Act, 2023**

Secretary, NBA informed that the Biological Diversity (Amendment) Bill, 2023 was passed on 26<sup>th</sup> July 2023 and on 01<sup>st</sup> August 2023 in the Lok Sabha and the

Rajya Sabha respectively. He further mentioned that the Act of Parliament received the assent of the Hon'ble President on the 3<sup>rd</sup> August, 2023 and was published in Gazette of India for general information on 3<sup>rd</sup> August, 2023. He also informed that NBA has communicated—vide email dated 14.08.2023—requested the MoEFCC to inform the actual date on which the the amended Act comes into force as per section 1(2) of the Biological Diversity (Amendment) Act, 2023

**Decision:** The information submitted in this regard was noted by the Members.

**68.49: To consider for engaging the NIC to modify or revamp the ABS e-filing software and ABS application forms in light of the Biological Diversity (Amendment) Act, 2023**

Secretary, NBA explained that the National Informatics Centre (NIC) has developed the ABS applications to automate the process of submission of ABS applications by users online and process the same internally for the grant of approvals to the applicants. However, due to administrative reasons and the NBA's specific requirements, the project was divided into two phases subsequent to the proposal received from NIC. The beta version of Phase-I was released in November 2016 and was later launched by the then-Hon'ble MoEF&CC on 30.03.2017. Thereafter, the work for Phase-II was commenced, which is in the advanced stage of completion.

2. He further informed that as the Biological Diversity (Amendment) Act, 2023, received the assent of the Hon'ble President of India on 03.08.2023, necessary modifications and amendments have to be made to the Biological Diversity Rules, 2004. He also mentioned that the forms that have been prescribed have to be modified in view of the BD (Amendment) Act, 2023, and proposed amendments to the BD Rules, 2004. Consequently, ABS-filing software and application forms need to be modified or revamped as per the amendments proposed to the BD Rules and Forms. Secretary, NBA mentioned that once amendments to the BD Rules and Forms are notified, amended application forms are to be in place in order to entertain applications from the applicants without any delay.

2. It was informed that NIC will assess the NBA's current requirements for incorporating changes in the ABS e-filing portal or revamping the software, if



required, and submit a proposal outlining the financial requirements, milestone achievements, and way forward. It was also informed that if the current application is incompatible, revamping of ABS e-filing portal is required, which need to be considered as a new project with separate project costs.

3. The members deliberated and suggested that ABS software development may be also given to a private agency. However, the members suggested that the proposal for the re-alignment or revamping of ABS e-filing software, including updating the application forms, financial requirement, etc., in view of the amendments made to the BD Act, BD rules and forms may be sought from NIC. In case if NIC is not in a position to develop and complete it in time, NBA can find suitable vendors from open market.

**Decision: (a).** The Authority decided that the NBA shall request NIC to submit a proposal for the re-alignment or revamping of ABS e-filing software, including updating the application forms, financial requirement, etc., in view of the amendments made to the BD Act, BD rules and forms and the same may be placed before the Authority for consideration.

(b). The Authority decided that if NIC is not in a position to develop and complete the above software in time, the NBA can find suitable vendors from open market

**Action: Secretary, NBA**

The meeting ended with a vote of thanks from and to the chair

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21/2/24



डॉ. ब. बालाजी, आय.डी. / Dr. B. Balaji, IFS.  
सचिव / Secretary  
राष्ट्रीय जैव विविधता प्राधिकरण  
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## Annexure I

### List of members –Participated

SI No	Chairman of the Authority
1	<b>Shri C. Achalender Reddy, IFS (Retd.),</b> Chairperson, NBA
	<i>Ex officio members</i>
2	<b>Mr. Raghu Kumar Kodali,</b> Advisor/ Scientist G, MoEFCC, New Delhi
3	<b>Dr. D.K. Yadav,</b> Assistant Director General Seed, ICAR, New Delhi
4	<b>Dr. Manoj Kumar Modi,</b> Scientist F, Department of Biotechnology, New Delhi
5	<b>Dr. Jeetendra Kumar Vaishya,</b> Research Officer, NMPB, New Delhi
	<b>Non official Members</b>
6	<b>Dr. Alka Rao,</b> Principal Scientist, CSIR- Institute of Microbial Technology (CSIR-IMTECH), Chandigarh
7	<b>Dr. Joykumar Meitei Laishram,</b> Retired Dean, College of Agriculture, Central Agriculture University Imphal, Manipur
8	<b>Shri Vinod Kumar Yadav,</b> Amaltash Kunj, Flat 7, AC-148, Street 47, Action Area I, Newtown, Kolkata - 700161.
9	<b>Dr. Gouri Joshi,</b> 401, Balwant ashram, Behind Nirmiti Elite, Law College Road, Erandwane, Pune, Maharashtra - 411004.
10	<b>Shri Hanchinal R. Ramappa,</b> 1, Haudin Road, Ulsoor, Bengaluru - 560001.
	<b>Secretary, NBA</b>
	<b>Dr. B. Balaji,</b> IFS, Secretary, NBA

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