



सत्यमेव जयते



PROCEEDINGS

69TH AUTHORITY MEETING

28th March 2024

Ambedkar International Centre,
Janpath, New Delhi

NATIONAL BIODIVERSITY AUTHORITY
Chennai

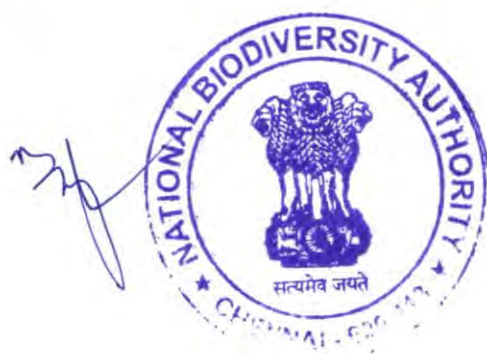


Abbreviations for the Proceedings of the 69th Authority Meeting

1. NBA- National Biodiversity Authority
2. MoEFCC- Ministry of Environment, Forest and Climate Change
3. BD Act- Biological Diversity Act
4. BD Rules- Biological Diversity Rules
5. ABS- Access and Benefit Sharing
6. SBB- State Biodiversity Boards
7. UTBC- Union Territory Biodiversity Council
8. INSA-Indian National Science Academy
9. CEO- Chief Executive Officer
10. NMPB- National Medicinal Plant Board
11. NICSI- National Informatics Centre Services Incorporated
12. EC- Expert Committee
13. IPR- Intellectual Property Rights
14. CRBIP- Biological Resource Centre of Institute Pasteur, France
15. MALDI-TOF MS- Matrix-Assisted Laser Desorption Ionization-Time of Flight Mass Spectrometry
16. NEA- Norwegian Environment Agency
17. CEBPOL- Centre for Biodiversity Policy and Law
18. NALSAR - National Academy of Legal Studies and Research
19. MoU- Memorandum of Understanding
20. YP- Young Professionals
21. TDU- University of Trans-Disciplinary Health Sciences and Technology
22. CIMAP- Central Institute of Medicinal and Aromatic Plants
23. CDRI- Central Drug Research Institute
24. ICAR- Indian Council of Agricultural Research
25. RS- Red Sanders
26. APFD- Andhra Pradesh Forest Department
27. PCCF & HOFF- Principal Chief Conservator of Forests & Head of Forest Force
28. RST- Review of Significant Trade
29. CITES- Convention on International Trade in Endangered Species
30. DGFT- Directorate General of Foreign Trade
31. MSME- Micro, Small, Medium Enterprises
32. HoD- Head of the Department
33. HoO-Head of Office
34. GFR- General Financial Rules
35. CEC- Central Empowered Committee
36. HLTC- High-Level Technical Committee
37. ROP- Red Oil Palm
38. MSSRF- M S Swaminathan Research Foundation
39. NIRD&PR- National Institute of Rural Development and Panchayati Raj
40. NBSAP- National Biodiversity Strategy and Action Plan
41. NBTs- National Biodiversity Targets
42. KMGBF-Kunming-Montreal Global Biodiversity Framework
43. UNDP- United Nations Development Programme
44. BCIL- Biotech Consortium India Limited
45. OECM- Other effective area-based conservation measure
46. BMC-Biodiversity Management Committees
47. E- PBR- Electronic- People's Biodiversity Register
48. UNEP-GEF- United Nations Environment Programme - Global Environment Facility



49. NIC- National Informatics Centre
50. BSI- Botanical Survey of India
51. ZSI- Zoological Survey of India
52. DOI - Digital Object Identifier
53. DMS- Document Management Systems
54. PMU- Programme Management Unit
55. COVID- Coronavirus disease
56. PES- Payment for Ecosystem Services
57. ECSWG- Environment and Climate Sustainability Working Group
58. BIMSTEC- Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation
59. ETCA- Economic and Technology Cooperation Agreement
60. CECA- Comprehensive Economic Cooperation Agreement
61. DSI- Digital Sequence Information
62. CoP- Conference of Parties
63. EU- European Union
64. CBD-Convention on Biological Diversity
65. JWG- Joint Working Group
66. CCEA- Cabinet Committee on Economic Affairs
67. CPP- Clean Plant Programme
68. MIDH- Mission for Integrated Development of Horticulture
69. DPIIT- Department for Promotion of Industry and Internal Trade
70. NIRANTAR- Natural Resources to Transform, Adapt and Build Resilience
71. HPSC- High Powered Steering Committee
72. NMNH- National Museum for Natural History
73. ICFRE- Indian Council of Forestry Research and Education
74. PPVFRA- Protection of Plant Varieties and Farmers' Rights Authority
75. DARE- Department of Agricultural Research and Education
76. SEBI- Securities and Exchange Board of India



DRAFT PROCEEDINGS OF THE 69TH AUTHORITY MEETING OF THE NATIONAL BIODIVERSITY AUTHORITY

The 69th Authority meeting of the National Biodiversity Authority (NBA) was held on 28th March, 2024 at the Ambedkar International Centre, New Delhi under the Chairmanship of Shri. C. Achalender Reddy, IFS (Retd.) Chairman, National Biodiversity Authority in hybrid mode. The list of participants is given in **Annexure I**.

2. At the outset, Dr. B. Balaji, Secretary NBA welcomed the Chairman, official and non-official Members of NBA present physically and in online for the meeting.

3. In his opening remarks, the Chairperson, NBA, welcomed the members and mentioned that the Biological Diversity (Amendment) Act, 2023 will come into force on 1 April 2024. He also informed that the Rules and Regulations thereof based on the Amended Act are yet to be notified.

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

69.01: Confirmation of the Proceedings of the 68th Authority meeting

Secretary, NBA informed the members that the draft Proceedings of the 68th meeting of the NBA held on 1st and 2nd December, 2023 at Indian National Science Academy (INSA), New Delhi were circulated to the members *vide* e-mail dated 13th February, 2024 for seeking their comments. No comments were received from the members. The members unanimously confirmed the Proceedings of the 68th Authority meeting.

Decision: The Proceedings of the 68th Authority Meeting were confirmed.



69.02: Action Taken Report of the 68th Authority Meeting

Secretary, NBA apprised the members about the actions taken based on the decisions of the 68th Authority meeting. With regard to agenda no. 68.07, to consider the development of a Checklist and procedure for access to Red Sanders from a Cultivated source with the help of an Expert Committee on Red Sanders, Dr. Alka Rao suggested that the checklist and procedure for access to Red Sanders prepared should be placed in the NBA website for the benefit of user groups. She also mentioned that community awareness may be imparted to the Red Sanders cultivators especially on the procedures followed in exporting the cultivated Red Sanders. To this, Dr. Hanchinal suggested that barcoding/QR coding of the cultivated source of Red Sanders may also be explored. He further mentioned that if required, he may prepare a note in this regard. Chairman, NBA welcomed this suggestion and advised the Secretary, NBA to inform the same to the Members of EC on Red Sanders.

2. The Secretary, NBA informed the status of acquiring land for constructing the NBA office building at Anna University (Agenda No. 68.08) and said that it has come to his notice that Anna University has raised the issue in their recently held Senate meeting and referred the matter to the Government of Tamil Nadu for guidance (No official correspondence received from Anna University). He also informed that he met the Additional Chief Secretary (ACS) Smt. Supriya Sahu, IAS for her intervention to expedite the process of acquiring the land. Members suggested that the Secretary, NBA to pursue the matter to a logical conclusion.

3. While discussing the action taken on Agenda No. 68.49, Dr. Mahesh Kumar Dadhich, CEO, NMPB informed the members that in the event of delay in deliverables of ABS e-filing software by NIC, NBA may engage the National Informatics Centre



Services Incorporated (NICSI) directly to modify or revamp the ABS e-filing software and ABS application forms in light of the Biological Diversity (Amendment) Act, 2023.

4. Further, the members noted the actions taken on the other Agenda items.

Decision:

- (a) The action taken by the NBA on decisions taken in the 68th Authority meeting were noted by the members.
- (b) A note on QR coding / barcoding for the source of cultivated Red Sanders wood will be prepared by Dr.Hanchinal. The same will be informed to the EC on Red Sanders.
- (c) A checklist and procedure to deal the cultivated Red sanders applications may be hosted in the NBA website for the benefit of user groups once they are finalised.
- (d) With regard to the acquisition of land and construction of building in the Anna University Campus, Secretary, NBA may expedite the process and pursue the matter to logical conclusion.

Action: Secretary, NBA

69.03: ABS applications dealt by the Secretariat

The Secretary, NBA apprised the members that based on the recommendations of the EC constituted for streamlining the approval process by NBA, the Authority in its 54th and 55th 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, an office order dated 19th March 2020 was issued by NBA for processing ABS applications in NBA without referring to EC 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 **257** draft agreements to applicants (Form I- 37, Form II- 4, Form III- 216) for execution, **495** agreements were executed by the applicants (Form I- 41, Form II- 01, Form III- 453) and closed **45** applications (Form I- 07, Form III- 38) between November 2023 to February 2024.

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

Action: Secretary, NBA

69.04: To seek the guidance of the Authority members to accept and clear applications, etc., during the interregnum period from 1st April 2024 to the Date of notification of Amended Rules and amended Guidelines/Regulations and also to adopt ad hoc arrangements for Forms and Fees and to determine ABS as per the ABS Regulations, 2014 to extent possible.

Secretary, NBA informed the members that the Ministry of Environment, Forest and Climate Change (MoEFCC) vide notification dated 18.01.2024 has notified that the Biological Diversity (Amendment) Act, 2023 shall come into force on 1st April 2024.

2. In this regard, it is mentioned that the NBA, with the help of an Expert Committee, developed draft amendments to Biological Diversity Rules as per the Biological Diversity (Amendment) Act, 2023. Further, in its 68th meeting held on 1st and 2nd December 2023, the Authority considered the Report submitted by the Expert Committee on amendments proposed to the Biological Diversity Rules and draft notification of forms and fees. The Authority, in principle, approved the report submitted by the EC in its 68th meeting.

3. Subsequently, NBA vide email dated 28.12.2023 & 31.01.2024 communicated the final amendments to the BD rules, 2004, in the form of a matrix and running text to the MoEFCC for taking action as empowered under section 48 of the BD Act. Besides, a draft notification of application forms and application fees, as endorsed by the 68th Authority meeting, has also been communicated to the MoEFCC by NBA on



20.02.2024 for taking necessary action, as it deemed fit, under sub-section (2) of section 62 of the Act.

4. In this connection, Secretary, NBA apprised the members that in the amended Act, specific changes have been brought out in the regulatory framework for access to biological resources and knowledge associated thereto for undertaking certain activities, viz., registration procedure, certain activities have been included newly that requires approval of NBA. Consequently, the application forms have been augmented, and fees have been amended to give effect to the provisions of the BD (Amendment) Act, 2023. However, the revised Forms and fees are under consideration in the MoEFCC.

5. It is also pertinent to mention that while granting approval to the users, the NBA determines the benefit-sharing component as per the ABS Regulations, 2014. It has to be amended in consonance with the BD (Amendment) Act 2023 and BD (Amendment) Rules. As the amendment to the BD Rules is yet to be notified, the EC informed that it will be able to suggest amendments to the ABS Regulations after notification of the amended BD rules only.

6. The Chairman, NBA mentioned that the Biological Diversity (Amendment) Act, 2023 will come into force from 1st April 2024, but the amendments to the BD Rules, application forms & fee, and ABS Regulations, 2014, have yet to be notified. Secretary, NBA apprised the members that there is an Office Memorandum vide No.1/12/2/2020-Cab dated 28.12.2020 of the Cabinet Secretariat, Government of India which states that *"Non-framing of rules does not prohibit the exercise of powers given under the substantive sections of the Act. Further, where exercise of power is hedged by conditions as prescribed but where no rules have been framed, the*



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authorities are empowered under the substantive sections of the Statute are not denuded of their powers to act”.

7. As the notification of amended rules and ABS regulations may take time, the members deliberated and recommended that NBA and SBBs/UTBCs may follow an ad-hoc mechanism during the interregnum period, wherever required, for effective disposal of the ABS applications and miscellaneous matters wherever required within the framework of the BD(Amendment) Act, 2023. This will facilitate the timely disposal of applications, and the applicants will not be subjected to any inconvenience. The members also deliberated that the application fees may be charged as per the existing rates and NBA may determine the benefit-sharing component as per the ABS Regulations, 2014, till amended BD Rules and amended ABS Regulations are put into operation. However, the Secretariat is authorised to take decisions on a case- to- case basis based on merits and dispose of applications within the broad framework of the BD (Amendment) Act, 2023.

Decision: a. The Authority members decided that NBA shall follow an ad-hoc mechanism, wherever required, for effective disposal of the ABS applications and miscellaneous matters within the framework of the BD(Amendment) Act, 2023.

b. The members decided that application fees for the Forms may be charged as per the existing rates.

c. The Authority members decided that NBA may determine the benefit-sharing component as per the ABS regulations, 2014, till amended BD Rules and the amended ABS Regulations are notified and put into operation.

d. The actions taken during the interregnum period will be brought to the notice of the Authority during subsequent meetings



Action: Secretary, NBA

69.05: Seeking guidance to deal with applications which are in contravention of provisions of the Biological Diversity Act, 2002

Secretary, NBA informed that NBA is in receipt of applications from stakeholders for seeking approval for accessing the biological resources and or knowledge associated thereto for undertaking research or for commercial utilization, or for obtaining Intellectual Property Rights (IPR) as per the provisions of the BD Act, 2002. He mentioned that upon scrutiny of these applications, there were 23 Form I applications and one Form II applications for accessing biological resources and conducting research/ commercial utilization without obtaining the prior approval of NBA as required under Section 3 and 4 of the BD Act. Secretary, NBA further mentioned that NBA has received 25 applications filed in Form-III for obtaining IPR that have contravened the provisions of section 3 and 6 of the Act. He further explained that these are similar to the applications that were placed in the 68th Authority meeting (Agenda No.68.14).

2. In this regard, the members opined that similar decision taken for the Agenda 68.14 may be taken for these applications that have contravened Section 3, 4 and 6 of the Act. The members expressed that these applications that are in contravention of the provisions of the BD Act may be kept in abeyance till the Biological Diversity (Amendment) Act, 2023 comes in to force and amended Biological Diversity Rules are notified and the same may be informed to the applicants

The Authority also suggested that as the BD (amendment) Act coming into effect from 1st April 2024, the MoEFCC may be approached to provide a window period of 100 days for giving opportunity to industries/ individuals for regularizing the past access of biological resource and / or associated knowledge. It can be regulated by



way of charging higher ABS. The members further observed that the amended Act prescribes civil liability only. Moreover, it will reduce litigation burden on part of NBA.

Decision: a. The Authority decided that the **49** applications (**Form I-23, Form II- 1 and Form III-25**) that have contravened the section 3, 4 and 6 of the Biological Diversity Act 2002 shall be kept in abeyance till the Biological Diversity (Amendment) Act, 2023 and amended rules come in to force.

b. The same may be informed to the applicants.

c. The Authority decided that the NBA shall approach the MoEFCC for providing a window period for regularising the access already made without obtaining prior approval from NBA.

Action: Secretary, NBA

69.06: To consider the request of the applicant (Dr. Mahesh Mansing Patil, Director, Aves Food Tech Pvt. Ltd., Pune) to conduct non-commercial research outside India under Form-B application.

Secretary, NBA informed the members that NBA received a Form-B application [INBAB202304265] in the name of Dr. Mahesh Mansing Patil, Director, Aves Food Tech Pvt. Ltd., Pune, Maharashtra, a Section 7 person seeking approval from NBA to send one vial of yeast culture in lyophilised form (*Candida* sp.) to Dr. Dominique Clermont, Head of Department, Biological Resource Centre of Institute Pasteur (CRBIP), Paris, France, to conduct non-commercial research mainly for the matrix-assisted laser desorption ionization-time of flight mass spectrometry [MALDI-TOF MS] analysis.

2. He further explained that Form B is covered under Regulation 13 of the Guidelines on Access and Benefit Sharing Regulations, 2014. Regulation 13 is



applicable to Indian researchers and Government institutions. As of date, the NBA has given approval to 189 Form-B applications for Indian researchers/institutions. However, in the instant case, this application is filed in the name of Dr. Mahesh Mansing Patil, Director, M/s Aves Food Tech Pvt. Ltd., Pune (Section 7 person). He is an Indian but holds the position of Director, M/S, Aves Food Tech Pvt Ltd.

3. In this regard, the members deliberated and opined that the approval may be accorded to Dr. Mahesh Mansing Patil, Director, M/s Aves Food Tech Pvt. Ltd in this instant case, as the applicant is a Section 7 entity and is sending the bioresource to their foreign counterpart for analysis, which is mainly for non-commercial research and paper publication.

4. The members also deliberated that this case may be considered to help ease of doing business and also to encourage research. The applicant shall take approval of NBA/SBB as the case maybe as and when commercialization takes place to comply with ABS mechanism.

Decision: The Authority members approved this Form B application (INBAB202304265) of the Section 7 entity, Dr. Mahesh Mansing Patil, Director, M/s Aves Food Tech Pvt. Ltd.

Action: Secretary, NBA

69.07: CEBPOL Project

Secretary, NBA explained that the Government of India, through the Ministry of Environment, Forest and Climate Change (MoEFCC) and the Norwegian Government, through the Norwegian Environment Agency (NEA), established a "Centre for Biodiversity Policy and Law (CEBPOL)" at the National Biodiversity Authority (NBA),



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Chennai in December 2012 to develop professional expertise in biodiversity policies and laws and develop the capacity building.

2. CEBPOL was envisaged to carry out research on biodiversity-related policies and laws that cater to the needs of National and International rulemaking and subsequent implementation of issues pertaining to biodiversity. Broad objective of the centre was to deal with emerging and current biodiversity governance issues and policy as well as law making. He further informed that the first phase of the CEBPOL Project reached completion in December 2018.

3. The Secretary, NBA said that in continuation to the accomplishments made in Phase I of the Project, efforts are being taken for the initiation of CEBPOL Phase-II, in light of the recent amendments to the Biological Diversity Act, 2002, upcoming challenges in the implementation of the ABS mechanism and also in the background of various International Instruments relating to biodiversity under discussions and negotiations in different forums that concerns India.

4. In this regard, the Chairman, NBA informed that a meeting was convened with Prof. Krishna Deva Rao, Vice Chancellor, NALSAR University of Law, Hyderabad, on 23rd November, 2023, to discuss the modalities for the establishment of the Centre. Subsequently, a meeting was conducted between Dr. B. Balaji, IFS, Secretary, NBA and the Vice Chancellor, NALSAR, on 13.02.2024 to discuss on the equal knowledge partnership and to identify the potential areas under the project. After deliberations, it was decided that a memorandum of understanding (MoU) may be signed as the starting point of negotiations for the initiation of the CEBPOL Phase-II project.



5. The members appreciated the efforts being taken up by NBA in initiating the CEBPOL Phase-II project with NALSAR University and unanimously agreed to the establishment of the Centre.

Decision: The Authority members appreciated and decided that the NBA should initiate the CEBPOL Phase-II project with NALSAR University and establish the centre by signing a MoU with NALSAR University.

Action: Secretary, NBA

69.08: To consider the revised “Guidelines for Engagement of Young Professionals 2024”

Secretary, NBA explained that the Guidelines for Engagement of Young Professionals (YP) 2024 has been revised in tune with current scientific requirements and trends. He informed the changes proposed in the guidelines which are as follows:

1. The qualification and experience are revised for all categories
2. The categories of “System Administration & Networking” and “Application Development & Database Management” are merged and Induction training is added
3. Method of payment / Tax deduction is added
4. Annual Performance review is added
5. “Fixed percentage” is added for upward revision of remuneration
6. Re-engagement depends on the requirement and based on the performance / Re-engagement to higher grade - is added
7. Waiting list for each vacancy is enhanced from 1:1 to 1: 3
8. Form I - Monthly Report of Young Professional and Form-II-Annual Performance Report for young professional has been introduced
9. YPs can seek termination of the contract with one month notice is added



10. The legal status of the YPs is elaborated in the revised guidelines

11. "Standard of engagement" is added

12. Proprietary Rights elaborated

The members unanimously agreed to the modifications proposed in the Guidelines for Engagement of Young Professionals 2024 and approved the same.

Decision: The Authority members approved the Guidelines placed as Annexure-II for Engagement of Young Professionals 2024.

Action: Secretary, NBA

69.09: To consider the proposal to designate "Herbarium of medicinal plants of India" of the University of Trans-Disciplinary Health Sciences and Technology as a national repository under section 39 of the BD Act.

Secretary, NBA informed the members that the Ministry of Environment, Forest and Climate Change in consultation with the NBA has designated 18 National Institutions/Organizations as repositories from time to time to keep safe custody of specimen of the biological resources accessed under the BD Act.

2. He further mentioned the University of Trans-Disciplinary Health Sciences and Technology (TDU), Bengaluru, Karnataka through the Vice Chancellor has submitted a request to NBA for designating "Herbarium on medicinal plants" as a national repository under section 39 of the BD Act for safe deposit voucher specimens of the Indian Medicinal plants.

3. The Secretary, NBA, also informed that this herbarium has 70000 voucher specimens corresponding to 4500 plant species, which includes 80% of Indian Medicinal plants and is internationally acclaimed. The Chairman, NBA, suggested that



a committee of willing members may be constituted to visit, assess the proposed national repository, and submit a report.

4. In view of the above, the members suggested that representatives of the Central Institute of Medicinal and Aromatic Plants (CIMAP, Lucknow), Central Drug Research Institute (CDRI), National Medicinal Plant Board (NMPB), Indian Council of Agricultural Research (ICAR), and NBA non-official members may be included in the committee to assess the Herbarium Collection on Medicinal Plants at TDU and submit a report. The report may be placed in the next Authority meeting for consideration.

Decision: The Authority members decided that a committee may be constituted with members including representatives from CIMAP, Lucknow, CDRI, NMPB, ICAR, and NBA non-official members to assess and submit a report on the proposed Herbarium on Medicinal plants at TDU, Bengaluru. The report shall be placed in the next Authority meeting for consideration. Dr. Hanchinal R. Ramappa be appointed as Head of Delegation and a visit to TDU, Bengaluru may be arranged by Secretary, NBA at the earliest

Action: Secretary, NBA

69.10: To Consider the decisions taken 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.



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2. In this regard, the 32nd 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. The secretary informed that NBA has granted approval to **02** applications of **Form-B**.

Decision: The Authority considered and ratified the decisions taken on the **02** Form B applications.

Action: Secretary, NBA

69.11: To consider the decisions taken on the applications for access to Red Sanders

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 32nd (32.07) & 35th Authority (35.03 & 35.19.01). He explained that in the 32nd Authority meeting (32.07), the Authority authorized the Chairman of NBA to give 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 following Ten (10) applications approved by the Chairperson, NBA were placed for ratification

Sl. No.	Appl. No.	Name & address of the applicant	Quantity (in MTs)	Approval granted on	5% of BS received by NBA	
					in USD	in INR
1.	INBA1202304501	Shanghai Shen Da Import and Export Co Ltd	120.00	10-11-2023	50,084.00	41,09,267.00



2.	<u>INBA1202305218</u>	<u>Xiamen World Express Trading Co. Ltd</u>	<u>19.539</u>	<u>13-12-2023</u>	<u>35,072.505</u>	<u>29,20,749.00</u>
3.	<u>INBA1202305217</u>	<u>Zhongshan Shang Sen Trading Co Ltd</u>	<u>36.168</u>	<u>13-12-2023</u>	<u>1,28,388.33</u>	<u>1,06,66,788.00</u>
4.	<u>INBA1202304696</u>	<u>Putian City Zhonghe Zhenglin Trade Co. Ltd.</u>	<u>7.169</u>	<u>28-12-2023</u>	<u>6,562.85</u>	<u>5,47,225.00</u>
5.	<u>INBA1202305123</u>	<u>Putian Songjun Trading Co. Ltd.)</u>	<u>20.781</u>	<u>28-12-2023</u>	<u>1,350.78</u>	<u>1,12,169.00</u>
6.	<u>INBA1202304553</u>	<u>Fujian Yongshi Min Chuang Trading Co. Ltd.</u>	<u>9.763</u>	<u>31-01-2024</u>	<u>6,101.9375</u>	<u>5,12,870.00</u>
7.	<u>INBA1202304573</u>	<u>Zhong Wu Fujian Cross Border E Commerce Co. Ltd.</u>	<u>8.689</u>	<u>31-01-2024</u>	<u>5,431.06</u>	<u>4,49,420.00</u>
8.	<u>INBA1202305133</u>	<u>Yama Ribbons and Bows India Pvt Ltd</u>	<u>15.541</u>	<u>03-02-2024</u>	<u>-</u>	<u>27,51,754.00</u>
9.	<u>INBA1202305134</u>	<u>Yama Ribbons and Bows India Pvt Ltd</u>	<u>13.453</u>	<u>03-02-2024</u>	<u>-</u>	<u>20,41,448.00</u>
10.	<u>INBA1202304560</u>	<u>Putian City Zhonghe Zhenglin Trade Co. Ltd.</u>	<u>6.552</u>	<u>02-02-2024</u>	<u>3,806.065</u>	<u>3,19,824.00</u>
<u>Total</u>			<u>257.657</u>		<u>2,36,798.00</u>	<u>2,44,31,514.00</u>

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

Action: Secretary, NBA

69.12: Access and benefit sharing amount realized during November 2023 to February 2024

Secretary, NBA informed the members that in accordance with Section 21 of the BD Act 2002, the NBA has received a sum of **Rs. 6,28,24,427/-** (Six Crore Twenty-eight Lakhs Twenty-four Thousand Four Hundred Twenty-seven) as benefit-sharing component in the National Biodiversity Fund after execution of **17** agreements.



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Decision: The Authority ratified the benefit sharing component amount received in the National Biodiversity Fund from the execution of the 17 agreements.

Action: Secretary, NBA

69.13: To consider the termination of agreements executed with applicants

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, the NBA has signed around 796 agreements under Form-I, Form-II, and Form-IV applications 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 02 agreements in Form – IV.

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

Action: Secretary, NBA

69.14: To consider the request made by the Andhra Pradesh Forest Department for inclusion of the sub-component “Renovation & Improvement of Forest Rest House(TGP), Tirupati” under the component of “Procurement of Tree Transplant Machine” in the Red Sanders Protection Scheme

Secretary, NBA apprised the members that the Andhra Pradesh Forest Department (APFD) had submitted a revised proposal for the Red Sander protection



scheme for the year 2019-2020, along with justification for each component proposed in the project proposal. The Authority, in its 55th meeting held on 12th March 2020 vide agenda item no. 55.06 approved the proposal of APFD for undertaking activities related to conservation, regeneration and awareness creation as given in the proposal, viz., for training and capacity building to the staff *and communities, research and development, regeneration of Red Sanders, for conducting public awareness, for procurement of tree transplant machine.*

2. As approved by the Authority, NBA released a sum of Rs. 31.55 Crore to the APFD vide sanction order dt. 02nd July 2020, to utilize for the purposes mentioned in the proposal within a period of one year from the date of sanction. The APFD shall submit a biannual progress report to the NBA, which should clearly show the physical and financial progress made on the funds utilized. It is pertinent to mention that one of the activities proposed in the proposal (S. no.19) is for “procurement of tree transplant machine” for the tune of Rs. 4.00 Crore.

3. Further, the Secretary, NBA informed that the APFD vide letter ref. no. 17/2019/vig-2, dt. 17th May 2023, requested NBA to allocate an amount of Rs. 60 lakhs to the sub-component, i.e., “Renovation and Improvement of forest rest house (TGP) at Tirupati” released under the component of “Procurement of Tree Transplant Machine”. It was stated that APFD has decided to meet the above expenditure from the funds of Rs.4.00 Crore earmarked for the component of “procurement of Tree Transplant Machine”, as Rs. 4.00 Crore was sufficient to meet both the needs. it was also informed that the Chief Conservator of Forests, Tirupati, would be instructed to submit the Annual Plan of Operations for NBA-ABS Scheme 2023-24 duly, including the above sub-component.



4. Secretary, NBA informed that the Competent Authority considered the proposal and agreed to the same as the Renovation & Improvement of Forest Rest House is more important for having regular inspection/ anti-smuggling operations. Accordingly, NBA vide letter dated 19th July 2023 conveyed to the APFD that the Competent Authority has agreed to the request made by the APFD for inclusion of the sub-component, "Renovation & Improvement of Forest Rest House (TGP), Tirupati" under the component of "procurement of Tree Transplant Machine" and utilize Rs. 60.00 Lakhs for this purpose. The rest house renovation, as proposed by the PCCF & HOFF, was approved as anti-smuggling teams led by senior officers need to camp here. Therefore, based on necessity, this deviation from spending the entire amount of Rs. 4.00 crores on tree transplant machine was accepted, and Rs. 60.00 lakhs was allowed to be spent on the renovation of the guest house, adding more floor area.

5. In view of the above, the members deliberated on the issue and ratified the deviation of allowing the APFD to spend Rs. 60.00 lakhs on renovating the guest house, adding more floor area.

Decision: The Authority members ratified the deviation of allowing the APFD to spend Rs. 60.00 lakhs on renovating the guest house, adding more floor area, out of the Rs. 4.00 crore sanctioned already for the purchase of tree transplant machine.

Action: Secretary, NBA

69.15: To consider Post Facto approval for Form-I application for changing the name of one among the applicants

Secretary, NBA informed that NBA received an application in Form-I from 07 applicants, viz., (1) M/s. Asia and Pacific Seed Alliance Ltd., Singapore; (2) M/s. Acsen HyVeg Pvt. Limited, India; (3) M/s. Monsanto Holdings Pvt. Ltd., India; (4) M/s. Chia Tai Co. Ltd., Thailand; (5) M/s. East West Seed Company, Inc., Philippines; (6) M/s.



Known-You Seed Co. Ltd., Taiwan; (7) M/s. Cloverseed Co. Ltd., China, seeking prior approval from NBA to access six varieties of bitter melon (*Momordica charantia*) from a trader in Karnataka for research purposes (to identify pathogen races/strains). The approval was accorded in the form of an Agreement on 21st January 2023.

2. He further informed that as per clause 3.6 of the NBA's agreement, the NBA received a communication stating that the name of one of the applicants, M/s. ACSEN HyVeg Pvt. Ltd has been changed to M/s. Acsen Agriscience Private Limited, along with the relevant documents. Secondly, the Secretary, NBA, also informed that the authorized representative of M/s. Asia and Pacific Seed Alliance Ltd. and M/s. Acsen Agriscience Pvt. Ltd. has been changed.

3. In this regard, the Secretary, NBA, mentioned that the Competent Authority decided that instead of executing a supplementary agreement for the above changes, a communication vide email dated 28th November 2023 from the NBA accepting the above changes in the agreement was sent to the applicants. The members deliberated and ratified the decision taken by the competent Authority.

Decision: The Authority members granted post facto approval for changing the name of one among the applicant in Form-I application and ratified the action of the secretariat.

Action: Secretary, NBA

69.16: To consider the minutes of the meeting of the re-constituted EC on Red Sanders held on 5th – 6th January, 2024

Secretary, NBA informed the members on the First meeting of the re-constituted Expert Committee on Red Sanders to review the implementation of earlier recommendations 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 the sale of red sanders from private/farmers holdings” which was held on 5th to 6th January 2024 at Chennai, in hybrid mode, under the Chairmanship of Shri B. Vijayan, IAS., (Retd.) and also to frame guidelines for disposal of applications with Red Sanders from private holdings and farmers. The following issues were discussed.

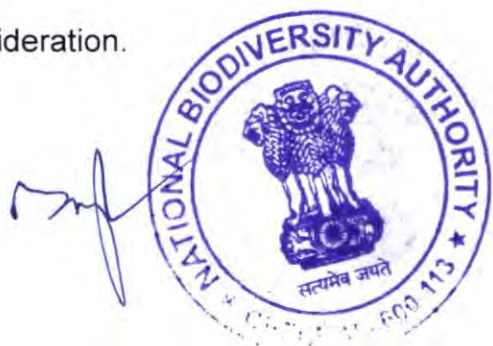
2. The recent changes in the International trade of Red Sanders, particularly, removal of India from the Review of Significant Trade (RST) under CITES, permission to export Red Sanders from privately cultivated sources under DGFT, etc. were discussed in the meeting.

3. Protective measures taken, encouraging the cultivation of RS wood by farmers in the State of Andhra Pradesh, speedy disposal of the application process, conservation, planning for sustainable harvest, utilisation and marketing of RS wood, etc were discussed.

4. The draft procedures for issuance of approval and checklist for confiscated RS wood and cultivated RS wood were examined by dividing themselves into two sub-committees.

5. A sub-committee was also constituted to discuss and suggest modalities for conducting the “International Conference and Exhibition on Red Sanders & Biodiversity of Eastern Ghats” to promote conservation and sustainable utilisation Red Sanders at Tirupati, Andhra Pradesh.

6. The procedure for dealing the cultivated/confiscated RS wood applications will be finalized in the next meeting and then placed before the Authority for consideration.



7. The Authority members opined that a checklist for the applicants and procedures to be followed for issuance of approval for confiscated RS wood and cultivated RS wood is important and necessary. In this regard, the members took note of the minutes of the meeting of the re-constituted EC on Red Sanders.

Decision: The Authority members took note of the Minutes of the meeting of the re-constituted EC on Red Sanders.

Action: Secretary, NBA

69.17: To consider the minutes of the meeting of the re-constituted Expert Committee for scientific examination of certain materials/resources/chemicals used for research, commercialization, bio-survey and bio-utilization and for obtaining Intellectual Property Rights for determining whether they fall under the purview of the definition of the biological resources under the Biological Diversity (Amendment) Act 2023

Secretary, NBA informed the members that the first meeting of the Expert Committee was held on 7th November 2023; to examine certain materials/resources/chemicals used for research, commercialization, bio-survey and bio-utilization and for obtaining Intellectual Property Rights to determine whether they fall under the purview of the definition of the biological resources under the Biological Diversity (Amendment) Act 2023. The committee divided themselves into sub-committees and prepared reports on the categories of materials/ resources/ chemicals. He further mentioned that the Expert Committee deliberated on the sub-committee's report in the second meeting along with 12 IPR applications

2. Further, Secretary, NBA informed the members that a Special Meeting of the Expert Committee was held to discuss the Judgement of Bombay case (*Fresenisu Kabi Oncology Ltd. and Dr. Jayanta Chattopadhyay Versus the State of Maharashtra*



and Conservator of Forests, Kolhapur Wildlife, Kolhapur) on 13th February 2024 at NALSAR Campus, Hyderabad.

3. The members discussed the case in length and decided that EC members viz. Dr Nagesh, Dr Kiran Kumar, Dr Nagaiah and Shri Sai Prakash shall develop a detailed technical report on whether Camptothecin is a biological resource and a derivative as per the Biological Diversity (Amendment) Act 2023.

4. The members further deliberated as to whether the extracts, derivatives including nutraceuticals can be considered as bio resources and come under the purview of the BD Act? Chairman, NBA explained that the Expert Committee had considered few resources as value added products such as Triphala when used as an input/raw material and have mentioned that it does not come under the purview of BD Act. However, the bio resources used to prepare this product will come under the purview of BD Act.

5. The CEO, NMPB mentioned that extracts/ derivatives of biological resources are being manufactured by Micro, Small, Medium Enterprises (MSME). To this, Chairman, NBA informed that leverages/concessions may be given to the MSME if the AYUSH Ministry requests for it in the Rules and Guidelines that are yet to be notified.

6. Chairman, NBA explained to the members that in some cases, finished/ final products are not being exported outside may be due to stringent quality norms and instead raw materials of bio resources are being exported abroad. These raw materials are processed in the foreign countries and the final products are exported back to India. These products are sold at a higher price in India. He further mentioned that this would become a complicated issue in sharing the benefits with the benefit claimers.



Decision: The Authority members approved the Minutes of the meetings of the re-constituted Expert Committee for scientific examination of certain materials/resources/chemicals used for research, commercialization, bio-survey and bio-utilization and for obtaining Intellectual Property Rights for determining whether they fall under the purview of the definition of the biological resources under the Biological Diversity (Amendment) Act 2023.

Action: Secretary, NBA

69.18: To ratify the action taken earlier in declaring Secretary NBA as the “Head of the Department and Administrative Officer as “Head of Office” in the National Biodiversity Authority

Secretary, NBA informed that in exercise of the powers vested under Section 16 of the Biological Diversity Act, 2002 and Rule 13(5) of the Biological Diversity Rules, 2004, Chairperson, NBA vide. Office Memorandum NBA/2/81/2009/ADMIN/16-17/2487 dated 14.10.2016 had declared the Secretary, NBA, as the Head of the Department (HoD) within the meaning of Rule 13(3) of the Delegation of financial powers Rules and Administrative Officer, NBA as the Head of Office (HoO) within the meaning of Rule 14 of the said rules.

The above mentioned OM also delegated the administrative powers in staff matters to the Head of the Department and the Head of Office as vested under various Service Rules, GFR and Compendium of Advances to Government Servants. Further, an OM NBA/2/81/2009/ADMIN/17-18/644 dated 29.05.2017 was issued to extend the delegation of powers of the HoD and HoO with respect to administrative and financial matters of all projects implemented by NBA.

He further informed that the above mentioned OMs were issued by NBA to ease out the workload of the Chairperson and for smooth functioning of the NBA. However, it was found that this was not placed before the Authority for ratification as the Authority



Page 27 of 52

only has powers to delegate such powers under Section 16 of BD Act, 2002. Hence, it is now placed before the Authority for ratification. The members approved the delegation of powers and ratified the decision taken.

Decision: a. The Authority members approved and ratified the delegation of powers to Secretary as Head of Department and to Administrative Officer as Head of Office as per the Orders issued already. The Chief Executive Officer (CEO) i.e. the Chairman of the National Biodiversity Authority which is an Autonomous and Statutory body shall continue to exercise the administrative and financial powers as per the provisions of the Act in force and Rules made there under from time to time.

b. The Secretariat shall come out clearly with a draft note on specific financial and administrative powers to be delegated to Secretary, NBA as the Chairperson under Rule 13(6) of the Biological Diversity Rules, 2004 have full powers for granting administrative and technical sanction to all estimates. Since the NBA is not a regular department and is an Autonomous Statutory Body established by an Act passed by Parliament, it has to be treated differently.

Action: Secretary, NBA

69.19: Judgement Passed by the Hon'ble Supreme Court on 31.01.2024 in W.P. (Civil) No.202/1995 –T.N. Godavarman Thirumalpad Vs UOI & Ors.

Secretary, NBA explained to the members the judgement passed by the Hon'ble Supreme Court of India in the matter of T.N. Godavarman Thirumalpad, against the Union of India & others. The background of cited case judgement is the institutionalisation and re-constitution of the Central Empowered Committee (CEC), a



body to monitor and ensure compliance of the Court's orders on "Environmental issues".

2. He further explained that although the Hon'ble Supreme Court, by its order dated 31.01.2024 emphasised this judgement in the context of institutionalisation and reconstitution of the Central Empowered Committee in Part-I of the judgement, the Court went into detail in Part-II about the functioning of Government bodies, authorities and regulators for environmental governance that emerge from time to time. The National Biodiversity Authority and State Biodiversity Boards were included in the comprehensive list of bodies in Xiii and Xiv of the Judgement.

3. Secretary, NBA explained that the Court has pointed out that the constitutional courts had hitherto focused on decisions and action taken by the executive or private person impacting the environment and ecology because the scrutiny by regulators was felt to be insufficient, and that this Court would continue to exercise judicial review, particularly in environmental matters whenever necessary. It was further held that the Constitutional Courts will monitor the functioning of these institutions so that the environment and ecology is not only protected but also enriched.

4. He further mentioned that the Court emphasized the importance of ensuring the effective functioning of environmental bodies and their adherence to the principles of environmental rule of law. In furtherance of the Principles of environmental rule of law, the bodies, authorities, regulators, and executive offices entrusted with environmental duties must function with the important institutional features as follows:

i. The composition, qualifications, tenure, method of appointment and removal of the members of these authorities must be clearly laid down. Further, the appointments must be regularly made to ensure continuity and these bodies must be staffed with



persons who have the requisite knowledge, technical expertise, and specialisation to ensure their efficient functioning.

ii. The authorities and bodies must receive adequate funding and their finances must be specific and clear.

iii. The mandate and role of each authority and body must be clearly demarcated so as to avoid overlap and duplication of work and the method for constructive coordination between institutions must be prescribed.

iv. The authorities and bodies must notify and make available the rules, regulations, and other guidelines and make them accessible by providing them on the website, including in regional languages, to the extent possible. If the authority or body does not have the power to frame rules or regulations, it may issue comprehensive guidelines in a standardised form and notify them rather than office memoranda.

v. These bodies must clearly lay down the applicable rules and regulations in detail and the procedure for application, consideration, and grant of permissions, consent, and approvals.

vi. The authorities and bodies must notify norms for public hearing, the process of decision-making, prescription of right to appeal, and timelines.

vii. These bodies must prescribe the method of accountability by clearly indicating the allocation of duties and responsibilities of their officers.

viii. There must be regular and systematic audit of the functioning of these authorities.

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



Action: Secretary, NBA

69:20: Details of Form-C applications received by the NBA

Secretary, NBA informed that the Authority in its 37th meeting held in March 2016 under agenda item 37.14.02, decided that the Indian researchers/scientists should provide prior intimation to the NBA in the prescribed format viz., Form-C for deposition of microorganisms in other country's repository for claim of novel species for publication in journals. NBA has received **314** intimations from March 2016 to February 2024, and the same has been reported to the Authority from time to time. He further informed that since November 2023, the Secretariat has received **05** Form-C applications.

Decision: The Authority members noted the information on the 05 Form C applications.

Action: Secretary, NBA

69.21: High-Level Technical Committee (HLTC) visit to Andaman and Nicobar Islands to assess the issues related to Red Oil Palm (ROP) plantation

Chairman, NBA explained to the members that the High-Level Technical Committee (HLTC) was constituted vide OM No.13-1/2020B-I (NAEB) dated 31st January 2023 by the Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India to undertake a more comprehensive study to examine the issues of Red Oil Palm (ROP) plantation in Andaman and Nicobar Islands, under the chairmanship of Shri. C. Achalender Reddy, IFS (Retd.), Chairman, NBA, along with members, to address all the issues which have not been addressed by the earlier committees.

2. He explained that the HLTC had two sittings (17th February, 2023 and 22nd July, 2023) for detailed discussion on the issues and way forward. It was also decided that



field visit and consultation with officials of Department of Forest, Department of Agriculture and other stakeholders to be conducted at Andaman at Nicobar Islands.

3. Chairman, NBA informed that a group of six members undertaken the first field visit of HLTC during 19th – 25th November, 2023 to the Andaman and Nicobar Islands along with two NBA officials and the group headed by the Member Convener, Shri. Sanjay Chauhan, IFS, AIGF, MoEFCC. The members interacted with the officials of the Forest Department, Department of Agriculture and Andaman administration. Members visited Red Oil Palm plantation areas in Little Andaman and had a consultation with local people and other stakeholders.

4. He further mentioned that subsequently, a comprehensive tour report with the observations and outcomes of the consultation made by the members of HLTC during the first field visit was submitted to the Chair of the committee. The Chair of the HLTC, along with Members/ Experts and officials from NBA, undertook the second field visit from 6th to 11th, March 2024 and interacted with various stakeholders. Since the Andaman Islands form part of a biodiversity hotspot area, NBA as authorized by the Authority will be incurring some expenditure in undertaking the visit, etc.

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

Action: Secretary, NBA

69.22: Training and Capacity Building programme organized by NBA / Meetings attended by the Officers of the NBA

Secretary, NBA informed the members the visit of the Chairperson, NBA Bern, Switzerland to participate in the Bern-III Conference on Cooperation among the Biodiversity-related Conventions for the implementation of the Kunming-Montreal



Global Biodiversity Framework being held by the United Nations Environment Programme at the Universal Postal Union during 23-25th January, 2024.

2. He further mentioned that he had participated in the Regional Dialogue on National Biodiversity Strategies and Action Plans for South and East Asia, which was organized by the Secretariat of the Convention on Biological Diversity from 23 to 26 January 2024 in Tokyo, Japan.

3. Secretary, NBA also mentioned that a Three-days Capacity building program on "Biodiversity governance in India with special focus to Biological Diversity Act 2002 and Global Biodiversity Framework – Along with recent Developments" was held during 27th – 29th December, 2023 in M S Swaminathan Research Foundation (MSSRF), Chennai.

4. He also informed that an One-week training programme to the IFS Officers on "International Convention on Wetlands and Biodiversity" was held during 08th – 12th January, 2024 in National Institute of Rural Development and Panchayati Raj (NIRD&PR), Hyderabad.

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

Action: Secretary, NBA

69.23: Update on the National and Regional Consultation Meetings on the updation of National Biodiversity Strategy and Action Plan (NBSAP) and Adoption of National Biodiversity Targets (NBTs) in alignment with the Kunming-Montreal Global Biodiversity Framework (KMGBF)

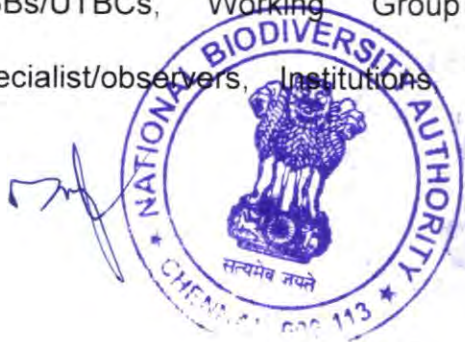
Secretary, NBA informed the members that Convention on Biological Diversity (CBD) incorporates two mandatory unqualified obligations i.e., preparation of National Biodiversity Strategy and Action Plan (NBSAP) under Article 6, and National Reports under Article 26. NBASP is the main instrument for implementing 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, MoEFCC vide O.M. F.No.C-12023/2/2023-CS.III (Biodiversity) Division dated 29.03.2023 desired to have India's NBSAP updated in alignment with KMGBF goals and targets following a nation-wide consultative process.

2. He explained that a National Consultation Meeting on the updation of NBSAP and Adoption of NBTs was organized on 28th -29th November 2023 at INSA, New Delhi by the National Biodiversity Authority (NBA) and the Ministry of Environment, Forest and climate change (MoEFCC) in association with the United Nations Development Programme (UNDP) and Biotech Consortium India Limited (BCIL). The consultation was attended by 152 participants from various departments, Central Government ministries/departments, SBBs/UTBCs, Working Group members of NBSAP, Subject Matter specialist/observers, National & Supra national organisation, Non official members of NBA, Community led groups, Private Sector Experts, Entrepreneurs, and Young professionals).

3. Further Secretary, NBA mentioned that to ensure in-depth State-level and grass-root level engagement of various stakeholders and also to discuss on the means of implementation (schemes/programmes along with their budgets) to achieve the NBTs in the country, regional consultation meetings involving all the 28 States and 8 Union Territory Biodiversity Councils (UTBCs) were organized. The First Regional Consultation on the updation of NBSAP and the adoption of NBTs in alignment with the KMGBF was held on January 9 & 10, 2024 at the National Academy of Legal Studies and Research (NALSAR), Hyderabad, The consultation was attended by 133 participants from various departments (Central Government ministries/departments, SBBs/UTBCs, Working Group members of NBSAP, Subject Matter specialist/observers, Institutions, Telangana SBB Expert Members/Non-Officio



Members of NBA, Private Sector, Representative from Youth Organisation & Students, Farmers (Experience in Organic Agriculture).

4. The Second Regional Consultation on the updation of NBSAP and the adoption of NBTs in alignment with the Kunming-Montreal Global Biodiversity Framework (KMGBF) was held on February 6 & 7, 2024 at the IORA, the Retreat, Kaziranga National Park, Kohora, Assam, under the guidance of MoEFCC, by NBA in association with the UNDP and BCIL. The consultation was attended by 77 participants from various departments (Central Government ministries/departments, SBBs/BMCs, Working Group members of NBSAP, Special Invitees, Institutions, Non-Officio Members of NBA and other invitees). The meeting also discussed processes related to the recognition and reporting of Other Effective Area-based Conservation Measure (OECMs) in India and the way forward.

5. The Third Regional Consultation meeting on the updation of NBSAP and the adoption of NBTs in alignment with the KMGBF was held on 26-27, February, 2024 at IIFM, Bhopal under the guidance of NBA and MoEFCC in association with the UNDP and BCIL. The consultation was attended by 90 participants from various departments, Central Government Ministries/Departments, SBBs/PCCFs/BMCs, Working Group members of NBSAP, Special Invitees, Institutions, Non-Officio Members of NBA and other invitees.

6. The NBA and MoEFCC conducted preliminary inter and intra-ministerial consultation on the preparation of NBSAP in alignment with KMGBF on 15th and 21st March respectively. In that meeting apart from various Ministries, important departments within the Ministries also participated.



7. Further, Secretary, NBA mentioned that work is under progress to consolidate the inputs received from these consultations to update the NBSAP and adopt NBTs in line with KMGBF.

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

Action: Secretary, NBA

69.24: The activities undertaken by NBA for the promotion of "Mission LiFE - Lifestyle for Environment."

Secretary, NBA informed the members that as per the OM of MOEFCC vide No. 8-6/2023-EE-LiFE dated 13th January, 2023, all Divisions of MoEFCC were requested to promote the theme of Mission LiFE through various citizen centric functions and activities to ensure maximum public outreach.

2. Accordingly, the NBA actively highlighted the Mission LiFE themes, including **Action Point 65: Start Biodiversity Conservation at the Community Level**, which has direct relevance to the core mandates of the NBA, among the different stakeholders concerned. He mentioned that since September 2023 to February 2024, NBA has conducted **12 such** activities to promote 'Mission LiFE' themes.

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

Action: Secretary, NBA

69.25: Development of E-PBR application (BIOMIS Portal)

Secretary, NBA informed the members that the main function of the BMC is to document the information on the availability of biological resources and knowledge related thereto, including their medicinal or any other use or any other traditional knowledge associated thereto within their jurisdiction in the Form of People's



Biodiversity Register in consultation with local people as per Section 41(1) of the Biological Diversity Act, 2002 read with Rule 22(6) of the Biological Diversity Rules, 2004.

2. It was informed that over 2.67 lakh PBRs have been prepared across India with significant investments by the Government. However, data and information recorded in the PBRs are primarily stored in physical forms and spreadsheets, which are prone to inconsistencies and pose immense challenges for using data in conservation and decision-making processes. This further limits the opportunities to derive economic benefits through ABS implementation.

3. Secretary, NBA further informed that in order to digitise the PBR documented by the SBBs/UTBCs and to have uniformity across the state, NBA under the UNEP GEF Project, had initiated the task of developing e-PBR in the 12 Pilot States with the support of NIC, Chennai and Kerala, in the year 2017. After several round of discussions NIC team forwarded a proposal to develop a web application (using Progressive Web App technologies) to capture the contents of the PBR, to store it in a secured environment and to provide role-based restricted access permission to the stakeholders through secured network channels.

4. Secretary, NBA explained that MoEFCC had decided to develop a National Information Network of PBRs for all stakeholders with the help of experts in order to protect the biological resources and traditional knowledge associated with it and for that it was decided to set up a National framework for e-PBR. Subsequently, the NBA, in association with NIC Kerala and Chennai, developed the National framework on e-PBR which is in the testing phase.

5. Secretary, NBA apprised the members that the e-PBR project was allotted to NIC Chennai, which executed the project in collaboration with NIC Kerala. The total



cost of the project proposed was Rs. 1,02,40,000/- (One Crore Two lakh and forty Thousand) and the project is for five years (2019-2024) and was proposed to be executed in three different phases. NBA has so far released an amount of Rs. 36,00,000/- for the e-PBR project to NIC. The e-PBR project is being implemented in 12 pilot States, viz. Andhra Pradesh, Goa, Gujarat, Himachal Pradesh, Karnataka, Kerala, Odisha, Sikkim, Tamil Nadu, Telangana, Tripura and West Bengal. Further, the Project State Biodiversity Boards were requested to contact the State-NIC to provide training to the Officials of the SBBs on the e-PBR application and use the same and provide your feedback to the NIC.

6. He further informed that NBA organized a meeting with Botanical Survey of India (BSI) and Zoological Survey of India (ZSI) to discuss the modalities for uploading the species master data into the e-PBR application and updation cum verification of the PBRs on 30th October 2023 through virtual mode.

7. Secretary, NBA apprised the members that a beta version of the software has been developed by the NIC, which is under testing in 12 pilot States, and it will be enhanced further based on the feedback received from the States. To, this Shri. Raghu Kumar Kodali pointed out that it was noticed that only four states are populating the BIOMIS software with data and requested NBA to bring other pilot states on board and provide their feedback to the developing software.

8. Secretary, NBA further mentioned that NBA had conducted fourteen review meetings with the NIC team and other stakeholders to implement the e-PBR project on user requirement specifications such as customized access to PBR data, Citizen Science, DOI integration, Gram Manchitra integration, DMS configuration, etc. The NIC team has requested NBA to establish infrastructural facilities, set up a Programme Management Unit (PMU) at the NBA and move the production hosting to the NBA



cloud. NIC has also requested NBA to revise the project timeline due to time loss during the COVID Pandemic. Upon receipt of the response from NIC on the action taken on the modifications suggested by the NBA in the e-PBR portal, the NBA will proceed further on this subject. The members noted the information provided.

Decision: The Authority members took note on the progress made in this project and authorized the Chairman, NBA to extend the project and financial budget, if any required.

Action: Secretary, NBA

68.26: NBA's inputs to the MoEFCC on International instruments including Multilateral/ bilateral discussion

Secretary, NBA informed the members that NBA has provided inputs to MoEFCC for various international instruments including multilateral/bilateral discussions and also for Cabinet Notes which are as follows:

- i) G20 - Issue note and Concept Note for G20 Brazil Meeting regarding three new mechanisms proposed by the G20 Brazilian presidency – For an inter-Ministerial meeting held on 08.12.2023 at New Delhi
- ii) G20- Inputs of NBA on the priority areas (2&3) of the 1st G20 Sherpa Meeting, Brazil
- iii) G20 - Priority 2: Payments for Ecosystem Services [PES] as given in issue note of the Environment and Climate Sustainability Working Group (ECSWG) developed under the Brazilian G20 Presidency



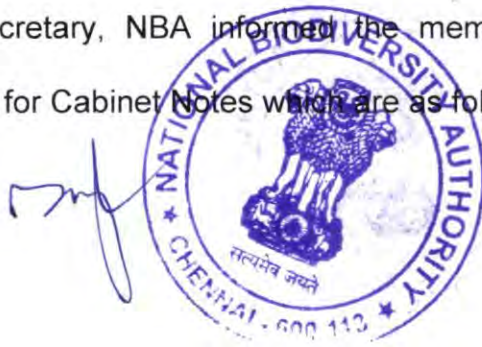
- iv) Agenda items of draft Concept Paper on Potential Areas for Cooperation among the BIMSTEC Member States on Environment & Climate Change and Draft Plan of Action on BIMSTEC Environment and Climate Change
- v) India-Sri Lanka ETCA – Trade in Services
- vi) India-Australia CECA negotiations
- vii) Possible ideas for utilising Government of Norway and the Bezos Earth Fund funding for broad and inclusive informal work on DSI until COP 16
- viii) Comments of NBA on the Concept notes proposed by Japan, Sri Lanka and EU to consider in the 6th Session of the United Nations Environment Assembly
- ix) India-EU Trade and Sustainable Development Agreement
- x) 6th Joint Work Plan of the Convention on Biological Diversity and the Convention on Wetlands- CBD Notification 2024-011, dated 02.02.2024
- xi) Comments on the relevant UN Draft Resolutions
- xii) Agenda points for the upcoming meeting of the JWG on Sundarbans in Dhaka
- xiii) Resolution on “Criteria, Norms, Standards and Guidelines for the Implementation of Nature-Based Solutions for Supporting Sustainable Development

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

Action: Secretary, NBA

68.27: NBA's inputs to the MoEFCC on Cabinet Notes

Secretary, NBA informed the members that NBA has provided inputs to MoEFCC for Cabinet Notes which are as follows:



- Draft note for Cabinet Committee on Economic Affairs (CCEA) for seeking approval of CCEA for implementing the Clean Plant Programme (CPP) as a component of the Mission for Integrated Development of Horticulture (MIDH)
- Draft Note for the Cabinet on "National Deep Tech Startup Policy" for Inter-Ministerial Consultation" proposed by the Department for Promotion of Industry and Internal Trade (DPIIT)
- Draft EFC Note for Host Country Contribution from Government of India to International Centre for Genetic Engineering and Biotechnology

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

Action: Secretary, NBA

69.28. National Institute for Research and Application of Natural Resources to Transform, Adapt and Build Resilience (NIRANTAR)

Secretary, NBA informed the members that the National Institute for Research and Application of Natural Resources to Transform, Adapt and Build Resilience (NIRANTAR) was constituted vide Order dated 22nd November 2022 by Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India to enhance cooperation and collaboration among various institutes of the Ministry without establishing any institution of increasing manpower. The NIRANTAR platform is being headed by a High Powered Steering Committee (HPSC) under the Chairmanship of the Hon'ble Minister, MoEFCC.

2. He explained that the administrative committee of NIRANTAR functions under the supervision, direction and control of the HPSC. Four thematic verticals were established within the NIRANTAR platform, with the National Biodiversity Authority (NBA) falling under the "Ecosystem Survey and Analysis" vertical.



3. Secretary, NBA said that NBA and the National Museum for Natural History (NMNH) has signed a Memorandum of Understanding, under the objectives of NIRANTAR, for making collective efforts to develop and organize awareness and educational programmes and activities to sensitize young minds towards the importance of biodiversity, nature and environment. It was also agreed upon that the National Biodiversity Authority will provide the knowledge products, such as published documents, films, models, communication tools, etc., for display/screening as per the availability of that product in the institution.

4. It was also informed that so far, seven meetings were conducted under NIRANTAR which were attended by the Dr. B. Balaji, Secretary, NBA. The NBA provided various knowledge products / publications resulted from GEF-ABS project and CEBPOL project etc., to NMNH as well as to ICFRE for publishing in their website.

5. Further, he informed that in the NIRANTAR meetings, all the participating institutions were requested to provide the data of the research projects, publications, technologies, patents, etc., for collating into the portal. However, NBA, being a statutory autonomous body, informed that it does not undertake research activities and shared the list of publications that had resulted from the GEF-ABS project and CEBPOL project.

6. Recently, the High powered Steering Committee meeting under the Chairmanship of Hon'ble Minister held on 30th January was attended by the Secretary, NBA, wherein the committee urged the institutions to further strengthen their collaborative actions.

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

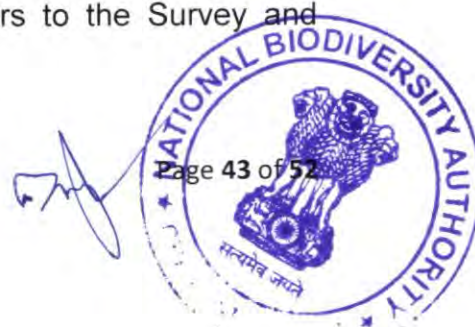


Action: Secretary, NBA

69.29: Submission of detailed Note on Red Sanders, which will support policy formulation on conservation, production and sustainable use of red sanders, including artificial propagation of Red Sanders, domestic and international demand and market dynamics to the MOEFCC

Secretary, NBA mentioned that MoEFCC vide OM No. 5-19/2023-SU dated 29th November, 2023 has constituted a Committee under the Chairmanship of the IGF(WL) to look into all the aspects regarding conservation, sustainable use of Red Sanders, including the need for a Single Nodal Agency for disposal of seized Red Sanders. Further, he also mentioned that the Secretary, NBA, is also one of the members of the Committee. He explained that the terms and references of the Committee were as follows:

- a) To look into all the aspects regarding the conservation and sustainable use of red sanders.
 - b) To examine the need for a Single Nodal Agency for the disposal of seized red sanders.
2. He further informed that the first meeting of the said Committee was held on 9th January 2024 at MoEFCC, New Delhi and the minutes of the meeting included that
- National Biodiversity Authority (NBA) will provide a detailed white paper on Red Sanders, which will support policy formulation on conservation, production, and sustainable use of red sanders, including artificial propagation, domestic and international demand, and market dynamics.*
3. Secretary, NBA mentioned that in this regard, NBA communicated the detailed note on Red Sanders and the Report of the Expert Committee on Red Sanders on a comprehensive policy for utilising the benefit sharing amount on account of Red Sanders for the protection and conservation of Red Sanders to the Survey and Utilization Division of MoEFCC on 14 February 2024.



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

Action: Secretary, NBA

69.30: Any other item(s) with the permission of the Chair

69.31: To consider the Proceedings of the 69th Expert Committee on Access and Benefit Sharing (ABS)

Secretary, NBA apprised the members that the 69th meeting of the Re-Constituted Expert Committee on Access and Benefit Sharing (ABS) was held on 17.01.2024 which was chaired by Dr. P.L.Gautam, Ex-Chairperson PPVFRA, Ex-Chairperson NBA and co-chaired by Dr. S.Balaji, IFS (Retd). He mentioned that two main agenda items were discussed along with other issues.

2. He informed that the mentioned two agenda items pertaining to M/s.Inventprise (Agenda item 69.01- Form III) and M/s.Dabur India Limited (Agenda 69.02- Form I) were re-considered by the NBA with respect to the compliance of the Honourable High Court of Delhi and National Green Tribunal, Southern Zone, Chennai respectively. Accordingly, the NBA gave an opportunity to be heard for the said applicants before the 69th EC on ABS. He explained that the contentions of the applicants were put forth before the Expert Committee and were taken on record. In this regard, the EC on ABS examined the application and the contentions submitted by the applicant. The committee sought certain clarifications/documents and additional information which was relevant to the examination of both agenda items 69.01 and 69.02 from the applicant as well as from NBA.

3. Secretary, NBA further informed that, the Extended online meeting of 69th



EC on ABS was convened through video conferencing on 2nd March 2024. The meeting was exclusively convened for further examination of the documents including MoU between M/s. Inventprise and M/s. Bharat Biotech and additional information furnished by the applicants. The committee was informed that the applicant, M/s. Inventprise have not furnished the MoU stating a reason that the MoU is a confidential document signed by the applicant and M/s. Bharath Biotech International Limited. Accordingly, the committee recommended their suggestions/ decision and compiled the Proceedings of the 69th EC on ABS and the Proceedings of the extended 69th meeting of EC on ABS for M/s. Inventprise (agenda item 69.01) alone, and the same has been sent to the applicant and to Legal Counsel of NBA for filing it before the Honourable High Court of Delhi.

4. Chairman, NBA mentioned that M/s. Inventprise had accessed rotavirus which has been considered as the bio resource. Secretary, NBA mentioned that the rotavirus to develop the vaccine was accessed from Bengaluru and Delhi, and now the virus is in the USA for the development of the vaccine. He explained that there is a huge benefit-sharing component involved in the commercialization of rotavirus. He further mentioned the benefit-sharing amount that will be received would be utilised for the poor people by ensuring the availability of vaccines in rural and remote areas for the people, who will benefit the people to a large extent. He also mentioned that a part of the benefit sharing can be given to AIIMS for taking up activities which can benefit general public.

5. Secretary, NBA informed the members that the EC report on ABS is awaited in the case of M/s. Dabur.



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

Action: Secretary, NBA

69.32: Ratification of grants released by NBA

Secretary, NBA mentioned that the NBA supports the office of the Member Secretaries in SBBs and UTBCs by providing financial assistance towards various components for undertaking mandatory works in implementing the Biological Diversity Act at the State /UT level. This financial support is subject to the proposals received from the SBBs/ UTBCs during each financial year based on their requirements. During the 67th Authority meeting (agenda No.67.04), NBA fixed a cap amount of Rs.14,50,000/- per year to support State Biodiversity Boards (SBBs) for engaging contractual/outsourcing personnel.

2. He mentioned that in the case of Uttar Pradesh State Biodiversity Board (UPSBB), a specific request for an additional amount of Rs.50,000 was made, in addition to the Rs.14,50,000 already sanctioned by NBA for the financial year 2023-24. Recognizing the specific needs and challenges of Uttar Pradesh such as its vast geographical area and largest number of local bodies located in India, the NBA considered their request and released an additional amount of Rs.50,000/- to UPSBB for engaging outsourcing/contractual staff for the financial year 2023-24.

Decision: The Authority members ratified the release of an additional amount of Rs.50,000/- to UPSBB for engaging outsourcing/contractual staff.

Action: Secretary, NBA



69.33: To consider the decisions taken on the application by Department of Livestock Services, Ministry of Agriculture and Livestock Department, Government of Nepal

Secretary, NBA apprised the members that Department of Livestock Services, Ministry of Agriculture and Livestock Department, Government of Nepal, had submitted a Form-I application (INBA1202305009, dated 07.08.2023) seeking approval of NBA for access to 15 -Murrah Buffaloes (*Bos bubalis*) from the ICAR-Central Institute for Research on Buffaloes, Haryana for bio-survey and bio-utilisation i.e., *for breed improvement of native Buffaloes of Nepal in Farmers field (Genomic transfer between the countries)*. Upon receipt of the necessary information/documents, this application was cleared by the Secretariat and the upfront payment was fixed to 5% of the purchase price of the Murrah Buffaloes as per Regulation 3(3) of the ABS regulations, 2014 and sent the draft agreement to the applicant on 18.09.2023.

2. The applicant, vide email dt 20.09.2023, sought exemption from payment of benefit sharing as the biological resources are being received as gift from the Government of India. In this regard, Dr. Pramod K Rout, Principal Scientist, Office of the Secretary, DARE and Director General, ICAR, Krishi Bhawan, New Delhi also furnished the Office Memorandum issued by Ministry of External Affairs, Government of India regarding supply of Murrah Buffaloes to Nepal. Upon receipt of the Office Memorandum, it was observed that the proposed access of the Murrah Buffaloes to Nepal is a gift from Government of India to Government of Nepal for the breeding purpose which is a native traditional breed of India. Hence, NBA Secretariat agreed to the request of applicant and approved this application without benefit sharing component. The agreement was executed on 28.10.2024.

Decision: The Authority members ratified the decision taken by NBA granting



approval to the Department of Livestock Services, Ministry of Agriculture and Livestock, Government of Nepal for accessing Murrah Buffaloes, a native traditional breed of India, for breeding purpose without upfront payment.

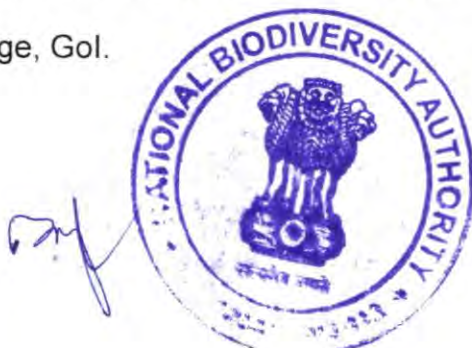
Action: Secretary, NBA

69.34: Constitution of a Working Group / Expert Committee to contribute to the operationalization of Kunming-Montreal Global Biodiversity Framework (KMGBF); Target 15 (Businesses assess, disclose and reduce biodiversity-related risks and negative impacts), Target 19 (Mobilize \$200 billion per year for biodiversity from all sources, including \$30 billion through international finance) and to make recommendations for business responsibility towards for biodiversity conservation India

Chairman, NBA informed that the Convention on Biological Diversity (CBD) under Article 20 (Financial Resources) and Article 21 (Financial Mechanism) provide mechanisms for mobilizing resources from all sources. Goal D and Target 19 of the Kunming-Montreal Global Biodiversity Framework emphasize the importance of urgently increasing the mobilization of financial resources from all sources, domestic and international, public and private, with a view to close the biodiversity financing gap and making adequate and predictable resources available in a timely manner for the effective implementation of the Kunming-Montreal Global Biodiversity Framework.

2. He mentioned that KMGBF Target 15 in particular emphasize the importance of biodiversity mainstreaming in businesses for strengthening resource mobilization and the effective and efficient use of resources.

3. In order to operationalize the KMGBF Targets 15 and 19 in the country, a Working Group / Expert Committee has been constituted under the Chairmanship of Dr. V. Rajagopalan, IAS (Retd.), Former Secretary, Ministry of Environment, Forest & Climate Change, GoI.



4. Chairman, NBA mentioned that representatives of Securities and Exchange Board of India (SEBI) was proposed as one of the members of the committee. However, it was informed that SEBI has expressed certain reservations, the SEBI is not included in the Working Group / Expert Committee constituted under the Chairmanship of Dr. V. Rajagopalan, IAS (Retd.).

Decision: The Authority members approved the Office Order of the Working Group / Expert Committee on Businesses for Strengthening Resource Mobilization.

Submitted for ratification

69.35: Report submitted by the Sub-committee as per the decision of the 68th Authority meeting for consideration of the reassessment of upfront payment levied for parental and segregating lines.

Secretary, NBA informed the members that as per the direction of the 68th Authority meeting held on 1st and 2nd December 2023, a sub-committee was constituted comprising of Dr. Hanchinal R.R as the Chair and Dr. Joykumar Liashram as Member to examine the reassessment of upfront payment levied for the M/s. Monsanto Holdings Limited, M/s. East West Seeds India Limited and H.M. Clause India Private Limited.

2. He informed that as per the above office order, the meeting of the Sub-Committee was convened on 26th and 27th March 2024 at the National Biodiversity Authority. All the above mentioned applicants appeared in person before the Sub-committee on 26th March 2024 and submitted their contentions. The committee had given sufficient time to each applicant to present their case. The Sub-committee after examining and analyzing the plea of the applicants prepared their detailed report.

3. Dr. Joykumar Laishram and Dr. Hanchinal explained the report to the members and mentioned the following:



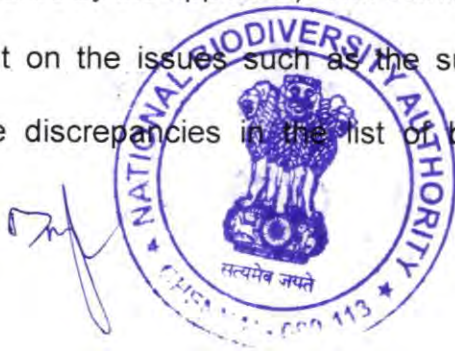
I. M/S. HM CLAUSE PRIVATE LIMITED

The applicant contended that out of the accessed biological resources in total 2001 (all crops together), the company had utilised a limited number of segregated lines. Hence, it was requested to reassess the upfront payment only for the varieties utilised in the breeding program. However, the Committee did not accept the applicant's contention that the Biological Diversity Act of 2002 addresses only the biological resources that are accessed. But, the company did not produce any evidence for the varieties/lines utilized in the breeding program. In this regard, the committee members recommended the following:

- a. Revised Affidavit along with the list of biological resources to be submitted by the applicant within fifteen (15) days of receipt of the Authority's decision via letter/ email communication.
- b. To pay the upfront payment for the purpose of research for 2001 varieties and biological resources comprising of 7 crops within eight (8) days of receipt of the Authority's decision via letter/ email communication.
- c. To make ABS payment for the purpose of Commercial Utilization (0.5%) of 56 hybrids within (03) Months from the receipt of the Authority's decision via letter/ email communication.

II EAST WEST SEEDS INDIA PRIVATE LIMITED:

The committee explained that the discussion pertained to 17 Applications in Form I comprising seventeen (17) crops (Parental-966, Segregating lines -6719, in total 7685 lines as declared by the applicant). The committee members deliberated in detail with the applicant on the issues such as the suppression of data in the affidavit provided and the discrepancies in the list of bio resources. In this regard, the



committee recommended that the applicant is required to pay the upfront payment for the parental, segregated lines for the purpose of research & to pay the ABS (0.5%) for the hybrids commercialized. (The applicant should clearly mention how may biological resources accessed and hybrids commercialized)

III. BAYER SCIENCE AND INNOVATION PRIVATE LIMITED

The committee apprised the members that there was extensive deliberation with regard to the 54429 entries of germplasm/ biological resource submitted by the applicant for all the 13 Crop species in which, there were 6803(Parental lines), 24101 (segregating lines) and 23525 (Hybrids-company developed). The members further mentioned that the annexure submitted by the applicant was minutely studied and it was that none of the parental lines declared in the Affidavit by the applicant were involved in developing the segregating lines (in the case of Cotton). Therefore, it was agreed that all the segregating lines involving non-accessed parental lines must be treated as biological resources and upfront payment should be made for all the crop species.

4. In this regard, the authority members appreciated the efforts taken by NBA and the non-official members namely Dr. Hanchinal and Dr. Joykumar Laishram in resolving the long pending issues including the payment of benefit sharing by the applicants. The members approved the report submitted by the committee.

Decision: The Authority members approved the Report submitted by the Sub-committee as per the decision of the 68th Authority meeting for consideration of the reassessment of upfront payment levied for parental and segregating lines.

Action: Secretary, NBA

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

डॉ. व. बालाजी, भा.व.स. / Dr. B. Balaji, IFS.
सचिव / Secretary
राष्ट्रीय जैव विविधता प्राधिकरण
National Biodiversity Authority
भारत सरकार / Govt. of India
5वां तल, टायमल बायोपार्क / 5th Floor, TIGEL Biopark
सी.एस.आई.आर रोड / CSIR Road
तरमनि, चेन्नई / Taramani, Chennai - 600113

Annexure I

List of members who participated

Sl No	Chairman of the Authority
1	Shri C. Achalender Reddy, IFS (Retd.), Chairperson, NBA
	<i>Ex officio members</i>
2	Mr. Raghu Kumar Kodali, Advisor/ Scientist G, MoEFCC, New Delhi
3	Dr. D.K. Yadav, Assistant Director General Seed, ICAR, New Delhi
4	Dr. Mahesh Kumar Dadhich, CEO, NMPB, Ministry of AYUSH, New Delhi
5	Shri. M. Gunasekaran, Deputy Commissioner (Seeds), Dept. of Agriculture and Family Welfare, New Delhi
6	Dr. Sudesh Yadav, Director, IIHBT, Palampur
	Non official Members
7	Dr. Alka Rao, Advisor (S&S), FSSAI, New Delhi
8	Dr. Joykumar Meitei Laishram, Retired Dean, College of Agriculture, Central Agriculture University Imphal, Manipur
9	Shri Vinod Kumar Yadav, Amaltash Kunj, Flat 7, AC-148, Street 47, Action Area I, Newtown, Kolkata - 700161.
10	Dr. Gouri Joshi, 401, Balwant ashram, Behind Nirmiti Elite, Law College Road, Erandwane, Pune, Maharashtra - 411004.
11	Shri Hanchinal R. Ramappa, 1, Haudin Road, Ulsoor, Bengaluru - 560001
	Secretary, National Biodiversity Authority
	Dr. B. Balaji, IFS



Government of India
Ministry of Environment, Forest and Climate Change
NATIONAL BIODIVERSITY AUTHORITY
Chennai

Subject: Procedure and Guidelines for engagement of Young Professionals in National Biodiversity Authority

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

PURPOSE AND SCOPE OF APPLICATION:

National Biodiversity Authority, is an autonomous and Statutory Body under Ministry of Environment, Forest and Climate Change, established in 2003 under Section 8 of the Biological Diversity Act, 2002, to perform regulatory and advisory functions for Government of India on issues of conservation of biodiversity, sustainable use of its components and realization of fair and equitable sharing of benefits arising out of use of biological resources.

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

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

For timely and effective implementation of the Biological Diversity Act, 2002 and related matters, NBA requires engaging of Young Professionals who possess the requisite skill set. These Young Professionals are expected to deliver services within given time as NBA has inadequate regular staff to tackle increasing workload. They should be high quality professionals, capable of lending their expertise in their respective fields. They should also be capable of handling any miscellaneous work that is entrusted.

The General conditions of Contracts for the services of Young Professionals will be incorporated into their individual contracts.

CONTRACTUAL TERMS AND CONDITIONS:
LEGAL STATUS:

The Individual Young Professional shall have the legal status of an independent Young Professional vis-a-vis NBA, and shall not be regarded, for any purposes, as being either a "staff" of NBA, or an "official" of NBA. Accordingly, nothing within or relating to the Contract shall establish the relationship of employer and employee or of principal and agent, between NBA and the Individual Young professional. The engagement of Young Professionals is shall never

constitute a regular appointment on the rolls of the NBA. The engagement of a particular person as Young Professional shall not create any right in the favour of such person, and for the period of their engagement determinable at any time at the discretion of the Chairman/NBA.

STANDARDS OF ENGAGEMENT:

The Young Professional shall not take any action in respect of their performance of their engagement or otherwise related to its obligations, that may adversely affect the interests of NBA, and the Young Professional shall perform their obligations under the engagement as Young Professional with the fullest regard to the interests of NBA. The Individual Young Professional shall comply with all laws, ordinances, rules and regulations bearing upon the performance of their obligations as per the terms and conditions thereon. The individual Young Professional shall comply with the standards of Conduct. Failure to comply with the same may result to termination of the engagement of the individual Young Professional.

TITLE RIGHTS, COPY RIGHTS, PATENTS AND OTHER PROPRIETARY RIGHTS:

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

The studies, including the background information will become the property of NBA and NBA will be holding full and unconditional copyrights for the same and he/she cannot claim any authorship for the studies and other outputs. NBA reserves the right to use the material, developed during the engagement period in a manner it deems fit. The decision of Chairman, NBA on this issues will be final. Young Professional, in any manner whatsoever, use the name, emblem or official seal of NBA, or any abbreviation of the name of NBA, in connection with its activities or otherwise without the written permission of NBA.

Subject to the foregoing provisions, all photographs, plans, reports, recommendations, documents and all other data compiled by or received by the Individual Young Professional shall be the property of NBA, shall be made available for use or inspection by NBA at reasonable times and in reasonable places, shall be treated as confidential and shall be delivered only to NBA authorized officials on completion of work.

Unpublished and Confidential Information should not be communicated to any person/ Government / other organization or other entity external to NBA during the terms of the period, except as required by the assignment or upon authorization by NBA. This provision will survive even after such termination / expiration.

GENERAL TERMS & CONDITIONS

Young Professionals would be engaged for a fixed period of time for providing high quality services to NBA and for attending to specific and time-bound jobs like preparation of documents, reports and assistance to officers, etc;

(ii) Young and bright Professionals with requisite qualifications and experience would be engaged as Young Professionals. They shall submit their education qualification and experience details along with the supporting documents, as and when required by NBA.

(iii) The job/activities for engagement of Young Professionals will invariably be quantifiable in measurable terms and the time period required for completion of such should be carefully assessed and specified.

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

(v) Official (Government) e-mail id and access to intranet system shall be provided to Young Professionals with the approval of the Secretary/Chairperson. The sensitivity and confidentiality of the documents being handled by NBA and the nature of job of the Young Professionals will also be kept in view. Their email id would be in operation till their tenure with NBA, and will summarily be disconnected thereon.

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

EDUCATIONAL QUALIFICATIONS, AGE, EXPERIENCE & REMUNERATION:

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

Sl.No.	Category	Academic qualification and experience	Age limit	Consolidated emoluments
		SCIENTIFIC		(Rs.)
1	Young Professional-I (Scientific)	Bachelor degree in Biotechnology/ Botany/ Zoology/Chemistry/ Biochemistry / Forestry/ Agriculture/ Fisheries/ Marine Science/ Horticulture / Microbiology / Bio-informatics/ Veterinary Sciences from a recognized University / Institution Weightage will be given for having one or more years of experience. Certificate of experience to be produced.	Not exceeding 30 years	40,000/-
2	Young Professional-II (Scientific)	Bachelor degree in Biotechnology/ Botany/ Zoology/Chemistry/ Biochemistry / Forestry/ Agriculture/ Fisheries/ Marine Science/ Horticulture / Microbiology / Bio-informatics/ Veterinary Sciences from a recognized University / Institution.	Not exceeding 35 years	45,000/-

		<p>In addition, Master Degree (post-graduation) is mandatory.</p> <p>Weightage will be given for having two or more years of experience.</p> <p>Certificate of experience to be produced.</p>		
3	Young Professional-III (Scientific)	<p>a) Doctoral degree (Ph.D.) in Botany/ Zoology / Chemistry/ Biochemistry/ Biotechnology/ Forestry/ Agriculture/ Fisheries/ Marine Science/ Horticulture / Microbiology / Bio-informatics/ Veterinary Sciences from a recognized University / Institution</p> <p>Weightage will be given for having three years or more experience. Certificate of experience to be produced.</p> <p>b) M.Phil., in Botany/ Zoology / Chemistry/ Biochemistry/ Biotechnology/ Forestry/ Agriculture/ Fisheries/ Marine Science/ Horticulture / Microbiology / Bio-informatics/ Veterinary Sciences from a recognized University / Institution</p> <p>Weightage will be given for having four years or more experience.</p> <p>Certificate of experience to be produced.</p>	Not exceeding 45 years	55,000/-
LEGAL				
4	Young Professional-I (Legal)	<p>Bachelor's degree in Law (LLB / BL) from a recognized University</p> <p>Weightage will be given for having one or more years of experience.</p> <p>Certificate of experience to be produced.</p>	Not exceeding 30 years	40,000/-
5	Young Professional-II (Legal)	Bachelor degree in Law (LLB /BL) from a recognized University/ Institute.		45,000/-

		In addition, Master's Degree (Post Graduation) is mandatory. Weightage will be given for having two or more years of experience. Certificate of experience to be produced.	Not exceeding 35 years	
6	Young Professional – III (Legal)	a) Doctoral degree (Ph.D.) in Law from a recognized University/ Institution. weightage will be given for having three years or more experience. Certificate of experience to be produced. a) Master's degree in Law from a recognized University weightage will be given for having four or more years of experience. Certificate of experience to be produced.	Not exceeding 45 years	55,000/-
ADMINISTRATION/ACCOUNTS				
7	Young Professional-I (Admin & Accounts)	Bachelor degree in Commerce/ Accountancy / Business Administration / Computer Science / Information Technology from a recognized University/ Institute. Weightage will be given for having one or more years of experience. Certificate of experience to be produced.	Not exceeding 30 years	40,000/-
8	Young Professional-II (Admin & Accounts)	Bachelor degree in Commerce/ Accountancy / Business Administration / Computer Science / Information Technology from a recognized University/ Institution. In addition, Master Degree (post-graduation) is mandatory	Not exceeding 35 years	45,000/-

		<p>Weightage will be given for having two or more years of experience.</p> <p>Certificate of experience to be produced.</p>		
9	<p>Young Professional-III (Admin & Accounts)</p>	<p>(a) CA/ ACS/ ICWA from the recognized Institutes</p> <p>Weightage will be given for having three or more years of experience</p> <p>Certificate of experience to be produced</p> <p>(b) Master Degree in Commerce/ Accountancy / Business Administration / Computer Science / Information Technology from a recognized University/ Institution.</p> <p>Weightage will be given for having four or more years of experience.</p> <p>Certificate of experience to be produced.</p>	<p>Not exceeding 45 years</p>	<p>55,000/-</p>
INFORMATION TECHNOLOGY				
	<p>Young Professional-I (System Administration & Networking) (Application Development and Database Management)</p>	<p>BE./B.Tech/Bachelor's degree in Computer Science /Information Technology System Management from a recognized University</p> <p>Weightage will be given for having one or more years of experience.</p> <p>Certificate of experience to be produced.</p>	<p>Not exceeding 30 years</p>	<p>40,000/-</p>
	<p>Young Professional-II (System Administration & Networking) or (Application Development and Database Management)</p>	<p>B.E./B.Tech/ Bachelor degree in Computer Science/Application/Information Technology/System Management from a recognized University/ Institute.</p> <p>In addition, Master's Degree (Post Graduation) is mandatory.</p> <p>Weightage will be given for having two or more years of experience.</p>	<p>Not exceeding 35 years</p>	<p>45,000/-</p>

		Certificate of experience to be produced.		
	Young Professional-III (System Administration & Networking) or (Application Development and Database Management)	<p>a) Doctoral degree (Ph.D.) in Computer Engineering/ Computer Science/Application/ Information Technology/System Management from a recognized University/ Institute.</p> <p>Weightage will be given for having three years or more experience. Certificate of experience to be produced.</p> <p>b) M.Phill., in Computer Science/Application/Information Technology/System Management from a recognized University/ Institute.</p> <p>Weightage will be given for having four years or more experience.</p> <p>Certificate of experience to be produced.</p>	Not exceeding 45 years	55,000/-

TENURE:

The initial tenure of engagement for a person as Young Professionals would be for a period of one year and may be re-engaged after giving a break, subject to evaluation of satisfactory performance and requirement. Outstanding YP I and YP II may be placed in next higher position when re-engaged.

NUMBER OF YPs:

The number of Young Professionals required will be decided by the Chairperson depend on the actual requirement at a particular point of time.

SELECTION PROCESS:

- Based on the requirement, advertisement will be placed in two newspapers and NBA website. All the applications received in response to the vacancies advertised will be scrutinized and shortlisted and placed before the Consultancy Evaluation Committee (CEC) which would recommend suitable candidate(s), along with waiting list of a few candidates as reserve for each vacancy based on written examination or interview or both, as may be decided. The CEC would be constituted by the Chairperson. Suitable mode of examination would be decided by the Competent authority.
- The recommendation of the CEC will be examined by the Chairperson and appropriate decision will be taken.

INDUCTION TRAINING:

After joining, an induction training programme will be organized for all the selected YPs.

PAYMENT OF REMUNERATION:

The payment will be released by NBA within one week after completion of the month based on the biometric attendance and on the work done report as at Annexure I, submitted through Sectional Heads/Controlling Officials/Senior YPs/Consultants/Advisors etc.

ALLOWANCES:

The Young Professionals shall not be entitled to any other allowance such as Dearness Allowance, Conveyance Allowance, Residential Telephone, Residential Accommodation, Personal Staff, CGHS, Medical Reimbursement, Bonus, etc.

ATTENDANCE AND WORKING DAYS:

The working days of the professional shall be same as for a regular Government employee working in NBA. . No extra remuneration shall be allowed for working beyond office hours or on Saturday/Sundays / Gazetted holidays, if asked to work. Compensatory leave in such cases shall be at the discretion of NBA. The Young Professionals shall mark attendance in the Biometric system or other approved means.

PERFORMANCE APPRAISAL:

- a) Annual Performance Review of the YPs would be undertaken through Performance Report (PR) as prescribed in **Annexure-II**. Assessment would be done by the concerned reporting Sectional Head, reviewed by the Secretary/NBA and accepted by Chairman/NBA
- b) Re-engagement depends on the requirement and based on the performance.
- c) In case of re-engagement to higher grade,, the qualification criteria will remain as per the existing grade only, but purely based on the performance .

LEAVE:

- a) Young Professionals shall be eligible for 12 days leave in a single year of consultancy.
- b) The leave shall accrue to them on start of each month calculated from their date of joining on pro-rata basis.
- c) Any absence beyond the above admissible leave, will be treated as without pay.
- d) The intervening Sunday or Gazetted Holidays during a spell of leave should not be counted against the eligible leave.
- e) Whenever YPs desires to avail leave he/she should apply in advance to the leave sanctioning authority and obtain prior sanction. Leave cannot be claimed as a matter of right.

TA/ DA

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

TAX DEDUCTION AT SOURCE:

The Income Tax or any other tax liable to be deducted, as per the prevailing rules will be deducted at source before effecting the payment, for which the NBA will issue TDS Certificate(s).

REVISION OF REMUNERATION:

Upward revision of remuneration from 3 to 5 percentage may be considered subject to re-engagement on contract and based on Individual YP who have made significant contribution

in his/her domain and have shown exceptional quality in providing the desired output as expected **by** higher authorities on the assigned/specific task. The Chairperson's decision on this matter is final.

TERMINATION:

During the period of the contract, Chairman/NBA can terminate the contract at any time without prior notice and without providing any reason for it. However, in the normal course, if the performance of Individual YPs is not satisfactory/performance as expected **by** higher authorities on the assigned/specific task is there, Chairman/NBA will provide one month's notice to the Young Professional. This period of one month can be dispensed with by NBA at its sole discretion. The Individual Young Professional can also seek for termination of the contract upon giving one month notice to the NBA. The decision of the Chairman, NBA, regarding acceptance or otherwise of the resignation will be final. In addition, nothing herein shall limit the right of Chairman/NBA to terminate the YPs for any alleged breach of the standards of conduct. Continued absence beyond the period of 12 days will also be a ground for termination.

CONFLICT OF INTEREST:

- (a) The Young Professionals shall be expected to display utmost honesty, secrecy, sincerity and good conduct while discharging his/her duties. In case services of Young Professionals found in conflict with interests of Government or unsatisfactory, his/her engagement will be liable for discontinuation without assigning any reason;
- (b) During the period of assignment with NBA, the Young Professionals would be subject to the provisions of the Indian Official Secret Act, 1923 and will not divulge any information gathered by him/her during the period of his/her assignment to anyone who is not authorized to know the same.
- (c) Selected candidates shall provide integrity certificate from 2 references known to them.
- (d) The candidate shall provide a self-undertaking to the effect that he/she has no criminal record or criminal case in any court, is pending against them.

RELAXATION:

Any amendment/relaxation in the above guidelines would require prior approval of Chairperson/NBA in exceptional cases for the reason to be recorded in writing.

The Service of Young Professionals engaged under the earlier guidelines of NBA will also be governed by the revised guidelines from the date of annual renewal of their contract. However, the relaxations will be given if required on case to case basis for those who were selected earlier.

Annexure – I

MONTHLY REPORT OF YOUNG PROFESSIONAL

For the month of 202_.

PART - I**I. Basic Details:**

Name	
Date of Joining	
Designation	
Reporting Officer Name and Designation (i.e. Sectional Head)	
Period Worked	
Brief Description of Duties	
Performance on allotted duties	

Signature of Young Professionals

Performance of YPs (to be filled by the reporting officer (i.e. Sectional Head))

Description of Duties allotted	Performance of the YPs	
	Punctuality	
	Writing Capacity	
	Speed of disposal of work	
	Attention to detailing	

Name of the Reporting Officer:

Designation:

Date:

Annexure – II**ANNUAL PERFORMANCE REPORT OF YOUNG PROFESSIONAL**

Year of Report:

Period From to

PART - I**I. Basic Details:**

Name	
Date of Birth	
Date of Joining	
Designation	
Reporting Officer Name and Designation (i.e. Sectional Head)	
Period Worked	
Brief Description of Duties	

II. Self Appraisal:

Brief Description of task given during the year	Achievements

Note: Exceptional achievement shall be highlighted.

Signature of Young Professionals

PART- II: Performance Appraisal (to be filled by the reporting officer (i.e. Sectional Head))

Punctuality:		
Writing Capacity:		
Speed of disposal of work:		
Attention to detailing:		
Brief Description of Task	Deliverables	Actual Achievements

Remarks (if any):

Grading: Satisfactory / Good / Very Good / Outstanding.

Name of the Reporting Officer:

Designation:

Date:

PART III - Remarks of reviewing officer, Secretary, NBA:

PART IV - Comments of Chairperson, NBA:
