



सत्यमेव जयते



Ministry of Environment, Forest
and Climate Change

Proceedings of the 72nd Authority Meeting (Emergency Meeting)

18-02-2025
(Hybrid mode)

Venue
**Teesta Hall,
MoEFCC
New Delhi**

**NATIONAL BIODIVERSITY AUTHORITY
CHENNAI**

Proceedings of the 72nd Authority meeting (Emergency Meeting) held on 18th February 2025, Indira Paryavaran Bhavan, MoEFCC, New Delhi

The 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority (NBA) was held on 18th February, 2025 in hybrid mode at Teesta Hall, Ministry of Environment Forests and Climate Change (MoEFCC), Indira Paryavaran Bhavan, New Delhi under the Chairmanship of Shri. C. Achalender Reddy, IFS (Retd.) Chairman, National Biodiversity Authority. The list of participants is given in the **Annexure-I**.

2. At the outset, Dr. B. Balaji, Member Secretary, NBA welcomed the Chairman, the Members of the re-constituted authority who joined in person and online. He also apprised about the provision in the Biological Diversity Rules 2024 i.e., Rule 10 (3) of the Biological Diversity Rules 2024 for convening this emergency meeting.

3. Chairman in his remarks welcomed all the members of the re-constituted authority. He informed the members about the need for revision to the notified Biological Diversity Rules, 2024 and also modifications proposed to the draft ABS regulations which was already approved by the authority in its 71st meeting and also the urgency for its submission to the Ministry.

4. The member secretary made a detailed presentation on the agenda items. He informed that the meeting was convened mainly to deliberate and consider the proposed amendments to the Rule 19 of the notified Biological Diversity Rules 2024, the Draft ABS Regulations 2025 and an agenda on the eligibility and entitlement of travelling expenditure for the non-regular personnel for official tours which are as follows:

72.01: To consider the Proposed Revision to the Biological Diversity Rules, 2024

The Member Secretary, NBA apprised the members that the Biological Diversity Rules, 2024 was notified by the Ministry of Environment, Forest and Climate Change on 22nd October 2024 and came into force on 21st December 2024. Following the notification of the said Rules in the Gazette of India, the NBA received communications from Ministry of Ayush, raising concerns regarding Rule 19 of the Biological Diversity Rules, 2024. In this regard, the Member Secretary, NBA made a comprehensive presentation elucidating the concerns of Ayush Ministry related to Rule 19 and outlined the proposed amendments to the Biological Diversity Rules, 2024 which are as follows:

- I. **Rule 19(4):** This provision mandates that the Biodiversity Management Committee (BMC) to issue the Certificate of Origin for cultivated medicinal plants based on information furnished in Form-11, after verifying physically by an authorized BMC official. There is a concern raised by the Ministry of Ayush that self-declaration mechanism for obtaining the Certificate of Origin proposed by them was

incorporated in the Rule 19, whereas the requirement of physical verification remain in the Form-11, thereby limiting the intended flexibility.

- II. **Rule 19(5):** This provision places the onus of proving the source of origin of medicinal plants on the end user. The Ministry of Ayush had recommended that this responsibility should rest with the applicant rather than the end user. Furthermore, as the term "end user" is not explicitly defined under the Biological Diversity Rules, 2024, concerns were raised that patients using Ayurveda medicines or possessing Ayush products could inadvertently fall under the purview of regulatory provisions.

2. In this regard, the Member Secretary, NBA informed that to promote ease of doing business and to facilitate the growth of the Ayush sector, MoEFCC undertook series of consultations with Ayush Ministry along with NBA and re-examined Rule 19.

3. Further, he also mentioned that a VIP reference was received highlighting the critical issues raised by various stakeholders, including from the Ayush sector and mentioning to align the provisions of the Rules with the recommendations of the Joint Parliamentary Committee (JPC) report such as exemption of value-added Ayush products; exemption of codified knowledge for section 7 entities; cultivation of medicinal plants in forests; ease of obtaining Certificate of Origin and reducing regulatory complexities.

4. The Member Secretary, NBA briefed to the members that the following modifications have been proposed to the Rule 19:

Existing Rule 19 of the BD Rules 2024	Proposed Rule 19
Form 11 – Application cum format for obtaining certificate of origin for cultivated medicinal plants	➤ Form 12A application format for obtaining certificate of origin for cultivated medicinal plant ➤ Form 12B format of certificate of origin
Form 12 – Format of book containing details of cultivated medicinal plants to be maintained by BMC	➤ Form 11A format of book containing details of cultivated medicinal plants, to be maintained by BMC ➤ Form 11B Format of book containing details of certificate issued to the applicant
Certificate of Origin (COO) to be issued by BMC	COO Auto generated (Online)
Physical verification required as per Form 11	Physical verification not mandatory
Issue certificate within 15 days	No timeline given since it will be auto-generated

5. The members deliberated that the data on the cultivation of medicinal plants need to be populated in the portal to issue the online certificates. In the meantime, the members opined that the physical verification may have to be done to record the cultivation details in the prescribed book for issuance of Certificate of Origin. Member Secretary, NBA informed that as ABS portal is being developed based on the forms prescribed, in the interim period till the development of the online portal, physical

certificates prescribed in the notified BD Rules 2024 will be issued to avoid difficulty to the applicants.

6. Members also deliberated the above issues and opined that cultivating species details such as name of the species, area of cultivation, etc. to be uploaded in the portal for auto generation of certificate of origin for the cultivated medicinal plants. In this front, NBA and SBBs should play a pivotal role to develop robust database and capacity building programme to the BMCs for effective implementation of this provision.

7. After thorough and detailed deliberations, the members unanimously agreed to the proposed amendments to the Rule 19 of the Biological Diversity Rules, 2024 and the finalized version, is appended as **Annexure-II**.

8. Further, during the deliberations, the members opined that the Biodiversity Management Committees needs to be strengthened and their capacity to be built to update People's Biodiversity Registers and to take up various other activities for obtaining the objectives of the Biological Diversity Act. They also suggested that the best BMCs may be selected and a peer to peer learning of the other BMCs can be encouraged for the purpose.

Decisions:

- a) The Authority considered the proposed amendments to the Biological Diversity Rules, 2024 and after thorough deliberation, approved the proposed draft Biological Diversity (Amendment) Rules, 2025, as appended in the **Annexure-II**.
- b) Keeping in view of the urgency on this matter, the Authority directed the secretariat to forward the proposed amendments to the Biological Diversity Rules, 2024 to the Ministry directly for notification. In other words, this agenda item, need not be circulated to the members for final approval as done during the normal course of action.

Action: Member Secretary, NBA.

72.02: To Consider the Proposed Revision to the Draft ABS Regulations, 2025

The Member Secretary, NBA informed the members that in the 71st Authority (Emergency meeting), the draft Access and Benefit-Sharing (ABS) Regulations, 2025 was considered and approved with minor modifications. The NBA Secretariat subsequently forwarded the draft ABS Regulations, 2025 to the MoEFCC on 26th December 2024 for further necessary action. In the meanwhile, the ministry received communication from the Ayush Ministry expressing concern on certain provisions of the draft ABS regulations. Hence, to further simplify the processes and minimize regulatory burden, the MoEFCC and NBA held series of meetings and revised the draft ABS Regulations, 2025.

2. The Member Secretary presented the comparative chart depicting the draft regulations approved by the 71st Authority and the modifications proposed thereof to the members which are as follows:

SI No.	71st Authority approved text of the draft ABS Regulations	Proposed changes
1	Regulation 4- Procedure for obtaining prior approval for access to biological resources and/or knowledge associated thereto for commercial utilisation, and mode of benefit sharing thereof.	<ul style="list-style-type: none"> ➤ Regulation 4 for persons covered under Section 3(2) of the Act ➤ Regulation 5 for persons covered under Section 7 of the Act
2	Annual turnover of the entity I.Up to 5,00,00,000 - 0% II.5,00,00,001 up to 25,00,00,000- 0.2% III.25,00,00,001 up to 50,00,00,000- 0.4% IV.Above 50,00,00,000- 0.6%	Annual turnover of the entity changed to match MSME I. Up to 5cr -0% II.above 5 up to 50 cr- 0.2% III. above 50 up to 250 cr- 0.4% IV. Above 250 cr- 0.6%
3	Allowing for a reduction in ABS obligations to the applicant, in cases where ABS was also paid by intermediaries.	Reduction in ABS obligations to the applicant removed
4	In the event of the applicant submitting a proof of payment of collection fee to BMC, the benefit sharing component payable shall be reduced up to thirty percent of the benefit sharing amount due	No Rebate to applicants who had previously paid the levy charge to the BMC
5	Nil	Added a model application format for prior intimation to the SBB/UtBC for access to BR and AK thereto for commercial utilisation for Section 7 entity Application fee Rs. 5000 – Entity Rs. 2000 - Individual
6	Nil	Format of an Order of Approval/Deemed Approval, with or without modifications in the MAT
7	Nil	Order of Rejection has been included for the benefit of SBBs/UtBCs.
8	Nil	Format for Annual Statement (Form – B) to be filed by entities covered under Section 7 and Section 3(2) disclosing the details of biological resources or associated knowledge utilized for commercial purposes each year
9	Regulation 5(7): Provided that, for persons manufacturing products containing both cultivated and non-cultivated medicinal plants, the	Provided that, for persons manufacturing products containing both cultivated and non-cultivated medicinal plants, the benefit-sharing

	benefit-sharing payment shall not be payable in respect of the products as notified by the National Biodiversity Authority, in consultation with Ministry of AYUSH, from time to time.	payment shall not be payable in respect of the products as notified by the Ministry of Environment, Forest and Climate Change, in consultation with the Authority and Ministry of AYUSH, from time to time.
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3. After thorough deliberation, the members unanimously agreed to the proposed modifications to the draft ABS Regulations. The finalized version incorporating modifications is appended hereto as **Annexure-III.**

Decisions:

- a. The Authority considered the proposed draft ABS Regulations 2025 and after thorough deliberation, approved the proposed draft ABS Regulations 2025 as appended in the **Annexure-III.**
- b. Keeping in view of the urgency on this matter, the Authority directed the secretariat to forward the revised draft ABS regulations 2025 to the Ministry for approval. In other words, this agenda item, need not be circulated to the members for final approval as done during the normal course of action.

Action: Member Secretary, NBA.

72.03: To consider the Eligibility and Entitlement of Travelling Expenditure for the Non-Regular Personnel for Official Tours

The Member Secretary, NBA apprised the members that NBA has only 16 regular personnel at different levels (**Annexure IV**) but has enormous work load to carry out. In this regard, the NBA engaged non- regular personnel of various categories of Human Resources to cater the functional necessity viz., Consultants/ Young Professionals/Out-sourced Highly Skilled/ House-keeping staff on contract basis, etc., to bridge the gap between the increasing workload with the meagre regular staff strength. This was done from time to time as per the decisions taken by the Authority since the establishment of NBA two decades back.

2. Since many meetings/ workshops/ exhibitions/conferences/symposiums/ scientific events, etc, have to be attended and to be represented by these non-regular staff outside the headquarters due to paucity of regular staff with required seniority and specialization. The non-regular staff are being paid travelling expenditure while performing their outstation tours as per the existing orders issued by the NBA at a very lower rate.

3. Further, the Accounts officer, NBA explained that the Government of India has revised the travel entitlements for the regular employees and other considerations over the period.

4. The Chairman, NBA had constituted a committee comprising, the Member Secretary, NBA as Chairman, Admin officer and Accounts Officer as co-chairs with other 12 members to review the existing rates and also to review orders/memorandums/reports of various Departments/ Autonomous Organisations/ Ministries of Government of India and come out with a proposed entitlement / eligibility more or less at par with other departments/ministries/ autonomous organisations. After detailed discussions and deliberations with the help of the committee (**Order enclosed-Annexure V**), the NBA fixed the entitlement and eligibility of the Non-Regular staff *vide* O.M.No. NBA/ 2/13/2024-25/A-38/2828 dated 05-02-2025, with the approval of the competent authority. The Accounts Officer, NBA mentioned that the order was issued in accordance with FRSR-190 and as per Sec 10 of the Biological Diversity Act (Amendment) Act, 2023 and Rule 12 (1) to (8) of Biological Diversity Rules, 2024.

5. The members deliberated on the powers of the NBA to fix the entitlements and consequently incur the expenditure of the travel of the non-regular employees. Few of the members informed that the approval of the Central government is required in this regard. The member representing the Ministry of Ayush submitted a note after the Authority meeting (**Annexure-VI**) mentioning that while the proposal to enhance travelling entitlements as per the practical needs is well appreciated, the power rested with the Chairman, NBA as per FRSR-190 and as per Sec 10 of the Biological Diversity Act (Amendment) Act, 2023 and Rule 12 (1) to (8) of Biological Diversity Rules, 2024 needs more clarity. He further mentioned that the SR 190 is applicable to "Persons attending Commissions of inquiry etc.". Further, it applies to the persons who perform any public duties in an honorary capacity. He also mentioned that the competent authority can take decisions only under ordinary rules. Therefore, he suggested that NBA may refer the proposal to the Central Government i.e. Secretary, MoEFCC for further consideration and formal approval in consultation with IFD which otherwise may invite undue audit paras that can be avoidable.

6. Further, the representative of MoEFCC submitted an observation vide an email dated 21.02.2025 (**Annexure-VII**) stating that the O.M No. NBA/2/13/2024-25/A-38/2828 issued by NBA does not elaborate on the information collected from the various Ministries/Departments including MoEFCC O.M. No. A65013/7/2018-P.II dated 22.09.2020. Additionally, the representative of MoEFCC has mentioned that the administrative and financial approval of the Ministry may be obtained, as the expenditure is booked under Grants-in-Aid provided by the Administrative Ministry after approval from the authority to avoid future complications.

7. Based on the above, the representative of MoEFCC suggested that detailed deliberations may be undertaken in the next authority meeting on the above subject matter with relevant data collected by the committee and also as mentioned that until that above mentioned NBA order may be kept in abeyance to avoid any audit objections in future.

8. However, a few of the members opined that as NBA is an autonomous and statutory body and hence approval from the central government for every issue will not be necessary. The Accounts Officer, NBA also elaborated that the TA related expenditure is being incurred from the Grant in Aid General Fund account and not from the Grant in Aid (Salaries). Further, so far no Audit party has commented adversely on such payments made to non-regular staff for performing their official duties.

9. Further, a couple of members have opined that as this issue is related to financial matters, the proposal with a detailed note on exercise done may be submitted to the Authority again.

10. After a lot of deliberations, the members consented for “in principle approval” and opined that an explanatory note may be added to the proposal mentioning that this expenditure will be incurred from the Grant in Aid (General) and as NBA is an autonomous and statutory body created under an Act of Parliament, and hence, approval of MoEFCC is not required for fixing the entitlement of Travelling Expenditure for the Non-Regular Personnel on Official Tours. A careful reading of Biological Diversity Act reveals that Authority has powers to authorise such expenditure.

11. However, the members further mentioned that this proposal with further analysis and review of orders/memorandums of various Departments/ Autonomous Organisations/ Ministries of Government of India, may be placed in the next Authority meeting for consideration. The members ratified the expenditure incurred by the non-regular personnel for official tours based on the Office Memorandum during this interim period.

12. The members expressed their concern about the delay in creation of new posts for the NBA. The Authority also directed the Secretariat to expedite the matter with the Ministry.

Decision:

- a) The Authority members approved “in principle”, the proposal to avoid disruption of work in NBA. However, the NBA shall analyse and review orders/memorandums of various Departments/ Autonomous Organisations/ Ministries of Government of India including MoEFCC with respect to the TA entitlement of the non-regular staff and place it as an agenda in the forthcoming Authority meeting.
- b) The members ratified the expenditure incurred by NBA in case of travel of non-regular personnel for official tours based on the Office Memorandum during this interim period.
- c) The Authority directed the NBA Secretariat to expedite the work related to creation of new posts to NBA.

Action: Member Secretary, NBA.

72.04: Any other item with the permission of the Chair

The Member Secretary, NBA informed the members that NBA had received a communication from the Ministry of Tribal Affairs (MoTA) on 17th February 2025 forwarding their communication dated 10/04/2024 addressed to MoEFCC regarding comments on amendments to the Biological Diversity Rules, with a request to include as an agenda item in this Authority meeting. As per Rule 10(8) of the Biological Diversity Rules 2024 Chairman, NBA in his discretion permitted the agenda for consideration in this Authority meeting.

2. The members were informed that this communication was addressed to MoEFCC last year before the finalization of the Biological Diversity Rules 2024. It was informed to the members that some of the concerns were suitably addressed in the notified Rules. However, the other concerns if found relevant, will be addressed in the BMC operation guidelines, Biodiversity Heritage Site Guidelines, People Biodiversity Register (PBR) guidelines and sector specific guidelines, as appropriate.

Decision:

The Authority members considered the concerns of MoTA and decided that these issues may be addressed in the BMC guidelines, BHS and PBR guidelines, as appropriate.

Action: Member Secretary, NBA.

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

Annexure-I

List of participants

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12. **Smt Koj Rinya, IFS**, CCF, Arunachal Pradesh Biodiversity Board, Department of Environment and Forests, SFR], Van Vihar Chimpu, P.B.No: 157 Itanagar, Arunachal Pradesh -791 111. E-mail : apbb2010@gmail.com, koi_rinva@gmail.com
13. **Dr. B. Balaji, IFS**, Member Secretary, NBA, 5th Floor, TICEL Bio Park, CSIR Road, Taramani, Chennai - 600 113 Email: secretary@nba.nic.in

No official members

14. **Dr. Alka Rao**, Advisor (Regulation, Science & Standards) on deputation at Food Safety and Standard Authority of India, New Delhi-110002, Email: rao.alka@fssai.gov.in, & Senior Principal Scientist, CSIR Institute of Microbial Technology, Chandigarh-160036 Email: raoalka@imtech.res.in

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**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

NOTIFICATION

New Delhi, the.....Febraury, 2025

G.S.R._____(E) .— Whereas, the Central Government propose to issue the following amendments in the Biological Diversity Rules, 2024.

Now, therefore, in exercise of the powers conferred by Section 62 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby makes the following rules further to amend the Biological Diversity Rules, 2024, namely:-

1 Short title and commencement.—(1) These rules may be called the Biological Diversity (Amendment) Rules, 2025.

(2) They shall come into force from such date as may be notified in the Official Gazette.

2. In the Biological Diversity Rules, 2024 (hereinafter referred to as the said rules), in rule 19, the following rule shall be substituted, namely:-

- “(1) The list of medicinal plants cultivated in the jurisdiction of Biodiversity Management Committees is maintained in Form 11A.
- (2) A certificate of origin can be obtained by submitting an application on the online portal, in Form 12A, along with the specified fee paid in the form of electronic transfer to the Local Biodiversity Fund.
- (3) The certificate of origin will be auto-generated on the online portal in Form 12B, based on entries made in books maintained in Form 11A.
- (4) The record of the certificate of origin issued by Biodiversity Management Committee will be maintained on the online portal in Form 11B.”

3. In the Biological Diversity Rules, 2024, in the First Schedule, for serial number 11 and 12 and the entries relating thereto, the following serial number and entries shall be substituted, namely:-

Sl. No.	Purpose of the application	Application Fee
“11A	Format of book containing details of cultivated medicinal plants, to be maintained by the Biodiversity Management Committee	Nil
11B	Format of book containing details of certificate of origin issued to the applicant	Nil

12A	Application Format for obtaining certificate of origin for cultivated medicinal plants	₹ 200
12B	Format of Certificate of Origin	Nil”

4. In the Biological Diversity Rules, 2024, in the Second Schedule, for Form-11 and Form-12, the following Form-11A, Form-11B, Form-12A and Form-12B shall be substituted, namely:-

“FORM-11A

{See section 7 of the Act and rule 19(1)}

Format of book containing details of cultivated medicinal plants, to be maintained by the Biodiversity Management Committee

.....Biodiversity Management Committee.....Panchayat /
Urban Local Body

Sl. No.	Name of the cultivated medicinal plants	Details of the cultivated medicinal plants including common and botanical names, period of cultivation.	Approx. Quantity produced annually in a financial year (in kg/ quintal/ tonne etc.)
(1)	(2)	(3)	(4)

FORM-11B

{See section 7 of the Act and rule 19(3)}

Format of book containing details of certificate of origin issued to the applicant

Sl. No.	Name of the applicant postal address mobile, e-mail	Name of the cultivated medicinal plants	Quantity (in kg/ quintal/ tonne etc.)	Unique identity number of certificate	Date for which certificate of origin issued
(1)	(2)	(3)	(4)	(5)	(6)

FORM-12A**{See section 7 of the Act and rule 19(2)}****Application Format for obtaining certificate of origin for cultivated medicinal plants**

Sl.No.	Particulars	Details
(1)	Name of the applicant:	
(2)	Phone No.: e-mail:	
(3)	Address: District: State:	
(4)	Select State in which SBB is located	
(5)	Select District in which BMC is located	
(6)	Name of the Biodiversity Management Committee (Village or Town / District / State / Union Territory)
(7)	Request for accessing the cultivated medicinal plant	
	Sl. No.	Name of the cultivated medicinal plants
	Quantity (in kg/quintal/tonne etc.)	
	1	
	2	
	3	
	4	

I/we hereby declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge.

Place.....

Signature.....

Date.....

Name.....

FORM-12B

{see rule 19(3)}

Format of Certificate of Origin

(Unique ID/QR Code: to be assigned digitally)

It is certified that the medicinal plant(s) as mentioned in column no. 2 of the table is/ are cultivated in the jurisdiction of theBiodiversity Management Committee. It is further certified that the record regarding cultivation of medicinal plant has been maintained by the Biodiversity Management Committee in Form-11A. This certificate is being issued to Shri/Smt/Ms.....resident of.....for the quantity mentioned at column no. 3 of the table.

Sl. No.	Name of the cultivated medicinal plant(s)	Quantity of cultivated medicinal plants for which the certificate is issued.(in kg /quintal / tonne, etc.)
(1)	(2)	(3)

Signature of the Authorized person of the BMC

Name:.....

Date:.....”

[F. No. CS-C12018/3/2020-CS-III]

RAGHU KUMAR KODALI, Scientist ‘G’

Note.-The principal rules was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* G.S.R. 665(E), dated the 22nd October, 2024.

Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits Regulations, 2025

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (National Biodiversity Authority) NOTIFICATION New Delhi,, 2025

G.S.R.....: In exercise of the powers conferred by section 64 of the Biological Diversity Act, 2002 (No.18 of 2003) read with sub-section (1) of section 18 and sub-section (4) of section 21 of the Biological Diversity (Amendment) Act, 2023 (No. 10 of 2023), hereinafter referred to as 'Act', the Biological Diversity Rules, 2024, hereinafter referred to as 'Rules', and in pursuance of the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity adopted on the 29th October, 2010, to which India is a Party, and in supersession of the "Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014", published vide notification number G.S.R. 827 (E), dated the 21st November, 2014, the National Biodiversity Authority, hereinafter referred to as 'Authority', with the approval of the Central Government, hereby makes the following regulations, namely:—

1. Short title and commencement:

- (1) These regulations may be called "Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits Regulations, 2025".
- (2) These regulations shall come into force from the date of their publication in the Official Gazette.

2. Scope:

- (1) The Authority may grant approvals, relating to biological resources including digital sequence information and/or knowledge associated thereto, under these regulations in exercise of the powers conferred under sections 3, 4, 6, 7, 19, 20, 21 and 36A of the Act.
- (2) The State Biodiversity Boards and Union territory Biodiversity Councils shall follow these regulations while granting approvals to persons regulated under section 7 read with sections 23 and 24 of the Act.

3. Procedure for obtaining prior approval for access to biological resources and/or knowledge associated thereto for research or for bio-survey and bio-utilisation, in respect of persons covered under sub-section (2) of section 3 of the Act and mode of benefit sharing thereof. -

- (1) Such person who intends to access any biological resource including digital sequence information occurring in India, and/or knowledge associated thereto, for research or for

bio-survey and bio-utilisation shall apply on the web portal of the Authority in Form 1 of the Rules:

Provided that any person, referred to in sub-section (2) of section 3 of the Act, having possession of a biological resource prior to coming into force of the Biological Diversity (Amendment) Act, 2023, intends to use the same for research or bio-survey and bio-utilisation shall also seek approval under this regulation.

(2) The Authority shall, on being satisfied with the application under sub-regulation (1), take a decision on the application within a period of ninety days for access to biological resource including digital sequence information and/or knowledge associated thereto, for research or for bio-survey and bio-utilisation.

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure.

(3) The approval to access shall be in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee prescribed under sub-rule (3) of rule 13 of the Rules within a period of ninety days.

(4) Mode of benefit sharing.- In case a biological resource including digital sequence information and/or knowledge associated thereto, having conservation value and or high economic value such as red sanders, sandalwood, agarwood etc., and including those notified under section 38 of the Act, is accessed for research or for bio-survey and bio-utilisation, the benefit sharing including the upfront payment may be determined, as prescribed by the Authority:

Provided that the Authority may also impose upfront payment on certain biological resources including digital sequence information and/or knowledge associated thereto, when accessed for research or for bio survey and bio-utilisation, on case-by-case basis.

Provided further, that in case a biological resource including digital sequence information and/ or knowledge associated thereto, is accessed for conducting academic research, the Authority may waive the benefit sharing including upfront payment, as it deems fit, on case-by-case basis.

4. Procedure for obtaining prior approval for access to biological resources and/or knowledge associated thereto for commercial utilization, and mode of benefit sharing thereof by persons referred to in sub-section (2) of section 3 of the Act shall be as follows:

(1) Such person who intends to access to biological resources including digital sequence information and/or knowledge associated thereto, for commercial utilization shall apply on the web portal of the Authority in Form 2 of the Rules:

Provided that any person who was in possession of a biological resource before the coming into force of the Biological Diversity (Amendment) Act, 2023, and intends to use the same for commercial utilization, shall also seek approval under this regulation.

(2) the Authority shall, on being satisfied with the application under sub regulation (1) of the regulation 4, take a decision on the application within a period of ninety days for access to biological resource including digital sequence information or knowledge associated thereto for commercial utilization.

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure.

(3) The approval to access shall be in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee specified under sub-rule (3) of the rule 13 of the Rules within a period of ninety days.

(4) Mode of benefit sharing for access to biological resources for commercial utilization:

When the biological resource including digital sequence information and/or knowledge associated thereto, is accessed for commercial utilization as per the above-mentioned procedure, the applicant shall have to pay benefit sharing amount as per table given below:

S. No	Annual turnover of the person (in Indian rupees)	Amount payable on account of Benefit sharing for access to biological resources for commercial utilization [Percentage of annual gross ex-factory sale price of product excluding Government taxes]
1	Up to 5 Cr	Nil
2	Above 5 Cr to 50 Cr	0.2%
3	Above 50 Cr to 250 Cr	0.4%
4	Above 250 Cr	0.6%

Note: A person having an annual turnover of less than five crore rupees, will be exempted from payment of benefit sharing amount and only a person having an annual turnover of more than five crore rupees, shall be liable to pay the ABS amount as per the table given above.

(5) Filing of Annual statement and payment of benefit sharing amount: Any person having an annual turnover of more than one crore rupees shall submit an annual statement containing information regarding the biological resources consumed in the financial year in Form B, within three months of finalization of annual income tax or corporate tax return in respect of that financial year. The person liable to pay benefit sharing amount in terms of this regulation shall make the payment digitally through online portal.

(6) Benefit sharing amount payable for access to biological resources having high economic and conservation value for commercial utilization: In case of biological resource having conservation value and or high economic value such as red sanders, sandalwood and agarwood etc., and including those notified under section 38 of the Act, the benefit sharing shall not be less than five percent (5.0%) of the proceeds of the auction or sale amount or the purchase price, as the case may be, as determined by the Authority on case-by-case basis, as upfront payment.

Provided that in case of biological resource having conservation value or high economic value such as red sanders, sandalwood and agarwood etc. or those notified under section 38 of the Act, including digital sequence information and/or knowledge associated thereto, the benefit sharing component shall be twenty percent more than the benefit sharing amount due as referred under sub-regulation (4) of this regulation.

5. Procedure for prior intimation for access to biological resources and/or knowledge associated thereto for commercial utilization, and mode of benefit sharing thereof by persons covered under section 7 of the Act:

(1) Such person who intends to access biological resources including digital sequence information and/or knowledge associated thereto, for commercial utilization shall give prior intimation to the State Biodiversity Board or Union Territory Biodiversity Council concerned through an online portal in Form A, which may be prescribed, as appropriate, in the State Biological Diversity Rules by the respective State. The applicant shall also give their consent to the terms and conditions in the model Mutually Agreed Terms prescribed by the Authority in Form A.

Note: In the case of Union territory Biodiversity Councils, the Biological Diversity Rules, 2024 will be applicable.

Provided that the provisions of Section 7 of the Act shall not apply in case of access to cultivated medicinal plants as notified under Section 40 of the Act.

(2) Upon submission of the prior intimation form by the applicant, complete in all respect, it will be disposed of by the concerned State Biodiversity Board or Union Territory Biodiversity Council, within a period of fifteen days from the date of such submission, by either approving the request with or without modification in the model Mutually Agreed Terms or by rejecting the request along with reasons for rejection.

Provided that if the applicant does not sign the agreement as modified by State Biodiversity Board or Union Territory Biodiversity Council within a period of fifteen days, the application shall be closed under intimation to the applicant.

Provided further that the State Biodiversity Board or Union territory Biodiversity Council may revive the closed application on receipt of payment of half of the fee prescribed under the respective Rules, as applicable, within a further period of ninety days.

Provided also that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

Provided also that the applicant may appeal such rejection before the National Green Tribunal as per the extant provisions of the Act.

(3) If the State Biodiversity Board or Union territory Biodiversity Council does not respond to the prior intimation Form of the applicant within a period of fifteen days, it shall be deemed to have been approved with model Mutually Agreed Terms by State Biodiversity Board or Union territory Biodiversity Council.

(4) In case there is a dispute which could not be settled between the applicant and the State Biodiversity Board or Union territory Biodiversity Council, the case will be escalated to NBA the Authority by the State Biodiversity Board or Union territory Biodiversity Council electronically. In such cases, the matter shall be disposed of within 15 days and the decision of the Authority will be final.

(5) The State Biodiversity Board or Union territory Biodiversity Council or applicant aggrieved with the decision of the Authority may approach the National Green Tribunal as per the extant provisions of the Act.

(6) The approval under this regulation will be valid for a period of one year from the date of its issuance.

(7) Mode of Benefit sharing for access to biological resources for commercial utilization:

When the biological resource including digital sequence information and/or knowledge associated thereto, is accessed for commercial utilization as per the above-mentioned procedure, the applicant shall have to pay benefit sharing amount as per table given below:

S. No	Annual turnover of the person (in Indian rupees)	Amount payable on account of Benefit sharing for access to biological resources for commercial utilization [Percentage of annual gross ex-factory sale price of product excluding Government taxes]
1	Up to 5 Cr	Nil
2	Above 5 Cr to 50 Cr	0.2%
3	Above 50 Cr to 250 Cr	0.4%
4	Above 250 Cr	0.6%

Note: A person having an annual turnover of less than five crore rupees, will be exempted from payment of benefit sharing amount and only a person having an annual turnover of more than five crore rupees, shall be liable to pay the ABS amount as per the table given above.

Provided that, for persons manufacturing products containing both cultivated and non-cultivated medicinal plants, the benefit-sharing payment shall not be payable in respect of the products as notified by the Ministry of Environment, Forest and Climate Change, in consultation with the Authority and Ministry of Ayush, from time to time.

(8) Benefit sharing amount payable for access to biological resources having high economic and conservation value: In case of biological resource having conservation value and or high economic value such as red sanders, sandalwood and agarwood etc., and including those notified under section 38 of the Act, the benefit sharing shall not be less than five percent (5.0%) of the proceeds of the auction or sale amount or the purchase price, as the case may be, as determined by State Biodiversity Board or Union territory Biodiversity Council, on case-by-case basis, as upfront payment.

Provided that in case of biological resource having conservation value or high economic value such as red sanders, sandalwood and agarwood etc. or those notified under section 38 of the Act, including digital sequence information and/or knowledge associated thereto, the benefit sharing component shall be twenty percent more than the benefit sharing amount due as mentioned in **sub regulation (7)** of this regulation.

(9) Filing of Annual statement and payment of benefit sharing amount: Any person having an annual turnover of more than one crore rupees shall submit an annual statement containing information regarding the biological resources consumed in the financial year in Form B, within three months of finalization of annual income tax/corporate tax return in respect of that financial year. The person liable to pay benefit sharing amount in terms of this regulation shall make the payment digitally through online portal.

Illustrations for regulation 4 and 5

(I) Illustration 1: *A company is engaged in the business of manufacturing cosmetics products using biological resources.*

Annual turnover: Rs. 4.90 crore

Annual gross ex-factory sale price of products derived from the biological resources: Rs. 5 lakh

ABS obligations: Nil.

(II) Illustration 2: *A company is engaged in the business of manufacturing cosmetics products using biological resources.*

Annual turnover: Rs. 23.5 crore

Annual gross ex-factory sale price of products derived from the biological resources: Rs. 5 crore

ABS obligations: 0.2% of Rs. 5 crore = Rs. 1,00,000/-

*(III) **Illustration 3:** A company is engaged in the business of producing seeds using biological resources.*

*Annual turnover: **Rs.58 crore***

Annual gross ex-factory sale price of products derived from biological resources: Rs. 24 crore

ABS obligations: 0.4% of Rs. 24 crore: Rs. 9,60,000/-.

*(IV) **Illustration 4:** A company is engaged in the business of producing seeds using biological resources.*

*Annual turnover: **Rs. 270 crore***

Annual gross ex-factory sale price of products derived from the biological resources: Rs. 60 crore

ABS obligations: 0.6% of Rs. 60 crore: Rs. 36,00,000/-.

*(V) **Illustration 5:** A company is engaged in the business of producing nutraceutical products using biological resources, having conservation value.*

Annual turnover: Rs. 7.5 crore

Annual gross ex-factory sale price of products derived from the biological resources: Rs. 1.5 crore

ABS obligations: 0.2% of Rs. 1.5 crore and 20% of ABS obligations for using bioresources having conservation value.

ABS payable: Rs 36,000 [30,000 (0.2% of Rs. 1.5 crore) + Rs 6000 (20% of ABS obligations)]

*(VI) **Illustration 6:** An entity covered under section 7 of the Act has accessed rupees ten crore worth of cultivated medicinal plants, and rupees twenty crore worth of other biological resources for manufacture of various products for commercial utilization. The annual turnover of the entity is rupees fifty five crore and the ex-factory sale price of all those products is rupees forty crore. The ABS obligation of the entity is as below:-*

Annual turnover: Rs.55 crore

Annual ex-factory sale price of products using biological resources: Rs.40 crore

Total input cost of all biological resources including cultivated medicinal plants for manufacturing product : Rs.30 crore

Proportion of cultivated medicinal plants used and its cost Rs.10 crore: $(10/30) \times 100$ [(cost of cultivated medicinal plants used /total input cost) x100] = 33.33%

*ABS obligation on Rs.40 crore @ 0.4% = **Rs.16 lakh***

*Rebate of 33.33% on account of cultivated medicinal plants used = **Rs. 5,33,280***

*Total ABS obligations on the sale price of the product [16,00,000- 5,33,280]= **Rs.10,66,720***

6. Collection fees: A person or entity seeking prior approval or giving prior intimation for access to any biological resources for commercial purposes, shall pay a collection fee, as prescribed by the Authority from time to time, in an online portal for payment to the Biodiversity Management Committee in terms of sub-section (3) of section 41 of the Act.

7. Procedure for seeking prior approval for sharing or transferring results of research relating to biological resource or traditional knowledge associated thereto and mode of benefit sharing thereof. —

(1) Procedure for seeking prior approval for sharing or transferring results of research;

(a) Any person who intends to share or transfer results of research relating to biological resource including digital sequence information and/or traditional knowledge associated thereto, occurring in or obtained from India to persons referred in sub-section (2) of section 3 of the Act for monetary consideration or otherwise, shall apply on the web portal of the Authority in Form 3 of the Rules and provide evidence of approval of the Authority for access to the biological resource and traditional knowledge associated thereto involved in the research:

Provided that the requirement of evidence under this clause shall not apply to persons covered under section 7 of the Act:

Provided further that in case the transfer of results of research involves accessing associated biological resource including digital sequence information also for undertaking commercial utilization, the transferee shall have to follow the procedure mentioned under regulation 4.

(b) The Authority shall, on being satisfied with the application under clause (a), take a decision on the application within a period of ninety days for transferring results of research.

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure.

(c) The approval to access shall be in the form of an agreement duly signed by the authorised officer of the Authority and the applicant on mutually agreed terms:

Provided that the application is deemed to be closed, if the applicant under Form 3 does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee prescribed under sub-rule (2) of rule 15 of the Rules within a period of ninety days.

(d) In case, the biological resources are required to be transferred along with results of research, a special procedure will be evolved in the sector specific approach to further simplify the existing procedure.

(e) **Mode of benefit sharing.**- The applicant under Form 3 shall, in case of sharing or transfer of results of research under sub-regulation (1), pay to the Authority such

monetary and/or share non-monetary benefit, as agreed between the applicant and the Authority:

Provided that in case the monetary benefits have been received by the applicant, on such transfer, the applicant shall pay to the Authority up to five percent (5.0%) of the monetary consideration:

Provided further that before coming into force of these Regulations, in cases of sponsored projects where no budget had been earmarked for payment of benefit sharing, the sponsoring organization shall give an undertaking that in case the results of research are used for commercialization, the benefits shall be shared with the Authority. The Indian entities availing sponsorship of such projects shall keep the sponsor informed of this requirement.

(2) Procedure for using the results of research obtained under sub-regulation (1) for further research by the transferee {persons covered under sub-section (2) of section 3 of the Act} shall be as follows:

(a) such person, who intends to use the results of research relating to biological resource including digital sequence information and/or traditional knowledge associated thereto, for conducting further research shall do prior registration on the web portal of the Authority in Form 4 of the Rules;

(b) the person so registered under Form 4 shall submit a status report to the Authority in a manner as specified by the Authority;

(c) if the Authority is of the opinion that such an activity is detrimental or contrary to the objectives of the Act, may by order, prohibit or restrict any such activity.

(3). Procedure for seeking prior approval to use the results of research for commercial utilization by the transferee {persons covered under sub-section (2) of section 3 of the Act} shall be as follows:

(a) such person, who intends to use the results of research relating to biological resource or traditional knowledge associated thereto, for commercial utilization, shall apply on the web portal of the Authority in Form 5 of the Rules and provide evidence of approval of the Authority for accessing the results of research involved in the commercial utilization:

Provided that in case the transfer of results of research involves accessing associated biological resource including digital sequence information also, the transferee shall have to follow the procedure mentioned under regulation 4.

(b) the Authority shall, on being satisfied with the application under clause (a), take a decision on the application within a period of ninety days for using the results of research for commercial utilization:

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure:

Provided further that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

- (c) the approval to access shall be in the form of an agreement on mutually agreed terms duly signed by the applicant under Form 5 of the Rules and an authorised officer of the Authority:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee prescribed under sub-rule (2) of rule 15 of the Rules within a period of ninety days.

- (d) Mode of benefit sharing.- When the results of research are used for commercial utilization, the applicant under Form 5 of the Rules, shall have to pay the benefit sharing, as per sub-regulation (4) of regulation 4.

(4). Procedure for seeking prior approval to use the results of research for obtaining intellectual property rights by the transferee {persons covered under sub-section (2) of section 3 of the Act} shall be as follows:

- (a) such person, who intends to use the results of research relating to biological resource including digital sequence information and/or traditional knowledge associated thereto, for obtaining intellectual property rights, shall apply on the web portal of the Authority in Form 6 of the Rules and provide evidence of approval of the Authority obtained by the transferor for transfer of the results of research which are being used for obtaining intellectual property rights:

- (b) the Authority shall, on being satisfied with the application under clause (a), take a decision on the application within a period of ninety days for using the results of research for obtaining intellectual property rights:

Provided that if the requisite information sought by the Authority has not been made available by the applicant within a period of thirty days from the date of seeking information, the application shall be closed and the applicant shall be informed about the closure:

Provided further that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

- (c) the approval to access shall be in the form of an agreement duly signed by authorised officer of the Authority and the applicant on mutually agreed terms:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of sixty days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the fee prescribed under sub-rule (2) of rule 15 of the Rules within a period of ninety days.

- (d) Mode of benefit sharing: (i) When the applicant under Form 6 of the Rules, himself uses the intellectual property rights for commercialisation, the monetary benefit sharing shall be in the range of up to one percent (1.0%) based on sectoral approach, which shall be worked out on the annual gross ex-factory sale price of product excluding Government taxes, on case-by-case basis.

(ii) When the applicant under Form 6 of the Rules, assigns/licenses the intellectual property rights to a third party for commercialisation, the applicant shall pay to the Authority up to five percent (5.0%) of the fee received (in any form including the license or assignee fee) and up to five percent (5.0%) of the royalty amount received annually from the assignee or licensee, based on sectoral approach, on case-by-case basis.

8. Procedure for applying for approval of the Authority to obtain intellectual property rights by persons covered under sub-section (2) of section 3 of the Act and mode of benefit sharing thereof.

(1) such person who intends to obtain any intellectual property rights, by whatever name called, in or outside India, for any invention based on research or information on any biological resource including digital sequence information which is accessed from India, including those deposited in repositories outside India, or traditional knowledge associated thereto in order to obtain prior approval of the Authority, shall apply on the web portal of the Authority in Form 7 of the Rules. The applicant shall provide evidence of approval of the Authority for access to biological resource including digital sequence information and/or knowledge associated thereto, used in the research leading to the invention:

Provided that any person making an application for any right under any law relating to protection of plant varieties within India shall be exempted from the provisions of this sub-regulation.

(2) the Authority shall, on being satisfied with the application under clause (a), take a decision on the application within a period of one hundred and eighty days:

Provided that the application shall be closed if the requisite information sought by the Authority has not been made available by the applicant within a period of ninety days from the date of seeking information and the applicant shall be informed about such closure.

(3) the approval to access shall be in the form of an agreement duly signed by the authorised officer of the Authority and the applicant on mutually agreed terms:

Provided that the application is deemed to be closed, if the applicant does not sign the agreement within a period of ninety days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of half of the application fee prescribed under sub-rule (1) of Rule 16 of the Rules within a period of ninety days.

(4) the applicant shall intimate the Authority about grant of the intellectual property rights within forty-five days from the date of the grant, failing which action as deemed fit will be taken by the competent authority;

(5) the Authority, for the reasons to be recorded in writing, may reject an application if it considers that the request cannot be acceded to:

Provided that the application shall not be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) Mode of benefit sharing. —(i) The applicant shall, in case of commercialisation of the intellectual property rights so obtained, pay to the Authority such monetary benefit and or share non-monetary benefit, as agreed between the applicant and the Authority as given below:

(a) when the applicant himself uses the intellectual property rights for commercialisation, the monetary benefit sharing shall be in the range of up to one percent (1%) based on sectoral approach, which shall be worked out on the annual gross ex-factory sale price of the product excluding Government taxes, on case-by-case basis:

Provided that in case the traditional knowledge is involved in the invention, the benefit sharing obligation shall be twenty-five percent higher than the benefit sharing due:

Provided that any person, if upon cease or revocation of the intellectual property rights, intends to access the biological resource including digital sequence information and/or traditional knowledge associated thereto, to be used in the product or process for which intellectual property rights were obtained, for commercial utilization, shall seek prior approval and share the benefits as referred to under regulation 4.

Explanation. —In the event of the applicant accessing biological resource for commercial utilization during the existence of intellectual property rights, the applicant shall share the benefits only under this regulation.

(b) when the applicant assigns/licenses the intellectual property rights to a third party for commercialisation, the applicant shall pay to the Authority up to five percent (5.0%) of the fee received (in any form including the license or assignee fee) and up to five percent (5.0%) of the royalty amount received annually from the assignee or licensee, based on sectoral approach, on case-by-case basis.

Illustration 1

A company obtained intellectual property rights for a product based on the biological resource and traditional knowledge associated thereto, and also accessed biological resource and

knowledge associated thereto for commercial utilization of the patented product during the term of the intellectual property rights, the Authority determines the benefit sharing as 0.2% to that company. The benefit sharing amount will be as given below:

Annual gross ex-factory sale price of the patented product: Rs.20 lakh.

ABS obligation is: 0.2% of Rs.20.00 lakh =Rs. 4,000/-.

Illustration 2

A company obtained intellectual property rights for the process based on the biological resource and assigns the intellectual property rights to a third party during the term of the intellectual property rights, the benefit sharing will be as given below: —

(a) If the company assigns the intellectual property rights to a third party for Rs. 50 lakh, the benefit sharing component will be: 3% If the benefit sharing is fixed by the Authority as 3% of Rs. 50 lakh = Rs.1,50,000/- .

(b) If the company also receives royalty from the third party on an annual basis of Rs. 10 lakh, then the benefit sharing component will be: 2% If the benefit sharing is fixed by the Authority as 2% of Rs.10 lakh =Rs. 20,000/- annually plus Rs. 1,50,000/- as mentioned under (a) above. The total amount payable to Authority is Rs.1,70,000/-

Illustration 3

A company obtained intellectual property rights for the product based on the biological resources and traditional knowledge associated thereto and is also accessing biological resources for commercial utilization of the patented product after the cessation or expiry of the term of intellectual property rights. The benefit sharing obligation will be calculated as per the formula given in sub-regulation (3) of regulation 4.

*Annual turnover of the company is: **Above Rs.6.0 crore***

*Annual gross ex-factory sale price of products derived from the biological resources: **Rs.50 lakh.***

*Benefit sharing obligation will be: **Rs 10,000** + 25% for traditional knowledge [Rs.2,500] = **Rs.12,500***

(b) such person who intends to access the biological resource including digital sequence information, for commercialisation of the intellectual property rights, shall apply to the Authority or State Biodiversity Board or Union territory Biodiversity Council, as the case may be, under regulation 4.

9. Procedure for registering with the Authority to obtain intellectual property rights by persons covered under section 7 of the Act.

(1) such person who intends to obtain any intellectual property rights, by whatever name called, in or outside India, for any invention based on research or information on any biological resource including digital sequence information which is accessed from India, including those deposited in repositories outside India, and/or traditional knowledge

associated thereto in order to register with the Authority, shall make an application by registering on the web portal of the Authority in Form 8 of the Rules:

Provided that any person making an application for any right under any law relating to protection of plant varieties within India shall be exempted from the provisions of this sub-regulation.

(2) if the Authority is of the opinion that such an invention is the result of access to the knowledge held by a community or an individual or a group of individuals, in an illegal manner, the Authority may in a complaint to the adjudicating officer recommend imposing higher penalty with regard to damage and also value assessed or realised, as the case may be.

(3) the person so registered under this regulation shall submit a status report in a manner as prescribed by the Authority.

10. Procedure for commercialization of the patent by persons covered under section 7 of the Act and mode of benefit sharing thereof:

(1) such person who intends to commercialise the intellectual property rights so obtained, shall obtain prior approval of the Authority by applying on the web portal of the Authority in Form 9 of the Rules:

(2) the Authority shall, on being satisfied with the application under sub regulation (1), take a decision on the application within a period of one hundred and eighty days.

(3) the approval shall be in the form of an agreement on mutually agreed terms duly signed by the authorised officer of the Authority and the applicant:

Provided that the application is deemed to be closed if the applicant does not sign the agreement within a period of ninety days from the date of communication of the draft agreement by the Authority, upon intimation to the applicant:

Provided further that such closed application may be revived on receipt of payment of the half of the fee specified for fresh application under clause (b) of sub-rule (3) of rule 16 of the Rules within a period of ninety days.

(4) Mode of benefit sharing: The applicant shall pay to the Authority such monetary benefit and or share non-monetary benefit, as agreed between the applicant and the Authority.

(a) When the applicant himself uses the intellectual property rights for commercialisation, the monetary benefit sharing shall be in the range of up to one percent (1%) based on sectoral approach, which shall be worked out on the annual gross ex-factory sale price of the product excluding Government taxes, on case-by-case basis:

Provided that in case the traditional knowledge is involved in the invention, the benefit sharing obligation shall be twenty-five percent higher than the benefit sharing due:

Provided that any person, if upon cease or revocation of the intellectual property rights, intends to access the biological resource including digital sequence information or traditional knowledge associated thereto, to be used in the product or process for which intellectual property rights were obtained, for commercial utilization, shall seek approval and share the benefits as referred to under regulation 5.

Explanation. —In the event of the applicant accessing biological resource for commercial utilization during the existence of intellectual property rights, the applicant shall share the benefits only under this regulation.

(b) When the applicant assigns/licenses the intellectual property rights to a third party for commercialisation, the applicant shall pay to the Authority up to five percent (5.0%) of the fee received (in any form including the license or assignee fee) and up to five percent (5.0%) of the royalty amount received annually from the assignee or licensee, based on sectoral approach, on case-by-case basis.

11. Conducting non-commercial research or research for emergency purposes outside India by Indian researchers or institutions. —

(1) Any Indian researcher or institution who intends to carry or send the biological resource including digital sequence information, outside India to undertake non-commercial research including to carry out certain urgent studies to avert emergencies like epidemics, etc., shall apply on the web portal of the Authority in Form 13 of the Rules:

Provided that in case the traditional knowledge associated thereto is also to be transferred or carried along with the biological resource, the approval of the Authority shall be taken by the concerned foreign individual or institution under rule 13 of the Rules.

(2) The Authority shall, on being satisfied with the application under sub-regulation (1), accord its approval in the form of a letter within a period of forty-five days from the date of receipt of the application.

(3) On receipt of approval of the Authority under sub-regulation (2), the applicant shall deposit voucher specimen of the biological resources in the designated national repositories before carrying or sending it outside India and a copy of proof of such deposit shall be endorsed to the Authority.

12. Deposition of novel microbial strain in the repositories outside India for publication.

(1) Any Indian researcher or scientist who has discovered a novel microbial strain from India and intends to deposit the same in the repositories outside India for publication in

the journals for claiming novelty as per the agreed international requirements, shall apply on the web portal of the Authority in Form 'C' as appended to these Regulations.

(2) The applicant shall deposit one voucher specimen in the designated repository as required under sub-section (3) of section 39 of the Act.

(3) The designated repositories in and outside India shall inform any user about the Indian legal requirements for obtaining prior approval of the Authority for undertaking any research or bio-survey and bio-utilisation or commercial utilization as per section 3 of the Act:

Provided that if any researcher desires to refer to the voucher specimen for taxonomical identification purposes, such approval is not required.

(4) The applicant shall submit a copy of the acknowledgement of the receipt of voucher specimen issued by the designated repository concerned in India to the Authority.

13. Criteria for determination of benefit sharing. –

(1) Benefit sharing by the applicant may be in monetary and or non-monetary modes, as mutually agreed with the Authority or State Biodiversity Board or Union territory Biodiversity Council in consultation with the Biodiversity Management Committee or the benefit claimer, on case-by-case basis as provided at Form D to these Regulations. The Authority shall prescribe model Mutually Agreed Terms in respect of person or entity regulated under section 7 of the Act.

(2) Determination of benefit sharing under regulations 3, 4, 5, 7, 8 and 10 shall be sector specific and based on considerations such as nature and quantity of biological resource used and its sustainability, ecological impact, nature of technology applied, potential commercial use of the proposed activity, etc. The Authority shall specify the formula for determining the percentage of benefit sharing component including upfront payment to be fixed. The same shall be followed by the State Biodiversity Board or Union territory Biodiversity Council, from amongst the range specified in the respective regulation, on case-by-case basis, for undertaking different activities:

Provided that special consideration may be given to cases where access to biological resources including digital sequence information or knowledge associated thereto is for technologies or innovations or products that are developed leading to intellectual property rights for controlling epidemics, mitigating environmental pollution affecting human, animal or plant health, or for food security or conservation of biodiversity, and in such cases, the benefit sharing may be at a lower percentage in the range, as decided by the Authority or State Biodiversity Board or Union territory Biodiversity Council, on case-by-case basis:

Provided further that in the event of contribution to non-monetary benefit as mutually agreed, the monetary benefit sharing obligation, if any, may be reduced, as determined by the Authority or State Biodiversity Board or Union territory Biodiversity Council.

(3) The amount of benefit sharing shall remain the same whether the product contains one or more biological resources.

(4) Where the biological resource is sourced from the jurisdiction of two or more State Biodiversity Boards or Union territory Biodiversity Councils, the total amount of the accrued benefits shall be shared with the State Biodiversity Boards or Union territory Biodiversity Councils concerned, proportionately, on a case-by-case basis, after setting aside ten percent of the accrued benefits for the State where the manufacturing unit is located using the biological resources.

14. Sharing of benefits among the Authority, State Biodiversity Board or Union territory Biodiversity Council and benefit claimer. —

(1) Where approval has been granted by the Authority for research or for commercial utilization or for sharing or transferring results of research or for intellectual property rights, the mode of benefit sharing shall be as under: —

(a) a minimum of ten percent to maximum of fifteen percent of the accrued benefits shall go to the Authority, out of which half of the amount may be retained by the Authority, as the case may be, and the other half may be shared with the State Biodiversity Board or Union territory Biodiversity Council concerned.

(b) the remaining amount of benefit sharing shall be distributed among the benefit claimers including Biodiversity Management Committee. In case where the biological resource including digital sequence information is accessed from an unknown source, -the Authority may retain the full amount of the accrued benefit which may be utilized in a manner as decided by the Authority for meeting the objectives of the Act through the State Biodiversity Board, Union territory Biodiversity Council and Biodiversity Management Committee.

(c) where the biological resource including digital sequence information and or knowledge associated thereto is sourced from an individual or a group of individuals or organisations, the amount received under clause (b) shall be directly transferred to such individual or a group of individuals or organisations, in accordance with the terms and conditions of the agreement entered into, if any, and in such manner as deemed fit.

(2) Where approval has been granted by the State Biodiversity Board or Union territory Biodiversity Council under these Regulations, the sharing of accrued benefits shall be as under:

(a) a minimum of ten percent to maximum of fifteen percent of the accrued benefits shall be retained by the State Biodiversity Board/Union territory Biodiversity Council.

(b) the remaining amount of benefit sharing shall be distributed among the benefit claimers including Biodiversity Management Committee. In case where the biological resource including digital sequence information is accessed from an unknown source, the State Biodiversity Board/Union territory Biodiversity Council may retain the full amount of the accrued benefit, which may be utilized in a manner as decided by the

State Biodiversity Board or Union territory Biodiversity Council for meeting the objectives of the Act through Biodiversity Management Committees.

(c) where the biological resource including digital sequence information and/or knowledge associated thereto is sourced from an individual or a group of individuals or organisations, the amount received under clause (b) shall be directly transferred to such individual or a group of individuals or organisations, in accordance with the terms and conditions of the agreement entered into, if any, and in such manner as deemed fit.

(3) The interest earned on the benefit sharing amount deposited in the National Biodiversity Fund or the State Biodiversity Fund or Union territory Biodiversity Fund shall be utilised in a manner as decided by the Authority or State Biodiversity Board or Union territory Biodiversity Council.

(4) All penalties together with interest earned thereof accrued in the National Biodiversity Fund or the State Biodiversity Fund or the Union territory Biodiversity Fund concerned, shall be used to support conservation and sustainable use of the biological resources, promote livelihoods of the local people of the area where such biological resources occur and to undertake various activities to meet the objectives of the Act.

15. Processing and disposal of applications received by the Authority or State Biodiversity Board or Union territory Biodiversity Council. —

(1) Every application shall be submitted online to the Authority or State Biodiversity Board or Union territory Biodiversity Council including scanned copies of documents, duly authenticated, as prescribed.

(2) The application shall be closed if the requisite information sought by the Authority or State Biodiversity Board or Union territory Biodiversity Council has not been made available by the applicant within the time limit specified under the respective regulations. The applicant shall be informed about the closure.

(3) Any approval granted under these Regulations for access to biological resource including digital sequence information and/or knowledge associated thereto, is non-transferable.

(4) The time limit specified for disposal of an application shall commence only from the date of receipt of application complete in all aspects including the application fee.

(5) Any information specified in the application as 'confidential' shall not be disclosed to any person not concerned thereto.

(6) While processing the application for access to any biological resource and/or knowledge associated thereto, the Authority or State Biodiversity Board or Union territory Biodiversity Council may consider whether these relate to biological resource.

- (a) cultivated or domesticated or wild;
- (b) endemic or threatened species;

- (c) accessed directly through the providers or obtained through traders;
- (d) developed or maintained under *ex situ* conditions;
- (e) of conservation and or economic value such as red sanders, sandal wood, agar wood, etc., including those notified under section 38 of the Act/ having importance to the livelihoods of local communities;
- (f) prohibited or restricted under the Act or any other law for the time being in force;
- (g) crops listed under *Annexe* to the International Treaty on Plant Genetic Resources for Food and Agriculture;
- (h) newly discovered taxa.

(7) On receipt of the application, the Authority or State Biodiversity Board or Union territory Biodiversity Council may make such enquiries, as deemed fit, and if necessary, may consult experts or expert committee constituted for this purpose.

(8) The Authority or State Biodiversity Board or Union territory Biodiversity Council may reject, restrict or prohibit the request for access to biological resource including digital sequence information and / or knowledge associated thereto, for the reasons specified under these Regulations:

Provided that the Authority or State Biodiversity Board or Union territory Biodiversity Council may permit access to cultivated species referred to in sub-rule (1) of rule 14 of the Rules depending on the merits of each case for a specific period:

Provided further that where the Authority or State Biodiversity Board or Union territory Biodiversity Council has rejected, restricted or prohibited the request for access to biological resource including digital sequence information and / or knowledge associated thereto, the reasons for such rejection, restriction or prohibition shall be recorded in writing after giving a reasonable opportunity of being heard to the applicant.

(9) Approval granted by the Authority or State Biodiversity Board or Union territory Biodiversity Council shall be in the form of an agreement on mutually agreed terms duly signed by an authorised officer of the Authority or State Biodiversity Board or Union territory Biodiversity Council, as the case may be, and the applicant:

Provided that if the applicant does not sign the agreement within the time limit specified under the respective regulations, the Authority or State Biodiversity Board or Union Territory Biodiversity Council shall close the application under intimation to the applicant:

Provided further that if the applicant does not sign the agreement within the time limit specified under the respective regulations, the Authority or State Biodiversity Board or Union Territory Biodiversity Council shall close the application under intimation to the applicant:

Provided also that the Authority or State Biodiversity Board or Union territory Biodiversity Council may revive the closed application on receipt of payment of half of the fee prescribed under the respective Rules, as applicable, within a further period of ninety days:

Provided also that the Authority may communicate approval in the form of a letter without entering into a written agreement for the purpose of conducting non-commercial research referred to in regulation 8.

(10) The format of the agreement for approvals under sections 3, 4, 6 ~~and 7~~ of the Act shall include the following, but not limited to, namely: -

- (a) general objectives and purpose;
- (b) details of the biological resource including digital sequence information and / or knowledge associated thereto including accompanying information;
- (c) intended uses of the biological resource including digital sequence information or knowledge associated thereto
- (d) terms and conditions for the applicant while obtaining intellectual property rights;
- (e) nature and quantum of monetary and or non-monetary benefits;
- (f) restrictions on sharing or transferring the results of research to any third party without prior approval of the Authority;
- (g) declaration by the applicant that whenever there is change in the status with regard to sub-section (2) of section 3 of the Act, intimation shall be given to the Authority or State Biodiversity Board or Union territory Biodiversity Council within a period of sixty days.
- (h) undertaking by the applicant to deposit a reference sample of the biological resource to be accessed, wherever required by the Authority or State Biodiversity Board or Union territory Biodiversity Council, with the repositories so designated under section 39;
- (i) submission of periodic status reports by the applicant about research and other developments, as may be prescribed by the Authority or State Biodiversity Board or Union territory Biodiversity Council;
- (j) obligation to abide by the provisions of the Act, Rules and Regulations, and other related legislations in force in the country;
- (k) affirmation to facilitate measures for conservation and sustainable use of biological resource to be accessed;
- (l) assertion to minimize environmental impacts while collecting the biological resource;
- (m) legal provisions such as duration of the agreement, notice period to terminate the agreement, independent enforceability of clauses, provision regarding the extent

to which the obligations relating to benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities, etc.), arbitration, confidentiality clause, if any, etc.

(n) any other condition which the Authority or State Biodiversity Board or Union territory Biodiversity Council may consider necessary for meeting the objectives of the Act.

(xi) the Authority or State Biodiversity Board or Union territory Biodiversity Council, based on any complaint or *suo moto*, may withdraw the approval granted under these regulations and revoke the agreement after giving an opportunity of being heard to the applicant. The copies of the order so issued shall be communicated to the applicant, and to the State Biodiversity Board or Union territory Biodiversity Council, as the case may be, and to the Biodiversity Management Committee concerned for the purpose of effecting necessary prohibitions.

(xii) to assess the damages caused, if any, and take steps for compensating the same.

(xiii) where the applicant has made a request for withdrawal of the application, the Authority or State Biodiversity Board or Union territory Biodiversity Council shall close the application. If any violation is noticed during the period of withdrawal and closure of the application by the Authority. The Authority or State Biodiversity Board or Union territory Biodiversity Council, as applicable, may consider initiating action as per the provisions of the Act, Rules, these Regulations and other related laws, as may be applicable.

(xiv) The Authority or State Biodiversity Board or Union territory Biodiversity council shall publicise all the approvals granted or rejected on its website and shall ensure that such information is shared with other agencies, as may be required.

(xv) Compliance with the terms and conditions of the agreement by the applicant shall be monitored by the Authority by involving State Biodiversity Board or Union territory Biodiversity Council, Biodiversity Management Committee or any other agency, as deemed appropriate.

(xvi) Compliance with the terms and conditions of the agreement by the applicant shall also be monitored by the State Biodiversity Board or Union territory Biodiversity Council by involving Biodiversity Management Committee or any other agency, as deemed appropriate in the cases where approval has been granted by State Biodiversity Board or Union territory Biodiversity Council concerned.

16. Reporting compliance with the terms and conditions of approval. –

The applicant may submit a compliance report to the Authority or State Biodiversity Board or Union territory Biodiversity Council in accordance with the terms and conditions under which approval is granted.

17. Certain activities or persons exempted from obtaining approval. -

The following activities or persons shall not require approval of the Authority or State Biodiversity Board or Union territory Biodiversity Council, namely:-

- (1) any person covered under section 7 of the Act for accessing biological resource including digital sequence information and/or knowledge associated thereto, occurring in or obtained from India, for the purposes of conducting research or bio-survey and bio-utilisation in India;
- (2) collaborative research projects under section 5 of the Act;
- (3) accessing biological resource for conventional breeding or traditional practices in use in agriculture, horticulture, poultry, dairy farming, animal husbandry or beekeeping, in India.

Explanation — The conventional breeding and traditional practices for the purposes of these Regulations shall mean developing more genetic variability or improvement of animal and plant species by facilitating meiotic combination of genes expressing themselves in the subsequent generations that are practiced in agriculture, aquaculture, horticulture, sericulture, poultry, dairy farming, animal husbandry or bee keeping, etc., by the growers, cultivators, farmers or individuals based on their traditional knowledge associated with such resources. The activities of exchange or sale of indigenous, folk, landraces by farmer producer organizations, farmer producing company farmers, tribal groups, civil society organisations, self-help groups, etc., are also exempted. However, when practiced for commercial purpose, it will not be considered as conventional breeding and traditional practices.

- (4) publication of research papers or dissemination of knowledge, in any seminar or workshop, involving financial benefits, if such publication is in conformity with the guidelines issued by the Central Government from time to time;
- (5) accessing value added products, which contain portions or extracts of plants and animals in unrecognisable and physically inseparable form;
- (6) for accessing biological resources such as, pests, insects, pathogens, microorganisms, plants or animals for testing or trial on any invention and product including for statutory regulatory requirements:

Provided that this exemption will not be applicable if such biological resource is a part of the invention or ingredient of the product being developed or tested.

- (7) biological resource or items derived from them including agricultural wastes as normally traded as commodities notified by the Central Government under section 40 of the Act.
- (8) cultivated medicinal plants and their products for entities covered under section 7, as notified under section 40 of the Act.

(9) Accessing the crops from amongst the crops listed at Annex-I of the International Treaty on Plant Genetic Resources for Food and Agriculture, as notified by the Department of Agriculture and Cooperation, Ministry of Agriculture, Government of India from time to time, is exempted from the provisions of section 3 and 4 of the Act, for the purpose of utilization and conservation for research, breeding and training for food and agriculture.

18. Appeal against the decisions or orders of the Authority or State Biodiversity Board or Union territory Biodiversity Council under these Regulations. —

Any person aggrieved by any determination of benefit sharing or order of the Authority or State Biodiversity Board or Union territory Biodiversity Council under these Regulations, may file an appeal before the National Green Tribunal within a period of thirty days from the date of communication of the impugned order or decision.

19. Authority or any other organization authorized by the Central Government to act as checkpoint for purposes of implementation of Nagoya Protocol. -

(1) Any person who intends to use in India the biological resource or traditional knowledge associated thereto obtained from a foreign country, irrespective of being a Party or non-Party to the Nagoya Protocol, for research or for commercial purpose or for obtaining intellectual property rights, shall submit a declaration on the web-portal of the Authority in Form 10 of the Rules or in the manner prescribed by any other organization authorized by the Central Government in this behalf.

(2) The Authority, as per the provisions of the section 36A of the Act, after obtaining relevant information from the user of such biological resource or traditional knowledge associated thereto, shall notify the same on the Access and Benefit-Sharing Clearing-House of the Convention on Biological Diversity.

(3) Based on the request of the provider country, the Authority shall take appropriate measures on such use, as per the provisions of the section 36A of the Act.

FORM - A

{Regulation 5 and State Rule ____}

Model Application format for prior intimation to the State Biodiversity Board / Union Territory Biodiversity Council for access to biological resources, Digital Sequence Information or knowledge associated thereto for commercial utilization by persons covered under section 7 of the Act.

1	Particulars of the Section 7 applicant	
(i)	Category of the applicant	(Drop-down menu) a. Individual b. Entity
(ii)	Name of the applicant	
(iii)	Address of the applicant <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	
(iv)	Profile of the individual / entity ie. Nature of the business etc.	Individual- PAN/Aadhar Entity: PAN/ CIN No.
(v)	Annual Turnover as per the last finalized return	
(vi)	Details of the authorized representative for the applicant <i>(Name with postal address including PIN code, email, mobile and alternate mobile numbers and/or landline number)</i>	PAN/Aadhar
(2)	Details of the biological resources and knowledge associated thereto intended to be accessed (State-wise)	
(i)	Details of biological resource	(Drop down menu) i. Nature of the biological resource <i>(plants/animals/microbes/genetic material/variety/hybrid/DSI)</i> ii. Common name iii. Scientific name (Genus and species/ variety/strain) iv. Plant parts (Seed, stem, bark, leaf, flower, fruit, root, rhizome, genetic material, extract, exudate, etc.)

		v. Quantity of each biological resource (in Kg/gm/ml) vi. Duration of access (expected start and end date) vii. Source of access (wild/cultivated/ institution/repository/trader/ market) viii. Geographical location (village, taluk, district, state). If procured from a trader institute, their name, address and contact details to be provided; if procured from repository / institution/ database, then origin of collection (passport data) to be provided.
(ii) Details about the knowledge associated thereto: (State-wise)		
(a)	Nature of the knowledge associated (<i>Oral/ documented</i>)	
(b)	Details of traditional knowledge intended to be accessed (<i>in not more than 100 words</i>)	
(c)	Name of the traditional knowledge holder (individual community)	
(d)	Address of the traditional knowledge holder (individual community)	
(3) The purpose for which access is required including the type and extent of commercial utilization being derived and expected to be derived from it		
(i)	Brief description about the commercial utilization	
(ii)	Expected duration of commercial utilization	
(4)	Whether proposed commercial utilization is aimed for commercializing the IPR obtained	Yes or No If yes, upload the copy of the approval obtained from the Authority under Section 6(1B) of the Act
(5)	Preferred mode of benefit sharing	i. Monetary ii. Non-monetary

		iii. Both
(6)	Estimation of benefits that would flow to the country / communities arising out of the use of accessed biological resources and knowledge associated thereto	(optional)
(7)	Any other information considered relevant	
(8)	Details of remittance of application fee (Mode of payment, transaction ID, amount, date, etc.)	
<p style="text-align: center;">Declaration</p> <p>I/We declare that:</p> <ol style="list-style-type: none"> 1. Collection of the proposed biological resource shall not adversely affect the sustainability of the resources; 2. Collection of the proposed biological resource shall not entail any environmental impact; 3. Collection of the proposed biological resource shall not pose any risk to the ecosystems; and 4. Collection of the proposed biological resource and knowledge associated thereto shall not adversely affect the local communities. 5. I/we agree with the terms & conditions contained in the Model Mutually Agreed Terms, as prescribed by the Authority and the same has been submitted for the proposed access to biological resource and knowledge associated thereto. <p>I/We further declare that the information provided in the application form is true and correct to the best of my/our knowledge and belief and that it conceals nothing and that no part of it is false. I/We shall be responsible for any incorrect or wrong information provided.</p> <div style="display: flex; justify-content: space-between;"> <div> Place Date </div> <div> Signature Name </div> </div>		

Payment of Application fee: (1) Individual – Rs. 2,000 (2) Entity – Rs.5,000

Order of Approval/Deemed Approval with or without modification in Model Mutually
Agreed Terms

(Under Regulation 5)

[From] Office of _____

[Address] _____

Application Number.....

Date:.....

To

Sir/Madam,

Please refer to your application number.....dated
.....submitted to the State Biodiversity Board/ Union territory Biodiversity Council
seeking approval for accessing biological resources and or knowledge associated thereto for
the purpose of commercial utilization under section 7 of the Biological Diversity Act 2002 as
amended in 2023 read with Regulation 5 of the Access to Biological Resources and Knowledge
Associated thereto and Fair and Equitable Sharing of Benefits Regulations, 2025.

2. The State Biodiversity Board/Union territory Biodiversity Council, after examination
of the application and after being heard from the applicant, hereby approves the application in
..... (Form Number & Application number) dated along with
the terms and conditions as per Model Mutually Agreed Terms under section 23(b) and section
24 (2) of the Biological Diversity Act 2002 as amended in 2023.

OR

2. The State Biodiversity Board/Union territory Biodiversity Council, after examination
of the application and after being heard from the applicant, hereby approves the application in
..... (Form Number & Application number) dated under section
23(b) and section 24 (2) of the Biological Diversity Act 2002 as amended in 2023 with
following modifications in the terms and conditions of Model Mutually Agreed Terms

i) _____
ii) _____

You are requested to give your consent to the modified terms and conditions as proposed by
the State Biodiversity Board / Union territory Biodiversity Council and sign the agreement
online as modified by State Biodiversity Board/Union territory Biodiversity Council within a
period of fifteen days failing which your application shall be closed in terms of Regulation 5.
Further, if you are not satisfied with the modifications in Model Mutually Agreed Terms
proposed by State Biodiversity Board / Union territory Biodiversity Council, you may escalate
the matter for final decision of the Authority in terms of Regulation 5.

This issues with the approval of the Competent Authority.

Member Secretary
(Name) State Biodiversity Board/Union territory Biodiversity Council,

Copy for information and necessary action:

- 1) (Name) Biodiversity Management Committee
- 2) A copy to be hosted in the Website of State Biodiversity Board

ORDER OF REJECTION

(Under Regulation 5)

[From] Office of _____

[Address] _____

Application Number..... Date:.....

To

Sir/Madam,

Please refer to your application number.....dated
.....submitted to the State Biodiversity Board / Union territory Biodiversity Council seeking
approval for accessing biological resources and or knowledge associated thereto for the purpose of
commercial utilization under section 7 of the Biological Diversity Act 2002 as amended in 2023 read
with Regulation 5 of the Access to Biological Resources and Knowledge Associated thereto and Fair
and Equitable Sharing of Benefits Regulations, 2025.

2. The State Biodiversity Board / Union territory Biodiversity Council, after examination of the
application and after being heard from the applicant, hereby rejects the application in
.....(Form Number & Application number) datedunder section 23(b) and
section 24 (2) of the Biological Diversity Act 2002 as amended in 2023, due to the following reasons:

-

i) _____

ii) _____

3. As per Section 52A of the of the Biological Diversity Act 2002 as amended in 2023, you may file an
appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act,
2010, in accordance with the provisions of that Act within a period of 30 days from the date of
communication of the issue of this order.

This issues with the approval of the Competent Authority.

Member Secretary

(Name) State Biodiversity Board / Union Territory Biodiversity Council,

Copy for information and necessary action:

- 1) (Name) Biodiversity Management Committee
- 2) A copy to be hosted in the Website of State Biodiversity Board

FORM – B

(see regulation 4 and 5)

Format of Annual statement to be filed by a person or entity covered under section 3(2) or section 7 of the Act having annual turn-over of more than one crore for disclosing the details of biological resources or associated knowledge used or consumed for commercial utilization

S.no	Particulars	Information to be furnished by the applicant					
1	Category of the applicant	a. Individual b. Entity					
2	Name and Address of the applicant (address including PIN code, email, mobile)						
3	Details of the biological resources (state-wise)	(i) Common/scientific name of biological resources (ii) Quantity of biological resources accessed (iii) Source of access (wild/cultivated/repositories) (iv) Geographical location from where the biological resources are accessed.					
4	Year of commercial utilization						
5	Annual Turnover of the person or entity and proof of annual turn over <i>(duly attested by the Chartered Accountant)</i>	Upload					
S. No	Product/ Biological resources	Financial year	Details of Prior intimation/ approval under Section 7 or Section 3(2) of the Act	Annual gross ex-factory sale price of the product	Government Taxes paid, if any	Annual gross ex-factory sale price minus government taxes [f=(d)-(e)]	Benefit sharing amount to be paid to Authority/ SBB/ UTBCs (only in respect of persons/entity liable to pay benefit sharing amount) (in INR)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)

Undertaking

1. I declare that the relevant records shall be furnished or shared with the Authority/State Biodiversity Boards/ Union territory Biodiversity Council, as and when required.
2. I further declare that the information provided in the form is true and correct and I shall be liable for any incorrect / wrong information and willful suppression of the facts.

Date:

Signature with seal

Name

FORM - C

{See regulation-12}

Application for giving prior intimation to the National Biodiversity Authority for deposition of microorganism by an Indian researcher in repositories outside India for claim of discovery of novel strain from India for publication

1.	Name of the applicant (depositor)	
2.	Category of the applicant	a) Individual researcher b) Institution
3.	Complete address with contact details <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and or landline number)</i>	
4.	Name of the microorganism to be deposited in the foreign repository	
5.	Geographical location from where the microorganism was/ were collected	
6.	Name and contact details of the foreign repository from where the biological resource are to be deposited <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and or landline number)</i>	
7.	Name and contact details of the Indian repository where the biological resources are deposited <i>(Postal address including PIN code, email, mobile and alternate mobile numbers and or landline number)</i>	
8.	Accession number allotted by the Indian repository to the deposited microorganism	

Declaration

I/Wedeclare that I will inform the foreign repository that any non-Indian user to access the microorganism so deposited with the repository for undertaking research or for bio-survey and bio-utilisation or for commercial utilization shall obtain prior approval from the National Biodiversity Authority as per the provisions of the Act.

I declare that I am not a person covered under sub-section (2) of section 3 of the Act.

I further declare and solemnly affirm that the information provided above is true and correct to the best of my knowledge and belief.

Place:

Date:

Signature of the applicant (depositor)

FORM-D

Fair and equitable benefit sharing options

(See regulation 13)

The following options, either one or more, may be applied in accordance with mutually agreed terms between the applicant and the National Biodiversity Authority or State Biodiversity Board or Union territory Biodiversity Council, on case-by-case basis, in accordance with the provisions of sections 21 and 23 of the Act. These options are indicative in nature and other options, as approved by the National Biodiversity Authority in consultation with the Central Government, may also be adopted:

(a) Monetary benefits options:

- (i) Up-front payment;
- (ii) One-time payment;
- (iii) Milestone payments;
- (iv) Share of the royalties and benefits accrued;
- (v) Share of the license fees;
- (vi) Contribution to National, State / Union territory or Local Biodiversity Funds;
- (vii) Funding for research and development in India;
- (viii) Joint ventures with Indian institutions and companies;

(b) Non-monetary benefits options:

- (i) Providing institutional capacity building, including training on sustainable use practices, creating infrastructure (including disposal of waste/composting for a clean environment, providing safe drinking water/solar powered lights) and undertaking development of works related to conservation and sustainable use of biological resources;
- (ii) Transfer of technology or sharing of research and development results with Indian institutions/individuals/entities; providing green technologies to the local people/communities;
- (iii) Remediation and restoration activities to prevent habitat destruction or pollution or contamination of areas;
- (iv) Strengthening of capacities for developing technologies and transfer of technology to India and/or collaborative research and development programmes with Indian institutions/individuals/entities;
- (v) Contribution/collaboration related to education and training in India on conservation and sustainable use of biological resources;
- (vi) Setting up of production, research, and development units/facilities contributing to the local economy and income generation for the local communities;

- (vii) Taking appropriate measures for conservation and protection of species including rare, endangered and threatened species by raising nurseries and/or plantations in the area from where biological resources have been accessed.
- (viii) Instituting studies/projects on inventorisation and resource assessment of biodiversity
- (ix) Sharing of scientific information relevant to conservation and sustainable use of biological diversity including biological inventories and taxonomic studies;
- (x) Conducting research directed towards priority needs in India including for food, health and livelihood security focusing on biological resources;
- (xi) Providing scholarships including living costs, etc., to individuals and financial aid to Indian institutions preferably to regions, tribes/sects contributing to the delivery of biological resources and subsequent profitability, if any;
- (xii) Setting up of venture capital fund for aiding the cause of benefit claimers;
- (xiii) Joint ownership of relevant intellectual property rights.
- (xiv) Salaries and preferential terms where mutually agreed.

Annexure-II

List of Regular Personnel at NBA with their pay matrix level:

SI No	Regular Personnel	Pay matrix level
1	Chairman	Level 17
2	Secretary	Level 14
3	PS to Chairman	Level 12
4	Administrative Officer	Level 11
5	Accounts Officer	Level 10
6	Advisor (Law)	Level 09
7	Technical Officer (BS)	Level 09
8	Technical Officer (IPR)	Level 08
9	Technical Asst.	Level 07
10	Technical Asst.	Level 07
11	Office/comp Asst.	Level 07
12	Office/comp Asst.	Level 07
13	PS to Chairman	Level 07
14	Steno 'C'	Level 06
15	Steno 'D'	Level 04
16	Multi-tasking staff	Level 02



राष्ट्रीय जैव विविधता प्राधिकरण National Biodiversity Authority

(An Autonomous and Statutory Body of Ministry of Environment, Forest and Climate Change, Government of India)



+91 44 2254 2777 / 1075
www.nbaindia.org

5वां तल, टाइसल बायो पार्क, सीएसआईआर रोड,
तरमणि, चेन्नई-600 113, तमिल नाडु, भारत
5th Floor, TICEL Bio Park, CSIR Road,
Taramani, Chennai - 600 113, Tamil Nadu, India.

F.No. NBA/2/170/A79/2024-25 / 2001

Dated: 08.11.2024

OFFICE MEMORANDUM

Sub: Travel Allowance entitlement for various officials, including permanent staff, Advisors, contract staff, consultants, young professionals and outsourcing staff of NBA. – Regarding

Ref: NBA/Ch/Misc-N/2024/38 dated 26/09/2024

As directed by the competent authority, a committee consisting of officers and staff of NBA to prepare a consolidated draft report of the travelling allowance, lodging, and boarding entitlement for various officials. This includes permanent staff, contract staff, consultants A,B, C & D, Young Professionals I,II & III, advisors, and outsourcing staff (HS-1,2,3 & 4) of NBA. The committee comprised of the following members.

- | | |
|-----------------------------------------------------|-------------------|
| (i) Secretary, NBA | - Chairman |
| (ii) Administrative Officer | - Member-Co-Chair |
| (iii) Accounts Officer | - Member-Co-Chair |
| (iv) Advisor (LAW) | - Member |
| (v) Technical Officer (BS) | - Member |
| (vi) Technical Officer (IPR) | - Member |
| (vii) Ms. M. Kannamma, Domain Expert | - Member |
| (viii) Dr. Sandilyan, Consultant Gr.III | - Member |
| (ix) Dr. M Sundararajan, Consultant (Legal Affairs) | - Member |
| (x) Dr. R Srirama, YP-III (S) | - Member |
| (xi) Shri. K.Satheesh, YP-III(S) | - Member |
| (xii) Shri. Aravind Kumar, HS-IV A | - Member |
| (xiii) Shri R Sundar, HS-IV B | - Member |
| (xiv) Shri. D Chezhian, Office/Comp Assistant | - Member |
| (xv) Smt. S Kanchana, Office/Comp Assistant | - Member Convenor |

2014

The committee is requested to analyse the entitlement of various officials with regard to travel allowance, lodging, boarding, and journeys by road/rail/Air from other autonomous/statutory organisations under various Ministries. Prepare a draft note on the procedure to be adopted by the various categories of staff of NBA as per the format in the Annex to Competent Authority.



(Elango A)
Administrative Officer

To :

- (i) The Secretary, NBA
- (ii) Administrative Officer / Accounts Officer
- (iii) Advisor (LAW) / Technical Officer (BS) / Technical Officer (IPR)
- (iv) Ms. M. Kannamma, Domain Expert / Dr. Sandilyan, Consultant Gr.III
- (v) Dr. M Sundararajan, Consultant (Legal Affairs)
- (vi) Dr. R Srirama, YP-III (S) / Shri. K.Satheesh, YP-III(S)
- (vii) Shri. D Chezhan, Office/Comp Assistant / Smt. S Kanchana, Office/Comp Assistant
- (viii) Shri. Aravind Kumar, HS-IV A / Shri R Sundar, HS-IV B

Copy to.

PS to Chairman/PS to Secretary / Guard File.

Email

sbb2-nba@govcontractor.in

Fwd: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

From : Dr. B Balaji <secretary@nba.nic.in>

Sat, Feb 22, 2025 11:30 AM

Subject : Fwd: Agenda for the 72nd Authority meeting
(Emergency Meeting) of the National Biodiversity
Authority 3 attachments**To :** sbb2-nba@nic.in

Madam,

The remarks of the Chairman / Member Secretary may be seen in the attachment.

O/o Member Secretary
NBA, Chennai

From: "Mr. C. Achalender Reddy" <chairman@nba.nic.in>**To:** "achal reddy" <achal.reddy@gmail.com>**Cc:** "Dr. B Balaji" <secretary@nba.nic.in>, "Administrative Officer, NBA" <admn@nba.nic.in>,
"Accounts Officer, NBA" <accounts@nba.nic.in>, sbb2-nba@nic.in**Sent:** Thursday, February 20, 2025 1:31:09 PM**Subject:** Fwd: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National
Biodiversity Authority

From: "Dr Kousthubha Upadhyaya" <adviser-ayush@gov.in>**To:** "Dr. B Balaji" <secretary@nba.nic.in>**Cc:** "Mr. C. Achalender Reddy" <chairman@nba.nic.in>, "RAGHU KUMAR KODALI"
<kodali.rk@gov.in>**Sent:** Thursday, February 20, 2025 1:07:24 PM**Subject:** Fwd: Agenda for the 72nd Authority meeting (Emergency Meeting) of the
National Biodiversity Authority

Sir,

With reference to 72nd Authority Meeting held on 18th February, 2025 through Hybrid mode, your attention is brought towards my view on agenda item No. 72.03 ("i.e. To consider the Eligibility and Entitlement of Travelling Expenditure for the Non-Regular Personnel for Official Tours") was uploaded in the chat box. I am of the opinion that while the proposal to enhance travelling entitlements as per the practical needs is well appreciated, I have not been convinced about the power rested with the Chairman, NBA as per FRSR-190 and as per Sec 10 of the Biological Diversity Act (Amendment) Act, 2023 and Rule 12 (1) to (8) of Biological Diversity Rules, 2024. The SR 190 is applicable to "Persons attending Commissions of inquiry etc.". Further, it applies to the persons who perform any public duties in an honorary capacity. Further, the competent authority can take decisions only under ordinary rules. Therefore I suggest that NBA may refer the proposal to the Central Government i.e. Secretary, MoEFCC for further consideration and formal approval in consultation with IFD. Otherwise there will be a possibility of inviting undue audit paras which can be avoidable. I request you to include my opinion in the minutes of the meeting.

**Thanks and Regards,
Dr. Kousthubha Upadhyaya,
Advisor(Ayurveda),
Ministry of Ayush,
Government of India,
Ph No.: 20815348**

==== Forwarded message =====
From: RAJESH KOTTECHA <secy-ayush@nic.in>
To: "Dr Kousthubha Upadhyaya" <adviser-ayush@gov.in>
Date: Thu, 13 Feb 2025 18:24:51 +0530
Subject: Fwd: Agenda for the 72nd Authority meeting (Emergency Meeting) of the
National Biodiversity Authority
==== Forwarded message =====

With regards,

--

Office of Secretary AYUSH,
AYUSH Bhawan, B-Block, GPO Complex,
INA, New Delhi - 110 023
Ph. - 91-11-24651950, 24651951
Fax: - 011-24651937



From: "Dr. B Balaji" <secretary@nba.nic.in>
To: "RAJESH KOTTECHA" <secy-ayush@nic.in>, "Dr Rajesh S Gokhale" <secy@dbt.nic.in>, "Vivek Bharadwaj" <secy-mopr@nic.in>, "Secretary Tribal Affairs" <secy-tribal@nic.in>, "Devesh Chaturvedi" <secy-agri@gov.in>, "GP Singh" <GP.Singh@icar.gov.in>, "Prashant Srivastava" <srivastava.pks@gov.in>, "Prem Srivastava" <srivastava.ps@nic.in>, "Dr. Anita Gupta" <anigupta@nic.in>, "Viswajanani Sattigeri" <viswajanani.sattigeri@csir.res.in>, "Vibha Malhotra Sawhney" <vmalsaw@csir.res.in>, "Alka Rao" <raoalka@imtech.res.in>, "Dr. Alka Rao" <rao.alka@fssai.gov.in>, jmlaishram@rediffmail.com, "bonjaee envirolegal" <bonjaee.envirolegal@gmail.com>, bonjaee@gmail.com, rrhanchinal@gmail.com, rrhanchinal@rediffmail.com, rajsbb@rajasthan.gov.in, "koj rinya" <koj.rinya@gmail.com>, "secy tnbb" <secy.tnbb@tn.gov.in>, pccfwildlife1961@gmail.com
Cc: "RAGHU KUMAR KODALI" <kodali.rk@gov.in>, "Achuta Nand Shukla" <achuta.shukla@gov.in>, "Administrative Officer, NBA" <admn@nba.nic.in>, "NBA Technical" <techbs@nba.nic.in>, "Accounts Officer, NBA" <accounts@nba.nic.in>, sbb2-nba@nic.in
Sent: Thursday, February 13, 2025 6:12:11 PM
Subject: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

Dear Sir/Madam,

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Yours sincerely,

Dr. B. Balaji, IFS

Member Secretary,
National Biodiversity Authority,
5th Floor, TICEL Biopark,
CSIR Road, Taramani,
Chennai-600113, India.



 **Secy_138.pdf**
755 KB

 **Agenda for the 72 Authority meeting 18.02.2025.pdf**
773 KB

From : Dr. B Balaji <secretary@nba.nic.in>

Thu, Feb 20, 2025 01:32 PM

Subject : Fwd: Agenda for the 72nd Authority meeting
(Emergency Meeting) of the National Biodiversity
Authority

 2 attachments

To : sbb2-nba@nic.in

From: "Dr Kousthubha Upadhyaya" <adviser-ayush@gov.in>

To: "Dr. B Balaji" <secretary@nba.nic.in>

Cc: "Mr. C. Achalender Reddy" <chairman@nba.nic.in>, "RAGHU KUMAR KODALI"
<kodali.rk@gov.in>

Sent: Thursday, February 20, 2025 1:07:24 PM

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Dr. Kousthubha Upadhyaya,
Advisor(Ayurveda),
Ministry of Ayush,
Government of India,
Ph No.: 20815348**

===== Forwarded message =====

From: RAJESH KOTTECHA <secy-ayush@nic.in>

To: "Dr Kousthubha Upadhyaya" <adviser-ayush@gov.in>

Date: Thu, 13 Feb 2025 18:24:51 +0530

Subject: Fwd: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

===== Forwarded message =====

With regards,

--

Office of Secretary AYUSH,
AYUSH Bhawan, B-Block, GPO Complex,
INA, New Delhi - 110 023
Ph. - 91-11-24651950, 24651951
Fax: - 011-24651937



From: "Dr. B Balaji" <secretary@nba.nic.in>
To: "RAJESH KOTTECHA" <secy-ayush@nic.in>, "Dr Rajesh S Gokhale" <secy@dbt.nic.in>, "Vivek Bharadwaj" <secy-mopr@nic.in>, "Secretary Tribal Affairs" <secy-tribal@nic.in>, "Devesh Chaturvedi" <secy-agri@gov.in>, "GP Singh"

<GP.Singh@icar.gov.in>, "Prashant Srivastava" <srivastava.pks@gov.in>, "Prem Srivastava" <srivastava.ps@nic.in>, "Dr. Anita Gupta" <anigupta@nic.in>, "Viswajanani Sattigeri" <viswajanani.sattigeri@csir.res.in>, "Vibha Malhotra Sawhney" <vmalsaw@csir.res.in>, "Alka Rao" <raoalka@imtech.res.in>, "Dr. Alka Rao" <rao.alka@fssai.gov.in>, jmlaishram@rediffmail.com, "bonjaee envirolegal" <bonjaee.envirolegal@gmail.com>, bonjaee@gmail.com, rrhanchinal@gmail.com, rrhanchinal@rediffmail.com, rajsbb@rajasthan.gov.in, "koj rinya" <koj.rinya@gmail.com>, "secy tnbb" <secy.tnbb@tn.gov.in>, pccfwildlife1961@gmail.com

Cc: "RAGHU KUMAR KODALI" <kodali.rk@gov.in>, "Achuta Nand Shukla" <achuta.shukla@gov.in>, "Administrative Officer, NBA" <admn@nba.nic.in>, "NBA Technical" <techbs@nba.nic.in>, "Accounts Officer, NBA" <accounts@nba.nic.in>, sbb2-nba@nic.in

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Yours sincerely,


Dr. B. Balaji, IFS

Member Secretary,
National Biodiversity Authority,
5th Floor, TICEL Biopark,
CSIR Road, Taramani,
Chennai-600113, India.



 **Agenda for the 72 Authority meeting 18.02.2025.pdf**
773 KB

From : Mr. C. Achalender Reddy <chairman@nba.nic.in>
Subject : Fwd: Agenda for the 72nd Authority meeting
(Emergency Meeting) of the National Biodiversity
Authority

Thu, Feb 20, 2025 01:31 PM
 2 attachments

To : achal reddy <achal.reddy@gmail.com>

Cc : Dr. B Balaji <secretary@nba.nic.in>, Administrative Officer, NBA <admn@nba.nic.in>, Accounts Officer, NBA <accounts@nba.nic.in>, sbb2-nba@nic.in

From: "Dr Kousthubha Upadhyaya" <adviser-ayush@gov.in>

To: "Dr. B Balaji" <secretary@nba.nic.in>

Cc: "Mr. C. Achalender Reddy" <chairman@nba.nic.in>, "RAGHU KUMAR KODALI" <kodali.rk@gov.in>

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Advisor(Ayurveda),
Ministry of Ayush,
Government of India,
Ph No.: 20815348**

===== Forwarded message =====

From: RAJESH KOTTECHA <secy-ayush@nic.in>

To: "Dr Kousthubha Upadhyaya" <adviser-ayush@gov.in>

Date: Thu, 13 Feb 2025 18:24:51 +0530

Subject: Fwd: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

===== Forwarded message =====

With regards,

--

Office of Secretary AYUSH,
AYUSH Bhawan, B-Block, GPO Complex,
INA, New Delhi - 110 023

Ph. - 91-11-24651950, 24651951
Fax: - 011-24651937



From: "Dr. B Balaji" <secretary@nba.nic.in>
To: "RAJESH KOTECHEA" <secy-ayush@nic.in>, "Dr Rajesh S Gokhale" <secy@dbt.nic.in>, "Vivek Bharadwaj" <secy-mopr@nic.in>, "Secretary Tribal Affairs" <secy-tribal@nic.in>, "Devesh Chaturvedi" <secy-agri@gov.in>, "GP Singh" <GP.Singh@icar.gov.in>, "Prashant Srivastava" <srivastava.pks@gov.in>, "Prem Srivastava" <srivastava.ps@nic.in>, "Dr. Anita Gupta" <anigupta@nic.in>, "Viswajanani Sattigeri" <viswajanani.sattigeri@csir.res.in>, "Vibha Malhotra Sawhney" <vmalsaw@csir.res.in>, "Alka Rao" <raoalka@imtech.res.in>, "Dr. Alka Rao" <rao.alka@fssai.gov.in>, jmlaishram@rediffmail.com, "bonjaee envirolegal" <bonjaee.envirolegal@gmail.com>, bonjaee@gmail.com, rrhanchinal@gmail.com, rrhanchinal@rediffmail.com, rajsbb@rajasthan.gov.in, "koj rinya" <koj.rinya@gmail.com>, "secy tnbb" <secy.tnbb@tn.gov.in>, pccfwildlife1961@gmail.com
Cc: "RAGHU KUMAR KODALI" <kodali.rk@gov.in>, "Achuta Nand Shukla" <achuta.shukla@gov.in>, "Administrative Officer, NBA" <admn@nba.nic.in>, "NBA Technical" <techbs@nba.nic.in>, "Accounts Officer, NBA" <accounts@nba.nic.in>, sbb2-nba@nic.in
Sent: Thursday, February 13, 2025 6:12:11 PM
Subject: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

Dear Sir/Madam,

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Yours sincerely,

Dr. B. Balaji, IFS
Member Secretary,
National Biodiversity Authority,
5th Floor, TICEL Biopark,
CSIR Road, Taramani,
Chennai-600113, India.



**Agenda for the 72 Authority meeting 18.02.2025.pdf**

773 KB

From : Dr. B Balaji <secretary@nba.nic.in> Fri, Feb 14, 2025 10:41 AM
Subject : Fwd: Agenda for the 72nd Authority meeting
(Emergency Meeting) of the National Biodiversity
Authority
To : sbb2-nba@nic.in

From: "bonjaee envirolegal" <bonjaee.envirolegal@gmail.com>
To: "Dr. B Balaji" <secretary@nba.nic.in>
Sent: Friday, February 14, 2025 8:57:37 AM
Subject: Re: Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

Dear Dr Balaji,

As of now it seems difficult for me to physically remain present for the meeting. However, I shall remain present at the meeting virtually.

I shall see if I can manage to come physically and would update you on the same day after tomorrow ie on 16th evening.

Kind regards,
Dr Gouri Joshi

On Thu, 13 Feb 2025 at 6:12 PM, Dr. B Balaji <secretary@nba.nic.in> wrote:

Dear Sir/Madam,

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Dr. B. Balaji, IFS

Member Secretary,
National Biodiversity Authority,
5th Floor, TICEL Biopark,
[CSIR Road, Taramani,](#)
[Chennai-600113, India.](#)



From : Dr. B Balaji <secretary@nba.nic.in>

Thu, Feb 13, 2025 06:12 PM

Subject : Agenda for the 72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority

📎 1 attachment

To : RAJESH KOTTECHA <secy-ayush@nic.in>, Dr Rajesh S Gokhale <secy@dbt.nic.in>, Vivek Bharadwaj <secy-mopr@nic.in>, Secretary Tribal Affairs <secy-tribal@nic.in>, Devesh Chaturvedi <secy-agri@gov.in>, GP Singh <GP.Singh@icar.gov.in>, Prashant Srivastava <srivastava.pks@gov.in>, Prem Srivastava <srivastava.ps@nic.in>, Dr. Anita Gupta <anigupta@nic.in>, Viswajanani Sattigeri <viswajanani.sattigeri@csir.res.in>, Vibha Malhotra Sawhney <vmalsaw@csir.res.in>, Alka Rao <raoalka@imtech.res.in>, Dr. Alka Rao <rao.alka@fssai.gov.in>, jmlaishram@rediffmail.com, bonjaee envirolegal <bonjaee.envirolegal@gmail.com>, bonjaee@gmail.com, rrhanchinal@gmail.com, rrhanchinal@rediffmail.com, rajsbb@rajasthan.gov.in, koj rinya <koj.rinya@gmail.com>, secy tnbb <secy.tnbb@tn.gov.in>, pccfwildlife1961@gmail.com

Cc : RAGHU KUMAR KODALI <kodali.rk@gov.in>, Achuta Nand Shukla <achuta.shukla@gov.in>, Administrative Officer, NBA <admn@nba.nic.in>, NBA Technical <techbs@nba.nic.in>, Accounts Officer, NBA <accounts@nba.nic.in>, sbb2-nba@nic.in

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Member Secretary,
National Biodiversity Authority,
5th Floor, TICEL Biopark,
CSIR Road, Taramani,
Chennai-600113, India.



Agenda for the 72 Authority meeting 18.02.2025.pdf
773 KB

Email

sbb2-nba@govcontractor.in

Re: Regarding Agenda Item no iii72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority - reg

From : RAGHU KUMAR KODALI <kodali.rk@gov.in>

Fri, Feb 21, 2025 06:21 PM

Subject : Re: Regarding Agenda Item no iii72nd Authority meeting (Emergency Meeting) of the National Biodiversity Authority - reg**To :** Dr. B Balaji <secretary@nba.nic.in>, achal reddy <achal.reddy@gmail.com>, Mr. C. Achalender Reddy <chairman@nba.nic.in>**Cc :** GP Singh <GP.Singh@icar.gov.in>, Prashant Srivastava <srivastava.pks@gov.in>, Prem Srivastava <srivastava.ps@nic.in>, Dr. Anita Gupta <anigupta@nic.in>, Viswajanani Sattigeri <viswajanani.sattigeri@csir.res.in>, Vibha Malhotra Sawhney <vmalsaw@csir.res.in>, Alka Rao <raoalka@imtech.res.in>, Dr. Alka Rao <rao.alka@fssai.gov.in>, jmlaishram@rediffmail.com, bonjaee envirolegal <bonjaee.envirolegal@gmail.com>, bonjaee@gmail.com, rrhanchinal@gmail.com, rrhanchinal@rediffmail.com, rajsbb@rajasthan.gov.in, koj rinya <koj.rinya@gmail.com>, secy tnbb <secy.tnbb@tn.gov.in>, pccfwildlife1961@gmail.com, s rajesh Rajesh <rajesh.skumar@gov.in>, ghoshm@icfre.org, Administrative Officer, NBA <admn@nba.nic.in>, NBA Technical <techbs@nba.nic.in>, Accounts Officer, NBA <accounts@nba.nic.in>, sbb2-nba@nic.in

To

Respected Chairman, NBA

Observations Note on Agenda Item 72.03

1. Chairman, NBA has constituted a committee vide order dated NBA/Ch/Misc-N/2024/38 dated 28.09.2024 for preparation of a consolidated draft report of the travelling allowances, lodging and boarding entitlements for **permanent staff**, contract staff, Consultants, Young Professional, Advisors and Outsourcing staff.

2. However, the travel entitlements of permanent staff cannot be decided by the committee constituted as above.

3. The report submitted by the Committee was not placed before the Members of the Authority. It is also observed that required information was not collected from the Administrative Ministry regarding

entitlements of the consultants appointed in the various Divisions of the Ministry.

4. However, NBA has issued an O.M. No. NBA/2/13/2024-25/A-38/2828 dated 05.02.2025, with the approval of the competent authority, fixing the entitlements of the non-regular staff, including post-facto approval of the order in 72nd authority meeting.
5. Travelling allowance including accommodation entitlement, food bills may be allowed, based on the entitlements decided by the Ministry vide O.M. No. A65013/7/2018-P.II dated 22.09.2020, regarding the entitlements of consultants as committee not considered this OM.
6. Administrative and Finance approval of the Ministry may be obtained, as the expenditure is booked under Grants-in-Aids provided by the Administrative Ministry after approval from authority for avoid future complications.
7. In view of above points It is also suggested that detailed deliberations may be undertaken in the next authority meeting on the above subject matter with relevant data collected by the committee and also as mentioned at point no 5 above , **until that above order may be kept in abeyance** to avoid any audit objections in future.

It is requested to record the above observations in the proceedings of the 72nd authority meeting.

RAGHU KUMAR KODALI
Scientist 'G'/Advisor,
National Focal Point to CBD and Cartagena Protocol
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110 003
Tel.: 011-20819420

---- On Mon, 17 Feb 2025 14:14:41 +0530 **Dr. B Balaji** <secretary@nba.nic.in> wrote

Dear Sir/Madam,

Please find below the meeting link for the 72nd Authority (Emergency) meeting of the National Biodiversity Authority to be held on 18.02.2025 at **Teesta Hall, MoEFCC, New Delhi** at 10:00 am.

72nd Authority meeting of National Biodiversity Authority(NBA)
Hosted by IT Division MoEFCC

<https://moefcc.webex.com/moefcc/j.php?MTID=ma03c93008be15c344662be6798252552>

Tuesday, February 18, 2025 10:00 AM | 6 hours | (UTC+05:30) Chennai, Kolkata, Mumbai, New Delhi

Meeting number: 2513 606 6306

Password: 879564

Agenda: A National Biodiversity Authority(NBA) 72 Authority meetings

Join by video system

Dial 25136066306@moefcc.webex.com

You can also dial 210.4.202.4 and enter your meeting number.

Join by phone

+65-6703-6949 Singapore Toll

Access code: 251 360 66306

The members who are attending the meeting in person are kindly invited to join for lunch at the Dining hall, 4th floor, MoEFCC.

Yours sincerely,

Dr. B. Balaji, IFS

Member Secretary,

National Biodiversity Authority,

5th Floor, TICEL Biopark,

CSIR Road, Taramani,

Chennai-600113, India.

From: "Dr. B Balaji" <secretary@nba.nic.in>

To: "RAJESH KOTECHA" <secy-ayush@nic.in>, "Dr Rajesh S Gokhale" <secy@dbt.nic.in>, "Vivek Bharadwaj" <secy-mopr@nic.in>, "Secretary Tribal Affairs" <secy-tribal@nic.in>, "Devesh Chaturvedi" <secy-agri@gov.in>, "GP Singh" <GP.Singh@icar.gov.in>, "Prashant Srivastava" <srivastava.pks@gov.in>, "Prem Srivastava" <srivastava.ps@nic.in>, "Dr. Anita Gupta" <anigupta@nic.in>, "Viswajanani Sattigeri" <viswajanani.sattigeri@csir.res.in>, "Vibha Malhotra Sawhney" <vmalsaw@csir.res.in>, "Alka Rao" <raoalka@imtech.res.in>, "Dr. Alka Rao" <rao.alka@fssai.gov.in>, "jmlaishram" <jmlaishram@rediffmail.com>, "bonjaee envirolegal" <bonjaee.envirolegal@gmail.com>, "bonjaee" <bonjaee@gmail.com>, "rrhanchinal" <rrhanchinal@gmail.com>, "rrhanchinal" <rrhanchinal@rediffmail.com>, "rajsbb" <rajsbb@rajasthan.gov.in>, "koj rinya" <koj.rinya@gmail.com>, "secy tnbb" <secy.tnbb@tn.gov.in>, "pccfwildlife1961" <pccfwildlife1961@gmail.com>

Cc: "RAGHU KUMAR KODALI" <kodali.rk@gov.in>, "Achuta Nand Shukla" <achuta.shukla@gov.in>, "Administrative Officer, NBA" <admn@nba.nic.in>, "NBA Technical" <techbs@nba.nic.in>, "Accounts Officer, NBA" <accounts@nba.nic.in>, sbb2-nba@nic.in

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Yours sincerely,

Dr. B. Balaji, IFS

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