



**PROCEEDINGS**  
**77<sup>th</sup> AUTHORITY MEETING**

**Venue**  
**NBA Headquarters**  
**Chennai**

**23<sup>rd</sup> March 2026**

**NATIONAL BIODIVERSITY AUTHORITY**  
**Chennai**

## Proceedings of the 77<sup>th</sup> Authority Meeting of the National Biodiversity Authority held on 23<sup>rd</sup> March 2026 at NBA, Chennai

The 77<sup>th</sup> Authority meeting of the National Biodiversity Authority (NBA) was held on 23<sup>rd</sup> March 2026 at NBA, Chennai, under the Chairmanship of Shri Virendra R Tiwari, 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 and the Members of the Authority who joined in person and online. The Authority members appreciated the efforts taken by the NBA in disbursing the Access and Benefit Sharing amount to the benefit claimers and also speeding up the process of IPR applications.

4. Further, the Member Secretary made a detailed presentation on the agenda items, which are as follows:

### **77.01: Confirmation of the Proceedings of the 76<sup>th</sup> Authority meeting**

The Member Secretary informed that the draft Proceedings of the 76<sup>th</sup> meeting of the National Biodiversity Authority (NBA) held on **05.01.2026** at National Biodiversity Authority Headquarters, Chennai were circulated to the members *via* e-mail dated 13.01.2026 to seek their comments. Comments were received from *ex officio* member Dr. Viswajanani Sattigeri, CSIR-TKDL. The comments of the member were incorporated and placed as **Annexure I** for confirmation. The members unanimously agreed to confirm the Proceedings of the 76<sup>th</sup> Authority meeting.

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**Decision:** *The Proceedings of the 76h Authority Meeting were confirmed.*

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### **77.02: Action Taken Report of the 76th Authority Meeting**

The Member Secretary apprised and explained the members of the actions taken on the decisions taken of the 76<sup>th</sup> Authority meeting and the members deliberated the same. He further mentioned that actions taken on the Agenda Item No 76.06 (*To consider Revised Guidelines for designated repositories*) and 76.18 (*To consider the modalities for sharing the benefit sharing amount accrued in cases where the biological resources are accessed from traders/institute / intermediaries as per Rule 21(4) of the Biological Diversity Rules, 2024 and BD (ABS) Regulations, 2025*) have been placed as separate agenda for further discussion in the meeting.

#### **2. *Against Agenda Item No. 76.25.1: To consider the proposal for launching a new initiative – Short-term Internship***

The Member Secretary apprised the members that as per the Authority decision, Legal opinion was obtained from the Legal Section of NBA regarding the engagement of short-term interns without stipend. He explained that similar internship arrangements are



being followed by organizations such as NITI Aayog, DPIIT, and AWIC. The Legal Section has examined the matter and conveyed that the proposal may be considered. Hence, an Office Memorandum has been issued on 12.02.2026, and the guidelines have been uploaded on the official website. In this regard, the members deliberated and suggested that the approved guidelines may be forwarded to the students who had earlier requested for such internship for taking further necessary steps at their institutions.

3. Further, the members noted the action taken by NBA on the various decisions taken in the 76<sup>th</sup> Authority meeting.

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*Decision: The actions taken by the NBA on decisions taken in the 76th Authority meeting were noted by the members.*

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**77.03: To consider the report of the Expert Committee to devise modalities for utilisation of the ABS amount earmarked to the NBA**

The Member Secretary explained to the members that the Authority, in its 75th meeting (Agenda Item No. 75.08), considered the draft modalities for sharing of benefit-sharing amounts in cases where biological resources are accessed from traders and decided that, in such cases, the NBA may retain the benefit-sharing component and utilise the same for the purposes specified under Section 27 of the Act read with Regulation 12 of the ABS Regulations, 2025. Similarly, if the biological resources are accessed from Institution / University, the ABS amount will be distributed to them through SBB.

2. He further apprised the members that a majority of the applications pertain to access to biological resources sourced from markets, institutions and traders, and in such cases, tracing the original source of the biological resources within the supply chain is not practically feasible, resulting in a substantial amount of ABS funds accruing to the National Biodiversity Fund (NBF) which needs modalities for utilizing it.

3. In this regard, the Member Secretary informed that NBA constituted an expert committee to devise modalities for utilisation of the ABS amount earmarked to the NBA in cases of access to biological resources from traders, institutions or intermediaries, in accordance with the Biological Diversity Act, 2002, the Biological Diversity Rules, 2024 and the ABS Regulations, 2025 vide Office Order No. NBA/Tech.Gen/22/150/25/25-26/2451 dated 17.12.2025 under the Chairmanship of Shri. A.K. Goyal IFS (Retd.), Former Special Secretary, Ministry of Panchayati Raj, New Delhi. The tenure of the EC was three months from the date of issue of office order. The Expert Committee held its meetings on January 06, 2026, February 05, 2026 and February 11, 2026, after detailed deliberations, the EC submitted its recommendations to the NBA on 16<sup>th</sup> February, 2026



4. The Member Secretary explained to the members the key recommendations made by the EC in the report, which are as follows:

(a) **Biological resources accessed from traders/ intermediaries:**

- I. If the biological resources, based on the information or records available with the Botanical Survey of India/Zoological Survey of India or Ministry of Ayush or other published records **are restricted to a few states/UTs**, the ABS amount should be distributed to the SBBs concerned for utilisation as per the provisions of the Act.
- II. If the biological resources are widely available throughout the country, and from the available information, it is not possible to find out the exact geographical source of origin of those biological resources, the NBA may utilize the ABS amount as per the provisions of section 27 of the Act and in a manner suggested in the Annex.

(b) **Biological resources accessed from the institutions**

- I. To obtain information on the source of origin of a particular biological source so accessed by the applicant from an institution, the NBA may request the institution to provide provenance records, including the date of access if those details are not provided in the application. The institution may be requested to **respond within a period of 45 days**.
- II. If the details are made available by the institution along with geo-location of the biological resource so accessed, then the amount will be distributed to the farmers/community/Biodiversity Management Committee (BMC), etc., as the case may be, through the SBB/UTBC concerned, after sharing ABS as per the criteria given below with the institution for their value-addition/efforts.
- III. If there is no response from the institution, the amount will be utilized by the NBA for the purposes as provided in the Annex after transferring the amount as per the criteria given below to the institution as considered appropriate by the NBA.
- IV. The NBA may issue advisory requiring the institutions to maintain proper provenance records of the biological resources in the future.

(c) **Criteria for sharing the ABS amount between the institution and SBB/UTBC**

- **Accessed from the institution and source of origin is known:** Sharing the ABS amount with the research institution (in the range of 25-40%);

- The Institution's share can be increased up to 40% on a case by case basis, based on the criteria provided in the report.

- **Sharing the ABS amount with the SBB/UTBC (in the range of 60-75%)**

(i) If there is only one state identified as the source of origin of that particular biological resource, after sharing with the institution, the remaining ABS amount shall be shared with that SBB concerned. If the geo-location details of the bio-resource are also made available, the ABS amount may be shared with the actual beneficiary BMC/community or an individual cultivator.

(ii) If the bio-sources **are found in less than 10 states/UTs**, the benefits can be shared with the SBBs/UTBCs in those states in proportion to the geographical extent/distribution patterns/abundance of the species of each state, where those are found and the degree of harvest/trade from each state.

(iii) If the above-mentioned information sought from the states/UTs is not made available or not available even in the published records, then the NBA may consider distributing the ABS amount equally to all those SBBs/UTBCs concerned.

(iv) If a biological resource is found in more than ten states/UTs, then the NBA may either share the ABS amount with the concerned SBBs/UTBCs of those states/UTs, or may retain the full amount if the ABS amount is not adequate enough for distribution among those states/UTs. The NBA may utilise the amount as per the provisions of section 27 of the Act.

**(d) Factors that could assist the NBA in adjusting these percentage:**

The NBA may increase the share of SBB/UTBC (up to 75%) if:

1. the biological resource was recently collected with minimal processing by the research institution
2. clear indication of the state of origin exists
3. strong conservation need in the source state/UT, and
4. any other factors which the NBA may find appropriate.

(e) If the above-mentioned information is not provided by the institutions and the SBBs/UTBCs concerned, the NBA may adopt a standard allocation formula, of say, 70% to SBB/UTBC and 30% to institutions as a default.

5. Based on the recommendations, the members discussed and deliberated on the issues that could arise while allocating and disbursing the ABS amount. The members deliberated that a baseline database or a ready reckoner from secondary sources may



be developed in such cases to allocate the ABS amount to SBBs/UTBCs/BMCs/community/ farmers. However, if the source/ geo-locations of the biological resources are not known, then the amount may be used by the NBA as per the provisions of section 27 of the Act.

6. Further, the members deliberated if Utilization Certificate (UC) may be sought from the institutions who received the ABS. Few members opined that the UC may not be sought but conditions may be put forth to provide information on the utilization of the ABS amount by the Institutions. The members also opined that the NBA may request the head of the institution to monitor the utilization of the ABS amount and provide a report. In this regard, Dr. Kousthubha Upadhyaya, representative of Ministry of Ayush suggested that the report from the institutions may be sought as it would help NBA in providing answers to the Parliamentary questions.

7. In this regard, Dr. Sunil Archak, representative of NBPGR suggested that NBA may prepare guidelines/ modalities which may be provided to the institutions for utilizing the ABS amount. To this, the members agreed and the Chairperson, NBA mentioned that the guidelines/modalities for the institutions to utilize the ABS amount may be developed and placed in the next authority meeting on 22<sup>nd</sup> May 2026.

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**Decision:** a. *The Authority members approved the Report of the Expert Committee to devise modalities for utilisation of the ABS amount earmarked to the NBA in cases of access to biological resources from traders, institutions or intermediaries, in accordance with the Biological Diversity Act, 2002, the Biological Diversity Rules, 2024 and the ABS Regulations, 2025*

b. *The Authority members directed the NBA Secretariat to develop a baseline data using secondary sources for identifying the source/ geo-locations of the biological resources to disburse the ABS amount to the SBBs/UTBCs/BMCs/community/ farmers.*

c. *The Authority members directed the NBA to develop guidelines/modalities for the institutions to utilize the ABS amount.*

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**Action: Member Secretary, NBA**

#### **77.04: To consider Revised Guidelines for Designated Repositories**

The Member Secretary informed the members that the Authority, in its previous meeting (Agenda Item No. 76.06), directed the NBA Secretariat to circulate the draft Revised Guidelines for Designated Repositories to the institutions notified as Designated Repositories under the Biological Diversity Act for obtaining their comments. Accordingly, the NBA Secretariat circulated the draft revised guidelines to 18 designated repositories on 29<sup>th</sup> January 2026. Subsequently, a consultation meeting with the Committee and representatives of the 18 repositories was held on 12<sup>th</sup> February 2026.



2. The minutes of the said meeting were circulated to all concerned repositories for further comments. In this regard, it was deliberated that Dr Sunil Archak, NBPGR had provided the comments which were seed-specific. The Authority members deliberated that the guidelines have been developed to capture the different types of organisms including micro-organisms to animal species.

3. Further, the members deliberated if the samples deposited in the repository may be shared with anybody who request for it. In this regard, Dr. Achuta Nand Shukla, MoEFCC mentioned that in BSI and ZSI, voucher specimens cannot be shared but can be provided on loan basis for identification only. Further, Dr. Kousthubha Upadhyaya, Advisor(Ayurveda), Ministry of Ayush proposed that the following clause may be inserted in the proposed guidelines to address unique nature of each bio-resources "However the sharing of voucher specimens to any researchers and institutions are subject to the specific policy applicable for particular category of specimen of bio-resources as decided by the repositories concerned".

4. However, the Member Secretary apprised the members that as per the provisions of the Act, the repositories shall keep in safe custody the biological material including voucher specimens deposited with them and hence cannot be shared but used as proof during disputes if any. In this regard, he suggested that a paragraph on the provisions of the BD Act may be included in the guidelines.

5. The Member Secretary informed that the species that are abundantly available need not be deposited in the repository but specific varieties need to be deposited. Dr. Achuta Nand Shukla, MoEFCC suggested that the repositories may digitize the voucher specimens for future reference and this may be added in the guidelines prepared.

6. In this regard, during the deliberations, Chairman, NBA requested the members to provide comments on the guidelines within two days. Dr. Hanchinal Ramappa mentioned that the guidelines already include that the designated repositories may develop their own Standard Operating Procedure (SOP) for the safe custody of the biological materials deposited by the applicants who have got approval from NBA. The, Chairman, NBA asked the members to approve the guidelines to the comments provided by the members.

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**Decision:** *The Authority members approved the Revised Guidelines for Designated Repositories subject to the comments provided by the members.*

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**Action: Member Secretary, NBA**



**77.05: To consider the proposal to designate the Natural History Museum and Research Centre as the Designated National repository under Section 39 of the BD Act, 2023**

The Member Secretary apprised the members that NBA had received a proposal from the Natural History Museum, Mizoram University, Aizawl, seeking designation of the Natural History Museum as a Designated National Repository.

2. In this regard, he mentioned that NBA engaged Dr. Joykumar Meitei Laishram, Member of the Authority as a 'Domain Expert' to visit Natural History Museum, Mizoram University, Aizawl, and examine the facilities and infrastructure to act as designated repository under Section 39 of the Biological Diversity (Amendment) Act, 2023 and submit its report to this office for further course of action.

3. The Member Secretary apprised the members that Dr. Joykumar Meitei Laishram visited Mizoram University from 23<sup>rd</sup> to 25<sup>th</sup> Feb 2026 for assessment of Natural History Museum and Research Centre, Mizoram University. The report of the visit was submitted to NBA on 03.03.2026 wherein it was mentioned that, the infrastructure is adequate for storing several more species of both flora and fauna from all over N.E. India. However, the herbarium room is small and number of racks are few, but it can accommodate many more herbarium for some more years of collections in the future. Hence it was recommended to recognize the natural history museum of Mizoram University, Aizawl as national repository especially for preservation of floral and faunal bio-diversities of North East India which is the biodiversity hot- spot of Indo-Burmese region.

4. In this regard, the members deliberated on the importance of having a designated repository in the North East. The members suggested the NBA may not restrict Mizoram University to be the only designated repository in the north east. To this, the Member Secretary apprised the members the institutions are free to submit proposal for recognizing their institute to be a designated repository and NBA is open to consider proposal from potential institutions.

5. Further, the members suggested that the NBA may take an undertaking from the Institutions that request for designating as a repository that it would have a dedicated area or infrastructure to store the biological materials; should have manpower exclusively to take care of the vouchers submitted by the applicants based on the NBA approval and the University/Institution will take the responsibility to maintain it.

6. In this regard, the members opined that more information and the above-mentioned undertaking are required from the Natural History Museum and Research Centre, Mizoram University to approve the proposal by the Authority. Hence, the agenda was deferred to the next Authority meeting.



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**Decision:** a. The Authority members deferred the proposal to designate the Natural History Museum and Research Centre as the Designated National repository under Section 39 of the BD Act, 2023 for want of more information.

b. The Authority members directed the NBA Secretariat to take an undertaking from the University for the following

(i) Having a dedicated area or infrastructure to store the biological materials submitted as voucher specimens submitted by the applicants, based on the NBA approval

(ii). Have manpower exclusively to keep voucher specimens in safe custody

(iii). The University will take responsibility for maintaining the repository.

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**Action: Member Secretary, NBA**

**77.06: To consider the determination of Sector – Specific Benefit Sharing percentage for IPR commercialisation by section 3(2) & Section 7 Persons.**

The Member Secretary apprised the Authority members that the Expert Committee on ABS held a meeting in hybrid mode on 23.12.2025 to determine Sector-Specific Benefit Sharing percentages for IPR commercialisation under Form 7 & Form 9. The meeting was chaired by Dr. P.L. Gautam (Ex-Chairperson, NBA) and Co-Chaired by Dr. S. Balaji (IFS Retd.).

2. He mentioned that the meeting was convened to formulate the “Determination of Sector-Specific Benefit Sharing percentages for IPR commercialisation” in line with the Biological Diversity (Amendment) Act, 2023, the Biological Diversity Rules, 2024 & the Biological Diversity (Access to Biological Resources and Knowledge Associated thereto and Fair and Equitable Sharing of Benefits) Regulations, 2025.

3. The Member Secretary explained that the Committee rationalized the framework into three (3) broad sectors:

- **Category 1:** Ayush (Traditional Medicine), Food, Agriculture, Environment-friendly innovations, Public health, Bio-input, Public interest sectors.
- **Category 2:** Nutraceuticals, Textiles, Miscellaneous.
- **Category 3:** High-value commercial Sectors, Pharmaceuticals, Cosmetics, Fragrance, Industrial Biotechnology.

The Expert Committee finalized a sector-specific category table for determining benefit-sharing percentages for persons under Sections 3(2) and 7 of the Biological Diversity (Amendment) Act, 2023.

The finalized benefit-sharing matrix is placed below for the perusal of the Authority

Type of applicant	Traditional Knowledge (TK) Status	Category - 1			Category - 2			Category - 3		
		Ayush (traditional Medicine), Food, Agriculture, Environmental friendly innovations, Public health, Bio-input, Public interest sectors	Nutraceutical, Textiles, Miscellaneous	High value commercial Sectors, Pharmaceuticals, Cosmetics, Fragrance, Industrial Biotechnology	Applicant himself commercializing	Transfer License	Royalties	Applicant himself commercializing	Transfer License	Royalties
Individual Inventor (Scientist / Student / Individual)	No TK	0.5	5	5	0.5	5	5	0.6	5	5
	TK involved	+25% more								
State/ Central Government Organization/ Institute(s)/ University(s) (Including autonomous bodies)	No TK	0.6	5	5	0.7	5	5	0.8	5	5
	TK involved	+25% more								
Small enterprises and start-ups MSMEs, NGO's	No TK	0.6	5	5	0.7	5	5	0.8	5	5
	TK involved	+25% more								
Private Institution(s)/ Private University(s)/ Research Organization (s)	No TK	0.6	5	5	0.7	5	5	0.8	5	5
	TK involved	+25% more								
Companies	No TK	1	5	5	1	5	5	1	5	5
	TK involved	+25% more								

4. The members deliberated on recommendations provided by the Expert Committee and also on the type of companies such as Indian and foreign companies. However, the members opined that the Regulations does not differentiate the companies into such categories.

5. Dr. Kousthubha Upadhyaya, representative of Ministry of Ayush suggested that, in the case of the Ayush (traditional Medicine) category, the benefit sharing percentage may

be equated to the slabs given in Regulation 4. He further suggested that additional charges of 25% may be put forth for the monopoly rights that is held by the Applicant.

6. The members deliberated on the suggestion and did not agree to it as the applicant holds the patent rights and monopolizes the commercialization. Further, the members also opined that the Regulation 8 related to IPR clearly provides the range of percentage for fixing the benefit sharing component and is up one percent whereas the highest percentage in Regulation 4 for commercialization without IPR is only 0.6%.

7. In this regard, Chairman, NBA opined that Dr. Kousthubha Upadhyaya may provide his comments with examples to NBA which can be referred back to the Expert Committee on ABS for consideration and deliberation. The revised recommendations may be placed in the next Authority meeting. In this regard, Dr. Kousthubha Upadhyaya vide email dated 02.04.2026 provided his comments which will be placed before the Expert Committee on ABS for further deliberations. Further, he has also requested to be invited to present his viewpoints on the instant issue in the Expert Committee on ABS meeting and to positively contribute to the deliberation and recommendations.

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**Decision:** a The Authority members deferred the recommendations provided by the Expert Committee on ABS on the determination of Sector-Specific Benefit Sharing percentages for IPR commercialisation under Form 7 & Form 9 for further discussions.

b. The comments provided by Dr. Kousthubha Upadhyaya, representative of Ministry of Ayush on the recommendations shall be referred back to the Expert Committee on ABS for consideration and deliberation.

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**Action: Member Secretary, NBA**

### **77.07: To consider the decision on ABS Applications Dealt by the Secretariat**

The Member Secretary apprised the members of the recommendations made by the Expert Committee (EC) constituted by the NBA to streamline the approval process, as per its 54<sup>th</sup> and 55<sup>th</sup> meeting, vide agenda no. 54.20.03 considered and endorsed the recommendations of the EC that NBA Secretariat may deal with the applications based on the set precedent. Accordingly, NBA vide O/o dated 19<sup>th</sup> March 2020 issued an order for processing ABS application in NBA without referring to the Expert Committee on ABS. However, in case of any contravention/ complexity, such cases alone to be placed in the EC on ABS for examination.

2. Accordingly he mentioned that the NBA secretariat so far has cleared 15 applications, agreement signed for 17 applications and closed 17 applications in Form-I, Form III, Form 1, 2 3 and 8 between from 01<sup>st</sup> December, 2025 – 28<sup>th</sup> February, 2026. Since the Biological Diversity (Amendment) Act, 2023 came into force from 1<sup>st</sup> April

2024, NBA has issued **1580** Certificate of Registration (CoR) to the old Form III and Form 8 applications. Accordingly, the NBA secretariat has issued **283** Certificates of Registration, from December, 2025 – February, 2026.

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

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**Action: Member Secretary, NBA**

### **77.08: To consider the decision taken on Form-13 (formerly Form B) applications**

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

2. He also informed that under agenda item 32.06 of 32<sup>nd</sup> Authority meeting, it was decided as follows:

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

3. Further, he mentioned that the Biological Diversity Rules, 2024 came into force from 21<sup>st</sup> December 2024. Rule 20 of the BD Rules, 2024 has introduced Form-13 which will replace Form B application.

4. The Member Secretary informed that the NBA granted approval to four (4) applications and closed four (4) applications of Form-13 (formerly Form B) between from 01<sup>st</sup> December, 2025 – 28<sup>th</sup> February, 2026.

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**Decision:** *The Authority considered and ratified the decisions taken on approval to four (4) applications and closure of four (4) applications of Form-13 (formerly Form B).*

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**Action: Member Secretary, NBA**



**77.09: To consider the Grants released to Uttar Pradesh State Biodiversity Board during the financial year 2025-26.**

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

2. During the current financial year 2025-26, the Uttar Pradesh State Biodiversity Board submitted request for additional financial assistance over and above the cap amount fixed by NBA. Based on the specific operational challenges and the additional needs required to effectively implement mandatory works related to the Biological Diversity Act, the NBA considered their request and released an additional amount of Rs. 3,00,000/- to Uttar Pradesh SBB for engaging outsourcing/contractual staff for the financial year 2025-2026.

3. In view of the above, the authority members deliberated and ratified the additional financial assistance sanctioned to Uttar Pradesh State Biodiversity Board for the financial year 2025-26.

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**Decision:** The Authority members ratified the release of an additional amount of Rs 3,00,000 to the Uttar Pradesh State Biodiversity Board for engaging outsourcing/contractual staff for the financial year 2025-2026.

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**Action: Member-Secretary, NBA**

**77.10: Access and Benefit Sharing amount released to the beneficiaries**

The Member Secretary informed the members that in accordance with Section 21 of the BD Act 2002 read with Rule 20 of the BD Rules, 2004, the NBA received Access and Benefit Sharing amount into the National Biodiversity Fund (NBF) upon execution of agreement with the applicants.

2 He further mentioned that as per the decision of 46<sup>th</sup> Authority meeting (vide agenda no. 46.05), the benefit-sharing component shall be distributed to the benefit claimers through the concerned SBB(s) from where the biological resources were accessed for undertaking activities such as conservation, promotion of livelihood of the local people, sustainable use of the biological resources, socio-economic activities, etc.

3 In addition, the 75<sup>th</sup> Authority vide agenda item no.75.08 also authorised the Chairperson, NBA, to distribute the ABS amount to the beneficiaries, as per Rule 21 of the BD Rules 2024.



4 Pursuant to the decision of the Authority, the NBA released an ABS amount of Rs. 17.31 crore to various beneficiaries, including the funds transferred to the NBF Admin A/c, during the period from 15<sup>th</sup> December 2025 to 28<sup>th</sup> February 2026; the ABS funds were released through fifteen (15) State Biodiversity Boards and three (3) Union Territory Biodiversity Councils, covering 20 Red Sanders farmers, 163 Biodiversity Management Committees, institutions, and State Forest Departments, the details are as follows:

SI.No.	Entity	Benefit claimer Name	Amount released
1	Andhra Pradesh	Andhra Pradesh Forest Dept. & Andhra Pradesh SBB	15,27,84,232.00
		5 Red Sander Farmers	44,14,412.00
		BMC located in Gandhi Nagar, West Rajamundry	28,200.00
		BMC in Ponnekallu village, Tadikonda, Guntur	9,750.00
		15 Red Sanders Farmers	10,95,988.00
		BMC in Mambattu village, Tada Mandal, Nellore & BMC in Kona Bay, Kotapalem, Ranastalam, Srikakulam	1,69,650.00
2	Assam SBB	BMC near IOCL Guwahati Refinery	1,950.00
		BMC in Bhekulajaa; Kathaloni & Tengakhat	21,938.00
		BMCs located in the Jorhat, Assam	1,950.00
3	Delhi UtBC	BMC in Kalindi Kunj & BMC in Okhla.	52,575.00
		BMCs located near to the Yamuna riverbed	1,950.00
4	Goa SBB	BMCS in Mandovi-Zuari River mangrove area.	73,125.00
		BMC in - Tambdi. Surla. Sanguem	6,825.00
5	Gujarat SBB	BMCs in Ekalabara village & BMCs in Narmada	2,13,901.00
		BMC located in Mithapur lake, Mithapur, Devbhumi, Dwarka	29,250.00
6	Haryana SBB	BMCs in the surroundings of IOCL complex, Panipat & IOCL R&Dcentre, Faridabad	2,89,185.00
		BMCs in Asaoti; Panipat, Faribabad; Bamni Khera; Palwal	1,44,037.00
		BMC Rasulpur, Kalan Village, Kamal, Haryana	9,750.00
		M/s Satprakash Dairy Farm, Rohna village, Sonipat, Haryana	2,95,977.00
7	Himachal Pradesh SBB	BMCs in Rangri, Manali	5,640.00
8	Karnataka SBB	BMC in Jannasandra Village, Madhure & Hobli, Doddaballapur	58,500.00
		BMC located in Bangalore city	7,312.00
		BMC located in Vidhya Nagar, Gangavathi, Koppal	28,200.00
		Sri Chamarajendra Zoological Gardens(Mysuru zoo); BMCs located in Bangalore, Devanagonthi, Madhure, Dammur, Kallinayakanahalli, Muppadeghatta, Halavarthy, Tukanatti, Garag, Madagondanahalli, Sameerwadi, Keragudu, BMC in Dharwad.	16,22,100.00
		BMC in Bangalore Urban	14,625.00
		BMC in Kallinayahnahalli village, Chikkaballapur	29,250.00

Sl.No.	Entity	Benefit claimer Name	Amount released
9	Ladakh UtBC	BMCs near Puga thermal hot spring and Chumathang hot spring.	29,250.00
10	Madhya Pradesh SBB	BMC in Bagda Bujurg, Khargone, MP	9,750.00
		BMC in Nalwa, Ujjain, Madhya Pradesh	51,028.00
11	Maharashtra SBB	BMCs in Wada Taluka & Brihanmumbai Municipal Corporation BMC	68,26,383.00
		Brihanmumbai Municipal Corporation BMC	17,25,929.00
		BMCS in Taloja	26,813.00
		BMC in Nashik	4,875.00
		BMC in Gangapodoli, Nashik	19,500.00
		BMCs located in Thane & Pune	60,171.00
		BMC near to Aravali hotwater springs, Sangameshwar, Ratnagiri,	29,250.00
12	Meghalaya SBB	BMCs in Daspara, West Garo Hills	51,028.00
13	Odisha SBB	BMCs in Puri City	29,250.00
14	Puducherry UtBC	BMC s in Akkaraivattam Village & Karaikal Taluk	68,250.00
15	Tamil Nadu SBB	BMCs in Kothagiri, Nilgris	9,750.00
16	Telangana SBB	BMC in Shanti Nagar, Nizamabad	28,200.00
		BMCs in Jubilee Hills, Rejinthal village and Indakaran Village	6,22,717.00
17	Uttar Pradesh SBB	BMCs in Dubagga, Narrau and Chanoli	1,00,625.00
		BMCs in Varanasi, Uttar Pradesh	4,875.00
		BMCS in Muzaffarnagar	975.00
18	Uttarakhand SBB	BMC in Haridwar, Auli and Chanoli	15,215.00
		BMC in Yamuna River Bed near Dehradun	19,500.00
19	Research (Red Sanders)	IFGTB, Coimbatore	12,31,605.00
20	NBA earmarked amount & others	NBF Admin Account	7,52,188.00
Total (Rupees Seventeen Crore Thirty-One Lakh Twenty-Seven Thousand Three Hundred Ninety-Nine Only)			17,31,27,399.00

5. The members appreciated the efforts taken by NBA in disbursing the ABS amount to the different benefit claimers.

**Decision:** The Authority members appreciated and ratified the efforts taken by NBA in disbursing the Access and Benefit Sharing amount to the benefit claimers.

**Action:** Member-Secretary, NBA

### 77.11: Details of Form-E (formerly Form C) applications received by the NBA

The Member Secretary apprised the members that in its 37<sup>th</sup> meeting held in March 2016 under agenda item 37.14.02, the Authority decided that the Indian researchers/scientists should provide prior intimation to the NBA in the prescribed format viz., Form-C (Form-E in Biological Diversity (ABS) Regulations, 2025) for deposition of microorganisms in other country's repository for claim of novel species for publication in journals.

2. NBA has received 343 intimations since March 2016 – 28<sup>th</sup> February, 2026, and the same has been reported to the Authority from time to time. Since 01<sup>st</sup> December, 2025, the Secretariat has received **one (1)** Form-C application (Form-E in Biological Diversity (ABS) Regulations, 2025) application.

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**Decision:** The Authority members noted the information on the one (1) Form-C applications (Form-E in Biological Diversity (ABS) Regulations, 2025).

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**Action: Member Secretary, NBA**

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

The Member Secretary informed that the applications seeking approval for accessing the Red Sanders wood were scrutinized as per the procedure approved by the Authority in its 32<sup>nd</sup> (32.07) & 35<sup>th</sup> (35.03 & 35.19.01) meetings. In the 32<sup>nd</sup> Authority meeting (32.07), the Authority authorised the Chairman, NBA, to accord approval to such applications without following the normal procedure and also directed the NBA Secretariat to place such approvals in the subsequent Authority meeting for ratification. Accordingly, the Chairperson, NBA approved one application from 01<sup>st</sup> December, 2025 – 28<sup>th</sup> February, 2026, which are furnished below for ratification:

Sl. No.	Appl. No.	Name of the applicant	Quantity (in MTs)	Approval granted on	5% of BS received by NBA	
					in USD	in INR
1.	INBA2202 500511	M/s. Xiamen Wanti Trading Co. Ltd.	26.488	03-12-2025	13,200.248	11,65,990.00
<b>Total</b>			<b>26.488</b>		<b>13,200.248</b>	<b>11,65,990.00</b>

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

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**Action: Member-Secretary, NBA**

**77.13: To consider the ABS amount collected from 1<sup>st</sup> Dec 2025 to 28<sup>th</sup> Feb 2026**

The Member Secretary, informed the members that in accordance with Section 21 of the BD Act 2002, the NBA received a sum of Rs. 2,35,63,651/- (Rupees Two Crore Thirty-Five Lakh Sixty-Three Thousand Six Hundred Fifty-One Only) as benefit-sharing component in the National Biodiversity Fund after execution of agreements in six (6) applications.

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

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**Action: Member-Secretary, NBA**

**77.14: Updation of Internationally Recognized Certificates of Compliance, publication of BD (Amndt) Act 2023, BD Rules 2024, ABS Regulations 2025**

The Member Secretary mentioned that under the Article 17 of the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization, Parties are obligated to issue a permit or its equivalent at the time of access, serving as evidence that the access to genetic resources was based on prior informed consent and that mutually agreed terms were established.

2. He informed the members that since India is being a party to the Nagoya Protocol, NBA has uploaded details of 3,555 approvals granted in the Access and Benefit-sharing Clearing-House (ABSCH) platform, generating Internationally Recognized Certificate of Compliances (IRCCs) since October 2014. So far, India issued **3,561** IRCCs in the ABSCH portal. These IRCCs account for 56.97% of the total certificates published globally (i.e 6251 IRCCs issued worldwide). Since 01<sup>st</sup> December, 2025 – 25<sup>th</sup> February, 2026 India has published **5** IRCCs in the ABSCH platform.

3. He further apprised the members that NBA and MoEFCC published the amended BD Act 2023, Biological Diversity Rules 2024, and ABS Regulations, 2025 in the ABS CH portal for the use of international stakeholders.

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

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**Action: Member-Secretary, NBA**

**77.15: To consider the development of ABS end-to-end portal**

The Member Secretary informed that the ABS end-to-end portal has been made operational with the availability of cultivated medicinal plant data uploaded by the State Biodiversity Boards (SBBs) and Biodiversity Management Committees (BMCs) for the purpose of issuance of Certificates of Origin. The NBA portal was deployed on AWS in



the first week of January 2026, and integration with the payment gateway of the State Bank of India (SBI) was successfully completed. He also informed that with effect from 21<sup>st</sup> January 2026, Phase I of the portal was made fully operational for submission and processing of Forms 11, 11A, and 12.

2. He apprised the members that M/s Nanda Medicinal Plants, Kullu, Himachal Pradesh, obtained the first Certificate of Origin for the cultivated medicinal plant, *Saussurea costus* from NALDA Biodiversity Management Committee (BMC), Lahaul-Tahsil and Spiti-District, through the ABS end-to-end portal. So far, a total of four Certificates of Origin have been generated by four BMCs under three SBBs, namely Himachal Pradesh (1), Meghalaya (2), and West Bengal (1).

3. Further, he also informed that the development of 13 Forms as prescribed under the Biological Diversity Rule, 2024 is currently under progress and is being undertaken in a phased manner.

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

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**Action:** Member-Secretary, NBA

#### **77.16: Update on the Development of E-PBR application (BIOMIS Portal)**

The Member Secretary apprised the members that in furtherance to the discussion made in the 75<sup>th</sup> Authority (under agenda 75.22), upon request from NIC Chennai, NBA vide letter dated 28<sup>th</sup> January 2026 has extended the timeline till 30<sup>th</sup> June 2026 for completion of the project "Design and Development of National Platform e-PBR" on a no-cost extension basis to NIC Tamil Nadu State Centre.

2. He further informed that a meeting with NIC Chennai was conducted wherein and the status of development of 2.0 version of the ePBR application was discussed on 18<sup>th</sup> February 2026. In this regard, NBA suggested to carry out the modifications/corrections to NIC team. Upon which security auditing will be undertaken and followed by migration of the software into the cloud server for use of NBA/SBBs/UtBCs/BMCs.

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

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**Action:** Member-Secretary, NBA

#### **77.17: Submission of the first national Report on the implementation of the Nagoya Protocol to the Convention on Biological Diversity (CBD)**

The Member Secretary informed that India, being a party to the Nagoya Protocol on Access and Benefit Sharing, implements its provisions through the Biological Diversity



Act, 2002, Biological Diversity Rules, 2024, ABS Regulations, 2025 (erstwhile ABS Regulation, 2014) and notifications issued thereof. Article 29 of the Nagoya protocol on ABS provides that each Party is required to monitor the implementation of its obligations under the Protocol and submit reports to the COP-MOP detailing the measures undertaken to give effect to the provisions of the Protocol.

2. Accordingly, the submission for the first national report on Nagoya Protocol was due on 28<sup>th</sup> February, 2026 as per the Decision CoP-MOP- NP-4/3 and CBD notifications.

3. In this regard, he informed that the NBA vide Office Order No. dated 1 January 2026, constituted a Multi-Stakeholder Working Group under the Chairmanship of Shri T. Rabi Kumar, IFS, Director, ICFRE–Institute of Forest Genetics and Tree Breeding (IFGTB), Coimbatore and comprising representatives from MoEFCC, State Biodiversity Boards/UT Biodiversity Councils, research institutions, international organizations, industry associations, NGOs, and Biodiversity Management Committees for preparing India's First National Report (NR-1) on the implementation of the Nagoya Protocol,

4. The Member Secretary informed that the Working Group, held its meetings on 4 February 2026 and 11 February 2026, along with a dedicated consultation with SBBs/UTBCs and BMC representatives on 10 February 2026 to validate the data furnished by them. The draft report was finalized during these consultations and final draft was circulated to all members on 12 February 2026 for comments. The report was submitted to the MoEFCC on 15.02.2026.

5. He further apprised the members that the reporting period covers 1 November 2017 to 31 December 2025, succeeding India's Interim National Report submitted on 2 November 2017, and reflects strengthened legal and institutional measures, progress in access and benefit-sharing implementation, issuance of Internationally Recognized Certificates of Compliance (IRCCs), capacity-building initiatives, and international cooperation, duly aligned with India's Seventh National Report under the CBD for coherence.

6. Subsequently, the MoEFCC submitted India's First National Report (NR-1) on the implementation of the Nagoya Protocol to the Convention on Biological Diversity through Access and benefit Sharing Clearing House portal of the CBD on 27 February, 2026, before the stipulated timeline (28<sup>th</sup> February 2026).

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

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**Action:** Member-Secretary, NBA



**77.18: To consider Circular issued regarding Submission of Declaration (Form-10) for use of Foreign Biological Resources and Associated TK in India**

The Member Secretary informed the members that, Section 36A of the Biological Diversity Act, 2002 (as amended in 2023) provides for regulation of the use in India of biological resources and associated traditional knowledge obtained from foreign countries. In terms of Rule 18(1) of the Biological Diversity Rules, 2024, any person intending to use in India any such foreign biological resource or associated traditional knowledge is required to submit a Declaration in Form-10 on the web portal of the National Biodiversity Authority (NBA), where the proposed use is for (i) research, (ii) commercial utilisation, or (iii) applying for or obtaining any form of Intellectual Property Rights (IPR).

2. In this regard, he mentioned that the NBA has been receiving applications in Form-10 and has observed that, in several cases, access to the biological resources had been obtained prior to 2024 and such resources are presently being used for research, commercial utilisation, or IPR filings.

3. In this context, he explained to the members that the Biological Diversity Rules, 2024 were notified in the Official Gazette on 22 October 2024 and, in accordance with Rule 1(2), came into force upon expiry of sixty days from the date of notification, i.e., on 21 December 2024. Consequently, the statutory obligation under Rule 18(1) to submit Form-10 becomes effective only from 21 December 2024 and applies prospectively to cases where access to foreign biological resources is obtained, or the intent to use such resources in India for the aforesaid purposes arises, on or after that date.

3. In this regard, he mentioned that to clarify the position to stakeholders, the NBA has issued a Circular dated 03.02.2026, with an immediate effect, specifying that submission of Declaration in Form-10 shall be mandatory where, on or after 21 December 2024:

(a) there is commencement of use of foreign biological resources or associated traditional knowledge for research, commercial utilisation, or IPR-related activities in India; or

(b) any application for Intellectual Property Rights in India is filed based on such foreign biological resources.

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

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**Action:** Member-Secretary, NBA



### 77.19: To consider meeting held with FSII – Seed Sector and their FAQs

The Member Secretary apprised the members that the Deputy Director, FSII requested NBA to convene a meeting with the representatives of seed sector in the month of December, 2025. Subsequently, a meeting was held in NBA office on 17<sup>th</sup> Dec 2025 wherein it was decided that FSII may submit frequently asked questions to NBA for providing response. He informed that the NBA provided inputs to FAQs for the questions sought by FSII.

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

**Action:** Member-Secretary, NBA

### 77.20: Update on the participation of NBA officers in the Conferences / Meetings/ Capacity Building Programmes

The Member Secretary informed the members that NBA officers participated in various meetings, conferences and capacity building programs including the Regional Technical workshop for the Global Environment Facility (GEF) funded project "Towards supporting preparation of the Fifth National Report on the Implementation of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD) GEFID 11907)" and "Support towards Preparation of the First National Report on the Implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (GEFID 11908)" in Bangkok, Thailand, Sixth Meeting of the Subsidiary Body on Implementation (SBI-6) under the Convention on Biological Diversity (CBD) from 16<sup>th</sup> to 19<sup>th</sup> February 2026 at Rome.

2. Further, he mentioned that the following Workshop / training / capacity building programs were conducted by NBA:

#### Stakeholders to whom the workshop / training / capacity building programme conducted

Sl. no	Date	Stakeholders to whom the workshop / training / capacity building programme conducted	Mode of workshop	Number of participations
1.	06.01.2026	Scientist and researchers of ICAR institutes	Online	80
2.	09.01.2026	Marine Biodiversity industries and institutions along with Kerala SBB and Kerala university of Fisheries and ocean studies	Physical	100
3.	30.01.2026	Bio conserve sumit 2026, Infosys, Bengaluru and IIHS	Physical	220
4.	02.02.2026	Youth congress: students, researcher etc	Online	145

5.	20.02.2026 to 22.02.2026	Youth Congress students both national and international	Physical	104
6.	26.02.2026	Wes Bengal SBB, members of expert committee, legal experts	Physical	25
7.	28.02.2026	Nasik District BMCs, Forest Officials, and Local villages	Physical	150
			Total	824

\*Note: so far, after the amendment to the BD Act, Rules, Regulations, NBA secretariat has given awareness through workshop/training/capacity building programme to 2,811 participants

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

**Action:** Member-Secretary, NBA

**77.21: To consider the Techno -Legal and Administrative inputs offered by NBA to the MoEFCC on International Instruments including Multilateral/ Bilateral matters**

The Member Secretary, NBA informed the members that NBA has provided inputs to MoEFCC for various international instruments including multilateral/bilateral discussions, cabinet notes which are as follows:

Sl. No	Section	Particular	Details
1	Inputs on MoUs	India and Israel in the field of Fisheries and Aquaculture	International Cooperation Division, MoEFCC, forwarded MoU between India and Israel in the field of Fisheries and Aquaculture and sought inputs. It was observed that both countries are parties to the Convention on Biological Diversity (CBD) and, thereby, obligated to implement its provisions and necessary compliance clause were added in Article-II. Hence Nil comments were sent to MoEFCC.
2	Expenditure Finance Committee	Draft EFC Memorandum of Continuation of National Ayush Mission scheme beyond 31.03.2026 (2026-27 to 2030-31) <b>TIME-BOUND:</b> Draft SFC Memorandum for Continuation of "Central Sector Scheme for Conservation, Development and Sustainable Management of Medicinal Plants" renamed now as "Medicinal Plants"	MoEFCC forwarded the various draft Expenditure Finance Committee from time to time and sought inputs. Accordingly, NBA examined the EFC in the light of Biological Diversity (Amendment) Act, Rules and Regulations and Kunming Montreal Global Biodiversity Framework and provided inputs to MoEFCC for further course of action.

		Development Scheme" beyond 31st March, 2026 for implementation during XVIth Financial Commission Cycle (2026-27 to 2030-31) – reg.	
3	Amendments	Amended Pesticides Management Bill-2020 for the comments Comments on Framing of Rules under Indian Ports Act, 2025 Draft bill of PCICDA for suggestions	MoEFCC forwarded the various amendments to Acts/Rules from time to time and sought inputs. Accordingly, NBA examined the amendments in the light of Biological Diversity (Amendment) Act, Rules and Regulations and Kuming Montreal Global Biodiversity Framework and provided inputs to MoEFCC for further course of action.
4	Cabinet note	Inputs on the note for the Cabinet for the Seeds Bill, 2026 SECRET: India-EU FTA: Request to furnish comments on Draft Cabinet Note	NBA examined the Cabinet Note and provided inputs to MoEFCC.
5	Meeting notice for Exim Facilitation Committee (EFC) Meeting No. 09/2025-26 dated 04.02.2026	---	The Export Cell, Directorate General of Foreign Trade, Ministry of Commerce and Industry, organises Exim Facilitation Committee (EFC) meeting under the Chairmanship of Addl. Director General Foreign Trade every month vide hybrid mode. NBA provides inputs and participates in the meeting online every month.
6	Updation of Major Initiatives, Reforms and Achievements of MoEFCC	---	MoEFCC forwarded OM dated 24.02.2026 informing that during the cabinet meeting held on 24th February, 2026, Prime Minister has desired that all the Ministers should present major reforms implemented by their respective Ministries/Departments since June, 2024, in the next Cabinet meeting. Accordingly NBA provided inputs on major reforms since June 2024
7	1 <sup>st</sup> Meeting of the Drafting Committee for preparation of the National legislation on BBNJ	---	Pursuant to India signing the BBNJ Agreement (high seas treaty) on September 25, 2024, Ministry of Earth Sciences conducted Inter-Ministerial Group Meeting for framing BBNJ Bill. MoES Technical Advisory Committee to frame the draft BBNJ Bill. Technical officer NBA was nominated as a member of Technical Advisory Committee and gave inputs regarding experience of framing and implementing ABS Rules and also on the draft "THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION, BILL, 2025"



8	WHO Pandemic Treaty	---	<p>The text of Pandemic Agreement attained consensus during 78th WHA at WHO Headquarters, Geneva on 20th May 2025 and Intergovernmental Working Group (IGWG) was established in reference to the Resolution WHA 78.1 adopted during the same session, to draft and negotiate the Annex to the WHO Pandemic Agreement described in Article 12 of the WHO Pandemic Agreement.</p> <p>Ministry of Health and Family Welfare organised inter-ministerial meeting in the month of February. Member Secretary, NBA participated in the meeting provide inputs.</p> <p>Further WHO secretariat conducted resumed session of 4th Inter-governmental working group held in hybrid format from 20th-22nd Jan 2026 and IGWG5, 9th-14th Feb 2026 both IGWG meeting were participated online by Member Secretary, NBA.</p>
9	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)	12 <sup>th</sup> Plenary meeting held during 3-8 February 2026	<p>Inputs were provided to the Indian delegation on the negotiations on assessment content, institutional matters, indicators, and priorities for future IPBES work programs.</p> <p>Inputs were provided on the implementation of the Kunming–Montreal Global Biodiversity Framework (KMGBF) under the Convention on Biological Diversity, particularly in relation to Target 15 on business disclosure and biodiversity risk management.</p> <p>Inputs were also provided for the discussions on priorities for future thematic work of Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, including emerging issues such as pollution and sustainability challenges.</p>

**Decision:** The members noted the information provided in this regard

**Action:** Member-Secretary, NBA

**77.22: Enhancing Transparency and Public Awareness: Disclosure of ABS Fund Releases and Sanction Orders through Press Information Bureau (PIB) and Social Media Platforms**

The Member Secretary explained to the members that in order to have public outreach and create awareness on ABS framework, NBA publishes the ABS amount released to the beneficiaries on the Press Information Bureau (PIB) and NBA social media accounts from time to time and showed the number of viewers count for each article.

2. The Authority members appreciated the efforts taken by NBA in this regard and also suggested that popular articles in magazines and newspapers may also be published for a broader reach and awareness creation.

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**Decision:** The Authority members noted the information provided by the NBA Secretariat on the awareness creation of the ABS framework.

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**Action: Member Secretary, NBA**

### **77.23: Any other items with the permission of the Chair**

#### **77.23.1 To consider the Proceedings of the first meeting of the Expert Committee on Invasive Alien Species**

The Member Secretary informed the members that the Hon'ble National Green Tribunal (NGT), Southern Zone, Chennai, in a *suo motu* proceeding based on the News item in The Hindu E-paper, web edition dated 24.09.2023, "Kole wetlands of Kerala face threat of alien plants" (O.A. No. 162/2023 (SZ)) directed the NBA to initiate a comprehensive study on the significant ecological risks posed by invasive alien plant species and frame guidelines.

2. Pursuant to this, the Ministry of Environment, Forest and Climate Change (MoEFCC), vide its letter dated 4 December 2025 bearing D.O. No. C-12017/3/2023-CS-III-Part (4), has also advised the NBA to constitute an Expert Committee to address issues relating to invasive alien species.

3. In this regard, the NBA, in compliance of this Hon'ble Tribunal directions, constituted an Expert Committee under Section 13 of the Biological Diversity Act, 2002 (As amended by the BD (Amendment) Act, 2023) with a tenure of two years. He mentioned that Dr. Dhananjai Mohan, IFS (Retd.), is the Chairperson of the Expert Committee, and Dr. Biju Kumar is the co-chair of the committee. He also informed that the Senior officials and experts representing national research institutions, universities, and relevant ministries are the members of the committee. He also explained that the expert committee been requested to

- a. To revise, update, and consolidate the State-wise lists, and based thereon prepare a national list of Invasive Alien Species.
  - b. To identify and prioritise invasive alien plant and animal species posing significant threats to national biodiversity, food security, agriculture, and aquaculture.
  - c. To recommend suitable management strategies and ecological restoration measures for priority invasive alien species, with particular emphasis on the conservation of indigenous biodiversity across agricultural, forest, marine, and other key ecosystems, and to formulate comprehensive national-level guidelines, including for the eradication, control, and management of such species.
  - d. To document, evaluate, and recommend best practices for the prevention, control, and management of priority invasive alien species, and to facilitate their national-level dissemination and adoption.
4. The Member Secretary further mentioned that the first meeting of the Expert Committee on Invasive Alien Species (IAS) was convened on 12 February 2026 through virtual mode.



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**Decision:** The Members noted the constitution of the Expert Committee on Invasive Alien Species and approved the minutes of the meeting.

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**Action: Member Secretary, NBA**

### 77.23.2 To consider the revised report of the Expert Committee on Materials

The Member Secretary apprised the members that based on the discussion in the 75<sup>th</sup> Authority meeting held on 13-10-2025 and the DO letter dt: 14-11-2025 received from the Ministry of Ayush, the Authority decided to place the report before the newly constituted expert committee for consideration. Accordingly, the NBA constituted an expert committee by an office order dt: 20-11-2025 to evaluate the comments received from the Ministry of Ayush.

2. Thereafter, he mentioned that the committee had the first meeting through virtual mode on 22<sup>nd</sup> December 2025, and Dr. Kousthubha Upadhyaya was invited to make his representation before the committee. After detailed discussion and deliberations, the committee assured that more clarity and justification shall be given wherever it is required and reconsider the categorization if necessary for materials in biological resources category to that of derivative accordingly. The second meeting was held on 7<sup>th</sup> March 2026.

3. The Member Secretary mentioned that, the members clarified the issues raised by the Ayush, with a few additional justifications for categorization of biological resources, derivatives and value added product and submitted the recommendations.

4. In this regard, Dr. Kousthubha Upadhyaya, Ministry of Ayush informed that he would provide his written comments after examining the recommendations. However, he *vides* email dated 02.04.2026 mentioned that he does not have comments on the recommendations provided by the Expert Committee. The Authority members approved the recommendations provided by the Expert Committee on Materials.

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**Decision:** The Authority members approved the minutes of the meetings and the recommendations of the Expert Committee on Materials

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**Action: Member Secretary, NBA**

### 77.23.3. Dispute on Benefit Sharing component

The Member Secretary apprised the members that M/s. Dabur India Ltd., had submitted following applications seeking approval of NBA for undertaking commercial utilization of biological resources



Sl.no.	Appl. No.	Date of application	No. of medicinal plants accessed	Source of access	Duration of comm. utiliz	Remarks
1.	1472	19.12.2016	142	Traders /market from 15 States	2016-17	48 <sup>th</sup> Authority considered under amnesty scheme and given approval with 5% on the purchase price of the raw material. Onetime concession only. <b>Agreement signed on 30/03/2021 and paid ABS INR 1.5 Crore</b>
2	1708	02.08.2017	126	Traders /market from 16 States	2018-20	Draft agreement sent to applicant on 16.07.2020 with ABS on product prices, ie., 0.5%, as it is a violation case.
3.	4197	15.09.2020	144	Traders /market from 12 States	2020-22	EC took note of the amnesty scheme and considered the case with higher percentage (0.5% on the product sale) Draft agreement forwarded to applicant on 13.03.2022 with benefit sharing regulation as per Regulation no.4.
4.	INBA12 023005 092	06.09.2023	122	Traders /market from 12 States	2023-26	As applicant already accessed the biological resources in 2023, the application kept in abeyance as per 73 <sup>rd</sup> Authority decision.

2. He explained that the applicant contention is that the NBA had unilaterally imposed on the applicant to pay the benefit sharing component (0.5% of annual gross ex-factory sale price of the product) under Regulation 4 of the ABS Guidelines although the Regulation 3 is one of the two options is exercisable at the behest of the applicant in computing the benefit sharing obligations under the ABS Guidelines. He mentioned that the Regulation 3 is ABS on raw material cost and Regulation. 4 is on product cost.

3. The Member Secretary further explained that out of above four applications, the Authority agreed for ABS on purchase price of the raw materials for the period 2016-17 only for one application (1472) in its 48<sup>th</sup> Authority meeting. In other three cases, NBA did not agree to the applicant's plea for ABS on purchase price of the raw materials as it is not Fair and Equitable sharing of benefits.

4. He also apprised the members that NBA gave several opportunities to the applicant to appear before the EC on ABS and Authority. As Authority has not agreed to the plea, the applicant appealed before the Hon'ble NGT, Chennai bench for the

application no. 4197 case. In this regard, NGT directed the applicant to deposit 50% of the Annual Gross ex-factory sale price of the product i.e. Rs.5.0 Crores to NBA and later passed an order stating that *"the matter is remitted back to the respondent (NBA) for fresh consideration of its order. Needless to say that the principle of natural justice shall be followed. Consequently, the Appeal is disposed of."* In this regard, the Applicant paid Rs.5.0 Crore to the National Biodiversity Fund.

5. The Member Secretary further explained that Applicant filed Civil Appeal no.4852/2024 before the Hon'ble Supreme Court of India against the order passed by the NGT order dated 20/12/2023, and sought for Stay. In this regard, the Hon'ble Supreme Court on 22.04.2024 heard the case and said *"we have not stayed the operation of the impugned judgement insofar as the order for remand has been passed. At the same time, we clarify that we have not disposed of the application for stay as it is stated that the consequent orders has been passed"*.

6. Further, the Member Secretary explained that it was observed that in the list of biological resources accessed by the applicant (133) biological resources referred under application no.4197, only 21 species belong to the Normally Traded as Commodities (NTAC) category. Hence, it is clear that the applicant is also accessing non-NTAC biological resources and using it in its ayurvedic/herbal products. He also explained that the Expert committee also observed that the applicant accessed the biological resources in bulk quantity. For example, *Aegle marmelos* was accessed to the tune of 1,62,320 Kg, root of *Asparagus racemosus* was accessed to the tune of 2,88,966 Kg and bark of *Oroxylum indicum* was accessed to the tune of 1,63,711 Kg. It was further observed that the resources were accessed in bulk quantities in the form of roots, bark, leaves, and whole plants. EC was very much concerned about the conservation of biological resources that the applicant utilized from the wild sources. Hence, EC on ABS recommended that the applicant has to pay the higher benefit sharing component as prescribed under Regulation 4 of the ABS guidelines 2014 i.e., 0.5% of the annual gross ex-factory sale of the product, from the date of commercial utilization.

7. The Member Secretary informed that now the matter is pending before the Hon'ble Supreme Court. However, he mentioned that M/s. Dabur India Ltd has not paid ABS amount for the applications, but are continuing to access the biological resources in large quantities, violating the provisions of the BD Act.

8. In this regard, the Authority members deliberated on the issue and suggested that as the Honourable Supreme Court has not stayed the case, NBA may demand the applicant to pay the ABS amount as per the Speaking order issued by NBA on 18.04.2024. Chairman, NBA inferred that the applicant intends to pay the ABS amount based on the purchase price to the NBA. He suggested that NBA should raise the demand to pay the ABS as per the annual gross ex-factory sale of the product, from 2017-18 and may accept the ABS payment based on the purchase price if paid by the applicant, as

part payment only until the Honourable Supreme Court disposes of the case. As this amount belongs to the benefit claimers/conservers, this will facilitate NBA to disburse at least partially, and they cannot be made to wait till the HSC disposes.

9. Pursuantly, the members deliberated on taking legal opinion in this regard and also suggested that NBA may try to expedite the listing of the case in the Honourable Supreme Court. However, in the meantime, the members opined that the NBA may demand M/s. Dabur India Ltd. to pay the ABS as per the annual gross ex-factory sale of the product, from 2017-18 as per the speaking order issued by NBA on 18.04.2024.

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**Decision:** *The Authority members directed the NBA Secretariat to demand M/s. Dabur India Ltd. to pay the ABS at 0.5% of the annual gross ex-factory sale of the product, from 2017-18 as per the Speaking order issued by NBA on 18.04.2024.*

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The meeting ended with a vote of thanks to the chair.

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**Annex-I**

**List of Members present**

1. **Shri Virendra R Tiwari, IFS (Retd.)** Chairperson, National Biodiversity Authority, Chennai E-mail: [chairman@nba.nic.in](mailto:chairman@nba.nic.in)
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