



सत्यमेव जयते



NATIONAL BIODIVERSITY AUTHORITY

PROCEEDINGS OF THE 66th AUTHORITY MEETING

17th August 2022

Venue

**Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi - 110003**

&

26th August 2022

Venue

Virtual Mode – NBA, Chennai.

Proceedings of the 66th Authority Meeting of the National Biodiversity Authority held on 17th & 26th August 2022.

The 66th Authority meeting of the National Biodiversity Authority (NBA) was held on 17th August 2022 at MoEF&CC in a hybrid mode. As the agenda for discussion could not be completed, the meeting was reconvened on 26th August 2022 in a virtual mode from NBA Headquarters. The meeting was chaired by Dr. V.B.Mathur, Chairperson, National Biodiversity Authority. The list of participants is placed as Annexure-I.

The Chairperson, NBA welcomed the Authority members who participated in the meeting through offline and online modes. Shri. J.Justin Mohan, IFS Secretary, NBA presented the agenda items through a power point presentation as detailed below.

66.01: Confirmation of the Proceedings of the 64th and 65th Authority meeting

The draft Proceedings of the 64th Authority meeting of the National Biodiversity Authority held on 10th March, 2022 at NBA, Chennai were circulated to the members *vide* e-mail dated 21st March 2022 for seeking their comments. The comments received from Prof. Tanuja Nesari, NMPB and Prof. Unnat Pandit have been incorporated accordingly and were confirmed by the Authority members.

The draft Proceedings of the 65th Authority meeting (Special meeting) of the National Biodiversity Authority held on 17th May, 2022 at NBA, Chennai were circulated to the members *vide* e-mail dated 25th May 2022 for seeking their comments. The comments received from Dr. Alka Rao and Shri. Achalender Reddy have been incorporated accordingly as per instructions of Chairman and were confirmed by the Authority members.

Decision: The members confirmed the Proceedings of the 64th and 65th Authority meeting.

Action: Nil

66.02 Action Taken Report of the 64th and 65th Authority Meeting

The Secretary, NBA apprised the members about the actions taken and actions that are in progress on the decisions taken in the 64th and 65th Authority Meetings.

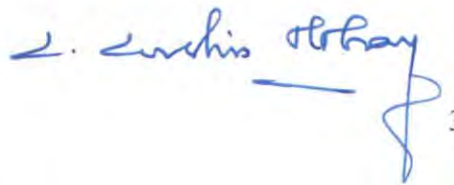
During the presentation, Dr. Unnat Pandit at Agenda No. 64.04, requested clarifications on the guidelines to levy upfront payment and the benefit sharing mechanism. To this, Secretary, NBA explained that there are 23 writ petitions filed

2. Unnat Pandit

before different courts such as High Court of Madras, High Court of Telangana and National Green Tribunal (NGT) on the upfront guidelines and levy of ABS by NBA. He further informed that upon reviewing the guidelines recommended by the Expert Committee on ABS, it was found that the Committee has recommended a substantial increase in the upfront fees for research as part of ABS compared to the existing guidelines and therefore these cannot be accepted in the interests of the research sector.

He suggested that as the existing guidelines have been challenged before the High Court and the matter is subjudice, NBA may continue to follow the existing guidelines. Dr. Unnat Pandit informed that benefit sharing should be fixed on the purchase price of the raw material since the benefit claimer or trader or NBA or SBB have no role in value addition or manufacturing of the product or efforts to take Intellectual property rights on the product. He further suggested that the benefit sharing amount should be fixed for different species. He requested for a matrix for clear understanding of the benefit sharing mechanism. He further pointed out that since he is the Controller General of Patents he was aware that some patent applications are pending at the patent office as the applicants have not got approval from NBA due to issues pertaining to ABS. At Agenda No. 64.06, Dr. Unnat Pandit asked if the ABS amount is being transferred to the benefit claimer through Direct Benefit Transfer (DBT) and how many benefit claimers have received the same.

Secretary, NBA informed that the benefit sharing amount is transferred to the Biodiversity Management Committees through the State Biodiversity Boards. He also explained the different scenarios in which the ABS amount is transferred. He clarified to the member that the companies procure the raw material from tribal communities or farming communities either directly or through traders and these communities are not aware about the actual value of these raw material. Companies make huge profit from these raw material and the BD Act and the ABS Regulations only stipulate that these companies have legal obligation to pay upto a maximum of 0.5% of their ex-gross factory sale value of products, which is a very reasonable nominal value of benefit sharing which would serve as an incentive to these marginalized communities to help in the cause of conservation and to undertake various socio-economic development in the rural and tribal areas. He further clarified that the SBBs are in the process of assisting the BMCs to open bank accounts and once this process is completed, the ABS funds can be directly transferred by NBA.

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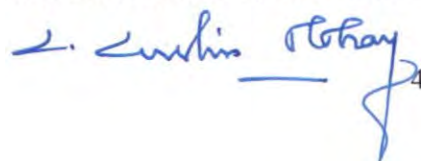
Dr. Unnat Pandit further enquired about the update on the PBR preparation. He suggested that the updated PBRs should also have the list of benefit claimers. This should help NBA to identify the benefit claimer and transfer the amount directly. Secretary NBA, informed that the PBR is prepared by the local people and the Register would incorporate the list of biological resources and traditional knowledge available in the village. These Registers help the BMC while taking decisions on according consent at the time of consultation by SBBs or NBA for granting approvals for accessing biological resources from the jurisdiction of the area.

Chairman, NBA said that PBR preparation is in progress and efforts are ongoing to enhance the quality of PBR in a progressive manner. He added that the present format of the PBR does not have the list of cultivators of bio-resources. Chairman, NBA also explained the current status of the functioning of BMCs and the preparation of PBRs. He said that it was a challenging task to constitute 2.76 lakh BMCs and it would take more time to make them fully operationalised.

Further, Dr. Unnat Pandit requested information on the number of BMCs that are active and the BMCs that have submitted their Audited statement to NBA. He further suggested that a RBI certified Chartered Accountant should audit their statements. Secretary, NBA clarified that the SBBs and BMCs are statutory bodies that function independently and there is no obligation on the part of them to submit UC to NBA. They are responsible to their governing bodies like the Board in the case of SBB and the DM in the case of BMCs.

On Agenda 64.10, Dr. Unnat Pandit requested if SBBs are reporting the status of BMCs and PBR preparation and the number of awareness programs conducted. To this, Chairman, NBA informed that the SBBs are giving their updates on these issues in the monthly meetings and this is being reported.

On Agenda 64.09, Dr. Alka Rao pointed out that inclusion of type specimen/strains available in MoEF&CC designated Repositories as commodity in NTAC is not related to the amendment of the BD Act. She suggested that NBA should write to the repositories asking the list of microorganisms that are used as type strains and NBA can place the list in the next Authority meeting. She informed that as these type strains are not notified as NTAC, researchers do not access these strains from the repositories. Dr. Alka Rao suggested that if it is notified, then the Institute can directly sell the type strain for research. Secretary, NBA informed that microorganisms do not qualify to be declared as NTAC (Normally Traded as Commodities) and hence



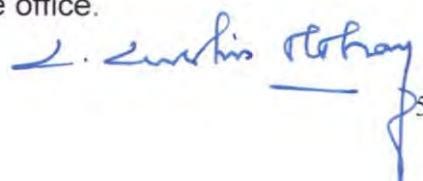
cannot be notified under Section 40 of the BD Act. Any attempt to notify microorganisms as NTAC would harm the research sector particularly the research institutions from getting ABS amount from companies using these microorganisms for producing various products. He further explained with an example that if a pharmaceutical company purchases a microorganism from a research institution like IMTECH, Chandigarh for say Rs. 5,000/-, the company can mass multiply these microorganisms and can produce an antibiotic and make huge profit running to billions of dollars but as per law the company has legal obligation to pay upto 0.5% as ABS amount to IMTECH, Chandigarh and this amount can be used for developing the research infrastructure of the institution. If microorganisms are treated as NTAC, this would deprive the research institutions from receiving the ABS funds.

Dr. Unnat Pandit mentioned that fungus such as *Cordiceps* sps that are found in the NTAC list are being sold to China only. He mentioned that this species may be removed from this list as it is very valuable and is being sold only to China. Secretary, NBA informed that *Cordyceps* is a fungal species and has never been notified as NTAC.

On Agenda 65.01, the members deliberated on the vetting of the Draft MoU for acquiring land at Anna University. Chairman, NBA mentioned that the Draft MoU along with the comments of the Authority members have been submitted for legal vetting to MoEF&CC. Dr. Unnat Pandit suggested that clarification may be asked from the Anna University if they have fulfilled the mandate of having the minimum area after transferring land to NBA as per UGC norms. Members also wanted to know the status of NCSCM and a report from them on the difficulties, if any faced by the National Centre for Sustainable Coastal Management in functioning their office within Anna University. Dr. Unnat Pandit also informed that unless the State Government transfers the rights over the land allotted to NBA, it is not advisable to construct any building for NBA.

Decision: a. NBA shall provide information on the number of BMCs that have been constituted and the PBRs that have been prepared across the country in different States/UTs.

b. NBA shall obtain a report from NCSCM which is functioning within Anna University on the difficulties, if any faced by them in managing the office.

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c. NBA shall obtain a clarification from Anna University if they have fulfilled the mandate of having enough area as a University as prescribed by the UGC.

Action: NBA Secretariat

66.03: ABS applications dealt by the Secretariat

Based on the EC report, Authority in its 54th and 55th meeting vide agenda no. 54.20.03, endorsed the recommendation that NBA Secretariat may deal the applications based on the set precedence. Accordingly, NBA vide O/o dated 19th March 2020 issued an order for processing ABS application in NBA without referring to Expert Committee on ABS. However, in case of any contravention/ difficulty such cases alone are to be placed in the EC on ABS for examination.

Secretary, NBA informed that NBA Secretariat has cleared 264 (Form I-44, Form II-2, Form III- 216, Form IV-2) applications and 417 (Form I- 58, Form II- 2, Form III- 357) agreements signed and closed 229 (Form I-26, Form-II-3, Form III-199 ,Form IV- 1) applications during the period March 2022 – July 2022.

Decision: The applications cleared and agreements executed by NBA were noted by the Authority.

Action: Nil

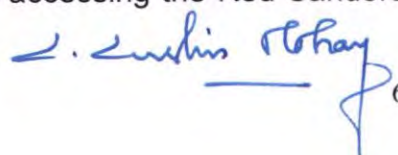
66.04: Proceedings of the 66th meeting of the Expert Committee on Access and Benefit Sharing (EC on ABS) held on 27th April 2022

Secretary, NBA informed that the 66th meeting of the Expert Committee on Access and Benefit Sharing (EC on ABS) was held on 27.04.2022 in virtual mode. A total of 43 applications were placed before the EC on ABS for examination. Thirteen of these applications were applied under Form I and thirty applications were applied under Form III. He further added that apart from the applications two separate agenda was included to examine the sharing of benefits with farmers/ private plantations of Red Sanders and to review a proposal for distribution of vegetable seeds as part of Non-Monetary Benefits to farmers.

Secretary, NBA elaborated the recommendations as follows:

a. Distribution of benefit sharing amount accrued upon accessing the Red Sanders wood from Farmers/ Private Plantations:

This agenda was placed before the Expert Committee on ABS to discuss on the distribution of benefit sharing amount accrued upon accessing the Red Sanders

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wood from Farmers/ Private Plantations. NBA granted approval to seven applications for accessing the red sanders wood from Farmers/ Private lands. In this regard, the NBA has received 5% on the purchase price of the Red sanders wood (Rs.1,21,20,451) as benefit sharing from the applicants.

Recommendations of the EC on ABS:

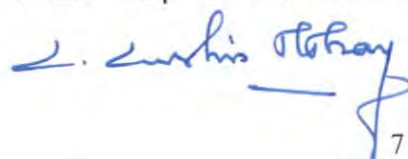
It was suggested that ABS funds received by NBA on account of cultivated Red sanders wood can be distributed to the BMCs through State Biodiversity Board for conservation, protection and sustainable use of Red sanders.

Further EC also recommended that the fund can be utilized by the BMC for conservation of Red Sanders and for undertaking various socio-economic development activities of the area. Secretary, NBA informed that since Red Sanders is a high economic value species, the individuals who have provided these species have already obtained a substantial amount at the time of sale and therefore the ABS funds received from importers who access these species from abroad can be distributed to the BMCs under the principle of 'equitable benefit sharing' so that the amount can be used for a larger cause towards conservation and socio-economic development in the villages.

Members from the Authority differed from the recommendations of the EC on ABS and provided an alternate strategy to distribute the ABS funds received from Red Sanders.

1. EC on ABS and NBA Secretariat proposed that the 95% of Benefit sharing amount that accrued from accessing the Red Sanders wood from Farmers/ Private Plantations may be distributed to the BMCs for conservation of biological resources and for undertaking socio economic development of communities in these areas.
2. Shri. Achalender Reddy proposed that 70% of Benefit Sharing amount should be transferred to Cultivator/Patta Holder via DBT; 15% to BMC; 10% to SBB; 5% to NBA.
3. Dr. Alka Rao mentioned that NBA should follow the Regulation 3 read with Regulation 15 of the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014

To this, Shri. Achalender Reddy suggested that the Rules and Regulations that Dr. Alka Rao pointed out is for different bio resources. But, in this case, the bio-resource is high value and the amount is very high. He suggested that if the benefit sharing amount is distributed to the BMCs also, it would help in the overall conservation.


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Chairman, NBA said that present guidelines do not differentiate the bio resources with their value and hence NBA should follow the present Rules and Regulations. He further suggested that this may be considered when the Rules and Regulations are reviewed after the Amendment Bill is passed in the Parliament.

4. Ms. Rita Khanna agreed to views of the members and mentioned that the benefit sharing amount accrued from accessing the Red Sanders wood from Farmers/ Private Plantations should be distributed as per the present guidelines. She also suggested that the views of the members may be sent to the MoEF&CC along with the approved proceedings of the meeting. MoEF&CC would further deliberate on the issue and will provide their recommendations.

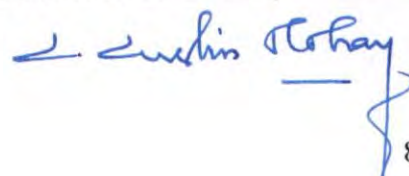
b. Recommendation for additional bio-resources observed from Claims:

Expert Committee while examining the NBA Application No: INBA 3202203314, observed that the applicant had mentioned only 3 bio-resources in the application form, whereas the claims reveal additional bio-resources. In such circumstances, the committee recommended NBA to include any missed out biological resources in the ABS agreement and the inclusion shall be attested by the Secretariat, NBA.

c. Recommendation by the Expert Committee in processing Form III and I:

The Expert Committee while examining the procedural difficulties faced by NBA in processing Form III application, noted that the applicant files Form III by paying Rs.500/- to get approval for patent alone, whereas in many circumstances the Secretariat, NBA feels that the applicant being covered under Section 3 should have applied in Form I for accessing the biological resources. However, majority of the applicants are not aware of the Biological Diversity (BD) Act, 2002 and its compliance under Form I. Hence EC on ABS suggested that NBA can process Form III application, provided that the applicant shall pay the ABS along with the payment of Rs. 10000/- as application fee for Form I application. In such circumstances NBA can approve the Form III application, subject to the process and approval of Form I which will benefit the patent applicants to obtain the approval from NBA without delay. Appropriate changes can be made in the agreements.

The Authority members agreed to this recommendation based on the provisions of the existing BD Act, 2002.



d. Recommendation for the non-compliance of BD Act, 2002 by Section 3(2) entities:

EC on ABS recommended the NBA Secretariat, to issue a legal notice to all section 3(2) entities for compliance of the Biological Diversity Act, 2002 without any delay so that the companies functioning in India and abroad who use biological resources from India for commercial purpose take the required approvals and pay the benefit sharing as per the existing Regulations.

In many cases, in spite of notices being served by NBA Secretariat, the applicants do not respond and in such cases, Section 56 can be invoked by levying fine.

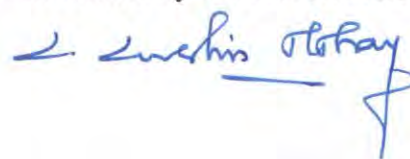
Authority members did not agree to this recommendation as BD Act Amendment Bill 2021 is placed in the Parliament. It was also decided that NBA Secretariat should ask for more details and reasons for not complying to the BD Act, 2002.

e. Re-examination of Upfront Payment levied for the accessed Parental and Segregated lines:

While examining the submissions of two applicants M/s.Monsanto Holdings Private Limited and M/s.East West Seeds India Limited, with respect to the levy of upfront payment calculated for parental lines along with the segregated hybrid seeds, the Expert Committee recommended that NBA shall levy the upfront payment for the accessed parental lines alone and thereby the upfront payment for the above mentioned applicants is being revised based on their accessed parental lines:

S. No	Name of the Applicant	Parental Lines	Segregated Hybrid seeds	Upfront pay on fixed wholesome resources in Rupees	Revised upfront on accessed the parental lines in Rupees
1	M/s.Monsanto	54,429	6983	Rs. 2,04,09,000/-	Rs. 16,32,87,000/-
2	M/s.East West Seeds	7685	958	Rs. 2,03,55,000/-	Rs. 28,74,000/-

The Authority members deliberated on this issue. Dr. Unnat Pandit did not agree with the recommendation of the EC on ABS and suggested that upfront payment should not be reduced. Dr. Chaitra and Dr. Unnat Pandit opined that as this information is a self- declaration by the applicant and has not been validated by the EC on ABS or

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NBA, a decision cannot be taken as such. However, Dr. Joykumar opined that these companies use less number of parental lines to develop different hybrids.

Shri. Achalender Reddy mentioned that the files of these applications may be shared with the members for examination and this can be deliberated and a decision may be taken in the next Authority meeting. The files may be kept in abeyance till a decision is taken

Decision: a. Distribution of benefit sharing amount accrued upon accessing the Red Sanders wood from Farmers/ Private Plantations:

The recommendations of the Members of the Authority to distribute the ABS funds accrued from Red Sanders species accessed from private areas would be sent to Ministry for their final decision.

b. Recommendation for additional bio-resources observed from Claims

The Authority members agreed to this recommendation based on the provisions of the existing BD Act, 2002.

c. Recommendation by the Expert Committee in processing Form III and I:

The Authority members agreed to this recommendation based on the provisions of the existing BD Act, 2002.

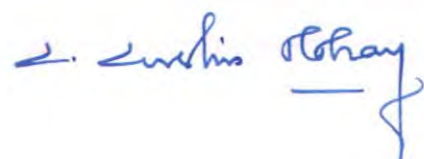
d. Recommendation for the non-compliance of BD Act, 2002 by Section 3(2) entities:

1. Members decided that NBA Secretariat shall not invoke Section 56 of the BD Act, 2002 as the BD Act Amendment Bill 2021 is placed in the Parliament and decision on the matter can be taken after the Bill is passed.

e. Re-examination of Upfront Payment levied for the accessed Parental and Segregated lines:

The members decided that the files of these applications may be shared with the members for examination and this can be deliberated and a decision may be taken in the next Authority meeting. The files may be kept in abeyance till a decision is taken in the next Authority meeting.

Action: NBA Secretariat



66.05: Proceedings of the 67th meeting of the Expert Committee on Access and Benefit Sharing (EC on ABS) held on 21st July 2022

Secretary, NBA informed that the 67th meeting of the Expert Committee on Access and Benefit Sharing (EC on ABS) was held on 21.07.2022 at 10.30 AM on hybrid mode at the National Biodiversity Authority, Chennai. A total of 28 applications were placed before the EC on ABS for examination. Sixteen of these applications were applied under Form I and twelve applications were applied under Form III.

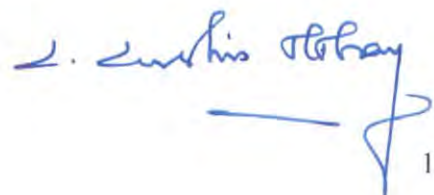
He further explained the recommendation of EC on ABS such as:

1. Expert Committee recommended NBA that the applicant's applying in Form I for the purpose of research alone shall not be imposed with a condition to conduct awareness program. This was suggested for new applications.

Shri. Chaitra agreed to the recommendation and also added that individual researchers will not have the capacity to organize awareness programs and hence asking them to conduct awareness programs on research applications may not be imposed.

2. Expert Committee recommended that if a patent holder commercializes the product the benefit sharing to be paid, shall be 1% as per the mode of benefit sharing in IPR. However, the EC suggested that the ABS under Form I shall be "NIL" in order to avoid dual payment of benefit sharing.

To this, Dr. Unnat Pandit requested clarification on the Benefit Sharing mechanism and the matrix for easy understanding. Secretary, NBA presented the different modes of Benefit Sharing to clarify the Benefit Sharing mechanism through a matrix. Further, Dr. Unnat Pandit enquired on who decides the benefit sharing component and how it is decided between ex gross factory sale of the product or the purchase price of the resource. To this, Secretary, NBA informed that the benefit sharing is levied based on the ABS Regulations on a case to case basis by ensuring that there is a fair and equitable sharing of benefits as prescribed by the BD Act. Dr. Unnat Pandit insisted that all applicants should be charged benefit sharing only on the purchase price and not on the ex-gross sale factory sale of the products. Chairman, NBA said that new Rules and Regulations shall be framed with more clarity after the BD Act Amendment Bill is passed in the Parliament.



Dr. Alka Rao agreed to the EC recommendations and appreciated the observations of the EC on ABS.

Decision: The Authority approved the recommendations of the 67th EC on ABS.

Action: NBA Secretariat

66.06: To consider sharing the benefits accrued on Access to Red Sanders with the Farmers / Private Plantations

Secretary, NBA informed that as per the provisions of the BD Act, 2002 and ABS Regulations, 2014, successful buyers are required to seek prior approval from the NBA for accessing the biological resource (Red Sanders wood) and have to deposit 5% of auctioned amount as benefit-sharing amount with NBA before lifting the Red sanders from the site. So far, NBA has approved 110 applications for access to Red Sanders and collected Rs.100,94,25,346.12/- (Rs 100.94 Crore) from those applicants.

2. For utilizing the benefit-sharing (BS) amount realized from the access of Red Sanders wood, NBA has developed a comprehensive policy for protection, conservation, and sustainable use of Red Sanders with the help of an Expert Committee on Red Sanders. The report of the Expert Committee was considered by the Authority in its 41st Meeting vide Agenda Item No.41.07 and recommendations of the EC on RS were approved by the Authority.

3. The comprehensive policy in its chapter no. 8.9.2. & Annex-17 of the report has recommended that benefit sharing accrued from the sale of RS will be distributed among various stakeholders after deducting 5% of the administrative charges.

Table-13 Allocation of benefit sharing amount to various stakeholders			
Sl.no	Category	Sharing of benefits (in %)	
		State	NBA
1	Seized/confiscated within AP – Source unknown	90 (AP)	10
2	Seized/confiscated other than AP – Source unknown	70 (AP)	30
3	Govt. plantations / natural forests	90 state of origin	10
4	Seized/confiscated – Source known	90 state of origin	10
5	Farmer / Private plantations	95 benefit claimer	5

Dr. Alka Rao
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4. Out of 110 applications received, NBA approved seven (7) applications for accessing the Red Sanders from Farmers/ Private lands upon receipt of 5% of the purchase price as the benefit sharing amount i.e, Rs.1,21,20,451 from the applicants. This amount can be distributed to the concerned Biodiversity Management Committees (BMCs) through the Andhra Pradesh State Biodiversity Board after deducting the applicable administrative charges.

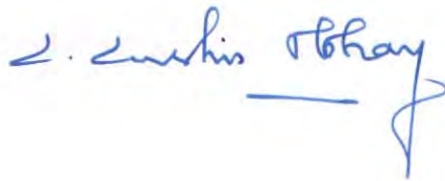
5. This issue was examined in the 66th Meeting of Expert Committee on Access and Benefit Sharing for processing of applications on 27th April 2022, at NBA, Chennai and the EC recommended the following:-

1. ABS funds received by NBA on account of cultivated Red sanders wood can be distributed to the concerned BMCs through State Biodiversity Board for conservation, protection and sustainable use of Red Sanders.
2. The fund can be utilized by the BMC for conservation of biological resources and for undertaking socioeconomic development activities of that area.

The members differed from the recommendations of distribution of Benefit Sharing amount on the cultivated Red sanders wood of the EC on ABS and gave their opinions:

1. EC on ABS and NBA Secretariat proposed that the 95% of Benefit sharing amount accrued from accessing the Red Sanders wood from Farmers/ Private Plantations may be distributed to the BMCs for conservation of bio resources and socio economic development of communities in these areas.
2. Shri. Achalender Reddy proposed that 70% of Benefit Sharing amount should be transferred to Cultivator/Patta Holder via DBT; 15% to BMC; 10% to SBB; 5% to NBA.
3. Dr. Alka Rao mentioned that NBA should follow the Regulations 3 read with Regulation 15 of the Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014

To this, Shri. Achalender Reddy suggested that the Rules and Regulations that Dr. Alka Rao pointed out is for different bio resources. But, in this case, the bio-resource is high value and the amount is very high. He suggested that if the benefit sharing amount is distributed to the BMCs also, it would help in the overall conservation aspect also.



Chairman, NBA said that existing guidelines do not differentiate the bio resources with their value and hence NBA may follow the present Rules and Regulations. He further suggested that this may be considered when the Rules and Regulations are reviewed after the Amendment Bill is passed in the Parliament.

4. Ms. Rita Khanna agreed to views of the members and mentioned that the benefit sharing amount accrued from accessing the Red Sanders wood from Farmers/ Private Plantations should be distributed as per the present guidelines. She also suggested that the views of the members may be sent to the MoEF&CC along with the approved proceedings of this meeting. MoEF&CC may further deliberate on the issue and will provide their recommendations.

Decisions:

The recommendations of the Members of the Authority to distribute the ABS funds accrued from Red Sanders species accessed from private areas would be sent to Ministry for their final decision.

Action: NBA Secretariat

66.07: Seeking guidance to proceed with the pending applications filed by the applicants under the O.M. issued by MoEF&CC

Secretary, NBA explained to the members that the Ministry of Environment, Forest, and Climate Change (MoEF&CC) had issued an Office Memorandum (OM) on 10.09.2018 directing the NBA to take decision thereon within a period of 100 days from the date of issuance of the OM, including course of action for matters related to past access with an objective to provide an opportunity to all such entities that are required to obtain prior approval of the Authority for undertaking activities as specified in Sections 3, 4, and 6 of the Act, including cases that may be related to the past access, in line with the objectives of the Act and regulate them in a manner that enhances implementation of the Act, and another OM was issued on 18.03.2019 directing the National Biodiversity Authority to accept and consider within a period of another 60 days from the date of issuance of the OM, all such cases where prior approval was required but not obtained, on the basis of merit ensuring that only those cases are granted approval which would have otherwise been approved in the normal course, had the person/entity concerned applied in time for prior approval. In this regard, most of the applications were considered and processed further under the OM.

Dr. Anshu Rastogi
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However, he informed that a total of 133 pending applications in the below categories are pending for the following reasons:

- A. Applicants have not signed the agreements despite several reminders and notices.
- B. Applicants have signed the stamp paper agreements but have not paid the ABS to NBA.
- C. Applications in Form II, III & IV were kept pending, as the connected Form I applications were not submitted by the applicant to the NBA.
- D. Applicants submitted the signed agreements with defects and reluctant to rectify the same.

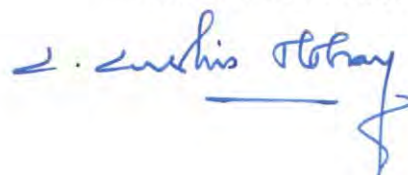
Secretary, NBA informed that Section 56 of the BD Act, 2002 may be invoked to levy fine on these applicants till such time they abide by the Orders of the Authority and the amount can be recovered under the Revenue Recovery Act. He was of the opinion that all these applications were contravention cases and stringent action has to be taken as per law by the Authority.

The members deliberated on this issue. Dr. Unnat Pandit informed that Section 56 should not be invoked on any violation cases. He pointed out that the BD Act Amendment Bill 2021 is in the process of being passed in the Parliament. He also said that the Government is in the process of decriminalizing the Acts and and NBA Secretariat may wait till the Amendment process is completed. He further suggested that the Companies may be facing financial issues. He opined that the NBA Secretariat should ask for more details and reasons for not executing the Agreement with NBA. Secretary, NBA pointed out that Dr. Unnat Pandit holding the post of Controller General of Patents and arguing for the companies is a conflict of interest to the functions of the Authority.

Dr. Alka Rao suggested that NBA may request the applicants to come to mutually agreed terms.

Decision: a. Members decided that NBA Secretariat shall not invoke Section 56 of the BD Act, 2002 on any contravention case under the OM issued by the Ministry till the BD Amendment Bill is passed.

Action: NBA Secretariat

A handwritten signature in blue ink, appearing to read 'S. Suresh Babu', with a horizontal line underneath it.

66:08 Seeking guidance to proceed with the pending applications filed by the applicant (Indian Oil Corporation Ltd.) under the O.M issued by MoEF&CC

Secretary, NBA explained to the members that there are **68 applications** pending from the applicant (Indian Oil Corporation Ltd.) under the O.M issued by MoEF&CC which are as follows:

1. In 42 Form I applications, the upfront payments are not paid by the applicant. The total upfront payment pending for the applications are Rs.14,64,000/- (Rupees Fourteen Lakhs Sixty-Four Thousand Only).
2. In 8 Form III applications, the connected Form I applications are not executed.
3. In 2 Form III applications and 3 Form I applications, defects in Stamp Paper Agreement has to be rectified.
4. In 13 applications, NBA has sent the clearance and draft agreements for execution. But, NBA has not received any signed Stamp Paper Agreements for the applications despite of several reminders.

Secretary, NBA informed that in spite of repeated notices, the applicants have not responded and therefore it is proposed to invoke Section 56 of the BD Act, 2002 to levy fine on these applicants till such time they abide by the Orders of the Authority and recover the amount under the Revenue Recovery Act.

But, the members suggested that Section 56 of the BD Act, 2002 may not be invoked and the decision taken under Agenda No. 66.07 will hold good for these applications also.

Decision: a. Members decided that NBA Secretariat shall not invoke Section 56 of the BD Act, 2002 till the BD Amendment Bill is passed by Parliament.

Action: NBA Secretariat

66.09 To consider the request of M/s.Dabur India Limited on the payment of ABS based on resource-centric method

Secretary, NBA explained that M/s.Dabur India Limited had attended the meeting on 21.07.2022 and submitted their request to the Expert Committee on ABS to re-consider the ABS on the basis of resource-centric method. The EC on ABS

2. Surinder Kataria
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observed that the application was categorized under the contravention cases, wherein the applicant being a section 3(2) entity had accessed 126 bio-resources without the prior approval of NBA and is an offender before the law.

Furthermore, it was observed that the applicant had accessed high economic value species like *Aconitum heterophyllum*, which is a threatened species, Red sanders (item no:97) accessed quantity was 7707 kg and White Sandal (item no: 102) accessed quantity was 14865 kg. Therefore, the EC on ABS have not considered the request by the applicant and recommended NBA to execute the stamp paper agreement as per the Regulation 4 of the ABS guidelines.

Secretary, NBA informed Dabur is a prominent AYUSH company and has requested to pay ABS on the purchase price of the raw material instead of the sale value of the products. According to the EC on ABS, concessions have never been granted for any contravention cases and the same principle has to be followed for Dabur also. As the applicant has not obtained the approval, legal action can be initiated.

Members suggested that Section 56 of the BD Act, 2002 should not be invoked till the BD Amendment Bill is passed in Parliament and the decision taken under Agenda No. 66.07 will hold good for these applications also.

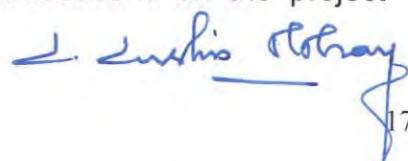
Decision: a. Members decided that NBA Secretariat shall not invoke Section 56 of the BD Act, 2002 till the BD Amendment Bill is passed in Parliament.

Action: NBA Secretariat

66.10 To consider the project proposal on Operationalization of BMCs through Core Activity Action Plan (CAAP) by Andhra Pradesh State Biodiversity Board

Secretary, NBA informed that the Member Secretary of the Andhra Pradesh State Biodiversity Board who had submitted the proposal on "Operationalization of BMCs through Core Activity Action Plan (CAAP)" has superannuated. Hence, Secretary, NBA suggested that the present Member Secretary of Andhra Pradesh State Biodiversity Board may be invited to present the proposal in the next Authority meeting.

Shri. Achalender Reddy, requested for few clarifications on the project


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proposal in his written submission. He said that it can be taken up in the next Authority meeting.

The Members agreed to the suggestion and deferred the proposal for the next Authority meeting.

Decision: a. The members deferred the project proposal submitted by Andhra Pradesh State Biodiversity Board to the next meeting.

b. The Member Secretary of the Andhra Pradesh State Biodiversity Board shall be invited to present the proposal in the next Authority meeting.

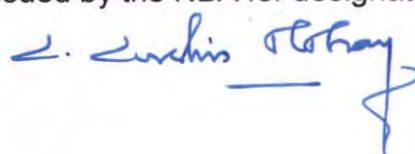
Action: NBA Secretariat

66.11 To consider the proposal to designate "Herbarium of Calicut University" as a national repository under section 39 of the BD Act.

The Ministry of Environment, Forest and Climate Change in consultation with the NBA had designated 17 National Institutions/Organizations as repositories from time to time to keep safe custody of specimen of the biological resources accessed under the BD Act, 2002

Secretary, NBA informed that all States should have one repository so that the companies accessing biological resources can retain the voucher specimen in the nearest repository. He informed that the University of Calicut, Malappuram, Kerala through Registrar had submitted a proposal to NBA for designating "Herbarium of Calicut University" as a national repository under section 39 of the BD Act, 2002 for safe deposit voucher specimens of Flora (*Angiosperms*, *Gymnosperms*, *Pteridophytes*, *Bryophytes*, *Lichens*, *Macrofungi*, *Macroalgae*). Secretary, NBA informed that there is no repository in Kerala.

He further informed that the NBA vide email dated 06.06.2022 sought few clarifications such as (a) *Type of species for which the Herbarium can be considered as National Repository*, (b) *Justification on each criteria for designating the Herbarium as National Repository* and (c) *Reasons for designating Herbarium of Calicut University in addition to the existing 17 designated Repositories across India including a BSI center at Coimbatore*. In response, the University of Calicut vide email dated 07.06.2022 furnished the required information and also furnished the justification on fulfilment of each criteria provided in the Guidelines issued by the NBA for designation



of repository.

Secretary, NBA explained that Kerala is a state that encompasses a large chunk of the Western Ghats and is also rich in floral diversity. It is also a house for traditional AYUSH practitioners and AYUSH drug manufacturers. Despite having a considerable number of users of biological resources, none of the 17 designated repositories are located in the state. He further said that making Calicut University a designated repository would help the AYUSH medicine makers & other users in the south part of India to readily deposit their voucher specimens.

Secretary, NBA also informed that the Kerala State Biodiversity Board has strongly recommended to notify the University of Calicut as a National Repository under the Biological Diversity Act, 2002 after conducting an inspection of the available facilities. Secretary, NBA further informed that he had also visited the University of Calicut and was convinced about the facilities available in the Herbarium to designate the same as a National Repository. He also showed photographs taken at the Herbarium of the University of Calicut.

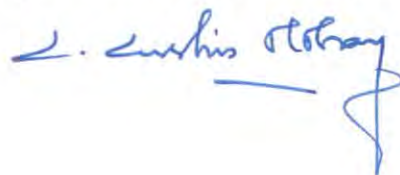
Dr. Alka Rao suggested that approval may be given for designating the University of Calicut as a designated repository under Section 39 of the BD Act, 2002. Dr. Achalender Reddy and Dr. Chaitra also were of the view that Kerala requires a repository and therefore the proposal should be approved.

Decision: a. The proposal for designating the Herbarium of the University of Calicut as a Repository under Section 39 of the BD Act, 2002 was approved and the proposal shall be forwarded to the MoEFCC for notification.

Action: NBA Secretariat

66.12 Revised Guidelines for Identification, Notification and Management of Biodiversity Heritage Sites
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Chairman, NBA explained that as per the provisions under section 37 of the Biological Diversity Act, 2002, the State Government in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as Biodiversity Heritage Sites (BHS) under this Act. In this regard, the NBA had developed BHS Guidelines through an expert committee headed by Mr. R. P. S. Katwal and



subsequently Mr. M. K. Subramanian with the support under the India UNDP Biodiversity Project.

Further, he mentioned that the NBA constituted an Expert Committee under the Chairmanship of Dr. A. K. Gupta (*vide* OM No 9/280/2020/SBB-BHS 2553 dtd 26.10.2020) to review and revise the existing BHS Guidelines. The committee met and recommended for revision of the guidelines for harmonizing it with other guidelines and also to reduce overlaps, if any with the recent initiatives of Other Effective area based Conservation Measures (OECM). The revised draft was circulated among the States and Union Territories for their comments/suggestions. He said that a few new provisions regarding BHS have been introduced in the Biological Diversity (Amendment) Bill 2022.

Chairman, NBA further informed the members that the revised BHS Guidelines will be kept on hold till the BD Act Amendment Bill 2022 has been passed by the Parliament.

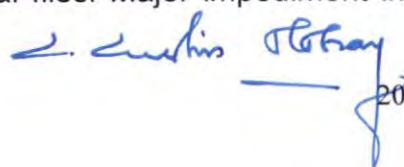
Decision: The Authority members endorsed the revised BHS Guidelines and decided that this can be further revised to incorporate its new provisions once the BD Amendment Bill is passed in Parliament.

Action: NBA Secretariat

66.13 To consider the Record Retention Schedule in respect of Records pertaining to National Biodiversity Authority
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Secretary, NBA explained that since 2003, all sections in the NBA Secretariat have originated physical files to undertake their work seamlessly. NBA has migrated to E-Office and has implemented the Online Application Management System. NBA has accumulated the files/documents over the past 18 years which have started to occupy a large amount of space in the office of NBA. Disposal of files have not been undertaken so far due to non-formulation of Record Retention schedule in respect of records specific to NBA.

He further mentioned that Department of Administrative Reforms & Public Grievances (DARPG), Govt. of India is monitoring the weeding of physical files as part of the Special Campaign for Disposal of Pending Matters(SCDPM). Hence, NBA has intended to start the process of weeding out of physical files. Major impediment in


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carrying out the weeding out of physical files is an appropriate Retention Records Schedule of NBA.

Secretary, NBA further explained that NBA Secretariat can follow the Record Retention Schedule in respect of Records common to all Ministries/Departments issued by DAPRG with regards to files in Administration and Accounts Section of NBA. However, in respect of four core sections in NBA viz. (i) Benefit Sharing, (ii) Intellectual Property Rights (iii) Legal (iv) State Biodiversity Boards(SBB), which are performing functions unique to NBA, separate Draft Record Retention Schedule has been formulated and NBA proposes to adopt the Draft Record Retention Schedule in respect of the above four core sections in NBA.

He mentioned that in terms of the guidelines of the Public Records Act and its rules prescribed, a Draft Record Retention Schedule in respect of the above four core sections in NBA has been proposed. In this regard, Secretary, NBA mentioned that based on the approval of the Authority, the proposal can be sent to the National Archives Organization for vetting.

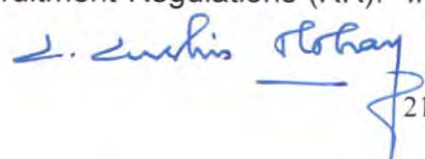
Decision: The Authority members endorsed the Draft Record Retention Schedule proposed to be sent to the National Archives Organization for vetting

Action: NBA Secretariat

66.14 To consider the Relaxation/Modification in essential educational qualification and experience for vacant position of Technical Officer (Intellectual Property Rights) in NBA

Secretary, NBA informed that NBA was sanctioned 16 posts in the year 2006. The core sections of NBA dealing with Benefit Sharing, Intellectual Properties Rights and Legal matters are headed by a Section Officer level officer. The IPR Section was supervised by Dr. T. Narendaran, from 2015 to till December 2021. Consequent on his selection for the post of Assistant Professor, in Rajiv Gandhi School of Intellectual Property Law, IIT Kharagpur, he resigned from the post of Technical Officer (Intellectual Property Rights) {To(IPR)} in NBA.

Secretary, NBA further explained that in order to fill up the vacancy, due procedure was undertaken based on the existing Recruitment Regulations (RR). In


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response to the advertisement given by NBA, a total number of 26 applications were received and on scrutiny of the same, it was found that only two candidates were fulfilling the essential qualification and experience. However, it was observed that the credentials of education qualification and experience of those two candidates were very poor and may not suit the requirements of NBA to supervise the IPR section.

Chairman, NBA informed that the existing Recruitment Rules were framed in 2006. However, based on the experience gathered over the years, it is observed that the Head of the IPR Section can function effectively only if he/ she has adequate knowledge and experience in handling IPR related matters. So in order to enlarge the scope of attracting qualified candidates with better skill sets, the following Essential and Desirable Qualifications and Experience was proposed.

Age	Educational Qualifications	Experience
30 years	(a) <u>Essential</u> : Bachelor's Degree in law from a recognized University or Institution or equivalent and working knowledge in Computer <u>Desirable</u> : Master's Degree in Law (or)	Essential: Two-year experience as an Advocate or Legal Consultant dealing with the matters relating to consumer/patent rights/ intellectual property rights.
	(b) <u>Essential</u> : Master's degree in Biological/ Life Sciences from a recognized University or Institution or equivalent and a pass in Patent Attorney Examination conducted by the "Office of the Controller General of Patents, Designs & Trade Marks, Government of India" <u>Desirable</u> : A doctorate in Biological / Life Sciences	Desirable: Two-year experience as a Legal Consultant in handling matters related to consumer / patent rights / intellectual property rights.

Secretary, NBA further informed that based on the DoPT guidelines, the existing RRs for all officers/employees is being reviewed and a proposal will be submitted to DoPT through MoEF&CC for revision of existing recruitment rules in due course.

Secretary, NBA said that in view of the urgency to recruit the TO(IPR), Regulation 7 of RR may be invoked which prescribes that. "Where the National Biodiversity Authority is of the opinion that it is necessary or expedient so to do, it may do, by order, for reason to be recorded in writing, and in consultation with the Central Government, relax any of the provisions of these rules with respect to any class or category of the persons"

L. Krishna Prabha
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In this regard, Chairman, NBA mentioned that based on the approval of the Authority, the proposal for amending the Age, Education Qualifications, Experience for the post of TO(IPR) will be forwarded to the MoEF&CC for concurrence.

Decision: The Authority members approved and endorsed the proposal of amending of the Age, Education Qualifications, Experience for the post of TO(IPR) based on Regulation 7 of the Recruitment Rules and to send it to MoEF&CC.

Action: NBA Secretariat

66.15 a. To consider draft Annual report of NBA for the year 2021-22

The Draft Annual Report on the activities of NBA for the year 2021-22 was placed for consideration.

Decision: The Authority members approved the draft Annual report of NBA for the year 2021-22.

Action: NBA Secretariat

66.15.b Annual Accounts for the year 2021 - 22

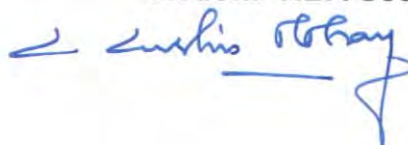
As per Authority decision in the 13th Authority meeting vide Agenda 13.15 in which Members approved that "Chairman, NBA is authorized to approve the "Annual Accounts comprising of receipts and payment account, income and expenditure accounts and balance sheet" for the conduct of statutory audit by O/o the Principal Director of Audit (Scientific Departments).

Based on the above authorization, the Annual Accounts of NBA for the year 2021 – 22 was approved by Chairman and submitted for Audit (conducted by the Director of Audit (Scientific Department) and placed before the members.

The members approved the Annual Accounts for the year 2021 – 22. The CAG has issued the Audit Certificate vide OM MDS/OA/III (2379)/392 dated 12.08.2022.

Decision: The members endorsed the Annual Account for the year 2021-22 and agreed that the Annual Report along with Audited Accounts may be sent to MoEF&CC after graphic designing and printing (English & Hindi) for laying in the Parliament.

Action: NBA Secretariat



66.16 Ratification of decisions on Form-B applications

Under agenda item 32.06 of 32nd 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.*

Secretary, NBA mentioned that the Chairperson, NBA has granted approval for granted approval to **16** applications and closed **07** applications of **Form-B** and was ratified by the members.

Decision: The Authority considered and ratified the decisions taken on the 23 Form B applications.

Action: Nil

66.17 Details of Form-C applications received by the NBA

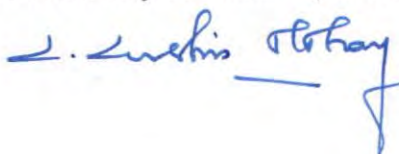
The Authority in its 37th meeting held in March 2016 under agenda item 37.14.02, decided that the Indian researchers / scientists should provide prior intimation to the NBA in the prescribed format viz., Form-C for deposition of microorganisms in other country's repository for claim of novel species for publication in journals. However, if any non-Indian person/entity intends to access the deposited Indian biological resource from the foreign repository, he/she should obtain the prior approval of NBA as per Section 3 of the BD Act, 2002. NBA has received such intimations since March 2016 – February 2022 and the same have been reported to the Authority from time to time. Since March 2022, the Secretariat has received **25** Form-C applications

Decision: The information submitted in this regard was noted.

Action: Nil

66.18 To consider the applications for access to Red Sanders wood approved by the Chairperson, NBA

The applications for seeking approval for accessing the Red Sanders wood were scrutinized as per the procedure approved by the Authority in its 32nd (32.07) &

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35th Authority (35.03 & 35.19.01). In the 32nd Authority meeting (32.07), the Authority authorized the Chairman, NBA to accord approval to such applications without following the normal procedure and also directed the NBA Secretariat to place such approvals in the subsequent Authority meeting for ratification. Accordingly, the Chairperson, NBA approved fourteen (14) applications and closed one application which are furnished below for ratification.

Decision: The Authority members considered and ratified the decisions taken on the 15 Red Sanders applications.

Action: Nil

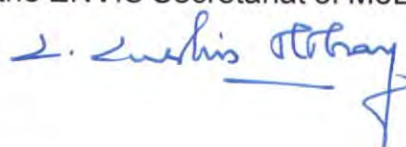
66.19 To consider the proposals for a Pilot Capacity Building Programme for Biodiversity Management Committees (BMCs) and Panchayati Raj Institutions (PRI) for Effective Implementation of Biological Diversity Act, 2002.
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Chairman, NBA informed that during the celebration of International Day for Biological Diversity (IDB) held on 22nd May, 2022 at Chennai, Hon'ble Minister EF&CC, in his interaction with stakeholders desired that the National Biodiversity Authority (NBA) may, in collaboration with relevant institutions, organize capacity building programmes for the members of Biodiversity Management Committees (BMCs), officials of State Biodiversity Boards (SBBs), Union Territory Biodiversity Councils (UTBCs) for the effective implementation of Biological Diversity Act, 2002.

As a follow-up, he informed that the NBA has prepared two separate proposals for organizing capacity building programmes viz.,

- i. A Pilot Capacity Building Programme for Biodiversity Management Committees (BMCs) for Effective Implementation of Biological Diversity Act, 2002 in collaboration with ENVIS Secretariat of MoEFCC, ZSI, BSI, SBBs along with State Level ENVIS Centres in the States of Uttarakhand, Tamil Nadu and Maharashtra
- ii. Conservation and Sustainable use of biodiversity at the Panchayat Level (for the effective implementation of National Biodiversity Act 2002 by the National Biodiversity Authority (NBA) and National Institute of Rural Development and Panchayati Raj (NIRDPR), Hyderabad.

Chairman, NBA further informed that the NBA had submitted to Senior Economic Adviser, MoEFCC, vide letter dated 14 June, 2022, a proposal for pilot building capacity programme for BMCs in collaboration with the ENVIS Secretariat of MoEFCC



under the 'Environment Awareness Capacity Building and Livelihood Programmes Scheme'.

Subsequently, Chairman, NBA informed that the Senior Economic Adviser reviewed the proposal through a virtual meeting held on 11th July, 2022 with the Officials of CS-III Division, MoEFCC, NBA, BSI and ZSI. Based on the queries raised, a revised proposal has been prepared by NBA and submitted to MoEF&CC for a total cost of Rs. 29,61,000.

Chairman, NBA further mentioned that simultaneously, the NBA has also collaborated with the National Institute of Rural Development and Panchayati Raj (NIRDPR), Hyderabad to prepare a detailed proposal for the 'Training of Trainers' (ToT) for Conservation and Sustainable use of biodiversity at the Panchayat Level for the effective implementation of National Biodiversity Act 2002 to be jointly conducted by NIRDPR, Hyderabad and NBA Chennai.

In this regard, he informed that the NBA has submitted the proposal to Additional Secretary, MoEFCC for a total cost of Rs. 86,05,600.

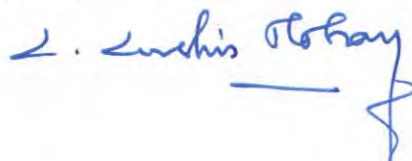
Decision: The Authority members approved and endorsed the proposal for pilot building capacity programme for BMCs in collaboration with the ENVIS Secretariat of MoEFCC under the 'Environment Awareness Capacity Building and Livelihood Programmes Scheme'.

b. The Authority members endorsed the proposal for the 'Training of Trainers' (ToT) for Conservation and Sustainable use of biodiversity at the Panchayat Level for the effective implementation of National Biodiversity Act 2002 to be jointly conducted by NIRDPR, Hyderabad and NBA Chennai.

Action: NBA Secretariat

66.20 Oral evidence before the Joint Committee on the Biological Diversity (Amendment) Bill, 2021
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Chairperson, NBA informed that The Biological Diversity (Amendment) Bill, 2021 was tabled before the Parliament by the Hon'ble Minister for Environment, Forests and Climate Change on 16th December, 2021. The Bill was further referred to the Joint Committee on the Biological Diversity (Amendment) Bill, 2021 [JC on BDA] which is chaired by Dr. Sanjay Jaiswal, Hon'ble Member of the Parliament.



He also said that the officials of the MoEFCC, Chairman, NBA and Secretary, NBA participated in the meeting of the JC on BDA held on 15/06/2022, 27/06/2022 and 11/07/2022 at New Delhi and also participated in the clause by clause consideration of the Biological Diversity (Amendment) Bill, 2021. He further informed that the final recommendations of the JC have been submitted and the Biological Diversity (Amendment) Bill 2022 has been placed in the Parliament.

Decision: The information submitted in this regard was noted

Action: Nil

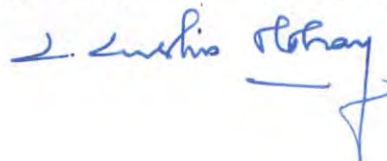
66.21 Release of Final Instalment and No Cost Extension to the Red Sanders Research Projects

Secretary, NBA informed that the NBA had called for project proposals from different agencies and approved six projects for a value of Rs. 3.81 crore in 2019-20 and 2020-21 to national institutes like Indian Institute of Chemical Biology, Institute of Forest Genetics and Tree Breeding, Institute of Wood Science and Technology. NBA has released an amount of Rs.1.99 crore during the years 2019-20 and 2020-21.

He mentioned that so far, NBA has conducted three review meetings with the Principal Investigators of the projects concerned on 21st January 2021, 18th June 2021 and 30th April 2022 where the Projects were reviewed in terms of physical and financial targets achieved by the agencies and suggested the way forward. Secretary, NBA informed that it was decided that the PIs shall submit the draft manuscript to NBA for consideration before submitting for publication and also shall submit the UC, SoE and request for extension with justification, if required, to NBA.

In this regard, Secretary, NBA informed that NBA has granted no-cost extension and sanctioned final instalment for the following projects based on the requests received from the Principal Investigator of the project,

- a) Based on the request received from the IWST seeking extension of on-going project titled "Development of SSR markers and assessment of genetic diversity of natural populations of *Pterocarpus santalinus* L.f distributed in the Eastern



Ghats, India", NBA vide letter dated 14.06.2022 granted no-cost extension upto 31st March 2023 ".

- b) NBA vide sanction order dated 17.06.2022 released final instalment of Rs.15,40,717 to the IWST after considering the submission of interim UC and SoE for the financial year 2020-2021 and 2021-2022 by Dr.Prabuddha PI, IWST.
- c) NBA received a request from Dr Dr.N. Senthil Kumar, Scientist – E, Institute of Forest Genetics and Tree Breeding, Coimbatore & Project Investigator vide letter dated 09.05.2022 submitted the UC and SoE for the financial year 2020-2021 and 2021-2022. Further, he has requested NBA to release of second year grant in aid for the financial year 2022-23 and extension on no-cost basis. NBA granted no cost extension to this project upto 31st March 2023 and also released final instalment of Rs.4,34,355/- .

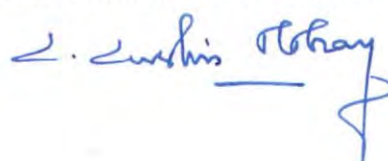
Decision: The information submitted in this regard was noted

Action: Nil

66.22 Release of Benefit Sharing amount to the Benefit Claimers

Secretary, NBA informed that as per the provision of the BD Act, 2002, NBA has granted approval for 3539 applications for undertaking the activities as envisaged in the BD Act, 2002. Approvals are accorded in the form of Agreements signed between NBA and the applicants specifying the terms and conditions including the ABS obligations on the part of the applicants. In cases where access to high economic value biological resources or RET listed biological resources leading to commercial utilization, NBA would impose upfront payment and upon receipt of the same, approval would be granted.

He mentioned that upon grant of approval to the applicants, NBA has received benefit sharing to the tune of **148.62** crore from the applicants, so far. Secretary, NBA informed that the major portion of Benefit Sharing amount Rs. **101.42** Crore have been realized from the applicants for access of Red Sanders wood auctioned by the Government of Andhra Pradesh and Department of Revenue Intelligence by imposing 5% on the auctioned price from the successful foreign bidders. As per the report of the Expert Committee on Red Sanders, NBA released Rs



48.77 crore to the concerned stakeholders which are brief below:

Stakeholders	Amount (In crore)
Andhra Pradesh Forest Department	34.55
Andhra Pradesh State Biodiversity Board	11.25
Karnataka Forest Department	0.50
Supported Red Sanders Research Projects	2.47
Total	48.77

Secretary, NBA informed that the remaining benefit sharing amount of Rs 47.2 crore has been received by NBA from access to biological resources other than Red Sanders. NBA has considered the geographical location from where biological resources are to be collected that has been provided in the application and released the benefits sharing to the concerned benefit claimers like BMC/ Institution/ communities.

Accordingly, NBA released Rs. 7,91,33,433/- to 22 State Biodiversity Boards & 1 Union Biodiversity Council (Andhra Pradesh , Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttarakhand, Uttar Pradesh, West Bengal, and UTBC Chandigarh) for disbursing the same to the benefit claimers concerned towards the conservation and promotion of biological resources and socio-economic activities of the area concerned.

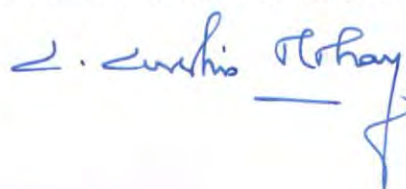
Decision: The information submitted in this regard was noted

Action: Nil

66.23 Approved Budget Estimate for the year 2022 – 23

Secretary, NBA informed that the Budget Estimate for the year 2022 - 23 for National Biodiversity Authority has been prepared and submitted for sanction to Ministry of Environment and Forest and Climate Change.

Now the Ministry has accorded sanction to the tune of Rs.17.50 crores under Grants in Aid for NBA for the financial year 2022 - 23. This Comprises of Rs.3.00crores under Grants-in-Aid - Salaries and Rs. 14.00 crores under Grants-in-Aid - General. In addition to that an amount of Rs.0.50 Cr has been sanctioned under



GIA - Capital. As per the provisions contained in the Biological Diversity Rules, 2004 under Clause 12(x) General Functions of the Authority, the Annual Budget Estimate has been prepared with head wise allocation of funds both for GIA-Salaries and GIA-General as approved by the Ministry for the financial year 2022 - 23 and submitted for approval of the Authority.

(i)	GIA – Salary	–	Rs.3.00 Cr
(ii)	GIA – Regular	-	Rs.9.00 Cr
(iii)	GIA – Strengthening of SBBs	-	Rs.4.00 Cr
(iv)	GIA – Preparation of PBRs	-	Rs.1.00 Cr
(v)	GIA – Capital	-	Rs.0.50 Cr

Decision: Authority endorsed the budget for the year 2021-22.

Action: Nil

66.24 Legal Vetting of Draft MoU between NBA and Anna University, Chennai

Chairman, NBA recalling the discussion of the 65th Authority meeting (Special meeting) mentioned that the Authority *inter-alia* decided to get a legal vetting of the draft MoU between NBA and Anna University, Chennai done by MoEFCC.

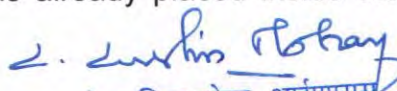
He informed that accordingly, the NBA vide letter No. NBA/3/3/Genl./Vol-III/21-22 dated 16th May, 2022 had sent a draft MoU to MoEF&CC along with the Proceedings of the 65th Authority meeting and the comments of the Authority members' viz. Shri. Achalender Reddy and Dr. Alka Rao and other related documents for legal vetting.

Dr. Alka Rao suggested that inputs and the problems if any faced by them may be taken from the National Centre for Sustainable Coastal Management (NCSCM) as this Institute is already placed inside Anna University through similar process.

Chairman, NBA further requested Ms. Rita Khanna, Scientist G, for the status of the legal vetting at the MoEF&CC. Ms. Rita Khanna in response mentioned that the legal vetting is in process and would revert back when complete.

Decision: a. NBA shall request a note on the problems if any, faced by National Centre for Sustainable Coastal Management (NCSCM) which is already placed inside the Anna University campus.

66.25 Any other item(s) with the permission of the Chair


जे. जस्टिन मोहन, आईएफएस
J. JUSTIN MOHAN, IFS
सचिव / SECRETARY
राष्ट्रीय जैव विविधता प्राधिकरण
National Biodiversity Authority
भारत सरकार / Govt. of India
5वां तल, टायसल बायोपार्क / 5th Floor, TICEL Biopark
सीएसआईआर रोड / CSIR Road,
तरमणि, चेन्नई / Taramani, Chennai - 600113.

Annexure I

List of Participants on 17th August, 2022

SI No	Name and Designation
Official Members	
1	Dr. V.B. Mathur , Chairman, National Biodiversity Authority, Chennai
2	Dr. Rita Khanna , Scientist G, CS-III Division, Ministry of Environment, Forest and Climate Change, New Delhi.
3	Shri. Preet Pal Singh , DIG Forest, Ministry of Environment, Forest and Climate Change, New Delhi.
4	Dr. Manoj Kumar Modi , Department of Biotechnology, New Delhi
5	Dr. Sanjay Kumar , Director, IIHBT, Palampur
6	Dr Chandra Shekhar Sanwal , Deputy Chief Executive Officer (CEO), AYUSH, New Delhi.
Non-official Members	
7.	Shri. C. Achalender Reddy , IFS(Retd.), Director, Centre for Innovations in Public Systems, achal.reddy@gmail.com
8	Dr. Joykumar Meitei Laishram , Professor and Dean, College of Agriculture, Central Agriculture University, jmlaishram@rediffmail.com
9	Dr. Alka Rao , Principal Scientist, CSIR- Institute of Microbial Technology (CSIR-IMTECH), Chandigarh – 160036, raoalka@imtech.res.in
10	Dr. Unnat P. Pandit , Professor of IP, Innovation and Entrepreneurship, IPMC, JNU, New Delhi
Secretary to the Authority	
11	Shri. J. Justin Mohan , IFS, Secretary, National Biodiversity Authority, Chennai

List of Participants on 26th August, 2022

SI No	Name and Designation
Official Members	
1	Dr. V.B. Mathur , Chairman, National Biodiversity Authority, Chennai
2	Dr. Rita Khanna , Scientist G, CS-III Division, Ministry of Environment, Forest and Climate Change, New Delhi.
3	Dr. Sanjay Kumar , Director, IIHBT, Palampur
4	Dr Jeetendra Kumar , Research officer, AYUSH, New Delhi.
Non-official Members	
5.	Shri. C. Achalender Reddy , IFS(Retd.), Director, Centre for Innovations in Public Systems, achal.reddy@gmail.com

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6	Dr. Joykumar Meitei Laishram , Professor and Dean, College of Agriculture, Central Agriculture University, jmlaishram@rediffmail.com
7	Dr. Alka Rao , Principal Scientist, CSIR- Institute of Microbial Technology (CSIR-IMTECH), Chandigarh – 160036, raoalka@imtech.res.in
8	Shri. M.S. Chaitra , Director and Fellow, Aarohi, chaitra78@gmail.com
9	Dr. Unnat P. Pandit , Professor of IP, Innovation and Entrepreneurship, IPMC, JNU, New Delhi
	Secretary to the Authority
10	Shri. J. Justin Mohan , IFS, Secretary, National Biodiversity Authority, Chennai

2. *Justin Mohan*