



**NATIONAL BIODIVERSITY AUTHORITY
GOVERNMENT OF INDIA**

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Neelangarai
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No. F. 2/14/Admn./NBA/2005/09/ 2241

Dated 11th August, 2009.

OFFICE ORDER

Sub: Reconstitution (Merging) of Expert Committee on "Access and Benefit Sharing for processing the applications received by NBA" - Appointment of Chairman/ Committee Members to the Expert Committee - intimation of - reg.

Whereas, in exercise of the powers conferred under Sub-section (2) of Section 13 of the Biological Diversity Act, 2002 and Rule 11 of Biological Diversity Rules, 2004, an "Expert committee to evaluate the access, patent, transfer of research results and material transfer application has been constituted and approved in the 4th Authority Meeting held on 6th October, 2005. and an "Expert Committee to finalize the determination of equitable benefit sharing for the applications received by NBA" have been constituted and approved by the Authority in its 8th Authority meeting held on 7th March, 2007

Whereas, it was decided in the 14th Authority Meeting held on 21.07.09 to merge and form single committee as mentioned above. Therefore, now, in supersession of the Office Orders F.2/11/Admn.NBA.2005/09 dated 27th April 2009 and No. F.2/14/Admn.NBA.2005/09 dated 8th May, 2009 issued, the Expert Committee on Access and Benefit Sharing for processing the applications received by NBA is reconstituted as under:-

CHAIRMAN	
Dr.R.S. Rana, Former Director, National Bureau of Plant Genetic Resources, New Delhi	
MEMBERS	
1.	Dr. Braham Singh, President, World Wellness Forum, A-172, Preet Vihar, New Delhi
2.	Shri. R.P.S.Katwal, Sameer Sadan, Rawra, P.O: Sandhole, Mandi District, Himachal Pradesh.
3.	Dr. R. J. Sharma, Former Dean, College of Veterinary and Animal Sciences, Pant Nagar

4.	Smt. Upma Chaudhry, Jt. Secretary (Seeds), Dept. of Agriculture & Cooperative, ICAR, Krishi Bhawan, New Delhi.
5.	Dr. T. P. Rajendran, ADG (PP), ICAR, New Delhi
6.	Dr. D.J. Bhagyaraj, INSA Senior Scientist, Dept. of Agricultural Microbiology, University of Agricultural Sciences, GKVK Campus, Bangalore.
7.	Dr. A. G. Ponnai, Director, Central Institute of Brackish water Aquaculture, Chennai.
8.	Dr. Ananth Kumar, Director, National Research Centre on Plant Biotechnology, ICAR, New Delhi.
9.	Dr. Suman Sahai, Gene Campaign, New Delhi
10.	Shri Ranjit Puranik, Hon. Gen. Secretary, Ayurvedic Drug Manufacturers Association, Mumbai
11.	Dr. Suresh Pal, Head, Division of Agricultural Economics, IARI, New Delhi
12.	Shri V. Rengasamy, Asst. Controller of Patents & Designs, Patent Office, Chennai.
13.	Smt. C.S. Ramalakshmi, Addl. PCCF (Env. Cell), Andhra Pradesh Forest Department
14.	Dr. Sudhanshu Gupta, Secretary, ICFRE, Dehradun.
15.	Dr. D. Narasimhan, Reader, Madras Christian College, Tambaram, Chennai
16.	Dr. K. Venkataraman, Sr. Consultant, National Biodiversity Authority, Chennai
17.	Shri. C.A. Reddy, Secretary, National Biodiversity Authority, Chennai

Terms of Reference and Guidelines of the Expert Committee

TERMS OF REFERENCE

As per the Section 21 of the Biodiversity Act, 2002 the Determination of equitable benefit sharing by National Biodiversity Authority shall be as follows:

Section 21: Sub Section (1): The National Biodiversity Authority shall while granting approvals under section 19 (*Approval by NBA for undertaking certain activities*) or section 20 (*Transfer of Biological Resources or knowledge*) ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.

Sub Section (2): The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:-

- (a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;

- (b) transfer of technology;
- (c) location of production research and development units in such areas which will facilitate better living standards to the benefit claimers
- (d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilization;
- (e) setting up of venture capital fund for aiding the cause of benefit claimers;
- (f) payment of monetary compensation and non- monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

Sub section (3): Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:

Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such individual or group of individuals or organisations in accordance with the terms of any agreement and in such manner as it deems fit.

Sub Section (4): For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CRITERIA FOR EQUITABLE BENEFIT SHARING

Biological Diversity Rules, 2004; Rule 20: Criteria for Equitable Benefit sharing

- (1) The Authority shall by notification in the Official Gazette formulate the guidelines and describe the benefit sharing formula.
- (2) The guidelines shall provide for monetary and other benefits such as royalty; joint ventures; technology transfer; product development; education and awareness raising activities; institutional capacity building and venture capital fund.
- (3) The formula for benefit sharing shall be determined on case-by -case basis.
- (4) The Authority while granting approval to any person for access or for transfer of results of research or applying for patent and IPR or for third party transfer of the accessed biological resource and associated knowledge may impose terms and conditions for ensuring equitable sharing of the benefits arising out of the use of accessed biological material and associated knowledge.
- (5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the local bodies and benefit claimers and may be decided in due regard to the defined

parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.

- (6) Depending upon each case, the Authority shall stipulate the **time frame for assessing benefit sharing on short, medium and long term benefits.**
- (7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.
- (8) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them through the district administration. Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.
- (9) **Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be, towards administrative and service charges.**
- (10) The Authority shall monitor the flow of benefits as determined under sub rule (4) in a manner determined by it.

GUIDELINES


In this context, for the benefit of the Chairman and Members of the Expert Committee (EC) and the Officers and Staff of NBA, the following guidelines are issued for proper conduct of the meeting to achieve the expected outcomes.

- a. The travel cost by Air (economy class)/Road etc., will be paid to the Chairman and the members on production of the tickets/bills along with the prescribed format (will be given at Chennai) to the NBA on arrival to enable NBA to pay the cost of travel etc., before the members leave Chennai.
- b. A sitting fee of Rs.1,000/- will be paid per day.
- c. The Chairman and members are requested to kindly make it convenient to attend meeting by 10.30 AM at the fixed venue. The NBA will arrange transport from Airport/Railway station/bus stand at Chennai to exact venue of the meeting.
- d. The Chairman and members may preferably come to Chennai one day in advance of the date of meeting.
- e. The boarding along with working breakfast/lunch/dinner will be provided by the NBA.
- f. The committee is requested to kindly submit the proceedings/minutes to the NBA duly authenticated by all the members. The NBA is of the opinion that in order to complete the submission of proceedings/minutes, the committee

members may not plan their return journey on the evening of the same day as the meeting may extend to late hours in the evening. Keeping this in view it is requested that the outstation members may plan return journey on the next day after authentication of the proceedings/minutes of the meeting. It is a policy decision of NBA that proceedings/minutes will not be sent by post/email for authentication by Chairman and members. Under exceptional circumstances the Chairman may get the proceedings/minutes finalized at later dates and send the document to NBA duly authenticated by all members who were present in the meeting. In that case lump sum amount of Rs.1500/- will be paid additionally to the Chairman in this regard to meet the postal expenses, mobile, internet charges and cost of secretarial assistance at his place of stay.

- g. The NBA shall provide secretarial assistance and stationary etc., for finalizing the minutes/proceedings of the Expert Committee at Chennai.
- h. In the absence of designated chairman of expert committee/prior intimation of the chairman for leave of absence, the NBA shall appoint another person as chairman or select one among the members present to officiate as chairman to conduct the meeting.
- i. The committee is requested to kindly go through the subject area and refer BD Act 2002 and Rules made there under, relevant laws, scientific articles, books, browse internet to facilitate lively and useful discussion on the subject.
- j. The committee is requested to go through RET (Rare, Endangered and Threatened) species of flora and fauna of India and also species listed in CITES, normally traded commodities, Red list of IUCN etc.
- k. The chairman and members may kindly exchange notes and views through internet on the subject area to be discussed during the meeting.
- l. The Hon'ble Minister of Environment and Forests, GoI desired that the expert committees should take up the work with all seriousness to solve critical problems faced by the nation in the conservation, utilization and equitable sharing of benefit arising out of the utilization of bioresources and enforcement of provisions of Biodiversity Act 2002.

This is issued with the approval of the Chairman, National Biodiversity Authority.


(C. Achalender Reddy)
Secretary

To

1. Dr. R.S. Rana, Chairman, Bio-Links, D-43, Indraprastha Apartments, Sector 14, Rohini, New Delhi – 110 085 (e-mail: rairana@vsnl.net)
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4. Dr. R. J. Sharma, Former Dean, College of Veterinary and Animal Science, Pant Nagar (email: deanvm@gbpuat.ernet.in, Mob: 09412636032).
5. Smt. Upma Chaudhry, Jt. Secretary (Seeds), Government of India, Dept. of Agriculture and Co-operative, ICAR, Krishi Bhawan, New Delhi (email: upmachawdhry@hotmail.com).
6. Dr. T. P. Rajendran, ADG (PP), ICAR, E-4, Krishi Vihar, New Delhi-110 048 (email: adgpp.icar@nic.in Tel: 23384414).
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11. Shri Ranjit Puranik, Hon. Gen. Secretary, Ayurvedic Drug Manufacturers Association, Unit No.227, T.V. Industrial Estate, 248/A, S.K.Ahira Marg, Worli, Mumbai. (email:admaindia@vsnl.net, Tel: 022 24984405, fax:022 23881308, Mob:9820072273).
12. Dr. Suresh Pal, Head, Division of Agricultural Economics, IARI, New Delhi (Tel: 011-25847501, 25842951, Fax: 011-25846420, E-mail: head_eco@iari.res.in, spl_eco@iari.res.in)
13. Shri V. Rengasamy, Asst. Controller of patents & Designs and Head of Office, Patent Office, Intellectual Property Office Building, G.S.T. Road, Guindy, Chennai.(email: veeaar4@sify.com, Tel: 044 22502080, Mob: 9444324466).
14. Smt. C.S. Ramalakshmi, Addl. PCCF (Env.), Andhra Pradesh Forest Department, Hyderabad (email: 09440810002, Tel: 040-23231608, Fax: 040-23232174, email: apccf_env_apfd@ap.gov.in).
15. Dr. Sudhanshu Gupta, I.F.S., Secretary, Indian Council of Forestry Research and Education (ICFRE Hq.), P.O. New Forest, Dehradun – 248006 (Tel: 0135-2758614, fax : 0135 – 2750298, email: sudhanshu@icfre.org)
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