

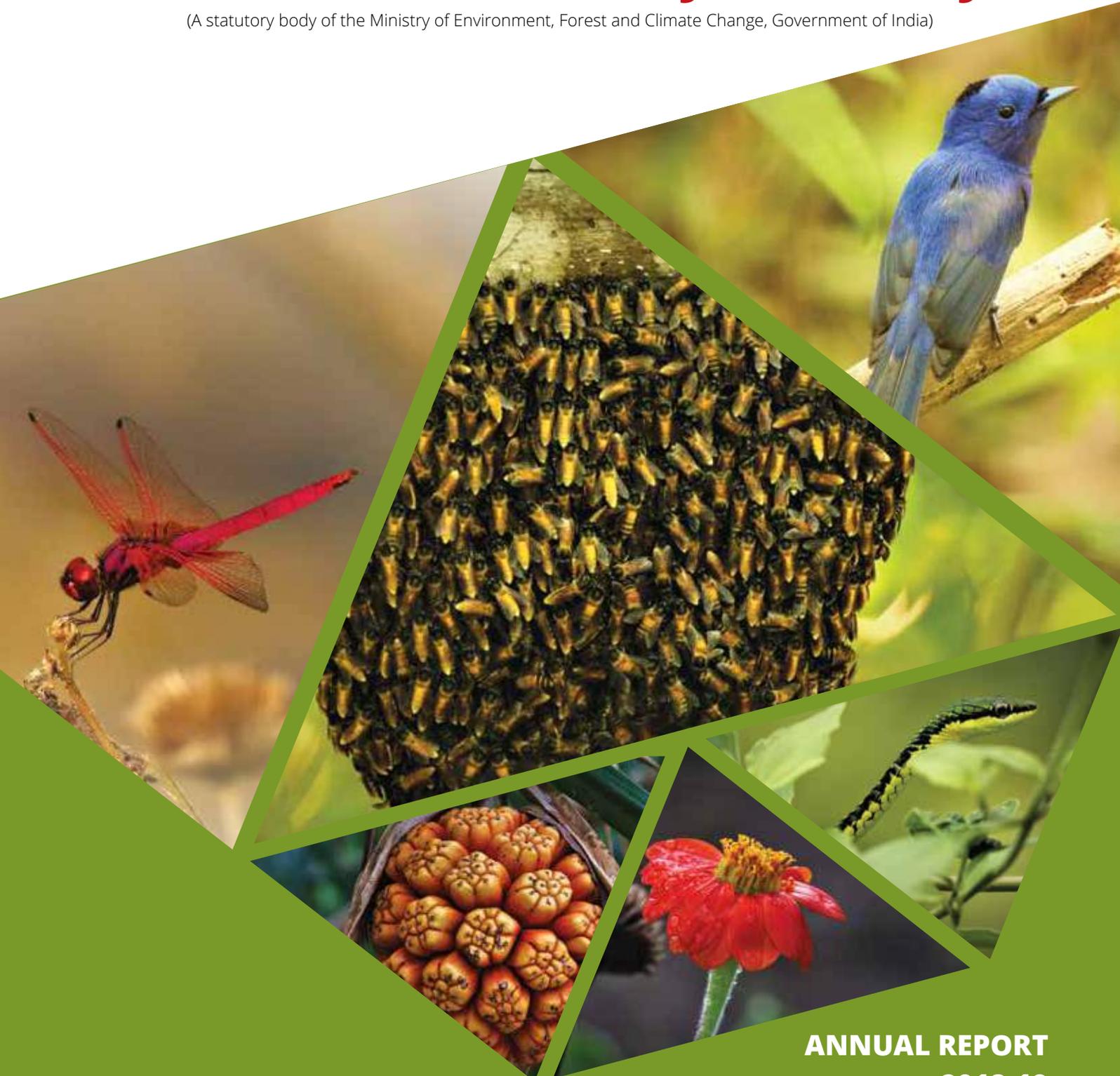


Ministry of Environment,  
Forest and Climate Change



# National Biodiversity Authority

(A statutory body of the Ministry of Environment, Forest and Climate Change, Government of India)



**ANNUAL REPORT**  
**2018-19**

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Published by NBA, 2020



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(A statutory body of the Ministry of Environment, Forest and Climate Change, Government of India)

## ANNUAL REPORT 2018-19



मंत्री  
पर्यावरण, वन एवं जलवायु परिवर्तन  
और  
श्रम एवं रोज़गार  
भारत सरकार



सत्यमेव जयते

MINISTER  
ENVIRONMENT, FOREST AND CLIMATE CHANGE  
AND  
LABOUR AND EMPLOYMENT  
GOVERNMENT OF INDIA

भूपेन्द्र यादव

**BHUPENDER YADAV**



### MESSAGE

National Biodiversity Authority (NBA), a statutory body of Ministry of Environment, Forest and Climate Change was established to implement the provisions of Biological Diversity Act, 2002 through a three-tier institutional structure viz., NBA at the National level, State Biodiversity Boards (SBBs) at the State level and the Biodiversity Management Committees (BMCs) at the local body level.

The Annual Report for the year 2018-19 highlights the progress and achievements made towards successful implementation of the Act, Rules and Regulations at various levels. I am very pleased to note that at the end of the year 2018, a total of 1,44,371 BMCs have been constituted and 6,834 Peoples Biodiversity Registers (PBRs) prepared across the country. Promulgation of State-specific rules across 26 States and declaration of Biodiversity Heritage Sites in States such as Meghalaya, Odisha and West Bengal are some of the noteworthy achievements.

I am pleased to note that, during the reporting period 2018-19, the Authority met seven times and deliberated on various issues in detail and took appropriate actions. A key strength of NBA is the constitution of various Expert Committees to seek expert advice in discharge of its functions.

I appreciate the efforts of the NBA in compiling and bringing out this Annual Report.

Date: 10.02.2022

(Bhupender Yadav)





सत्यमेव जयते

भारतशुद्धी सत्यशक्तिः



एक कदम स्वच्छता की ओर

अश्विनी कुमार चौबे  
Ashwini Kumar Choubey



राज्य मंत्री  
पर्यावरण, वन एवं जलवायु परिवर्तन  
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण  
भारत सरकार  
MINISTER OF STATE  
ENVIRONMENT, FOREST AND CLIMATE CHANGE  
CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION  
GOVERNMENT OF INDIA

## MESSAGE

I am pleased to present the Annual Report of the National Biodiversity Authority (NBA) for the year 2018-19 that has been compiled as per Section 28 of the Biological Diversity Act, 2002. The report highlights the activities and achievements of NBA, the State Biodiversity Boards (SBBs) towards implementation of various provisions of the Act, Rules and Regulations.

Convening of the 13<sup>th</sup> National Meeting of SBBs on 29<sup>th</sup> December, 2018 at New Delhi involving representatives of 22 State Biodiversity Boards to review progress of the implementation of the Biological Diversity Act was significant event during the year. A noteworthy feature of the NBA and SBB activities in the given year includes the number of awareness programs, publications, documentation related to biodiversity carried out by them in consultation with the stakeholders.

I am particularly pleased to note that the NBA and the SBBs have joined together to celebrate in a befitting manner the 25 Years of Coming into force of the Convention on Biological Diversity as part of International Day for Biological Diversity- 2018.

I appreciate the commendable work done by SBBs and their role at grassroots is vital. I place on record my appreciation to the staff of NBA for their efforts to take forward the agenda of implementing the Biological Diversity Act, 2002 in letter and spirit.

(Ashwini Kumar Choubey)



# FOREWORD



India has established a three tier biodiversity governance process in which the National Biodiversity Authority (NBA) has to play an important role. During the Reporting Period 2018-19 the NBA undertook a range of activities for the conservation of biological resources. All the committees constituted by the NBA and particularly the Expert Committee on Access and Benefit Sharing (ABS) guided the ABS application process leading to accrual of Rs. 18.38 crores as deposits on account of benefit sharing, upfront payment and royalty. NBA also obtained 741 Internationally Recognized Certificate of Compliance (IRCC) during 2018-19.

NBA convened the 13<sup>th</sup> National Meeting of the State Biodiversity Boards which was inaugurated by Dr. Harsh Vardhan, Hon'ble Minister of Environment, Forest and Climate Change, Government of India. The International Day for Biological Diversity (IDB) was celebrated with the participation of Shri E.S.L. Narasimham, Hon'ble Governor of Telangana as the Chief Guest. The theme for IDB-2018 was 'Celebrating 25 years of action on biodiversity'. On this occasion, India Biodiversity Awards 2018 were presented to 9 awardees in four different categories along with 14 special mentions to recognize the efforts of individuals and communities working at the grassroot level for conservation of biodiversity.

I would like to place on record the deep appreciation and gratitude of NBA to a very large number of stakeholders and professionals and especially the senior officials of MoEFCC, Chairpersons and Members of various committees for their constant guidance and support, which has enabled the NBA to successfully achieve its mandate and assigned tasks. I would also like to record my appreciation to the officers and staff of NBA for their comprehensive efforts to take the NBA forward.

I place before you the Annual Report of NBA for the period 2018-19 along with Audited Accounts.

**(Dr. V. B. Mathur)**

Chairperson, NBA



# ACKNOWLEDGEMENT



## **J. Justin Mohan, IFS**

Secretary,  
National Biodiversity Authority

The Annual Report of the National Biodiversity Authority for the year 2018-19 has been compiled as per the provisions of Section 28 of the Biological Diversity Act, 2002. The report highlights the activities and significant achievements of NBA towards implementation of the various provisions of the Act. The activities carried out by the State Biodiversity Boards have also been included in this Report.

I acknowledge the valuable suggestions provided by Chairman, National Biodiversity Authority. He has been a constant source of motivation and support to complete the task of preparing this Report.

I express my gratitude to Secretary, Ministry of Environment, Forest & Climate Change for the continued support to the activities of National Biodiversity Authority. I also thank the Additional Secretary, Ministry of Environment, Forest & Climate Change for the guidance provided to NBA to implement the different provisions of the Act and guidance to execute different project based activities. I thank the Joint Secretary, Ministry of Environment, Forest & Climate Change who has been providing valuable support and advice in furthering the activities of the NBA Secretariat.

I acknowledge with gratitude the complementary role of the Chairpersons and Member Secretaries of the State Biodiversity Boards in compiling this Annual Report. I also thank the Principal Director of Audit (Scientific Audit) for conducting a detailed audit of the NBA and providing an Audit Certificate.

I wholeheartedly appreciate the efforts of all the officers and staff of NBA Secretariat in compiling and bringing out the Annual Report.

**J. Justin Mohan**  
Secretary, NBA



# CONTENTS

<b>Chapter</b>	<b>Subject</b>	<b>Page No.</b>
	Executive Summary	9
1	Introduction	11
2	Constitution and Functions of the Authority, related Statutory Bodies	13
3	Meetings of the Authority	15
4	Committees constituted by the Authority and their activities	19
5	Activities to regulate Access to Biological Resources and Fair and Equitable Benefit Sharing	21
6	Approval granted for undertaking activities as referred in Sections 3, 4, and 6 of the Biological Diversity Act, 2002	23
7	Measures taken with respect to Intellectual Property Rights related to genetic resources and associated knowledge	25
8	Approvals granted by the Authority for Access of Biological Resources	27
9	Awareness relating to the Intellectual Property Rights and Biological Diversity Act, 2002; and Public participation	29
10	Regulations issued under Sections 37, 38 and 64 of the Biological Diversity Act, 2002	33
11	Finance and Accounts	35
12	Annual Plan 2019-20	39
13	Other Important Activities of National Biodiversity Authority	41
<b>Annexures</b>		
1	Members of the Authority	63
2	Organization Chart	65
3	Staff Strength (Including Recruitment)	66
4	Publications	67
5	Training courses/ Seminars/ Meetings/ Workshops organized/ attended	68
6	Participation of NBA officials in meetings organized by other Ministries/ Departments	69
7	Citizen's Charter	70
8	Audit Report	72



In the recent decades, the biological resources are depleting globally mainly on account of fragmentation of the natural habitats, on account of exponential population growth, rapid economic development and industrialization, consequently creating immense pressure on the biodiversity and the ecosystem services. Conservation of biodiversity is crucial as it provides resources and services necessary not just for humans but for sustenance of all living beings. This demands urgent attention and action from all countries to conserve and support biodiversity, ecosystems and livelihoods through major policy and programs that are focussed on these realms. The 1992 Earth Summit at Rio de Janeiro led to the adoption of the international legal instrument, the 'Convention on Biological Diversity' (CBD) during the United Nations Conference on Environment and Development (UNCED) for the conservation, sustainable use and fair and equitable sharing of benefits of biological diversity. Consequently, India enacted the Biological Diversity (BD) Act in 2002 and notified the Biological Diversity Rules in 2004. A three-tier institutional structure was formed for implementation of the BD Act 2002, whereby the National Biodiversity Authority (NBA), established by the Government of India in 2003 under Section 8 of the Act, occupies the apex position, headquartered in Chennai and implements the BD Act at the national level as the first tier. The second and the third tier constitute the State Biodiversity Boards (SBB) at State level and the Biodiversity Management Committees (BMC) at the local level.

NBA regulates the activities and issues guidelines for access of biological resources and also advises the Government of India on matters relating to biodiversity conservation, sustainable utilization and equitable sharing of biological resources.

NBA, as a statutory body of the Government of India has been following a dedicated and target oriented plan. The highlights of the progress and achievements during the year 2018-19 are briefly outlined here and elaborated in the Annual Report.

During the period 2018-19, the Authority met seven times and deliberated various issues in detail and directed and advised the NBA Secretariat for appropriate action as per Section 12 of the BD Act, 2002 and Rule 10 of the BD Rules.

NBA constituted three Expert Committees- viz. the Expert Committee on Access and Benefit Sharing (EC on ABS); Expert Committee to develop a guideline for eligibility conditions/parameters for identification of repositories under Section 39 of the Act and an Expert Committee to identify issues in the Biological Diversity Act and Rules that may require changes, and propose amendments thereof.

The EC on ABS met seven times and gave suitable recommendations for processing and approving the different applications received including the applications covered under the Office Memorandum issued by MoEF&CC. During the reporting period, 931 applications were received with respect to access of biological resources for research/commercial use, transfer of research results, intellectual property rights and third party transfer. In total, 266 agreements were signed during this period. NBA realized a sum of Rs. 18.38 crores as benefit sharing, including upfront payment, royalty etc. India being a party to the Nagoya Protocol, NBA has uploaded 750 approvals granted in the ABS CH (Access & Benefit Sharing Clearing House) platform and has generated 741 Internationally Recognized Certificates of Compliance during 2018-19.

The implementation of the BD Act 2002 was initiated at the State level by establishing the State Biodiversity Boards (SBB) and locally by constituting the Biodiversity Management Committees (BMC) by the States. Of the 29 SBBs, so far 26 SBBs have notified their State Rules. At the end of 2018-2019, 1, 44,371 BMCs have been constituted and 6,834 People's Biodiversity Registers (PBR) prepared across the country. During the year under review, the States of Meghalaya, Odisha and West Bengal declared three Biodiversity Heritage

Sites (BHS) under the provisions of Section 7 of the BD Act, 2002. NBA has extended financial support to almost all the SBBs by Grant-in-Aid towards strengthening the institutional mechanism such as components of outsourcing, training and capacity building, peer to peer learning exchange visits, printing and dissemination of knowledge materials, formation of Thematic Expert Committee and website maintenance for the respective States during 2018-19. During the period of review, regional meetings of SBBs were convened to interact and understand the problems and challenges faced at the state and local body level.

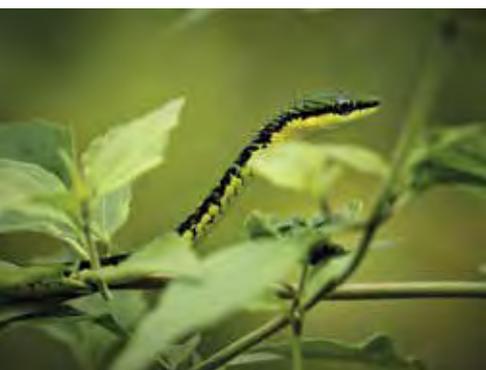
The 13<sup>th</sup> National Meeting of the State Biodiversity Boards (SBBs) was held on 29<sup>th</sup> December, 2018 at New Delhi to discuss issues related to the implementation of the Biological Diversity Act, 2002 in States. The National Meeting of SBBs was inaugurated by the Chief Guest Dr. Harsh Vardhan, Hon'ble Minister of Environment, Forest & Climate Change. Other honourable dignitaries included, Shri Siddhanta Das, IFS, DG Forests, MoEF&CC; Dr. A. K. Mehta, Additional Secretary, MoEF&CC; Dr. Sujata Arora, Advisor, MoEF&CC; Dr. Kuldeep Singh, Director, NBPGR; Shri Yashvir Singh, Economic Advisor, MoEF&CC and Smt. Amarjeet Ahuja, IAS (Retd.). Nearly 80 delegates including the Chairperson and Member Secretaries of 22 SBBs, representatives from Union Territories, Members of the Authority, Officials from MoEF&CC, special invitees from various governmental and non-governmental organizations, and representatives of the print and electronic media attended the meeting. The meeting reviewed the progress of the implementation of the Biological Diversity Act, especially the establishment of Biodiversity Management Committees (BMCs) and preparation of Biodiversity Register (PBRs) in the backdrop of the recent Order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

NBA has also supported activities, awareness programs,

publications, documentations related to biodiversity carried out by Universities / Colleges, Academic institutions under the recommendation of Proposals Scrutiny Committee (PSC).

The IDB celebration was inaugurated by the Honourable Governor of Andhra Pradesh & Telangana, Shri E.S.L. Narasimhan as the Chief Guest and Shri Jogu Ramanna, Minister of Environment, Forests, Science & Technology, Government of Telangana as the Guest of Honour. Shri SK Pattnayak, Secretary, Department of Agriculture, Cooperation & Farmers Welfare (DACFW), Government of India, Shri SK Joshi, Chief Secretary, Govt of Telangana, Shri Ajay Mishra, Special Chief Secretary, Government of Telangana; Dr V Praveen Rao, Vice Chancellor of PJTSAU, Dr. B. Meenakumari, Chairperson, National Biodiversity Authority and Ms. Marina Walter, Country Director, United Nations Development Programme (UNDP) attended the celebration. The theme for IDB-2018 was "Celebrating 25 years of action on biodiversity" to mark the occasion of 25 years of coming into force of the Convention on Biological Diversity. Indian Biodiversity Awards 2018 were announced in four categories of which there were 9 winners and 14 special mentions to recognise the efforts of individuals and communities working at the grassroots level for conservation of biodiversity at IDB 2019. The other important days observed by NBA were the International Yoga Day, the 15<sup>th</sup> Foundation Day of NBA, the Hindi Diwas, the 4<sup>th</sup> Indian International Science Festival-2017, etc. During this period, NBA organized and participated in various exhibitions, conferences, workshops, trainings, awareness programs, for diverse stakeholders including researchers, students, scientists and the general public regarding the importance of conserving and protecting biodiversity and rewarding biodiversity conservers.

The Annual Accounts of 2018-19 and Annual Plan for 2019-20 are also included in this Annual Report for 2018-19.





Biodiversity is the variety and variability amongst all living organisms and includes the diversity between and within species and ecosystems. It forms the foundation of varied range of ecosystem services that contribute to the well-being of all life forms. India is one of the 17 mega biodiversity countries and anchors 7-8% of the recorded species of the world. India is rich in terms of fauna as exemplified by the fact that nearly 62 percent of the recorded amphibian species are endemic to India, majority of them found in the Western Ghats. Globally, India holds the eighth position for origin and diversity of crop plants as it has more than 300 wild ancestors and close relatives of cultivated plants growing naturally.

Biological resources are vital to people's economic and social development in India as a large percentage of the population depend on the local flora and fauna directly for their livelihoods. They also utilise the local biodiversity for various purposes including for their traditional healing practices. However, due to India's growing population, rapid economic progress and industrialization, there is immense pressure on the biodiversity and ecosystem services. As a consequence, there is destruction and fragmentation of natural habitats, which alters the ecology and its inhabitants impacting the livelihoods of millions of people.

Conservation of biodiversity is very crucial as it provides resources and services necessary for human survival. It also helps in improving the livelihoods and socio economic status of local people, thereby contributing to sustainable development. Vast majority of the population in India live near rich ecosystems like the forests and coasts and are dependent on the rich forest and coastal and marine resources. It is well worth to note that nearly 250 million people live within the swath of 50 km from the coastline of India.

This unprecedented loss of biological diversity at the national and global level has been highlighted in several conferences and conventions internationally, expressing concerns over the depletion of biological resources. This led to the adoption of an international legal instrument in 1992 entitled Convention on Biological Diversity (CBD) during the Earth Summit, United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro for the conservation, sustainable use and fair and equitable sharing of benefits of biological diversity.

Consequently, India enacted the Biological Diversity (BD) Act in 2002 and notified the Biological Diversity Rules in 2004. A three-tier institutional structure has been formed for implementation of the BD Act 2002, whereby the National Biodiversity Authority (NBA) established by the Central Government of India in 2003 under Section 8 of the Act, occupying the apex position and headquartered in Chennai implements the BD Act at the national level.

The State Biodiversity Boards (SBB), established in 29 states operates at the State level and the Biodiversity Management Committee (BMC) formed at the local body as per Section 41 of the Act constitutes the second and third tier respectively. The NBA advises the Government of India on issues related to biodiversity conservation, sustainable utilization and equitable sharing. It also regulates the activities and issues guidelines for access of biological resources. Similarly, SBBs advise the State governments on biodiversity related issues. The BMCs are responsible for promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms besides chronicling of knowledge related to biological diversity.



# CONSTITUTION AND FUNCTIONS OF THE AUTHORITY, RELATED STATUTORY BODIES

## 2.1 Structure of the National Biodiversity Authority

The National Biodiversity Authority (NBA) is headed by the Chairperson, a distinguished person with knowledge and experience in sustainable management of biodiversity. The Authority also consists of ten *ex-officio* members from related Ministries of Government of India, and five non-official members who are experts in different aspects of biodiversity management.

### 2.1.1 Chairperson appointed under clause (a) of Sub-section (4) of Section 8 of BD Act

The Chairpersons during this phase were Dr. B. Meenakumari, a renowned Scientist, who former Deputy Director General of Fisheries, Indian Council of Agricultural Research who held the position till 8<sup>th</sup> February, 2019 and Shri. AK. Jain, IAS, Additional Secretary, MoEF&CC till the reporting period.

### 2.1.2 *Ex-officio* members representing MoEF&CC and Ministry of Tribal Affairs appointed under clause (b) of Sub-section (4) of Section 8 of BD Act

Three *ex-officio* members are appointed by the Central Government, *viz.*, two representing the MoEF&CC- the Additional Director General of Forests and the Joint Secretary to the Government of India, and one representing the Ministry of Tribal Affairs in the rank of Joint Secretary or an officer of an equivalent rank.

### 2.1.3 Other *ex-officio* members appointed under clause (c) of Sub-section (4) of Section 8 of BD Act

Seven other *ex-officio* members in the rank of Joint Secretary or an Officer of an equivalent rank are appointed by the Central Government. They deal with the following subjects:

- i. Agriculture Research and Education
- ii. Biotechnology
- iii. Ocean Development
- iv. Agriculture and Co-operation
- v. Indian Systems of Medicine and Homeopathy
- vi. Science and Technology
- vii. Scientific and Industrial Research

### 2.1.4 Non-official members appointed under clause (d) of Sub-section (4) of Section 8 of BD Act

Five non-official members are chosen among scientists and representatives of industry, conservationists and knowledge-holders of biological resources having sound knowledge and experience in matters related to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the biological resources.

## 2.2 Functions of NBA

- Advise the Government of India on matters relating to conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of utilization of biological resources.
- Regulate activities and issue guidelines for access to biological resources and /or associated knowledge and for fair and equitable sharing in accordance with Sections 3, 4 and 6 of the BD Act 2002. (Certain individuals/ nationals/ organizations require prior approval of the NBA for obtaining biological resources and/or associated knowledge for use).
- Take necessary measures to oppose the grant of Intellectual Property Rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resources derived from India illegally.
- Advise State Governments in selection of areas of biodiversity importance to be notified as heritage sites and suggest measure for their management.
- Provide guidance and technical support to Biodiversity Management Committees through State Biodiversity Boards for preparing People's Biodiversity Registers.
- Perform such other functions as may be necessary to carry out the provisions of Biological Diversity Act.

## 2.3 State Biodiversity Boards (SBB)

The SBBs are established by the State Governments by notification in the official gazette in accordance with Section 22 of the Act. The NBA exercises the powers and functions of a SBB in Union Territories. The NBA may delegate all or any of

its powers or functions to such persons or group of persons as specified by the Central Government. The SBBs comprise of a Chairperson, five *ex-officio* members representing the concerned departments and five experts having experience related to conservation of biological diversity, sustainable use of biological resources; and fair and equitable sharing of benefits arising out of their use.

### 2.3.1 Functions of SBB

- Advise the State Governments, subject to guidelines issued by the Central Government, on matters relating to conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of utilization of biological resources.
- Regulate, by granting approvals or otherwise, the request for commercial utilization or bio-survey and bio-utilization of any biological resources by Indians.
- Perform other functions necessary to carry out the provisions of the Act or as prescribed by the State Governments.

### 2.4 Biodiversity Management Committees (BMCs)

In accordance with Section 41 of the BD Act, local bodies within their areas of jurisdiction can constitute BMCs for the purpose of promoting conservation, sustainable use and documentation of biological diversity which includes preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms, and chronicling of knowledge related to biological diversity. Each BMC consists of a Chairperson and six persons nominated by the local body, of which one-third are women and 18% belong to the Scheduled Castes/Tribes category.

#### 2.4.1 Functions of BMC

- Prepare, maintain and validate People's Biodiversity Registers (PBR) in consultation with the local people.
- Provide advice on any matter referred to it by the State Biodiversity Board or NBA for granting approval.
- Maintain data about local *vaids* and medical practitioners using biological resources.

### 2.5 Role of Central and State Governments

- Establish National Biodiversity Authority, State Biodiversity Boards and Biodiversity Management Committees.
- Develop national strategies, plans, programs for the conservation, promotion and sustainable use of biological diversity.
- Issue directives to State Governments to take immediate ameliorative measures for the protection of biodiversity-rich habitats, threatened by overuse, abuse or neglect.
- Integration of the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programs and policies. Endeavour to respect and protect knowledge of local people relating to biological diversity, as recommended by NBA
- Assess the impact of projects on environment and biodiversity and regulate, manage or control the risks or adverse impact of use/ release of living modified organisms on conservation, and study the link between sustainable use of biological diversity and human health.
- The Central Government may, in consultation with the NBA,
  - a. Notify threatened species and prohibit or regulate their collection, rehabilitation and conservation.
  - b. Designate institutions as repositories for different categories of biological resources.
  - c. Exempt certain biological resources normally traded as commodities.
- State Governments, in consultation with the local bodies, notify Biodiversity Heritage Sites, and frame rules for management and conservation of all the Heritage Sites (in consultation with Central Government) and launch schemes for compensation to/ rehabilitation of affected people.

## MEETINGS OF THE AUTHORITY

During the reporting period, the Authority met seven times and deliberated on various issues in detail and directed and advised the NBA Secretariat for appropriate action as per Section 12 of the BD Act, 2002 and Rule 10 of the BD Rules. Besides, the Authority considered ABS applications along with recommendations of the Expert Committee on ABS, and gave decisions and advised the NBA Secretariat. The agenda and the outcome of the meetings held are outlined below:

### 3.1 46<sup>th</sup> Authority Meeting

The forty sixth meeting of the Authority (Governing Body) was held on 24<sup>th</sup> July 2018 at MoEF&CC, New Delhi under the chairpersonship of Dr B. Meenakumari, Chairperson, NBA to discuss and take decisions on matters pertaining to the work of NBA. Some of the important issues included:

- The Proceedings of the 48<sup>th</sup> meeting of Expert Committee on ABS EC held on the 14<sup>th</sup> & 15<sup>th</sup> May 2018 was approved by the Authority.
- The revised guidelines on upfront payment related to ABS were approved and it was decided to be uploaded on the NBA Website.
- The minutes of the meeting held on 13<sup>th</sup> June, 2018 to discuss modalities about sharing of the benefit-sharing amount with the BMC / beneficiaries was deliberated upon.

### 3.2 47<sup>th</sup> Authority Meeting

The forty seventh meeting of the Authority was held on 26<sup>th</sup> September 2018 in Chennai under the chairpersonship of Dr B. Meenakumari, Chairperson, NBA. The significant items that were deliberated upon for decisions making in the meeting were:

- a) Proceedings of the 49<sup>th</sup> meeting of the Expert Committee on ABS held on the 10<sup>th</sup> November 2017 was approved.
- b) NBA to scrutinize the violation/contravention cases and categorize them accordingly and give preference to the cases that have procedural contraventions, but for which, would have been approved.
- c) NBA to upload the Ministry's direction in the NBA website and in newspapers for publicity.

- d) The Authority to meet three times (29.10.2018; 10.12.2018 and 18.12.2018) for hearing the violation applicants.
- e) The draft Annual Report on the activities of NBA for the year 2017-18 was noted and approved.
- f) It was shared that NBA has uploaded 145 approvals granted in the ABS CH platform and generated 741 Internationally Recognized Certificate of Compliance. It is to be noted that India is a leading country among the 198 parties in publishing IRCCs which is a tool for monitoring the use of genetic resources under the Nagoya Protocol.



### 3.3 48<sup>th</sup> Authority Meeting

The forty eighth meeting of the Authority was held on 29<sup>th</sup> October, 2018 in Chennai under the chairpersonship of Dr B. Meenakumari, Chairperson, NBA. Some of the important items discussed, deliberated and decisions taken in the meeting included:

- a) Proceedings of the 50<sup>th</sup> and 51<sup>st</sup> meeting of the EC on ABS held on 10<sup>th</sup> -11<sup>th</sup> September and 15<sup>th</sup>-16<sup>th</sup> October, 2018 were approved.
- b) Fixing of benefit sharing as 1%, 5% and 5% on the commercial utilization of the process/ product/ innovation; on the fee received in any form including the licensee/assignee; of the royalty received annually from the assignee/licensee respectively in all such cases where the approval is granted under the direction of MoEF&CC through the O.M. dated 10<sup>th</sup> September 2018.

- c) The Authority decided that NBA may sign the agreement in all such cases where the patents are granted after the in principle approval by the Authority.

2. The applicants shall furnish an undertaking that provisions of BD Act shall be complied with in the future.
3. The clauses in the approvals (agreements) may be modified appropriately by the NBA Secretariat.



### 3.4 49<sup>th</sup> Authority Meeting

The forty ninth meeting of the Authority was held on 15<sup>th</sup> November, 2018 in Chennai under the chairpersonship of Dr B. Meenakumari, Chairperson, NBA. Some of the important items discussed, deliberated and decisions taken in the meeting included:



- a) Printing & hosting the comprehensive list of Invasive Alien Species prepared by the EC on IAS, CEBPOL and NBA. NBA also sent the list of Invasive Alien Species to eminent scientists with expertise in the flora and fauna of India for their valuable inputs, comments, value addition and vetting.
- b) Dealing with O.M. dated 10-09-2018 issued by MoEF&CC:
  1. The Authority approved Form III applications with the Benefit sharing kept at 1%, 5% and 5% on the commercial utilization of the process/ product/ innovation; on the fee received in any form including the licensee/assignee; of the royalty received annually from the assignee/ licensee

### 3.5 50<sup>th</sup> Authority Meeting

The fiftieth meeting of Authority was held on 10<sup>th</sup>-11<sup>th</sup> December, 2018 in Chennai under the chairpersonship of Dr B. Meenakumari, Chairperson, NBA. Some of the important items discussed, deliberated and decisions taken in the meeting included:



- a) The Authority approved the recommendations of the 52<sup>nd</sup> EC on ABS and also agreed that, 25 petri dishes/ plates can be taken as one unit for collection of air samples.
- b) Dealing with O.M. dated 10-09-2018 issued by MoEF&CC on the following issues:
  1. The Authority communicated to the Form III applicants who are 3(2) entities to apply in Form I for access of the bio resource for which research has already been carried out, if they have not taken prior approval from NBA.
  2. The Authority asked NBA to speed up the process of scrutiny of the Forms that are applied before 18<sup>th</sup> December 2018. Form I applications that are received during this period where the bio resource have been accessed and will be accessed in the future will be sent to the respective SBBs for concurrence and the respective SBBs to revert back in 15 days. Secondly, Form I applications for which the bio resource have already been accessed and no further access is required need not be sent to the respective SBBs for concurrence but the decision taken by the Authority will be communicated to the SBBs.



### 3.6 51<sup>st</sup> Authority Meeting

The fifty first meeting of the Authority was held on 24<sup>th</sup> January, 2019 in Chennai under the chairpersonship of Dr B. Meenakumari, Chairperson, NBA. Some of the important items discussed, deliberated and decisions taken in the meeting included:

- a. The applications on Red Sanders may be scrutinized and decided by the Secretariat. The decision may then be placed before the EC on ABS for information.
- b. A Preliminary report may be sent to MoEF&CC regarding the status of the applications under the O.M. by the first week of February, 2019.
- c. The Secretariat may consider commencing a study on the geographical distribution of medicinal plants that are collected in large volume from the wild.
- d. NBA can initiate appropriate legal procedures against M/s. International Flavors and Fragrances India Ltd.
- e. NBA to develop a proposal for simplified procedure for non-commercial research including amending the Biological Diversity Rules. In addition, it will facilitate the accountability and responsibility of the heads of the relevant institutions for enhancing the implementation of the Act through scrutiny of non-commercial research in accordance with the SOPs to be developed by NBA. The institutional committees set up by the institutes will scrutinise the application which would then be considered by the Authority for further action.

- f. The Authority ratified the decision on granting exemptions to inventions which are mechanical/design improvements

### 3.7 52<sup>nd</sup> Authority Meeting

The fifty second Authority meeting of the National Biodiversity Authority (NBA) was held on 19<sup>th</sup> of March 2019 at the Godavari Conference Hall, Indira Paryavaran Bhavan, New Delhi under the Chairmanship of Shri Anil Kumar Jain, IAS, Additional Secretary, MoEF&CC and Chairperson, National Biodiversity Authority. Some of the important items discussed, deliberated and decisions taken in the meeting included:

- An Expert Committee to review the Guidelines on ABS Regulations, 2014 and suggest appropriate measures thereof will be constituted.
- The draft guidelines which will be submitted by the EC can be hosted on the NBA website to seek comments from the public. Action as warranted as per the recommendations may be taken up at the Secretariat level and the report be placed before the Authority in its next meeting for consideration.
- The EC shall be reconstituted under the chairmanship of Shri. A.K. Goyal to examine the Biological Diversity Rules, user country measures under Nagoya protocol and development of sector specific SOPs.
- Only seven categories will be notified for India Biodiversity Awards 2020, which can be announced during the International Day for Biological Diversity

2019. The cash prize for the winners may be enhanced to Rs.2,00,000 and Rs. 5,00,000 for individuals and institutions respectively.

- A new NBA logo and its variant may be designed involving specialized organizations like NID and the variant may be utilized as the certification of compliance to the Biological Diversity Act, 2002 for the particular product.

- Members approved the recommendations of the EC on Red Sanders with regard to award of research proposals to the recommended Government Institutions.
- The Secretariat may invite proposals from government institutions and all Universities with research facilities in future.



# COMMITTEES CONSTITUTED BY THE AUTHORITY AND THEIR ACTIVITIES



## 4.1. Expert Group to develop guidelines for eligibility conditions/parameters for identification of repositories under Section 39 of the Act

Pursuant to the decision taken in the 42<sup>nd</sup> authority meeting held on 21<sup>st</sup> August, 2017, a core expert group was constituted to develop a guideline for eligibility conditions/parameters for identification of repositories under Section 39 of the Act. The meeting of the Core Expert Group was held on 5<sup>th</sup> May 2018 at NBA, Chennai and the criteria for designation of national repositories under Section 39 of the BD Act was developed which was endorsed by the Authority in its 46<sup>th</sup> meeting. Consequently, the NBA communicated the criteria for designation of national repositories under Section 39 to all the repositories for taking necessary action.





# ACTIVITIES TO REGULATE ACCESS TO BIOLOGICAL RESOURCES AND FAIR AND EQUITABLE BENEFIT SHARING

## 5.1. Expert Committee (EC) on Access and Benefit Sharing (ABS)

Applications seeking prior approval for access to biological resources and/or associated knowledge for research, bio-survey and bio-utilization and commercial utilization, transfer of results of research, for obtaining Intellectual Property Rights for invention based on research or information on biological resources and transfer of accessed biological resources to third parties which are received by the NBA are evaluated by this expert committee which then makes suitable recommendations for consideration of the Authority.



During the year, the committee met seven times viz., 48<sup>th</sup> meeting on 14<sup>th</sup> and 15<sup>th</sup> May 2018, 49<sup>th</sup> meeting on 10<sup>th</sup> and 11<sup>th</sup> July 2018, 50<sup>th</sup> meeting on 10<sup>th</sup> and 11<sup>th</sup> September 2018, 51<sup>st</sup> meeting on 15<sup>th</sup> & 16<sup>th</sup> October 2018, 52<sup>nd</sup> meeting on 4<sup>th</sup> December 2018, 53<sup>rd</sup> meeting on 8<sup>th</sup> January 2019 and 54<sup>th</sup> meeting on 14<sup>th</sup> March 2019 and evaluated around **660** applications on access and benefit sharing and provided recommendations to the Authority. Besides, the EC provided techno-legal inputs on various generic issues such as accessing non-Indian biological resources, applicability of BD Act on the claim of improved design without using biological resources and modalities for levying upfront payments.

## 5.2 Expert Committee to review the Guidelines on ABS Regulations, 2014

Pursuant to the decision taken in the 48<sup>th</sup> Authority and directions of the MoEFCC, NBA constituted an expert committee to review the Guidelines on ABS Regulations, 2014 and suggest appropriate measures thereof. The committee considered the issues posed by the various stakeholders and



made deliberation in the meetings viz. the First meeting held on 13<sup>th</sup> February 2019, second meeting held on 21<sup>st</sup> & 22<sup>nd</sup> February 2019 and third meeting on 6<sup>th</sup> & 7<sup>th</sup> March 2019. Subsequently, the committee submitted its report to the NBA along with a draft revised notification on "Guidelines on Access to Biological Resources and Associated Knowledge and Equitable Sharing of Benefits Regulations, 2019" for consideration. NBA sought public comments on the draft guidelines by giving one month time and currently the comments received from the public are under consideration.

## 5.3 Generating the Internationally Recognized Certificate of Compliance (IRCC);

Under 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 required to issue a permit or its equivalent at the time of access, as evidence that access to genetic resources was based on prior informed consent and that mutually agreed terms were established.

Since India is a party to the Nagoya Protocol, NBA has uploaded details of the 741 approvals granted in the ABS CH platform, for which Internationally Recognized Certificate of Compliances (IRCC) were generated.



# APPROVAL GRANTED FOR UNDERTAKING ACTIVITIES AS REFERRED IN SECTIONS 3, 4, AND 6 OF THE BIOLOGICAL DIVERSITY ACT, 2002

## 6.1 Approval Details

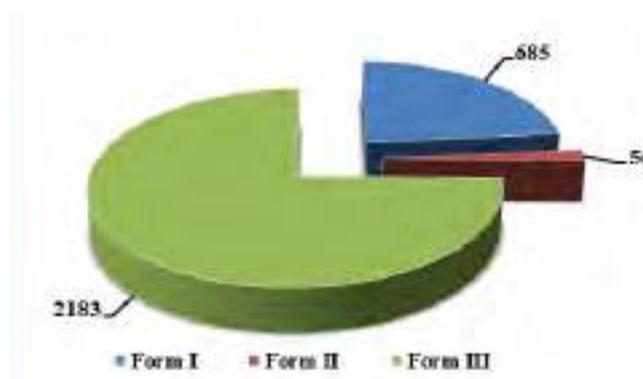
The objectives of the Biological Diversity Act, 2002 are conservation of biological resources, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of the same. Accordingly, the National Biodiversity Authority is mandated to regulate activities of access to biological resources and/ or associated knowledge for research; bio-survey and bio-utilization; commercial utilization; obtaining IP rights; transfer of results of research and transfer of accessed biological resources and/ or associated knowledge. The procedures to be followed by the applicant are outlined in the Sections 3, 4, 6 of the Act, 14, 17 and 18 of the Biological Diversity Rules 2004 and ABS Regulations 2014.

For such activities, the NBA is receiving applications from different stakeholders' viz., Non-Indian individual or entity; Indian individual or entity and the same are being examined through an expert committee constituted for this purpose. The detailed information relating to application is provided in Table 1.

**Table - 1 Category of ABS applications**

Sections of the BD Act, 2002	Form No.	Purpose of application	By whom
Section 3	I	Access of biological resources and/or associated traditional Knowledge for research, commercial utilization, bio-survey or bio-utilization	Non- Indian, NRI, Foreign entity or Indian entity having non-Indian participation in share capital or management
Section 4	II	Transfer the results of research	Any Indian/non-Indian or entity to any non-Indian, NRI, foreign entity or Indian entity having non-Indian participation in share capital
Section 6	III	Seeking no objection to obtain Intellectual Property Right	Any Indian/ Non-Indian or entity

Since inception, this office has received 3114 applications from different stakeholders (Figure 1). During the reporting period, the NBA received 931 applications which are complete in all respects and has taken it up for processing. The stages of processing of applications are shown in Table 2.



**Figure- 1- Receipt of applications under different categories**

\*Application received up to 31/03/2019

**Table 2: Stages of processing of ABS applications**

Details	Form I	Form II	Form III
Received	288	5	610
Cleared	42	1	331
Under process	244	3	238
Violation	1	1	23
Closure/Withdrawn	1	0	18
Agreement signed / approved	61	1	204
Cleared (applications received in the previous years)	27	0	143
Closure/Withdrawn (applications received in the previous years)	9	0	43
Rejected	0	0	0
Violation	0	0	0

## 6.2 Benefit sharing realized

NBA has received a sum of about Rs18.38 crores as benefit sharing (BS) component during 2018-2019. Out of the BS amount realized on the access of Red Sanders wood, NBA

has distributed Three crores to the Andhra Pradesh Forest Department through the Andhra Pradesh SBB as per the recommendation of the EC on Red sanders with the approval of the Authority.

In the previous years, NBA had realized benefit sharing component from M/s Pepsico Holdings India Pvt Ltd towards access of sea weeds of which, NBA released Thirty Two lakhs to the Tamil Nadu State SBB for distributing among the beneficiaries in four southern coastal districts of the State.



# MEASURES TAKEN WITH RESPECT TO THE INTELLECTUAL PROPERTY RIGHTS RELATED TO GENETIC RESOURCES AND ASSOCIATED KNOWLEDGE

## 7.1 Measures Initiated

Genetic resources and associated knowledge constitute the raw materials for bioprospecting, which is one of the fastest growing R&D sector in the world. Bioprospecting contributes to the creation of value added products which has enormous economic potential. Intellectual property rights are used as a legal tool to create monopoly rights over this highly valuable information and thereby ensuring market success. But creation of private property rights through the grant of patent can lead to impediments for future research. Even though the holders of IPR derive significant benefits, the same may not be shared with the actual conservers and holders of biological resource and associated knowledge.

The Convention on Biological Diversity (CBD) aims at equitable distribution of the benefits arising out of such research and commercialisation of biological resources including through IPR among the users and providers. It attempts to balance the competing interests of these stakeholders by creation of an international mandate for access through prior informed consent and benefit sharing based on mutually agreed terms. India enacted the Biological Diversity Act, 2002 for implementing the triple objectives of CBD viz., conservation of biological resources, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources. Section 6 of the Biological Diversity Act, requires that any person applying for any Intellectual Property Right for an invention based on any research or information on a biological resource obtained from India shall obtain prior approval from the National Biodiversity Authority.

The Nagoya Protocol, adopted on 29<sup>th</sup> October 2010 aims at strengthening the third objective of the CBD - fair and equitable sharing of benefits upon utilization of genetic resources. In this regard, Article 15 and 16 of the Nagoya Protocol states that each Party shall take appropriate, effective and proportionate legislative, administrative or policy measures to provide that 'genetic resources' and 'traditional knowledge associated with genetic resources' utilized within its jurisdiction have been accessed in accordance with prior

informed consent and that mutually agreed terms have been established, as required by the domestic access and benefit-sharing legislation or regulatory requirements of the other Party. Further, parties shall take appropriate, effective and proportionate measures to address situations of non-compliance and shall, as far as possible and as appropriate, cooperate in cases of alleged violation of domestic access and benefit-sharing legislation or regulatory requirements.

The NBA has come across situations where individuals, institutions and companies situated in foreign jurisdictions have accessed and utilized Indian biological resources for developing innovations and have applied for patent in foreign patent offices. To address such situations of non-compliance, the national legislation has empowered NBA under Section 18(4) of the Biological Diversity Act with the statutory function to take measures to oppose the grant of patents for inventions based on the biological resources which were obtained without prior approval from NBA.

The 35<sup>th</sup> meeting of the Authority held on 13<sup>th</sup> October, 2015 discussed the issue and directed the NBA Secretariat to take necessary measures to oppose such IPR applications. Consequently, NBA has initiated action against 55 patent applications which were filed in various patent offices across the world. These patent applications make use of numerous biological resources from India which include medicinally valued substances like turmeric (*Curcuma longa*), Indian gooseberry (*Emblica officinalis*), neem (*Azadirachta indica*), ginger (*Zingiber officinale*), Ashwagandha (*Withania somnifera*), centella (*Centella asiatica*), arjuna (*Terminalia arjuna*), Indian Bay Leaf (*Cinnamomum tamala*), Aloe (*Aloe vera*), *Sphaeranthus indicus*, etc. As a result of the measures initiated against the foreign patent applications, NBA has so far received three (3) applications for prior approval to obtain Intellectual Property Right. Among these, NBA has granted approval in two (2) cases (ABS agreement signed).

The measures initiated against 55 patent applications are in the form of 'third party observations' which were filed in 8 different patent offices around the world. Among these, 13 third party observations were filed in the year 2018-19.

**Table 3- List of Measures taken in the year 2018 - 19**

Patent Office	No. of Actions Initiated
European Patent Office (EPO)	5
United States Patent and Trademark Office (USPTO)	5
Canadian Intellectual Patent Office (CIPO)	3

### **7.2 Monitoring of patents published by the Indian Patent Office**

Section 6 of the Biological Diversity (BD) Act, 2002 requires that any person applying for any Intellectual Property Right for an invention based on any research or information on a biological resource obtained from India, shall obtain prior approval of NBA.

Section 10(4) (ii) (D) of the Patents Act, 1970 requires that the source and origin of the biological resources used in the invention to be disclosed. Further, the spirit of Section 6 of the Biological Diversity Act, 2002 has been incorporated in the 'Guidelines for examination of Biotechnology applications for Patent' dated 25<sup>th</sup> March 2013 and the 'Guidelines for processing of Patent applications relating to Traditional Knowledge and Biological Material' dated 18<sup>th</sup> December 2012 issued by the Office of the Controller General of Patent, Designs and Trade Marks (CGPDTM) under the Department of Industrial Policy and Promotion (DIPP).

Both these Guidelines and Circular No: 1 of 2012 issued by the CGPDTM requires that patent for inventions based on biological material obtained from India shall not be granted, unless a copy of 'NBA permission' is submitted by the applicant. Further, this requirement has also been incorporated as a declaration in Form I which is to be submitted by the patent applicants. This ensures that patent for inventions based on biological resources obtained from India will not be

granted without obtaining approval from NBA. Despite these guidelines, some patents are still being granted and are in violation of the Biological Diversity (BD) Act, 2002.

Hence, NBA secretariat had initiated monitoring of patent applications that were being published by the Indian Patent Office (IPO) every month so that the patent office as well as the applicant could be informed well in advance of the inventions that would potentially fall under the purview of Section 6 and would require obtaining prior approval of NBA.

Monitoring process was carried out for the relevant divisions of Biotechnology, Agrochemicals, TK-Biotechnology, Microbiology, Biochemistry, Food and Pharmaceuticals. NBA scrutinized 2,405 applications between October 2018 and March 2019 and has sent communications to the IPO in 351 cases, informing them that the said invention would fall under the purview of Section 6 and hence NBA approval was mandatory. The IPO had also published these letters in their website in order to make the applicants aware of the requirement so that the applicants can approach NBA in a timely manner, before the patent could be granted.

**Table 4- Statistics for monitoring of patents published by IPO**

Month	No. of applications published	No. falling under NBA purview
October 2018	404	67
November 2018	414	56
December 2018	355	42
January 2019	351	47
February 2019	359	37
March 2019	522	102
Total	<b>2,405</b>	<b>351</b>



# APPROVALS GRANTED BY THE AUTHORITY FOR ACCESS OF BIOLOGICAL RESOURCES

The National Biodiversity Authority is mandated to regulate activities related to access of biological resources and/ or associated knowledge for research; bio-survey and bio-utilization; commercial utilization; obtaining IP rights; transfer of results of research and transfer of accessed biological resources and/ or associated knowledge. The procedures to be followed by the applicant are outlined in Sections 19 and 20 of the Act; 14, 17, 18, 19 and 20 of the Biological Diversity Rules 2004 and ABS Regulations 2014.

For these activities, the NBA receives applications from different stakeholders viz., Non-Indian individual or entity; Indian individual or entity which is examined through an expert committee constituted for this purpose. The detailed information relating to application is provided in Table.5.

**Table 5: Category of ABS applications**

Section	Form	Category
Section 20 of the BD Act, 2002	Form IV	Third Party transfer of accessed biological resources and/ or associated knowledge
Section 13 of the ABS Regulations, 2014	Form B	Conducting non-commercial research or research for emergency purpose outside India by Indian researchers/ government institutions using the biological resources

Since inception, NBA has received **177** applications of Form IV (**88**) and Form B (**89**) from different stakeholders. The stages of processing of applications are shown in Table-6.

**Table-6: Stages of processing of ABS applications of Form IV and Form B in 2018-19**

Details	Form IV	Form B	TOTAL
Received	6	22	<b>28</b>
Cleared	0	14	<b>14</b>
Under process	6	7	<b>13</b>
Violation	0	0	<b>0</b>
Closure/Withdrawn	0	1	<b>1</b>
Agreement signed / approved	1	0	<b>1</b>
Cleared (applications received in the previous years)	0	3	<b>3</b>
Closure/Withdrawn (applications received in the previous years)	1	2	<b>3</b>
Rejected	0	0	<b>0</b>
Violation	0	0	<b>0</b>





# AWARENESS RELATING TO THE INTELLECTUAL PROPERTY RIGHTS AND BIODIVERSITY ACT, 2002; AND PUBLIC PARTICIPATION

## 9.1 Meeting held to discuss the modalities for export of biological resources including crude herbs

A meeting was convened to discuss the modalities for export of biological resources including crude herbs in compliance with Biological Diversity Act, 2002 (BD Act) on 19<sup>th</sup> April, 2018 at NBA, Chennai, as proposed by the Customs- Central Board of Excise and Customs (CBEC). The representatives from the NBA, CBEC, Directorate General of Foreign Trade (DGFT), Wildlife Crime Control Bureau (WCCB) participated in the meeting. The participants discussed various issues relating to the enforcement of the provisions of the BD Act at the Ports in the light of the provisions of BD Act/ EXIM policy / Wildlife Protection Act/ Customs Act, etc., and arrived at a consensus establishing harmonization among various statutes.

## 9.2 Awareness through Print media

### 9.2.1 Current Science:

As part of its initiatives on awareness creation on the need for complying with the provisions of the Biological Diversity Act, 2002 by the users, NBA has started issuing advertisements in the leading science journal, the *Current Science* for eight monthly issues, as it has wide viewership among the scientific community. In this regard, the first issue published on 10<sup>th</sup> May 2018 carried details about the BD Act. In the next issue on 10<sup>th</sup> June 2018, NBA issued advertisements on "ABS e-filing"; the third issue on 10<sup>th</sup> July 2018 highlighted the "Access to biological resources"; the 10<sup>th</sup> August, 2018 issue on the "Prior Approval of NBA for obtaining Intellectual Property Rights; the fifth in the September, 2018 issue on the "Transfer of results of Research and Accessed Biological resources", the October 2018 issue spoke about the BD Act 2002, 16 years of NBA; the December 2018 issue carried details about Form-B & Form-C and the 10<sup>th</sup> March, 2019 issue about "ABS e-filing".

### 9.2.2 Down to Earth:

*Down to Earth* is one of the leading environmental magazines of India which has vast reach of nearly 4.5 lakhs readers amongst environmentalist, industries, international / UN think tank organizations, scientists and researchers, etc. As it has wider reach, NBA decided to publish advertisements about BD Act in five (5) issues. Accordingly, the first advertisement was issued in the *Down to Earth* - 16-31<sup>st</sup> August, 2018

on "ABS e-filing" and 2<sup>nd</sup> advertisement issued in the 16-30<sup>th</sup> September, 2018 issue on "Transfer of results of Research and Accessed Biological resources", in the October 2018 issue about the BD Act, 2002, 16 years of NBA; December 2018 issue about Form-B & Form-C and the March 2019 issue on the "ABS e-filing". Similarly, NBA also published one advertisement on "Access to biological resources" in *Heritage Amruth* magazine, which focusses on the traditional knowledge on healing and medicinal plants.

## 9.3 Awareness creation amongst students:

The Authority decided that to create awareness amongst students and researchers regarding Biological Diversity Act 2002, it would be appropriate to include information on the BD Act in the syllabi across universities. Pursuant to the decision of the Authority, NBA listed the major universities in all the States in India and sent communication to the Registrars/Vice-Chancellors of the universities requesting them to incorporate details about BD Act 2002 in the syllabus of Under/Post Graduate students. Such an initiative will help in imparting knowledge about provisions of the Act for the students. Accordingly, so far, NBA has sent correspondence to the following States and their universities -

- |                   |   |                 |
|-------------------|---|-----------------|
| a) Tamil Nadu     | - | 19 Universities |
| b) Kerala         | - | 16 Universities |
| c) Karnataka      | - | 39 Universities |
| d) Andhra Pradesh | - | 23 Universities |
| e) Telangana      | - | 14 Universities |
| f) Gujarat        | - | 42 Universities |
| g) Chhattisgarh   | - | 16 Universities |

In continuation, NBA is in the process of sending such communication to universities in the rest of the States.

## 9.4 NBA's Grant-in-Aid for awareness program on Biodiversity

With relevance to its core mandate of implementing the Biological Diversity Act, 2002, NBA supports the activities, awareness programs and events of Universities / Colleges, Academic institutions, State Biodiversity Boards, etc., to a limited extent. NBA also extends financial assistance towards

publication or documentation of new and original works on biodiversity. In such manner, the Authority has supported 59 proposals based on the recommendation of Proposals Scrutiny Committee (Table 7).

**Table 7: Proposal Scrutiny Committee meetings held during 2018-19**

Proposal Scrutiny Committee Meeting during 2018-19	
Total number of meetings held	6
Total number of proposals placed before the committee	92
Total number of proposals recommended for funding	59
Total amount of financial assistance recommended	1,02,68,700
Total amount of financial assistance sanctioned	81,57,146

### 9.5 India Biodiversity Awards 2018

The MoEF&CC in association with UNDP India had initiated the India Biodiversity Awards in 2012 during India's Presidency at the Eleventh Meeting of Conference of Parties to the Convention on Biological Diversity. The second and third rounds of the Awards were successfully conducted by UNDP in partnership with the NBA in 2014 and 2016.

The fourth round of awards was institutionalized in NBA and in pursuant to this, the Hon'ble Chief Minister of Goa launched the Fourth India Biodiversity Awards on 22<sup>nd</sup> May 2017 on the International Day for Biological Diversity. Subsequently, NBA hosted the Fifth India Biodiversity Awards, 2018, having UNDP India on board as the knowledge partner for the Awards. Applications were invited under these categories (i) Conservation (ii) Sustainable use of biological resources (iii) Replicable mechanisms for access and benefit sharing and (iv) Best Biodiversity Management Committees.

To scrutinize the applications received and to finalize the winners, NBA had constituted an Award Selection Committee consisting of members who were experts from various relevant fields. Meetings of this committee were convened by NBA at regular intervals and field visits were undertaken by the members to validate the work of the shortlisted applicants. Consequently, winners were selected by the members of the Award Selection Committee. They were awarded a cash prize of Rs. 1 lakh, a memento and a certificate during the celebration of the International Day for Biological Diversity on 22<sup>nd</sup> May 2018 at Hyderabad. To commend and encourage the efforts of extraordinary work, special mention was given for some cases during the celebration. The list of winners of the award is given in Table 8.

**Table 8- Winners of the India Biodiversity Awards 2018**

Category	Sub category	Winners	Special mention
Conservation of Wild Species	Institution	Singchung Bugun Village Community Reserve Management Committee, West Kameng District, Arunachal Pradesh	Umru BMC, Ri-Bhoi District, Meghalaya
		Lemsachenlok Organization, Longleng, Nagaland	TREE Foundation, Chennai, Tamil Nadu Godrej & Boyce Mfg Co Ltd, Mumbai, Maharashtra Coromandel International Limited, Kakinada, Andhra Pradesh
Conservation of Domesticated Species -	Institution	Kutch Unth Uchherak Maldhari Sangthan (KUMMS), Bhuj-Kutch, Gujarat	Sahaja Samrudha, Bengaluru, Karnataka
	Individuals	Mr. Kalden Singhi Bhutia, North Sikkim, Sikkim	Mr. Shaji N M, Wayanad, Kerala
Sustainable Use of Biological Resources	Institution	Sangham Women Farmers Group, Medak, Telangana	GoI-UNDP-GEF Sindhudurg Project, Mumbai, Maharashtra Tizu Valley Biodiversity Conservation and Livelihood Network, Zunheboto, Nagaland
		Individual	Ms. Parvathi Nagarajan, Villupuram, Tamil Nadu
Replicable mechanisms for Access and Benefit Sharing		Raipassa BMC, Dhalai, Tripura	
Best Biodiversity Management Committee		Pithorabad BMC, Satna, Madhya Pradesh	Coringa BMC, East Godavari, Andhra Pradesh
		Eraviperoor BMC, Pathanamthitta, Kerala	Modi (Jheri) BMC, Asifabad, Telangana Meenangadi BMC, Wayanad, Kerala Sikaribari BMC, Dhalai, Tripura

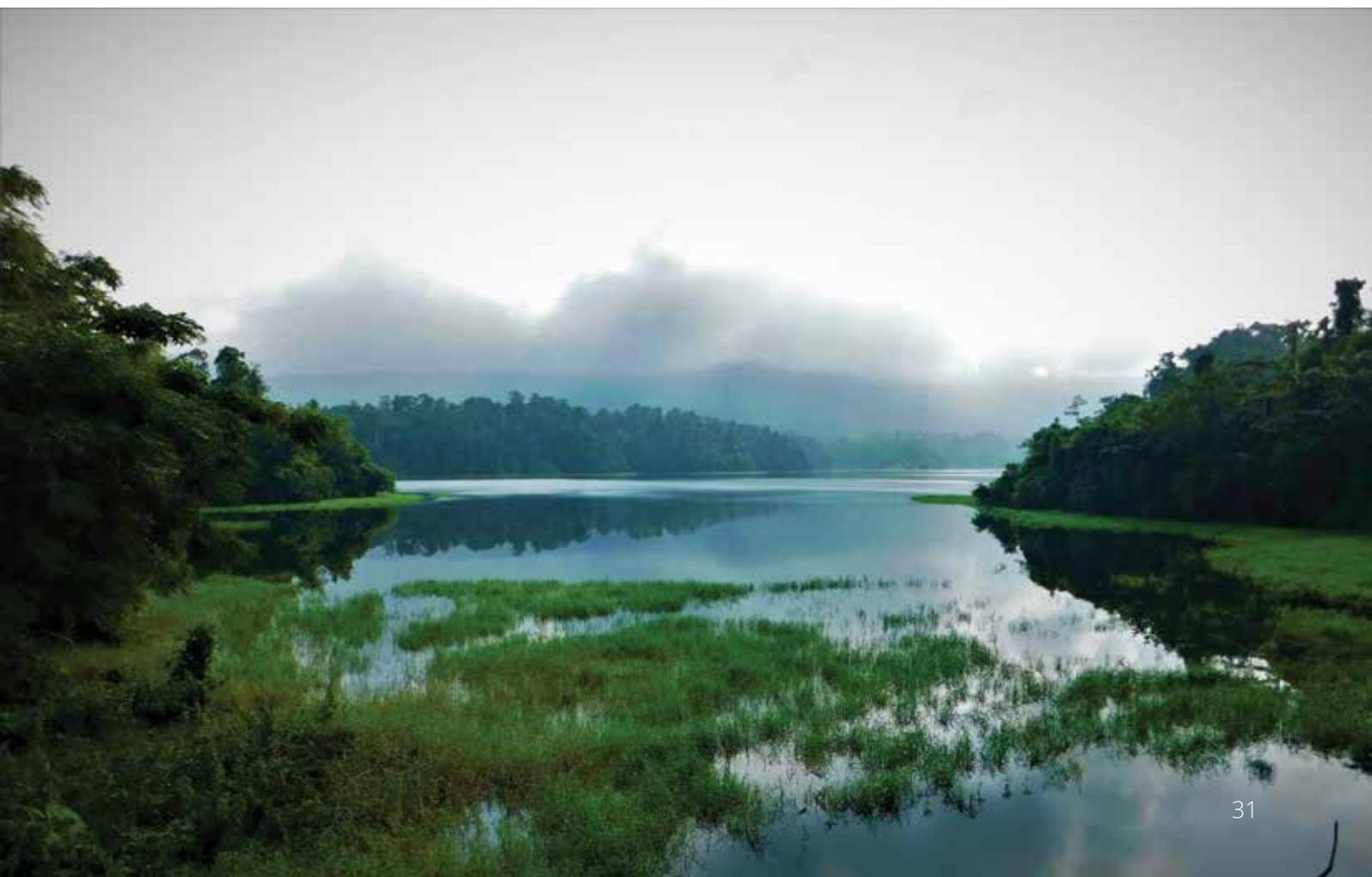


## 9.6 International Day for Biological Diversity (IDB)-2018

The IDB celebration was inaugurated by the Honourable Governor of Andhra Pradesh & Telangana, Shri E.S.L. Narasimhan as the Chief Guest and Shri Jogu Ramanna, Minister of Environment, Forests, Science & Technology, Government of Telangana as the Guest of Honour. Shri SK Pattnayak, Secretary, Department of Agriculture, Cooperation & Farmers Welfare (DACFW), Government of India, Shri SK Joshi, Chief Secretary, Govt of Telangana, Shri Ajay Mishra, Special Chief Secretary, Govt of Telangana; Dr V Praveen Rao, Vice Chancellor of PJTSAU, Dr. B. Meenakumari, Chairperson, National Biodiversity Authority and Ms. Marina Walter, Country Director, United Nations Development Programme (UNDP) attended the celebration. The other dignitaries were senior officers from Ministry of Environment Forest and Climate Change, National Biodiversity Authority,

Telangana State Biodiversity Board, UNDP, representatives from other States, Officers and Scientists from Central and State Government institutes, State Forest Departments, civil society organisations, academic institutes, students, local communities, and biodiversity enthusiasts. The theme for IDB-2018 was "Celebrating 25 years of action on biodiversity" to mark the occasion of 25 years of coming into force of the Convention on Biological Diversity.

Indian Biodiversity Awards 2018 were announced in four categories of which there were 9 winners and 14 special mentions to recognise the efforts of individuals and communities working at the grassroots level for conservation of biodiversity at IDB 2019. The celebration also included release of a publication "India Naturally" and some knowledge products. An exhibition was also organised and was inaugurated by Shri Jogu Ramanna, Minister of Environment, Forests, Science & Technology, Government of Telangana.





# REGULATIONS ISSUED UNDER SECTIONS 37, 38, 40 AND 64 OF THE BIOLOGICAL DIVERSITY ACT, 2002

## Section 64 of the Biological Diversity Act, 2002

The National Biodiversity Authority shall, with the approval of the Central Government by notification in the Official Gazette, make regulations for carrying out the purpose of this Act.

### 10.1 Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014

In exercise of the powers conferred by Section 64 read with Sub-section (1) of Section 18 and Sub-section (4) of Section 21 of the Biological Diversity Act, 2002 in pursuance of the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits, NBA made the regulations on "Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014" and notified the same on 21<sup>st</sup> November, 2014.

The regulations refer to:

- a. Procedures for access to biological resources and / or associated knowledge for research or bio-survey and bio-utilization for research
- b. Procedure for access to biological resources for commercial utilization or for bio-survey and bio-utilization for commercial utilization
- c. Procedure for transfer of results of research related to biological resources
- d. Procedure for transfer of accessed biological resources and / or associated knowledge to third party for research/Commercial utilization
- e. Procedure for seeking no objection for obtaining Intellectual Property Rights
- f. Mode of benefit sharing for access to biological

resources for commercial utilization; transfer of accessed biological resources and/ or associated knowledge to third party for research/ commercial utilization

#### 10.1.1 Expert Committee to identify issues in the Biological Diversity Act and Rules that may require changes, and propose amendments thereof

The MoEF&CC vide Office order dated 16.01.2019 constituted an Expert Committee to identify issues in the Biological Diversity Act and Rules that may require changes and propose amendments based on the experience gained in the implementation of the Act and Rules. Accordingly the NBA organized six meetings and facilitated the committee to submit their report to MoEF&CC.

- 1) The first meeting was held at the National Law School of India University (NLSUI), Bengaluru on 22<sup>nd</sup> January 2019.
- 2) A discussion meet with officials of NBA was held to identify issues in the BD Act and Rules held at NBA, Chennai on 23<sup>rd</sup> & 24<sup>th</sup> January 2019.
- 3) A brainstorming session was organised at MoEF&CC, New Delhi on 31<sup>st</sup> January & 1<sup>st</sup> February 2019 to deliberate on the issues /challenges in the BD Act and Rules.
- 4) The second meeting was held at NBA, Chennai on 8<sup>th</sup> February 2019
- 5) A consultation meet was held on 9<sup>th</sup> & 11<sup>th</sup> February 2019 with different Ministries/ stakeholders groups/ SBBs on the issues/ challenges in the implementation of the Act/ Rules at NBA, Chennai.
- 6) The final meeting was held on 15<sup>th</sup> February 2019 at NLSIU, Bengaluru to finalise the report.

## 10.2 Declaration of Biodiversity Heritage Sites (BHS) under Section 37 of the Biological Diversity Act, 2002

During the year under review, the States of Meghalaya, Odisha and West Bengal declared three Biodiversity Heritage Sites (BHS) under the provisions of Section 37 of the Biological Diversity Act, 2002 (Table 9)

**Table 9- Biodiversity Heritage Sites declared during 2018-19**

S. No.	State	Name of BHS	Location	Notification No.
1	Meghalaya	Khlaw Kur Syiem Kmielng	Umkon village, Umling block, Ri-Bhoi district	No. For.53/2018/59 dated 13.12.2018
2	Odisha	Mandasaru	Raikia block, Kandhamal district	No.10F(TR)27/2019/5265/F& E dated 12.3.2019
3	West Bengal	Chilkgarh Kanak Durga	Jamboni Block, Jhargram District	926/EN/T-II-7/003-ii/2003, dated 16.04.2018 (Gazetted on 21.05.2018)

## 10.3 Notifications under Section 38 of the Biological Diversity Act, 2002

Section 38 of the Biological Diversity Act, 2002 empowers the Central Government in consultation with the concerned State Governments to notify species of plants and animals which are on the verge of extinction or likely to become extinct in the near future as threatened species with view to prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species. So far 18 States and 2 Union Territories viz., Assam, Bihar, Goa, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Odisha, Punjab, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Islands and Diu & Daman have notified threatened species u/s 38 of the BD Act, enlisting 159 plants and 175 animal species.

The MoEF&CC and NBA are pursuing the matter with the remaining 13 States for issue of notifications u/s 38. The State Governments of Telangana, Gujarat and Nagaland have recently communicated their approval for notifications of threatened species u/s 38. The MoEF&CC is tracking the issue with the Botanical Survey of India (BSI) and Zoological Survey of India (ZSI) for vetting the species list.



**NATIONAL BIODIVERSITY AUTHORITY  
TARAMANI, CHENNAI -600113**

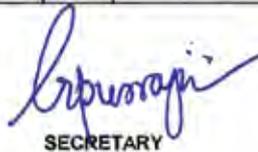
***Receipts and Payments Account for the year ended 31<sup>st</sup> March, 2019***

(Amount in Rs)

Receipts	Current Year: 2018-19		Previous Year: 2017-18		Payments	Current Year: 2018-19		Previous Year: 2017-18	
	Plan	Non-Plan	Plan	Non-Plan		Plan	Non-Plan	Plan	Non-Plan
<b>A. Opening-Balances:</b>					<b>I. Expenditures:</b>				
<b>NBA Account</b>					a) Establishment-			0	21,01,157
a) Cash in hand	50,000	0	50,000	0	i) previews year Rs. 3263252				
b) <u>Bank Balances:</u>					ii) Current Year Rs. 43774319	47067571	0		3,40,29,361
SB Account	1,81,38,298	0	1,26,28,798	0	ii) Administrative-Expenses				
<b>B. NBF Account</b>					a) General Expes	47921048	0		7,83,626
a) Bank Balances(SB &	44,80,69,129	0	19,07,73,622	0	i) previews year Rs.738157		0		5,94,28,776
b) Fixed Deposit A/c	24,72,91,672	0	28,70,26,965	0	ii) Current Year Rs. 47182891		0		67,95,985
NBA Asean Project A/c	1,92,29,055	0	1,95,07,138	0	iii. Funding for awarness	91,57,412	0		1,71,250
C) GEF Bank A/c	7,30,25,718	0	2,45,62,444	0	iv) Fixed Assets	14,19,817	0		
F) CEBPOL Bank A/c	91,76,363	0	1,42,36,917	0					
e) unclassified receipts suspense A/c	1,00,122								
<b>II. Grants-Received:</b>					iii) GIA to SBB's				
a) Grant Received from	18,50,00,000	0	19,22,60,040	0	a) Strengthening of SBBs.	3,05,36,517	0		3,18,59,763
b) Refund of GIA from					b) Constitution of BMCs. & PBRs. Preparation	4,98,97,885	0		5,34,72,543
<b>III. Income on-Investments from</b>					ii) Refund of interest earend on GIA to Govt.	23,06,844	0		524998
a) Earmarked / Endowment Funds					<b>VII. Other Payments</b>				
					Miscellaneous Expenditure/ Bank Charges on NBF A/c Deposits/E.M.D.repaid	620	0		909
					b) ACB project				19,230
					Project A/c				
					CEBPOL A/c	53,54,571	0		58,02,486
					GEF. Project A/c	5,79,26,504	0		3,28,39,591
					NBA Asean Project A/c	46,76,187	0		476937
<b>IV. Interest received</b>									
A) NBA A/c	17,48,793	0	23,06,844	0					
b) NBA Fund A/c On Fixed Deposit	1,72,03,960	0	13369647	0					
	70,22,010	0	127588						
<b>V. Income to NBF A/c</b>									
A) Application fee	39,29,538	0	9,34,111	0					
b) Royalty Fees/Upfront	3,55,50,131	0	65,13,975	0					
c) 5% Benefit Sharing	25,58,11,265	0	17,63,51,094	0					
<b>VI. Other Income</b>									
c) Refund of Expendure		0	3,445	0					
Fixed deposit returned	10102267	0	2,02,64,707	0					
b) Sale of Newspapers		0	3,169	0					
C) RTI filing fee	120	0	70	0					
g) unclassified receipts suspense A/c	1,51,350	0	1,00,122						
<b>VI. Amount - Borrowed</b>									
<b>VII. Other Receipts:</b>									
Earnest Money / Security Deposit / Ret. Money recd. from Contractors		0	1,15,000	0					

Receipts	Current Year: 2018-19		Previous Year: 2017-18		Payments	Current Year: 2018-19		Previous Year: 2017-18
	Plan	Non-Plan	Plan	Non-Plan		Plan	Non-Plan	Plan
VIII _ Project Account CEBPOL A/c	3,45,211		7,41,932	0				
GEF.Project A/c	19,42,388	0	8,13,02,866	0				
NBA Asean Project A/c	7,17,743	0	1,98,855	0				
Performance Guarantee	9,750		0	0				
Tax refund with Interest	896442	0	88620					
					<b>VIII. Closing – Balances</b>			
					a) Cash in hand	50,000	0	50,000
					b) <u>Bank Balances:</u>			
					(i) In Deposit A/c	25,73,93,939	0	24,72,91,672
					(ii) In Savings A/c	1,72,48,309	0	1,81,38,298
					(iii) In Fund A/c	76,78,36,884	0	44,80,69,129
					c) GEF Cash & Bank A/c	1,70,41,802	0	7,30,25,718
					d) CEBPOL Bank A/c	41,67,003	0	91,76,363
					NBA Asean Project A/c	1,52,70,610	0	1,92,29,055
					e) unclassified receipts suspense A/c		0	1,00,122
<b>Total</b>	<b>133,55,11,323</b>	<b>0</b>	<b>104,34,47,969</b>	<b>0</b>	<b>Total</b>	<b>133,55,11,323</b>	<b>0</b>	<b>104,34,47,969</b>

  
ACCOUNTS OFFICER

  
SECRETARY

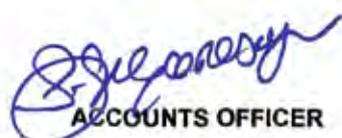
  
CHAIRPERSON

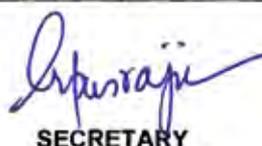
**NATIONAL BIODIVERSITY AUTHORITY  
TARAMANI, CHENNAI -600113**

**Income and Expenditure Account for the year ended 31st.March,2019**

(Amount in Rs.)

<b>INCOME</b>	<b>Sch. No.</b>	<b>Current Year: 2018-19</b>		<b>Previous Year: 2017-18</b>	
		<b>Plan</b>	<b>Non-Plan</b>	<b>Plan</b>	<b>Non-Plan</b>
Income from Sales / Services	<b>12</b>				
Grants/ Subsidies:					
Grants received as per Sch.No.13	<b>13</b>	Rs. 18,50,00,000		20,38,28,750	0
un utilized Grants for 2018-19		1,52,82,950			
Add: Receivable for year 2018-19		* 50,00,000			
Less: Capitalization of Fixed Assets- during the year 2018-19 )		(-) 14,19,817			
Net Income from Grants		20,38,63,133	0	20,38,28,750	0
Fees / Subscription	<b>14</b>	0	0	0	0
Income from Investments (Income on Investments from Earmarked / Endowment Funds transferred to Funds)	<b>15</b>	0	0	0	0
Income from Royalty, Publication etc.	<b>16</b>	0	0	0	0
Interest Earned	<b>17</b>	21,08,339	0	22,78,888	0
Other Income	<b>18</b>	8,96,562	0	3,65,014	0
Increase / (decrease) in stock of Finished goods and works in-progress	<b>19</b>	0	0	0	0
Income receivable from Govt.Gratuity & leave salary		405530		1284650	
<b>TOTAL (A)</b>		<b>20,72,73,564</b>	<b>0</b>	<b>20,77,57,302</b>	<b>0</b>
<b>EXPENDITURE</b>					
Establishment Expenses	<b>20</b>	4,79,88,629	0	3,86,12,332	0
Other Administrative Expenses etc.	<b>21</b>	5,74,60,745	0	7,14,51,576	0
Expenditure on Grants, Subsidies etc.	<b>22</b>	8,04,34,402	0	8,53,32,306	0
Interest	<b>23</b>	0	0	0	0
Depreciation as per Schedule 8		9,93,702	0	15,85,364	0
Difference of Dep.from WDV to SLM		Rs. 9617916			
Add: Purchase value on eliminated asset		Rs. 669076			
Less:Acc Dep. As per WDV		Rs. 382249			
Add : Dep. Added back		Rs.7416			
Payable to Government: Un-Utilized Grant		99,12,159	0	0	0
Revalidation for the year 2019-20		1,63,91,039		1,80,86,836	
Saving Bank Interest 2018-19		1,42,82,700			
		21,08,339			
<b>TOTAL (B)</b>		<b>21,31,80,676</b>	<b>0</b>	<b>21,50,68,414</b>	<b>0</b>
Balance being excess of Income over Expenditure (A-B)		-5,907,112	0	-7,311,112	0
SIGNIFICANT ACCOUNTING POLICIES	<b>24</b>				
CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS	<b>25</b>				

  
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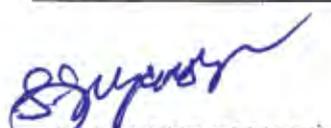
  
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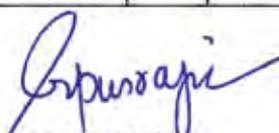
**NATIONAL BIODIVERSITY AUTHORITY  
TARAMANI, CHENNAI -600113**

**Balance Sheet for the year ended 31st March, 2019**

(Amount in Rs.)

CORPUS / CAPITAL FUND AND LIABILITIES	Sch. No.	Current Year: 2018-19		Previous Year: 2017-18	
		Plan	Non-Plan	Plan	Non-Plan
CAPITAL FUND	1	18,62,115	0	63,49,410	0
RESERVES AND SURPLUS	2		0	0	0
NATIONAL BIODIVERSITY FUND	3	105,65,34,359	0	70,69,22,421	0
SECURED LOANS AND BORROWINGS	4	0	0	0	0
UNSECURED LOANS AND BORROWINGS	5	0	0	0	0
DEFERRED CREDIT LIABILITIES	6	0	0	0	0
CURRENT LIABILITIES AND PROVISIONS	7	3,28,30,986	0	3,46,81,904	0
<b>TOTAL</b>		<b>109,12,27,460</b>	<b>0</b>	<b>74,79,53,735</b>	<b>0</b>
<b>ASSETS</b>					
FIXED ASSETS	8	28,98,810	0	1,23,84,854	0
INVESTMENTS-FROM EARMARKED/ ENDOW MENT FUNDS	9	0	0	0	0
INVESTMENTS - OTHERS	10	0	0	0	0
CURRENT ASSETS,LOANS,ADVANCES ETC.	11	108,83,28,650	0	73,55,68,881	0
<b>TOTAL</b>		<b>109,12,27,460</b>	<b>0</b>	<b>74,79,53,735</b>	<b>0</b>
SIGNIFICANT ACCOUNTING POLICIES	24				
CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS	25				

  
ACCOUNTS OFFICER

  
SECRETARY

  
CHAIRPERSON

The National Biodiversity Authority sets out a list of action points every year to implement the Biodiversity Act of India and also to carry out the mandate given by the Convention on Biological Diversity (CBD). Accordingly, the following actions will be carried out during 2019-20 with the involvement of the respective State Biodiversity Boards (SBBs) and Biodiversity Management Committees (BMCs):

1. The progress made so far in the State-wise network of BMCs will be reviewed along with the preparation of PBRs, analyzing the challenges and drawbacks in the existing operational procedure. Functional status of BMCs will be assessed and revival of defunct BMCs in and around biodiversity rich regions of the country will be prioritized.
- 2) The mechanism adapted towards preparation of PBRs in the States (site and State specific methodology; authentication of captured data; utilization of financial support, need for revision of the quantum of assistance, if any etc.) will be reviewed.
- 3) NBA will seek intervention of MoEF&CC in initiating dialogue with all the Union Territories and speed up the process of delegating powers or functions related to Section 22(2) of the Act and facilitating constitution of Biodiversity Management Committees in UTs with special emphasis on Andaman & Nicobar and Lakshadweep Islands.
- 4) The PBRs will be digitalized to develop a uniform format for compiling data documented by SBBs.
- 5) A digital database of local bodies all over India will be built by streamlining the verification process for Grant-in Aid to SBBs for constitution of BMCs and preparation of PBRs.
- 6) Training and workshops will be imparted to officials of Wildlife, Forestry, Biotechnology, Customs and Excise Departments along with the line departments dealing with bio-resources, their conservation and sustainable management.
- 7) Awareness programs, symposia, and seminars on the Biodiversity Act, 2002 will be conducted and organised through NGOs, research institutes, academia, government departments for different stake holders.
- 8) Outreach programs through media, print will be held to conduct capacity building and training programs for effective implementation of the BD Act, 2002 for different stake holders.
- 9) Need-based improvement will be facilitated to update the list of bio resources that are classified as normally traded commodities (NTC) under Section 40 of the BD Act.
- 10) Protection and rehabilitation of threatened species will be facilitated and the list of species that are in the verge of extinction under Section 38 of the BD Act will be updated.
- 11) Capacity building programs on biodiversity governance to benefit various stakeholders including local self- governance functionaries and people's representatives in collaboration with the National Institute of Rural Development and Panchayati Raj, Hyderabad will be implemented.
- 12) Expert committees meet to deliberate on subject matters; and Authority meetings for decision making will be held.
- 13) Real time processing of ABS applications at NBA Secretariat in association with NIC will be implemented.
- 14) The decisions taken in the report of red sanders adopted by the Authority will be implemented.
- 15) The benefits accrued out of the use of biological resources and / or associated traditional knowledge particularly on the access to bovine cattle embryos and red sanders will be shared with the beneficiaries
- 16) The Principal Bench of the Hon'ble National Green Tribunal (NGT), New Delhi issued notices to all the States and Union Territories to take necessary steps for enforcement of the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004. The Hon'ble NGT observed that there were gaps in the implementation of the said Act and the Rules in view of the total number of local bodies existing in the country.

In compliance with this Order, NBA in coordination with MoEFCC will be conducting periodic meetings with the officials of the State Governments, Department of Panchayati Raj of the States and the State Biodiversity Boards. Additional Secretary, MoEFCC may write to the Chief Secretaries of the States requesting for expeditious constitution of BMCs in achieving the objectives of the Biological Diversity Act, 2002. NBA will submit compliance report on the actions that will be taken and progress made towards formation of BMCs and preparation of PBRs in the States.



# OTHER IMPORTANT ACTIVITIES OF NATIONAL BIODIVERSITY OF AUTHORITY

## 13.1. Review of the Legal and Regulatory Framework

### 13.1.1 Litigations currently being pursued by or against National Biodiversity Authority

The Legal Cell is responsible for dealing with litigations by or against the National Biodiversity Authority/Ministry of Environment and Forests before various courts/tribunals and for assisting the Counsel appearing for the National Biodiversity Authority. The NBA is taking active steps with regard to cases related to the violation of the Biological Diversity Act, 2002 and any order or direction issued under the said Act. The list of Pending cases in NBA is given in Table-10.

**Table 10- List of pending cases in NBA before various courts/ tribunals**

Sl. No	Name of the Court/Tribunal	Case Number	No.
1	Supreme Court of India	SLP 8137 of 2018	1
2	Supreme Court of India	SLP 17471 of 2019	1
3	Supreme Court of India	SLP 18122 of 2019	1
4	Supreme Court of India	SLP 18141 of 2019	1
5	Supreme Court of India	CIVIL APPEAL 5827 of 2019	1
6	Supreme Court of India	CIVIL APPEAL 5826 of 2019	1
7	Supreme Court of India	SLP 7951 of 2014	1
8	Supreme Court of India	Criminal Appeal No.1720 / 2015	1
9	Supreme Court of India	Criminal Appeal No.1721 / 2015	1
10	National Green Tribunal, Chennai	O A No.10/2014	1
11	J.M.F.C., Dharwad	C.C.579 of 2012	1
12	High Court of Karnataka Bench at Dharwad	CrI. P.No.100616 of 2014	1
13	High Court of Karnataka Bench at Dharwad	CrI. P.No.100618 of 2014	1
14	National Green Tribunal, (PB – Court No. II) New Delhi	Original Application No.347/2016	1

Sl. No	Name of the Court/Tribunal	Case Number	No.
15	High Court of Madhya Pradesh, Jabalpur Bench	W.P. No.6968/2017	1
16	High Court of Madhya Pradesh at Jabalpur Bench	W.P No. 8880 of 2019	1
17	Bombay High Court	W.P. No. 414 of 2018	1
18	High Court of Kerala, at Ernakulam	W.P (Civil) No. 41622 of 2018	1
19	High Court of Kerala, at Ernakulam	W.P (Civil) No. 41976 of 2018	1
20	High Court of Kerala, at Ernakulam	W.P (Civil) No. 41903 of 2018	1
21	High Court of Kerala, at Ernakulam	W.P (Civil) No. 42017 of 2018	1
22	High Court of Karnataka at Bengaluru	W.P. No. 5546 of 2019	1
23	High Court of Karnataka at Bengaluru	W.P. No. 6111 of 2019	1

### 13.1.2 Right to Information Act, 2005

The applications and appeals received by the National Biodiversity Authority were processed by the Legal Cell in consonance with the Right to Information Act, 2005 in letter and spirit and disposed off by the Central Public Information Officer or the First Appellate Authority as the case may be. The total number of RTI disposed in the reporting period was 38.

### 13.1.3 Drafting of Agreement

Legal vetting of agreements, Memorandum of Understanding and other documents is one among the other functions of the Legal Cell.

### 13.1.4 SBB RULES

NBA has reviewed the State Biological Diversity Rules made by different States pursuant to the powers granted to them under Section 63 of the Biological Diversity Act, 2002. The review of the State Biological Diversity Rules has been carried out either *suo moto* by NBA or based on the request for review by the concerned State Biodiversity Board (SBB).

### 13.2 Financial Support Extended by NBA to SBBs

NBA extends financial support to all the State Biodiversity Boards by Grant-in-Aids towards strengthening the institutional mechanism and facilitates the implementation of Biological Diversity Act, 2002. In this direction, NBA released Rs.3, 31, 64,792/- towards the formation of 513 new BMCs in the States of Haryana, Manipur, Mizoram, Nagaland, Tamil Nadu, Tripura and Uttarakhand. A total sum of Rs.1, 69, 20,000/- was released towards the preparation of 138 PBRs in Andhra Pradesh, Chhattisgarh, Himachal Pradesh, Manipur, Mizoram, Nagaland and Punjab. Besides this, NBA released financial assistance to the tune of Rs.2, 97, 91,822/- to SBBs against the proposed financial assistance sought towards the components of infrastructure, outsourcing of contractual staff, training and capacity building of stakeholder groups, peer to peer learning exchange visits for SBB/BMC, printing and dissemination of knowledge materials, formation of Thematic Expert Committee and website maintenance for 23 States across the country during 2018-19. The total BMCs constituted and PBRs prepared as on 31.03.2019 is given in Table 11.

**Table 11- State-wise BMCs constituted and PBRs prepared as on 31.03.2019**

State	District Panchayats		Intermediate panchayats (block/ taluk/mandal/ municipalities/ municipal corporations)		Gram/ Village Panchayats		Total No. of BMCs constituted at all levels	Total No. of PBRs documented at all levels
	Total	Constd	Total	Constd	Total	Constd		
Andhra Pradesh	13	3	664	624	12924	5689	6316	200
Arunachal Pradesh	25	0	177	0	1795	139	139	43
Assam	26	0	189	189	2241	40	229	136
Bihar	38	0	534	0	8386	0	0	0
Chhattisgarh	27	0	146	0	10978	242	242	0
Goa	2	0	14	1	191	191	192	0
Gujarat	33	0	407	0	13996	7596	7596	1164
Haryana	22	15	140	15	6222	1732	1762	0
Himachal Pradesh	12	4	132	2	3226	713	719	6
Jammu & Kashmir	22	0	306	0	4172	0	0	0
Jharkhand	24	07	294	126	4391	3730	3863	25
Karnataka	30	16	176	148	6022	5350	5514	1958
Kerala	6	6	87	87	941	941	1034	932
* Madhya Pradesh	50	50	313	0	23381	23381	23431	890
Maharashtra	34	15	681	141	27835	24334	24490	18
Manipur	12	0	40	4	2676	163	167	22
Meghalaya	11	0	46	0	6839	280	280	45
Mizoram	8	0	26	0	534	286	286	5
Nagaland	11	0	74	0	1238	122	122	0
Odisha	30	0	314	0	6801	2480	2480	104
Punjab	22	22	145	17	1310	35	74	43
Rajasthan	33	0	295	0	9892	119	119	0
Sikkim	4	0	0	0	187	42	42	4
Tamil Nadu	31	0	385	385	12524	664	1049	0
Telangana	33	5	662	70	12751	3109	3184	173
Tripura	8	0	70	55	1178	821	876	467
Uttarakhand	13	0	173	0	7956	948	948	124
Uttar Pradesh	75	1	821	0	58781	58781	58782	325
West Bengal	23	0	468	435	3341	0	435	150
<b>Total</b>	<b>678</b>	<b>144</b>	<b>7779</b>	<b>2299</b>	<b>252709</b>	<b>141928</b>	<b>144371</b>	<b>6834</b>

\*Madhya Pradesh - No. of BMCs reconstituted (2015-19) - 683 at GP level

### 13.3 National Meeting of the State Biodiversity Boards

The thirteenth (13<sup>th</sup>) National Meeting of the State Biodiversity Boards (SBBs) was held on 29<sup>th</sup> December, 2018 at the Teesta Hall, Indira Paryavaran Bhawan, MoEF&CC, New Delhi to discuss issues related to the implementation of the Biological Diversity Act, 2002 in various States in the country. This was in line with the series of such annual National Meetings being held since the establishment of National Biodiversity Authority (NBA) in the year 2003.



The National Meeting of SBBs was inaugurated by the Chief Guest of the occasion Dr. Harsh Vardhan, Hon'ble Minister of Environment, Forest & Climate Change. Shri Siddhanta Das, IFS, DG Forests, MoEFCC; Dr. A. K. Mehta, Additional Secretary, MoEFCC; Dr. Sujata Arora, Adviser, MoEFCC; Dr. Kuldeep Singh, Director, NBPGR; Shri Yashvir Singh, Economic Adviser, MoEFCC and Smt. Amarjeet Ahuja, IAS (Retd.) were the other dignitaries who also participated in the meeting. Over 80 delegates including the Chairperson and Member Secretaries of 22 SBBs, representatives from Union Territories, members of the Authority, officials from MoEFCC, special invitees from various governmental and non-governmental organizations and representatives of the print and electronic media attended the meeting.



The thirteenth National Meeting of SBBs reviewed the progress of the implementation of the Biological Diversity Act, especially the establishment of the Biodiversity Management Committees (BMCs) and preparation of Biodiversity Register (PBRs) in the back drop of a recent Order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi.



Recognizing the commitment of India to the Convention on Biological Diversity (CBD), there was a review of progress in the implementation of the national biodiversity strategies and action plans and towards the Aichi Biodiversity Targets including relevant national targets. The 6<sup>th</sup> National Report to CBD was prepared based on the inputs received in consultations held across the country and actions taken to implement the Convention. The Hon'ble Minister submitted the Sixth National Report online during this meeting and released an informative document titled "India's Progress on National Biodiversity Targets- A preview".

The deliberations in the meeting dwelt upon the core activities undertaken by the SBBs within the ambit of the Act, sharing of the collective experiences in the process of its implementation and efforts of the States in compliance with the legal requirements on various matters.

### 13.4. High level interactions with the Government institutions/ departments:

1. Dr. B Meenakumari, Chairperson, NBA, participated in the "Third ABS Dialogue on Key Challenges and Practical Ways Forward for the Implementation of



the Nagoya Protocol and its Contribution to the 2030 Sustainable Development Agenda” during 24-25 May 2018 in Mexico City, Mexico. Representatives from Africa, European Union, Honduras, India, Kenya, Mexico, Peru and Vietnam participated in the dialogue.

2. Mr. T. Rabikumar, Secretary, NBA, participated in the Union for Ethical Bio Trade (UEBT) annual conference for companies from the beauty, food, beverage and pharmaceutical sectors on 19-20 June 2018 in Paris, France. The session highlighted the existing ABS legislation in India, the application process for access to biological resources, and benefit-sharing. He also described the associated community empowerment that occurs, the nature of biological resources used and the various sectors that procure the biological resources such as pharmaceuticals, cosmetics, environmental bioremediation, nutraceuticals, research and the export of Red Sanders (a high-value bio-resource).
3. A meeting was held on 28<sup>th</sup> May 2018 under the chairmanship of the Additional Secretary, MoEF&CC on the discussion note received from the Secretary, Department of Biotechnology (DBT) for revisiting certain provisions of the Biological Diversity Act., wherein the Secretary, NBA participated.
4. The Parliament Committee on Estimates had informal discussions on “Preservation of Biodiversity and Ecosystem” on 2<sup>nd</sup> July, 2018 at Udthagamandalam with the representatives of NBA, Tamil Nadu Biodiversity Board and the Government Botanic Garden. The NBA prepared replies to questions raised by the members and forwarded the same to MoEF&CC for onward transmission to the Lok Sabha Secretariat.

### 13.5 4<sup>th</sup> India International Science Festival (IISF)-2018

The 4<sup>th</sup> IISF 2018 was organized by the Ministry of Science and Technology, Ministry of Earth Sciences in association along with Vijnana Bharati at Indira Gandhi Pratishthan, Lucknow during 5-8 October, 2018. IISF aims to provide a platform to young students, scientist and technocrats across India for exchange of knowledge and ideas in the line with flagship programs like Swachh Bharat Abhiyan, Swasth Abhiyan, Make in India, Digital India, Smart Villages, Smart Cities, Namami Gange, Unnath Bharath Abhiyan etc. It emphasises the role of science for masses and science for society.

The 4<sup>th</sup> IISF was inaugurated by the President of India in Lucknow on 6<sup>th</sup> October, 2018 which was represented by nearly 10000 delegates including 5000 students, 550 teachers, 200 students from North-East Region, 20

international delegates and approximately 200 start-ups. The Union Minister of Science & Technology, Dr. Harsh Vardhan inaugurated few of the major events at the four day science festival including the Young Scientists’ Conference, Global Indian Science & Technology Stakeholders’ Meet (GIST) and the Mega Science, Technology & Industry Expo. The IISF-2018 with its focal theme of the “Science for Transformation” had 23 special events. A number of conferences and exhibitions showcasing the work of young scientists were held.

In order to create awareness among the general public, the NBA organised a stall in the Mega Science, Technology & Industry Expo at Hall No.3. On behalf of the NBA, project teams UNEP-GEF-MoEF&CC set-up exhibits to create awareness among the program participants of the IISF 2018. The team members of UNEP-GEF and CEBPOL, NBA participated in the program. The NBA exhibition showcased



more than 16 posters related to Biodiversity Act 2002, NBA, Access and Benefit sharing, Biodiversity Management Committees (BMC), Economic valuation of biodiversity, Sustainable Development Goals, National Biodiversity Targets, Aichi biodiversity targets, Biodiversity areas in Uttar Pradesh etc., and along with the various NBA publication materials were distributed to eminent dignitaries of biodiversity stakeholders.



### 13.6. Important days celebrated/observed by NBA

#### 13.6.1 Celebration of the 15<sup>th</sup> Foundation Day of NBA

The 15<sup>th</sup> Foundation Day of NBA was celebrated on 1<sup>st</sup> October, 2018 at NBA, Chennai. Prof. Dr. M.S. Swaminathan,



Former Secretary DARE and ICAR, MoA&FW, GoI and Founder, MSSRF was the Guest of Honour, Shri. Hans Raj Verma, IAS., Secretary, Tamil Nadu Rural Development and Panchayati Raj was the Chief Guest, while Dr. B. Meenakumari, Chairperson, NBA presided over the function. Shri. Dinesh Mishra, Authority Member and Dr. H. Malleshappa, IFS. PCCF & HoFF, Tamil Nadu Forest Department also attended the celebration. A publication by the UNEP-GEF project titled “Negotiation for Access and Benefit Sharing” was released during this event.



### 13.6.2 International Yoga Day

The International Yoga Day was observed on 21<sup>st</sup> June, 2018 at NBA, Chennai. A meeting was conducted under the



chairpersonship of the Chairperson, NBA along with yoga exponent Shri. Maruth SVPR, from Sri Sri Ravishankar's Art



of living program who explained the importance of Yoga and also gave basic training of Yoga.

### 13.6.3 Hindi Diwas

The employees of NBA celebrated Hindi Diwas on 14<sup>th</sup> September, 2018. A Hindi workshop was conducted at NBA in connection with celebration of Hindi Week. Prof.L. Amjad Ali Khan was the Chief Guest and delivered a speech on the importance of Hindi language. Competitions such as reading, writing, singing, quiz and memory game in Hindi were conducted for the staff of NBA and the prizes were given to the winners by the Chief Guest on 14<sup>th</sup> September, 2019.



### 13.6.4 Vigilance Awareness Week

As per the direction of the Central Vigilance Commission and MoEF&CC, an integrity pledge was administered to all the

NBA staff on 30<sup>th</sup> October, 2018 on the occasion of the Vigilance Awareness week and the importance of the day and its significance was explained to the staff.



### 13.7. Projects/ Programs

Apart from the functions mandated through the BD Act and Rules, NBA has been assigned with the tasks of implementing various bilateral and multilateral projects/ programs by the MoEF&CC. The projects/program is intended in furtherance and supplementary to the goals of CBD and BD Act.

#### 13.7.1 UNEP – GEF – MoEF&CC ABS Project

##### Objective

The objective of the UNEP – GEF – MoEF&CC project on ABS is to increase the institutional, individual and systemic capacities of stakeholders to effectively implement the Biological Diversity Act, 2002 and the Rules 2004 to achieve biodiversity conservation through implementing Access and Benefit Sharing Agreements in India.

##### Implementing Agency and Partners

This project is currently being implemented in the ten States of India namely Andhra Pradesh, Gujarat, Goa, Himachal Pradesh, Karnataka, Odisha, Sikkim, Telangana, Tripura and West Bengal.

NBA executes the project in collaboration with respective

State Biodiversity Boards, Botanical Survey of India (BSI), Zoological Survey of India (ZSI), United Nations Development Program (UNDP), United Nations Environment Program – Division of Environmental Law and Conventions (UNEP/DELIC), United Nations University – Institute for the Advanced Study of Sustainability (UNU-IAS) and Global Environment Facility (GEF).

##### Project Components

The main components of the project are:

- Identification of biodiversity with potential for ABS and their valuation in selected ecosystems such as forest, agriculture and wetlands.
- Development of tools, methodologies, guidelines, frameworks for implementing ABS provisions of the Biological Diversity Act.
- Piloting agreements on ABS.
- Implementation of policy and regulatory frameworks relating to ABS provisions at national level and thereby contribute to international ABS policy issues.
- Capacity building for strengthening implementation of the ABS provisions of the BD Act.
- Increase public awareness and education programs.

During the reporting period:

1. The UNEP-GEF-MoEFCC ABS Project team coordinated the Educational Exhibition at the International Day for Biological Diversity 2018 held at Prof. Jayashankar Telangana State Agriculture University Hyderabad organised by the NBA and the Telangana State Biodiversity Board. The exhibition was inaugurated by Shri Jogu Ramanna., Hon. Minister for Environment; Forest, Science, Technology & BC Welfare, Government of Telangana. Over 26 different agencies consisting of universities, research institutes, biodiversity management committees, development agencies and non-profit agencies participated in the exhibition.





2. The exhibition was visited by the officials of MoEF&CC, Gol & NBA such as Shri Arun Kumar Mehta, Additional Secretary, Dr Sujata Arora., Advisor, Dr Meenakumari B Chairperson NBA and Shri. Rabikumar, T, Secretary, NBA.
3. During the program, the Project Management Unit UNEP-GEF, NBA launched a film on Access Benefit Sharing with an illustrative case on the Broom Grass from Tripura. State.



### Release of a Case Document on the Traditional Knowledge Associated with Bio-resources

The UNEP-GEF-MoEF&CC ABS Project with help of team members from the State Project Units developed a document titled "Traditional Knowledge Associated with Biological Resources – A Case Document" which is a comprehensive publication that attempts to provide policy insight into traditional knowledge and information associated with bio-resources. The document aims to facilitate policy makers and researchers to gain benefit through implementing legal

mechanisms in place, which in turn will aid in the innovators, holders of the knowledge and information to get equitable share to conserve and sustainably use biological resources. The case document was released by Dr.R.S.Rana, Chairman, Expert Committee on Agrobiodiversity during the celebration of the 50<sup>th</sup> meeting of the Expert Committee on Access and Benefit Sharing on 11<sup>th</sup> September 2018 held at the premises of NBA, Chennai.



### Review meeting of UNEP-GEF-MoEF&CC ABS Project

A Review meeting of the UNEP-GEF-MoEF&CC ABS Project was held on 12<sup>th</sup> Sept 2018 at NBA. Representatives from ten provincial states presented their activities conducted



under each component of the project. Discussion points and suggestions were noted for future planning of the project activities.

### **Eighth Project Steering Committee**

The Eighth Project Steering Committee (8<sup>th</sup> PSC) meeting was held on 19<sup>th</sup> September 2018 at the Narmada Conference Hall, MoEFCC, New Delhi. The meeting was chaired by Shri. Arun Kumar Mehta, Additional Secretary, MoEF&CC and Chair of PSC.



### **Side Event at the Fourteenth Conference of the Parties hosted by the UNEP-GEF-MoEF&CC ABS Project, National Biodiversity Authority**

#### **“India’s Insights from Head Starting the Implementation of Access and Benefit-Sharing and Launch of an Online Course on ABS”**

Dr Sujata Arora, Advisor, MoEF&CC Government of India welcomed the participants of the side event at Sharm El Sheikh, Egypt; while delivering the opening remarks to the parties of different countries, UN agencies such as UNDP, FAO, UNU-IAS, SCBD, GIZ, International agencies such as Norwegian Environment Agency, ICNET, NEPA, IUCN, ACB working on Nagoya Protocol and implementation of ABS mechanism in their respective countries.

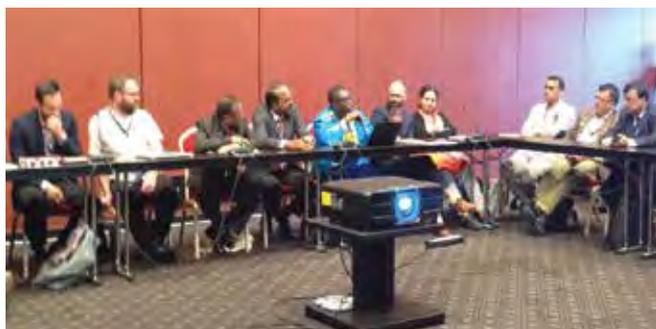
She shared the context of biodiversity policies in India along with the interventions and initiatives taken-up in India on the implementation of Nagoya Protocol and relevant legislations enacted by the Indian Parliament. She explained the fundamental principles of ABS mechanism, importance of the Indian Biological Diversity Act 2002 and Rules 2004, the institutional structure of implementation of Biological Diversity Act 2002 in federal India. She also made briefings on the ABS regulatory framework within India and the status of the implementation of the Biological Diversity Act and ABS provisions within the Indian context. The Secretary, NBA while explaining the Act, shared some of the important challenges of its implementation across India, exemptions, guidelines, sector-wise ABS applications, benefit sharing components and capacity building initiatives undertaken by the National Biodiversity Authority through various projects and programs such as UNEP-GEF, UNDP-GEF, GIZ and CEBPOL.

### **Achievements of the Project**



The project has overall constituted 318 Biodiversity Management Committees, 297 Local Biodiversity Funds, and documented 140 Peoples Biodiversity Registers, signed 462 ABS agreements involving users, providers and regulators. A total of Rs.13,66,93,215/- was collected in the Statutory State





Biodiversity Funds in the States of Andhra Pradesh, Gujarat, Karnataka, Tripura, Telangana and West Bengal.

### 13.7.2 Indo-German Access and Benefit Sharing (ABS) partnership project

The Access and Benefit Sharing project is implemented in partnership with the MoEF&CC, NBA and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH with three pilot State Biodiversity Boards namely, Maharashtra, Tamil Nadu and Uttarakhand. The ABS Partnership project is a technical cooperation between India and Germany and is commissioned by the Federal Ministry for Economic Cooperation and Development (BMZ) under the Indo-German Biodiversity Program.

#### Objective

The ABS Partnership project aims at strengthening the capacity of the NBA, SBBs and BMCs of Maharashtra, Tamil Nadu and Uttarakhand, and creating awareness amongst commercial users of biological resources and associated traditional knowledge for effective implementation of ABS mechanisms under the Biological Diversity Act 2002, in keeping with India's commitments under the Nagoya Protocol on ABS.

#### Approach

To achieve the objective, the project works through the following approach:

- Awareness-raising, communication, and stakeholder dialogues across different actors and stakeholder groups on creating a better understanding about the Biological Diversity Act 2002, ABS Guidelines and the Nagoya Protocol on ABS
- Development of good practices on benefit-sharing among communities based on utilisation of biological resources for commercial or research purposes
- Development of IT-enabled ABS monitoring system for the NBA for effective monitoring of the use of biological resources in ABS processes

#### Progress

- The project has directly engaged with over a thousand

people across various stakeholder groups in the three states. These include the officials from the concerned State Forest department and other government line departments such as agriculture, horticulture, fisheries and animal husbandry, Rural Development and Panchayati Raj (RDPR), biodiversity based businesses and members of BMCs.

- A communication strategy developed by the project was launched at the COP13 side-event organised by ABS Capacity Development Initiative, GIZ Germany. The project titled "India's insights from head starting the implementation of Access and Benefit sharing and launch of an online course on ABS" was undertaken with support from other ABS implementing projects in India which included the UNEP-GEF, Indo-Norwegian Centre for Biodiversity Policy and Law, UNDP ABS Global Project and United Nations University – Institute for Advanced Studies (UNU-IAS).
- The project has undertaken studies to support the pilot SBBs in establishing ABS compliant value chain and to elucidate traceability in bio-resources trade to ensure benefit sharing with BMCs at source locations.
- The project is also developing an IT- monitoring tool for the NBA to track the use of Indian biological resources in patent applications for which research is currently underway.
- Stakeholder consultation was held with Indian experts to develop good practices of benefit sharing.

#### Meetings

1. The Access and Benefit Sharing Partnership Project conducted training on the concept and protocol in



constituting and functioning of Biodiversity Management Committees (BMCs) on 20<sup>th</sup> & 21<sup>st</sup> April 2018 at Chennai. The aim of the two-day training was to strengthen the understanding of the process involved in the establishment of Biodiversity Management Committees (BMCs) and role of BMCs in implementing the provisions of the Biological Diversity Act, 2002.

- Two workshops of one-and-half days each under the Access and Benefit Sharing Partnership Project were conducted on 24<sup>th</sup> – 25<sup>th</sup> April, 2018 at Chennai and on 26<sup>th</sup> – 27<sup>th</sup> April, 2018 at New Delhi. The workshop aimed to increase exchange of dialogue between regulatory authorities and users on regulatory frameworks and best practices for Access and Benefit Sharing (ABS) compliance as part of achieving the objectives of the Biological Diversity Act, 2002 and its ABS provisions.



- A national workshop for developing ABS communication strategy was held in Chennai on 2-3<sup>rd</sup> May 2018. The workshop aimed to identify and design an effective communication strategy on target stakeholders to speed up the effective implementation of ABS in India.



- Projects on Private Business Action for Biodiversity (PBAB) and the Access and Benefit Sharing (ABS)

Partnership jointly held a session on “Sustainability, equity and biodiversity-friendly production” at the CII’s Business, Biodiversity and Climate Change Conference in Mumbai as part of the annual Global Exhibition Services on 16<sup>th</sup> May 2018 organized by the Department of Commerce, Government of India.

- The Maharashtra State Biodiversity Board (MSBB) in cooperation with ABS Partnership Project organized two events on ‘Training of Trainers on Access and Benefit-sharing’ on 29<sup>th</sup> and 30<sup>th</sup> May 2018 at Nagpur and Pune respectively. These trainings were towards the establishment of collaboration between the Maharashtra State Biodiversity Board (MSBB) and other relevant line departments of Maharashtra for implementation of Access & Benefit Sharing (ABS) mechanism for the goal of conservation and sustainable utilization of biological resources in the State.



### 13.7.3 FAO Technical Cooperation Program (TCP)

#### Strengthening Agriculture and Allied Sector Contributions to India’s National Biodiversity Action Plan (NBAP) 2008 and the National Biodiversity Targets (NBTs)

The FAO Technical Cooperation Program (TCP) project on “Strengthening Agriculture and Allied Sector Contributions to India’s National Biodiversity Action Plan (NBAP) 2008 and National Biodiversity Targets (NBTs) has been carried out by FAO-India in collaboration with the MoEF&CC and the Ministry of Agriculture and Farmers’ Welfare (MoA&FW) with a budget of USD 263,000 for a period of two years (2017-2018). It aims to support India’s efforts for mainstreaming biodiversity into agriculture and allied sectors through

increasing the capacity of stakeholders at national, state and local levels in three states (Kerala, Mizoram, and Punjab) for implementation of NBAP and relevant NBTs.

Objectives:

- Conduct systematic and comprehensive review of agriculture and allied sectors commitments at national, state and local levels for agrobiodiversity conservation and reporting as per the NBAP 2008 and NBAP Addendum 2014.
- Enhance capacity of stakeholders engaged in the conservation and use of agrobiodiversity at national, state and local levels in developing a multi-stakeholder action plan to help achieve implementation of relevant NBTs.
- Given the need for strengthening agriculture and allied sector contributions towards sound implementation of National Biodiversity Action Plan (NBAP) 2014 and in achieving the National Biodiversity Targets (NBTs), there is a necessity for making strong efforts towards human resources development and capacity development.

To achieve the objectives of project, the following activities have been carried out-

1. A stakeholder meeting was held at MoEF&CC, New Delhi on 8<sup>th</sup> June 2018, which was attended by representatives from the State Biodiversity Boards (SBBs) of the three project states and representatives from the MoEF&CC, the NBA and the MoA&FW.
2. Brainstorming sessions in the States were organised to discuss the content and the process of project work and on the draft of curricula for capacity building aspect in the project states. (October 2018-December 2018)
3. Capacity Building workshops in the States - State and Site level consultations for Gaps Assessment (November 2018-February 2019) were carried out in all the project States.
4. An Experience Sharing workshop was organised on 6<sup>th</sup>-7<sup>th</sup> March 2019 at New Delhi, with the project states partners, NBA and MoEF&CC to discuss the work completed and to review specific future steps and timelines towards the implementation of the project.

#### **13.7.4 ASEAN-India Cooperation Project**

The NBA-ASEAN Centre for Biodiversity Cooperation project entitled 'Capacity building towards implementing the Nagoya

Protocol on ABS the City Biodiversity Index and Strategic Plan on Biodiversity' was approved by the ASEAN Secretariat with a cost of USD 993,333 for two years. A review meeting of project was held on 19<sup>th</sup> September 2018 at MoEF&CC.

During the Financial year, the following Regional Workshops were organized under the project-

- i. Regional Workshop on the implementation of Aichi Target 11 in the ASEAN countries and Meeting on Target Setting for the ASEAN Strategic Plan on Environment 2016-2025- 30 July-1 August 2018 at Manila, Philippines.
- ii. Regional Meeting on Mainstreaming Biodiversity into Development Sectors in ASEAN Member States- 15-17 October 2018 at Manila, Philippines.
- iii. Regional Training Workshop on Development and Implementation of ABS Legal framework to implement Nagoya Protocol on Access and Benefit Sharing (ABS) and Traditional Knowledge Digital Library (TKDL)- 22-25 October 2018 at NBA, Chennai, India.
- iv. Chairperson, NBA participated in the Regional Workshop on the Implementation of Aichi Target 11 in the ASEAN and Meeting on Target Setting for the ASEAN Strategic Plan on Environment 2016-2025 from 30 July-1 August 2018 at Manila, Philippines and presented India's experience in the implementation of Aichi Target 11 with the delegates from ASEAN Member States (AMS).

#### **India-ASEAN Regional Workshop on ABS & TKDL, 22-25 October, 2018 at NBA, Chennai**

Under this project, a regional training workshop on "Development and implementation of ABS legal framework to implement Nagoya Protocol on Access and Benefit sharing and Tradition Knowledge Digital Library (TKDL) was conducted on 22<sup>nd</sup> to 25<sup>th</sup> October, 2018 for ASEAN countries at NBA, Chennai. Delegates from 9 ASEAN Member States viz, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam and experts from ACB-Manila and ASEAN Secretariat, Indonesia participated in



the workshop. Delegates from the ASEAN Member States appreciated India's progress on the subject and learnt the way forward relating to the implementation of National ABS frameworks and the Traditional Knowledge Digital Library (TKDL) in their respective countries.



### 13.7.5 ICLEI project on “INTERACT-Bio: Integrated sub-national action for Biodiversity-Supporting implementation of National Biodiversity Strategy and Action Plan (NBSAP)”

ICLEI project on “INTERACT-Bio: Integrated sub-national action for Biodiversity-Supporting implementation of National Biodiversity Strategy and Action Plan (NBSAP)” is supported by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB),



Government of Germany under their International Climate Initiative (IKI). The implementation of the project is supported by the Ministry of Environment, Forest and Climate Change and the National Biodiversity Authority.

The project with four-year duration is being implemented in three countries - Brazil, India and Tanzania, in partnership with ICLEI's offices in these regions. The project cities in India are Cochin as the model city, and Mangalore and Panaji as the satellite cities. The first Project Steering Committee (PSC) meeting of the project INTERACT-Bio: Integrated sub-national action for Biodiversity - Supporting Implementation of National Biodiversity Strategy and Action Plan was held on 19<sup>th</sup> September 2018 at MoEF&CC. The 2<sup>nd</sup> PSC meeting was held on 19<sup>th</sup> March 2019 at MoEF&CC.

### 13.7.6 India-UNDP Project – NR6

As an obligation under Article 26 of the CBD, once in four years, India has to submit the National Report (NR) to CBD Secretariat on measures taken for the implementation of the Convention. So far, five cycles of national reporting has been completed (1998, 2001, 2005, 2009 and 2014) and India's National Report 6 (NR 6) was submitted on 31<sup>st</sup> December 2018. NR 6 reporting format requires that the Parties report on the progress made towards their National Biodiversity Targets (NBTs) as well as National Contribution towards the achievement of the Global Aichi Biodiversity Targets.

NBA had organized a Consultative Meeting towards Preparation of India's Sixth National Report to CBD and on Progress Achieved on India's National Biodiversity Targets at the Conference Hall, NBA, Chennai on 11<sup>th</sup> April, 2018 involving representatives of 17 State Biodiversity Boards and other Stakeholders such as MoEF&CC, ZSI, CAZRI, NBRI and UNDP. During the year, work related to preparation of India's NR6 was completed. In a series of meetings during September-October 2018, a core group comprising senior officials from Ministry, NBA and UNDP examined the draft and comments and revised the draft NR6. Finally, India's National Report 6 (NR 6) was released by Hon'ble Minister of Environment, Forest and Climate Change on 29<sup>th</sup> December 2018.

## 13.8 Activities of State Biodiversity Boards

### 13.8.1

#### Arunachal Pradesh

The Arunachal Pradesh Biodiversity Board held one board meeting during the reporting year. Of the 144 BMCs formed so far, 18 BMCs were constituted in this period and 6 PBRs are in the final vetting stage. Training and capacity building programs were conducted in the districts of Upper Subansiri and West Kameng.



### 13.8.2

#### Assam

The Assam State Biodiversity Board held two board meetings during the period under review. The Board has completed the task of forming BMCs at the intermediate level in Anchalik Panchayats (189) and autonomous councils (40). During the period, 16 PBRs were documented at the block level, taking the total PBRs prepared so far to 108. The Board also conducted training program on preparation of PBRs for the interns of Nagaland SBB and a three month course on Biodiversity Research Associate Program (BRAP) for young post graduates in Assam. The Board has also sensitized the BMCs through training and capacity building workshops in different districts and autonomous council of the State. Under the provisions of Section 38 of the Biological Diversity Act, 2002, a notification from the MoEF&CC has notified 14 threatened species from Assam.

### **13.8.3**

#### **Chhattisgarh**

During the period under consideration, the Chhattisgarh State Biodiversity Board formed 39 BMCs taking the total BMCs formed so far at the village level to 262. A total of 39 PBRs have been prepared across the state as on 31<sup>st</sup> March 2019. The IDB was celebrated by organising programs at the district level. Two applications in connection with access of bio-resources by Indian entities were approved by the Board under Section 24 (1) of the Biological Diversity Act during this year.

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### **13.8.4**

#### **Gujarat**

During the year under review, the Gujarat State Biodiversity Board convened two meetings. Out of the 7665 BMCs set up, 69 were constituted at the village level during this period. Six applications were approved by the SBB for commercial utilization of bio-resources by the applicants. Two capacity building workshops were held to sensitise the forest officials about the Biological Diversity Acts & Rules.

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### **13.8.5**

#### **Goa**

The Goa Biodiversity Board was reconstituted during the period under review. Out of the 191 BMCs formed so far at village level, 12 new BMCs were constituted during this year. Seventy nine PBRs are under way as on 31<sup>st</sup> March 2019. The Board had published a book on the "Sacred Groves of Goa" that was released during the celebration of IDB on 22<sup>nd</sup> May, 2018. Five pocket sized PBR toolkits on Birds, Amphibians, Reptiles, Butterflies, Moths, Orchid, Fungi, and few Invertebrates including Spiders were released during this period. The Board also observed the World Wetland Day on 2<sup>nd</sup> February, 2019 in a befitting manner. The Board has taken action and issued legal notices against complaints received in 35 different cases during this year.

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### **13.8.6**

#### **Haryana**

Two meetings were convened by the Haryana State Biodiversity Board during the year 2018-19. This year the Haryana SBB constituted a total of 4658 BMCs at village panchayat level.

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### **13.8.7**

#### **Himachal Pradesh**

The Himachal Pradesh State Biodiversity Board has conducted one Board meeting during the year under consideration. Himachal Pradesh SBB has set up 605 BMCs at village level as on 31<sup>st</sup> March, 2019, of which 258 BMCs have been formed during 2018-19. Besides this, one each BMC at the block and municipal level and 4 BMCs at the district level have also been formed. Documentation of 122 PBRs at village level was completed during this year. The Board conducted training programs and workshops on biodiversity laws, ABS mechanisms and mainstreaming of biodiversity in the districts of Chamba, Solan, Lahaul & Spiti, Bilaspur and Sirmaur. The Board has developed a national platform under the support of UNEP-GEF-MoEF&CC ABS project for hosting BMC database of 28 States on the NBA website.

### 13.8.8

#### Jammu & Kashmir

The Jammu & Kashmir State Biodiversity Board is in the process of constituting BMCs in the State. The SBB celebrated the International Day for Biological Diversity at the Govt. Degree College, Kathua by involving students and local community.

### 13.8.9

#### Jharkhand

The Jharkhand State Biodiversity Board held two Board meetings during the year. The Board has expedited formation of BMCs at various levels in the State. During 2018-19, the Jharkhand SBB constituted 1992 village level, 116 block level, 11 municipality level and 6 district level BMCs. A total of 93 PBRs were documented for the respective village level BMCs. The Board has approved one application under Section 23 (b) of the Act for commercial utilization of bio-resources. Among the other initiatives, the Board has published a coffee table book on "Feathered Winter Guests of Jharkhand", booklet on "Spiders of Jharkhand" and PBR methodology. Several awareness programs were organised in 19 districts of the State involving students and exhibition stalls in collaboration with the wildlife wing of State Forest Department. Display boards were installed at 72 locations in different districts to create awareness. Training cum capacity building programs were organised for 330 BMCs in 13 districts. A workshop was held to generate awareness regarding BD Act & Rules among the Forest officials.



### 13.8.10

#### Karnataka

During the period under review, four Board meetings were convened. The Karnataka Board has amended the State Rules and notified the Karnataka Biological Diversity (Amendment) Rules, 2019. Out of the 5395 BMCs formed so far at village level, the SBB has set up 441 BMCs during this period. Ten block level, one municipality and two district level BMCs were constituted during this period. So far the Board has prepared 1955 PBRs at village level, of which 191 were prepared during this period. One PBR at block level and five at district level were also prepared during this period.

The Board has filed five cases against defaulting entities, of which one was disposed off and the rest four are sub judiced. The Karnataka SBB has approved 103 applications under Sec 24(1) from Indians and Indian companies for access of Bio-resources. Sixty six applications were approved by the Board under Section 23B for commercial utilization of Bio-resources. The Board has instituted Biodiversity awards and conferred it on four eminent personalities for their outstanding contributions in the field of biodiversity conservation. The International Day for Biological Diversity was celebrated by the Board involving the school students and common public by conducting various programs, contests, photo competitions etc. The Board has introduced State level awards in recognition of outstanding contributions in the field of biodiversity conservation. Individually the awards were conferred to three recipients for conserving biodiversity and agro-biodiversity. The BMC of Sandur Taluk received the award for the Best Biodiversity Management Committee.

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### 13.8.11

#### Kerala

The Kerala State Biodiversity Board conducted four Board meetings during this year. As per the Panchayati Raj Act, 1994, the State has sectoral working groups in formulation and implementation of the plans. The Working Group for Biodiversity, Climate Change, Environment and Disaster management was constituted locally for enforcing the Biological Diversity Act and for government level (vide GO No 2462/2018/LSGD dated 19.09.2018) involving the BMC members.

The State has designated the Range Officers as biodiversity Nodal Officer (vide GO No 19/2019 F & WLD dated 16.01.2019) empowering the BMCs as Environmental watch groups. In order to build inter- departmental consultative process and for co-ordination of activities of different departments, a state level steering committee for biodiversity was constituted (vide Go 60/2018/Env. Dtd 11/05/2018) involving Secretaries of Environment, Local Govt. Department, Water resources, Agriculture, Forest, Fisheries, Tourism, Animal Husbandry, Environment and Climate Change and Chairman of Kerala State Biodiversity Board. The State has a complete network of BMCs in all 941 village panchayats, 87 municipalities and 6 corporations. Out of the 892 PBRs prepared so far in the State, 46 PBRs were documented during this year.

Meenangadi and Eraviperoor BMCs received the award under "Best BMC" category of the India Biodiversity Award for the year 2018. The Board organised Kerala State Biodiversity Congress and State Level consultative workshop on Mainstreaming Biodiversity Governance. Among the commemorative events, the Board celebrated International Day for Biological Diversity, World Environment Day and National Bird Day. Nature camps, contest in digital photography and capacity building programs for BMCs and Line Departments were the other activities undertaken by the Board during this year. The Board financially assisted several academic institutions towards creating awareness on biodiversity and conferred the Kerala State Biodiversity awards to BMCs, institutions, schools, colleges, NGOs and media personnel in recognition of their contribution to biodiversity conservation and awareness.

### 13.8.12

#### Madhya Pradesh

The Madhya Pradesh State Biodiversity Board convened one meeting during the period under review. So far the Board has constituted 23, 043 village level, 313 block level, 337 municipality level and 50 district level BMCs as on 31<sup>st</sup> March, 2019. A total of 890 PBRs have been documented across the State. The BMC at Pithorabad gram panchayat was awarded the best BMC under the India Biodiversity Award 2018. Shri Baulal Dahiya, Chairperson of this BMC was conferred “Padmashree” for the year 2019 for his contribution to agro biodiversity conservation.

The Board has approved 31 applications under Section 23(B) and 74 applications under Section 24(1) for commercial utilization of bio resources. The Board has revised the State Biodiversity Strategy and Action Plan (SBSAP) for the year 2018-30 with support from UNDP-India. Observation of International Day for Biological Diversity (IDB), World Environment Day, World Sparrow Day, Beej Nayak Sammelan 2018 and Wildlife Week were the commemorative events organised by the Board this year. A special conservation program by use of seeds of different plant species during Ganesh Utsav was launched by the SBB. The program entitled, “Mati Ganesh Beej Ganesh” introduced a unique idea of implanting seeds inside each Ganesh Idol, which are subsequently planted in earthen pots to protect the variety of plant. The Board also conducted the Mowgli Bal Utsav 2018, several training programs on biodiversity laws and workshops on the practice of access and benefit sharing mechanism.

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### 13.8.13

#### Manipur

The Manipur State Biodiversity Board convened one meeting during the year under review. Out of the 145 BMCs set up so far at village level, 77 BMCs were formed during this year along with 3 BMCs at block level and 1 at municipality level. Thirteen PBRs are in progress during this year. A documentary film on “Biodiversity of Manipur, sustainable use of bio-resources and their market” is under production. The Board is also in the process of developing a field guide on Amphibians and Reptiles of Manipur and a coffee table book on the biodiversity of the State. During the year, one capacity building program on BMC, three training and extension programs on biodiversity conservation were conducted by the Board.

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### 13.8.14

#### Mizoram

One meeting was convened by the Mizoram State Biodiversity Board this year. Of the 440 BMCs set up as on 31<sup>st</sup> March, 2019 at the village level, 191 BMCs were formed during the period under review along documentation of one village level PBR. A “Biodiversity Run”, photo competition and panel discussion was organized involving the students and BMC members to mark the occasion of International day for Biological Diversity (IDB) this year. The Board also conducted orientation workshop and training program for BMCs at Kolasib, W. Phaileng and Thenhlum villages.



### 13.8.15

#### Meghalaya

The Meghalaya State Biodiversity Board has notified its first Biodiversity Heritage Site, 'Khlaw Kur Syiem Kmielng' in Ri-Bhoi district. As on 31<sup>st</sup> March, 2019, the SBB has constituted 281 BMCs, of which 15 have been set up during this year. At the village level BMCs, 30 PBRs have been documented this year, out of the total 45 PBRs prepared so far in the State. The preparation of 64 new PBRs is in progress. The Board has published a set of three posters on biodiversity. The Umru BMC in Ri-Bhoi district was conferred with the award of "Best BMC 2018", under the category "special mention / appreciation" of the India Biodiversity Awards (IBA) 2018. The Meghalaya SBB has awarded "Ka Khloo Laikongwasan Chyrmang Community Reserve" of West Jaintia Hills with a certificate of appreciation for conservation of flora and fauna. The International Day for Biological Diversity was celebrated across the State in all the 11 districts.



### 13.8.16

#### Nagaland

The Nagaland State Biodiversity Board conducted one meeting during the year under consideration. Out of the 125 BMCs set up at village level, 120 were formed during this year. Documentation of 15 PBRs is in progress. The Board has produced a short film on biodiversity management entitled, "For the Future" in collaboration with the production unit, Dreamz Unlimited and launched it officially on the event of International Day for Biological Diversity (IDB), 2018.



Trainings on Processing, Packaging and Marketing of local fruits and vegetables were conducted on 23<sup>rd</sup> & 29<sup>th</sup> March, 2019 in association with the Khonoma and Gariphema BMC and Nehru Yuva Kendra, Govt. of India at Kohima. The Nagaland Board took part in the 1<sup>st</sup> Chengu (Great Barbet) Festival organised and hosted by Tizu Valley Biodiversity Conservation and Livelihood Network, Zunheboto in collaboration with Sukhai, Ghukhuyi and Kivikhu students unions from 7<sup>th</sup> – 9<sup>th</sup> January, 2019. In the India Biodiversity Award Program of 2018, Lemsachenlok Organization, Longleng, Nagaland was recognised in the category of "Conservation of Wild Species" and Tizu Valley Biodiversity Conservation and Livelihood Network, Zunheboto bagged the special mention award under the category of "Sustainable Use of Biological Resources".

### 13.8.17

#### Odisha

The Odisha State Biodiversity Board convened one meeting during the period under review. Of 1918 BMCs set up so far in Odisha, a total 693 BMCs were constituted during this year. Fourteen village level PBRs have been prepared in this period out of the 101 PBRs documented so far from the State. Awareness programs have been conducted for traders, manufacturers and other users of bio resources. The Board has constituted a legal advisory group. The State has notified its first Biodiversity Heritage Site at Mandasaru in Raikia block of Kandhamal district. The SBB has conducted capacity building and training programs for the frontline staff of Forest Department. Sensitization programs were also organized for ayurvedic drug manufacturers, traders, traditional practitioners, healers and other stakeholders. The forest staff and fisher folks were trained for protecting the Olive Ridley Turtles in Odisha Coast. Exchange programs were conducted for BMC members in Angul and Puri districts to generate awareness of biodiversity and issues related to ABS.



### 13.8.18

#### Punjab

As on 31<sup>st</sup> March, 2019, the Punjab State Biodiversity Board has set up 74 BMCs across the state, of which 22 district level, 17 block level and 35 village level BMCs were set up. Thirty one PBRs have been documented at the village panchayats and one at district level during the year 2018-19. As part of the IDB celebration, the Board organised a special biodiversity Walkathon at Sukhna Lake, Chandigarh besides various other programs like exhibitions, seminars, competitions and field visits in association with academic institutes, NGOs and district administration. A half an hour program titled “Conservation of Biodiversity in Punjab” was broadcasted on All India Radio Station, Jalandhar to mark the occasion of IDB.

During this year, the Board has organized State Level Gap Assessment workshop on agro-biodiversity under FAO-TCP project in collaboration with PAMETI at the Punjab Agricultural University, Ludhiana. The Board prepared a documentary on “Cultural and Biodiversity Heritage of District Faridkot” in collaboration with Baba Farid University of Health Sciences and District BMCs. A special issue on the theme of biodiversity was published in the PSCST (Punjab State Council for Science & Technology) monthly magazine, “Nirantar Soach”. The board has taken plantation initiative for the highly threatened species of *Tecomella undulata* in the MGSIPA Complex, Chandigarh. The District BMC and Municipal Corporation, Bathinda joined hands in extending the Biodiversity Park area from 3.5 to 6 acres by plantation of suitable native tree species.

### 13.8.19

#### Rajasthan

The Rajasthan State Biodiversity Board has constituted 106 BMCs so far at village level, of which six BMCs were formed during the period under consideration. The State celebrated the International Day for Biological Diversity in 16 districts, with district level awareness programs organized at Jaipur.

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### 13.8.20

#### Sikkim

Of the 42 BMCs constituted so far in the State, the Sikkim Biodiversity Board has set up 12 BMCs this year. Till date 14 PBRs have been documented across the State of which, 10 PBRs were finalised for printing during 2018-19. Three applications were approved for commercial utilisation of "Yarsa gumbu" (*Ophiocordyceps sinensis*) and ABS agreement was signed between the communities and two traders based in Delhi. The State Board has conducted awareness and training programs. The SBB officials participated in several gram sabha meetings towards constituting BMCs.

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### 13.8.21

#### Tamil Nadu

One meeting was convened by the Tamil Nadu State Biodiversity Board during this year. A total of 528 BMCs were constituted at urban panchayats, 385 at block panchayats, 124 at Municipalities and 12 at Corporation level as on 31<sup>st</sup> March 2019. The Board has released a coffee table book titled "Wild Tamil Nadu- A veritable Cornucopia of nature". The Board has filed cases against individual offenders for illegal collection and transportation of "sand worms" (Polycheate) from Manamelkudi area of Aranthangi range in Pudukkottai district under the provisions of BD Act. The Board has conducted 17 workshops at different locations across the State to create awareness on the provisions and mandates of Biological Diversity Act, 2002 for district level officers of the line departments and senior officials of the Panchayats.

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### 13.8.22

#### Telangana

So far the Telangana State Biodiversity Board has constituted 3144 BMCs at village panchayat level, of which 113 have been formed this year. At the block level, thirteen BMCs and one BMC at the district level were constituted in this period. A total of 213 PBRs have been documented as on 31<sup>st</sup> March, 2019 which includes 126 PBRs prepared during 2018-19. A film on biodiversity conservation and another on ABS mechanism were developed for the BMC and related stakeholders in collaboration with UNEP-GEF project. Publication on agro-biodiversity and fish diversity of Telangana has been released. A film on biodiversity of Telangana was also developed with financial support from the UNEP-GEF project. The Board has approved 23 applications under S23 (B) of the BD Act. The Board organised a cattle show at Achampet in recognition of the local breeds.

### 13.8.23

#### Tripura

The Tripura State Biodiversity Board has held one meeting during 2018-19. The SBB has declared honey bee as the State Insect of Tripura by official notification. The State has so far constituted 997 BMCs at village level, of which 511 BMCs were formed during this year. Six BMCs at block level and one at municipality level were also formed during this period. Thirty six PBRs have been prepared during the year under consideration, out of the total 469 PBRs prepared so far at the village level. The State Board has approved 22 applications under Section 23 (B) of the BD Act for commercial utilization of bio resources. The Raipassa BMC in Ambassa Block of Dhalai District, Tripura has been awarded the best BMC under the category of “Replicable Mechanism of Access & Benefit Sharing” and Shikaribari BMC was awarded with a Special Mention/Appreciation Certificate as Best BMC under “Best Biodiversity Management Committees” of the India Biodiversity Award 2018.

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### 13.8.24

#### Uttarakhand

During this year, the Uttarakhand State Biodiversity Board held one meeting. Out of the 910 BMCs set up at village level, 19 were formed during the period under report. At block level, 89 BMCs were formed this year. A total of 113 PBRs were prepared at the village level BMCs during this year. Under Section 24(1) of the Act, the Board has approved 85 prior intimations received from Indian entities. The High Court of Uttarakhand delivered a judgement in favour of Uttarakhand SBB in the matter of Divya Pharmacy against Union of India & Others in the Writ Petition (M/S) No. 3437 of 2016.

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### 13.8.25

#### Uttar Pradesh

The Uttar Pradesh State Biodiversity Board has completed formation of 58781 BMCs at village level set up in coordination with the State Panchayati Raj Department, of which 58518 BMCs were formed during this reporting period. The Board has so far prepared 325 PBRs, of which 69 PBRs were documented in this period. This year approval for commercial utilization of bio-resources was approved by the Board and litigation pending in the High Court of Allahabad against Shree Baidyanath Ayurveda Bhavan Pvt Ltd. The Board celebrated Biodiversity festival, IDB, World Wetlands day, International Day for Vulture awareness, Butterfly & Sparrow week, World Environment Day and Wildlife Week to mark important occasions on environment and conservation



### West Bengal

The West Bengal State Biodiversity Board (WBSBB) conducted two meetings during the period under review. Of the total 331 block level and 108 municipality level BMCs formed thus far, 14 at block and 7 at municipality level were formed during 2018-19. The State has prepared 144 PBRs as on 31<sup>st</sup> March, 2019, of which 27 at village panchayat level, 1 at block level and 3 at municipality level were completed during this reporting period.

The WBSBB declared Chilki garh Kanak Durga Biodiversity Heritage Site in Jamboni Block, Jhargram District (vide notification 926/EN/T-II-7/003-ii/2003, dated 16.04.2018). The Court of Additional Chief Judicial Magistrate Bidhan Nagar delivered a judgment in favour of WBSBB for collection of requisite amount of ABS from Parampara Ayurved. The Board approved 15 applications under Section 23 (B) for commercial utilisation of Bioresources. The Board has conducted several Bio Tours to inculcate awareness on biodiversity amongst school students. State Biodiversity award was conferred on individuals and institutions on the occasion of International day for Biological Diversity (IDB) celebrated every year.



### Members of the Authority

The members of the Authority as per Section 8 (4a) of the Biological Diversity Act 2002 are as follows:

CHAIRPERSON	PERIOD
<b>Dr. A.K. Jain, IAS</b>	9 <sup>th</sup> Feb 2018 onwards
<b>Dr. (Ms). B. Meenakumari</b>	9 <sup>th</sup> February 2016 to 8 <sup>th</sup> Feb 2018
<b>Shri. Hem Pande, IAS</b>	6 <sup>th</sup> Feb 2014 to 8 <sup>th</sup> Feb 2016
<b>Dr. Balakrishna Pisupati</b>	12 <sup>th</sup> Aug 2011 to 5 <sup>th</sup> Feb 2014
<b>Shri M.F. Farooqui, IAS</b>	11 <sup>th</sup> Nov 2010 to 11 <sup>th</sup> Aug 2011
<b>Dr. P.L. Gautam</b>	31 <sup>st</sup> Dec 2008 to 3 <sup>rd</sup> Nov 2010
<b>Shri P.R. Mohanty, IFS</b>	1 <sup>st</sup> Oct 2008 to 31 <sup>st</sup> Dec 2008
<b>Shri G.K. Prasad, IFS</b>	20 <sup>th</sup> May 2008 to 30 <sup>th</sup> Sep 2008
<b>Dr. S. Kannaiyan</b>	20 <sup>th</sup> May 2005 to 19 <sup>th</sup> May 2008
<b>Shri Viswanath Anand, IAS</b>	1 <sup>st</sup> Oct 2003 to 14 <sup>th</sup> July 2004

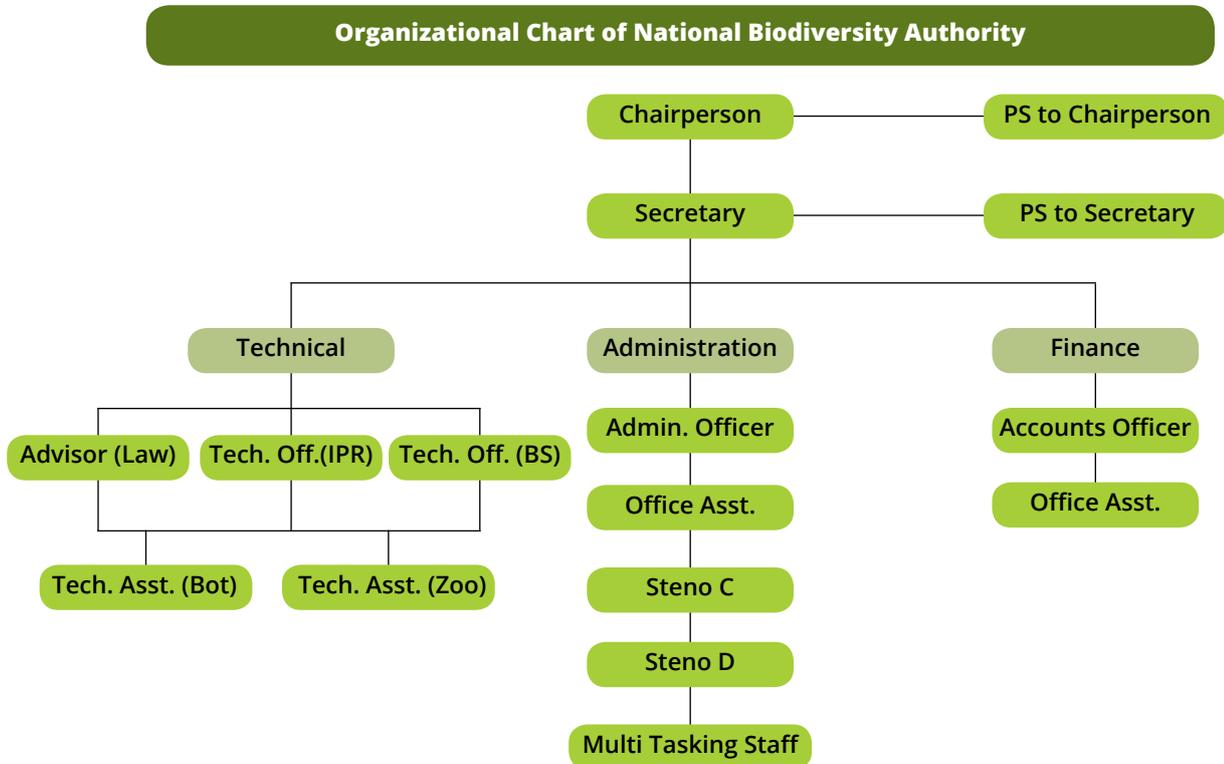
The present Ex-Officio Members of the Authority as per Section 8 (4b, c) are as under:

Sl No.		Member
1	Joint Secretary or an officer of an equivalent rank to the Government of India in the Ministry of Tribal Affairs	<b>Shri. Sushilesh Mohan Sahai, IFS,</b> Director, Ministry of Tribal Affairs, Room No. 736, A-Wing, 7 <sup>th</sup> Floor, Shastri Bhawan, New Delhi - 110 001.
2	Additional Director General (Forests) Ministry of Environment and Forests, Government of India	<b>Dr. Anil Kumar, IFS</b> Additional Director General of Forests, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003
3	Joint Secretary to the Government of India dealing with the subject in the Ministry of Environment and Forests	<b>Dr. Sujata Arora,</b> Adviser, Ministry of Environment, Forest and Climate Change, Indira Paryavaran, Jor Bagh Road, New Delhi - 110 003.
4	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Agriculture Research and Education, Ministry of Agriculture	<b>Joint Secretary (Seeds),</b> Department of Agriculture and Cooperation, Room no. 244, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110 001.
5	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Department of Biotechnology	<b>Dr. Renu Swarup,</b> Senior Advisor, Department of Biotechnology, CGO Complex, Block No. 2, Lodhi Road, New Delhi 110 003.

SI No.		Member
6	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Department of Ocean Development	<b>Dr. R. Kirubakaran,</b> Scientist G, National Institute of Ocean Technology, Ministry of Earth Sciences, Velachery-Tambaram Main Road, Narayanapuram, Pallikaranai, Chennai – 600 100.
7	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Department of Agriculture and Cooperation	<b>Deputy Director General (Crop Science),</b> Division of Crop Science, ICAR, Krishi Bhavan, New Delhi -110 001.
8	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Department of Indian Systems of Medicine and Homeopathy	<b>Smt. Shomita Biswas,</b> The Chief Executive Officer, National Medicinal Plant Board, Department of AYUSH, Ministry of Health and Family Welfare, 3 <sup>rd</sup> Floor, AYUSH Bhawan, B Block, G.P.O. Complex, I.N.A., New Delhi-110 023.
9	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Department of Science and Technology	<b>Dr. Sanjay Kumar,</b> Director, Institute of Himalayan Bioresource Technology, Post Box No.6, Palampur Himachal Pradesh – 176 061.
10	Joint Secretary or an officer of an equivalent rank to the Government of India dealing with the subject in the Department of Scientific and Industrial Research	<b>Dr. B. K. Shukla,</b> Scientist G, Head Planning, Coordination & Performance Management, Department of Science and Technology, Technology Bhavan, New Mehrauli Road, New Delhi – 110 016

SI No.	Non-Official Members	
1	<b>Dr. Parimal Chandra Bhattacharjee,</b> A/3 Asiyana Housing Complex Mailgaon, Guwahati - 781011, Assam	
2	<b>Dr. Yogesh Shouche,</b> Senior Microbiologist, National Centre for Cell Science Department of Biotechnology Lab, University of Pune Campus, University Road, Ganeshkhind, Pune, Maharashtra - 411007	
3	<b>Shri. Darshan Shankar,</b> Chancellor Trans Disciplinary University C/o Foundation of Revitalization of Local Health Traditions (FRLHT) #74/2, Jarakabande Kaval, Post Attur via Yelahanka, Bangalore - 560 064.	
4	<b>Dr. Dinesh Misra,</b> No. 65, Sector 8 Gandhi Nagar, Gujarat-382008	
5	<b>Prof. Umesh Rai,</b> Director, South Campus, University of Delhi, Room No. 106, Department of Zoology, University of Delhi, Delhi - 110007	

## Organization Chart



Besides the officers and other staff as depicted in the organogram, the NBA is supported by Consultants to assist in technical and miscellaneous matters as per Rule 12 (6).



## Staff Strength Including Recruitment

Post	Sanctioned	Filled	Vacancy
Chairperson	1	1	-
Secretary	1	1	-
Admin. Officer	1	1	-
PS to Chairperson	1	1	-
Accts. Officer	1	1	-
Technical Officer	2	2	-
Advisor (Law)	1	1	-
PS to Secretary	1	1	-
Office/ Comp. Asst.	2	2	-
Technical Asst.	2	2	-
Steno "C"	1	1	-
Steno "D"	1	1	-
MTS	1	1	-
Total	16	16	-



## Publications

- Negotiation Skills for ABS (UNEP-GEF-MoEF&CC, NBA)
- “India’s Progress on National Biodiversity Targets- A preview”.
- CEBPOL publications

1	A Review on Impacts of Invasive Alien Species on Indian Coastal Ecosystems	Sandilyan, S., Meenakumari, B., Ajith Kumar, T.T., Rupam Mandal
2	A Review on Impacts of Invasive Alien Species on Indian Inland Aquatic Ecosystems	Sandilyan, S., Meenakumari, B., Biju Kumar, A. Rupam Mandal
3	Guidelines for prioritization of Invasive Alien Plants of India for Management	Sandilyan. S., Meenakumari. B., Babu. C.R.
4	Impacts of Invasive Alien Species on Island Ecosystems of India with special reference to Andaman Group of Islands	Sandilyan, S., Meenakumari, B, Biju Kumar, A., Karthikeyan Vasudevan
5	New ABS Instruments adapted to Genetic Resources for Food and Agriculture	Morten Walloe Tvedt and Kristir Rosendal, Fridtjof Nansen Institute (FNI)
6	Review of selected national legislations relating to access and benefit sharing	Liv-Stephanie Bantle and Anjali Sugadev
7	Protected Areas and ABS: A Review	Prakash Nelliyat, Meenakumari, B., and Rabikumar, T.
8	Compliance of Access and Benefit Sharing (ABS): A Sector Specific Review	Prakash Nelliyat, Meenakumari, B., and Rabikumar, T.



## **Training courses/ Seminars/ Meetings/ Workshops organized/ attended**

1. The Tamil Nadu Biodiversity Board organized training for all district nodal officers (32 DFOs/ Wildlife Wardens) on the concept and protocol of BMC constitution under the BD Act, 2002 and its functioning on 20-21<sup>st</sup> April 2018 at Chennai. The Technical Officer (Benefit Sharing) NBA delivered a talk on "Implementation of ABS in India" at the workshop.
2. The Tamil Nadu Agricultural University, Coimbatore organized a one-day workshop on "Triggering Innovations in Research" on 5<sup>th</sup> October 2018, to the young faculty / scientists of TNAU and its regional centres. In the workshop attended by 60 participants, the Technical Officer (Benefit Sharing) made a detailed presentation on the implementation of the Biological Diversity Act 2002 with special reference to filing of applications and process thereof. The workshop was
3. The Indira Gandhi National Forest Academy (IGNFA), Dehradun is mandated to impart knowledge and skills to professional foresters and help them develop competence for managing the country's forest and wildlife resources on a sustainable basis. NBA, under a capacity building program, has teamed with the IGNFA for conducting capacity building program for both IFS probationers and In-service IFS officers on biodiversity conservation and its governance. Accordingly, a two days' capacity building program was organized on 18<sup>th</sup> & 19<sup>th</sup> February 2019 at IGNFA, Dehradun.
4. Final year Law students pursuing a Bachelor's degree at Vellore Institute of Technology, Kelambakkam, Chennai visited NBA on 25<sup>th</sup> February 2019. The Advisor Law, Technical Officer (Benefit Sharing) and Technical Officer (IPR) made detailed presentation about the provisions of the BD Act.
5. The Centre for Biodiversity Policy and Law (CEBPOL) - NBA organized a Capacity Building Workshop on Access and Benefit Sharing (ABS) provisions of the BD Act and e-Filing Process of ABS Applications to Patent Attorneys on 14<sup>th</sup> September, 2018 at NBA, Chennai.
6. CEBPOL- NBA organized a two day workshop on implementation of Nagoya protocol on ABS to the SBBs on 25<sup>th</sup> & 26<sup>th</sup> February, 2019 at NBA, Chennai in which officials from 18 SBBs participated. Issues like Nagoya Protocol on ABS, NBSAPs, experience on implementation of ABS, particularly applicability of ABS provisions on various activities, definition of terms were discussed. The discussions were shared with the EC to review the ABS guidelines.



## Participation of NBA Officials in meetings organized by other Ministries/ Departments

1. The Secretary, NBA participated in the meeting held on 28<sup>th</sup> May 2018 under the chairmanship of the Additional Secretary, MoEF&CC to discuss a note received from the Secretary, Department of Biotechnology (DBT) for revisiting certain provisions of the Biological Diversity Act.
2. The Tamil Nadu Biodiversity Board in association with the GIZ- Indo-German Partnership Project on Access and Benefit Sharing organized a meeting to discuss the compliance and application procedure for access to snake venoms from M/s Irula Snake Catchers Industrial Co-operative Society Ltd, Kancheepuram under the BD Act on 24<sup>th</sup> October, 2018 at TBGP, Chennai, in which the Technical Officer (Benefit Sharing), NBA participated.
3. GIZ organized an Orientation Workshop for officials of the Forest Department, appointed as district level Nodal Officers of Maharashtra SBB on 19<sup>th</sup> December 2018 at Nagpur, where the Technical Officer (Benefit Sharing), NBA delivered a talk on "Legalities of BMC, PBR - linked to ABS" under BD Act.
4. GIZ project organized a one-day training program on "e-filing of ABS applications" for various stakeholders like attorneys, industries, scientist, and researchers on 14<sup>th</sup> February, 2019 at NBA, Chennai. The Technical Officer (Benefit Sharing), NBA made a detailed presentation about e-filing of ABS applications, where he also highlighted the ABS provisions, applicability of BD Act on various activities, exemptions, etc., as well as clarified queries of the participants.
5. Dr Nimura Satoshi, Managing Director, Nimura Genetic Solutions Co., Ltd, Japan and Dr Ayumi Onuma, Professor, Environmental Economics, Keio University, Japan visited NBA, Chennai on 30<sup>th</sup> October 2018 to hold discussion on issues relating to implementation of Access and Benefit Sharing in India. The officials of NBA participated in the discussion meeting.
6. The National Institute of Rural Development and Panchayati Raj (NIRD&PR), is a premier national centre of excellence in rural development and Panchayati Raj which builds capacities of rural development functionaries, elected representatives of PRIs, bankers, NGOs and other stakeholders through inter-related activities of training, research and consultancy. Under the CEBPOL project, NBA-CEBPOL have joined hands with NIRD for conducting series of capacity building program to the master trainers/representatives of PRIs on biodiversity governance in general and formation of BMCs and documentation of PBRs in particular. Towards this, a Memorandum of Undertaking was executed between NBA, on behalf of CEBPOL, and NIRD on 24<sup>th</sup> July, 2018. The MoU stipulates that NIRD may have four (4) training program for the Master Trainer/ Training of Trainers / representatives of PRIs (one national level program and three zonal program). Accordingly, NIRD conducted four training program zone wise across the country.
  - First Training program in November 2018 at Hyderabad
  - Second Training program in December 2018 at Guwahati
  - Third Training program in the first week March 2019 at Shimla
  - Fourth training program in the second week March 2019 at Pune

Around 300 representatives of various line departments like Panchayati raj institutions, representatives of SBBs, BMCs, Forest Departments, Rural Development, Agriculture, Horticulture, Fisheries, Animal Husbandry, Agriculture Universities, State and Central Universities and NGOs from different states participated in the training programs. They were trained on the provisions of the BD Act as well as BMC/PBR. Further, all the SBBs have been involved in the programs, including arranging for field visits / exposure to participants on BMCs activities, biodiversity heritage sites, institutes who work on biodiversity related issues. The program was well received by the participants.

## Citizen's Charter

### 1.1 Vision

Conservation and sustainable use of India's rich biodiversity and associated knowledge with people's participation, ensuring the process of benefit sharing for the well-being of present and future generations.

### 1.2 Mission

Ensure effective implementation of Biological Diversity Act, 2002 and the Biological Diversity Rules, 2004, for conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of utilization of genetic resources.

### 1.3. Mandate

Reaffirm the sovereign rights over the bio-resources of India and contribute towards prevention of misappropriation of bio-resources and/ or associated knowledge.

Provide policy and support relating to conservation, sustainable use of its components and equitable sharing of benefits arising out of utilization of biological resources.

Regulate activities by formulation of guidelines, extension materials for access to biological resources and for reaching the stakeholders and ensuring fair and equitable benefit sharing in accordance with the provisions of the Biological Diversity Act, 2002.

Take measures to oppose the grant of intellectual property rights to persons in other countries or any biological resources of India or knowledge associated with such biological resources of Indian origin.

Advise the State Governments concerning their area specific biodiversity, and in notifying Heritage Sites and also suggest measures for their management and sustainable use.

Provide guidance, technical and financial support to Biodiversity Management Committees (BMC) for preparing People's Biodiversity Registers (PBR) in the areas falling under their respective jurisdiction.

Perform such other functions as may be necessary to implement the provisions of Biological Diversity Act, 2002.

### 1.4 Stakeholders

Biodiversity is a multidisciplinary subject involving diverse activities, initiatives and stakeholders in biological diversity include the Central Government, State Government, Union Territories, Institutions of Panchayat Raj and Civil Society Organizations, Industries, NGOs, Research and Development Institutions, Universities and public at large.

### 1.5 Services Offered

Promotion related to conservation and sustainable use of biodiversity. Coordination of the activities of the State Biodiversity Boards and Biodiversity Management Committees, Sponsor studies and adaptive/ operational investigation and necessary research by providing technical guidance, and commissioning of studies as found necessary.

Advise Government of India on matters relating to conservation of biodiversity, sustainable use of its components and equitable sharing of benefits of biological resources. Grant approval for access to biological resources occurring in India or associated knowledge, for transferring the results of research, seeking intellectual property right, third party transfer of accessed bio-resource for research or for commercial utilization or for bio-survey and bio-utilization.

Facilitate access to bio-resource by all stakeholders and ensuring equitable benefit sharing between users and conservers of biodiversity in a transparent manner.

### **1.6 Grievances Redressal Mechanism**

Administrative Officer, National Biodiversity Authority, is the designated officer for redressal of public grievances. Any grievances can be addressed to

The Administrative Officer

National Biodiversity Authority,

TICEL Bio Park, 5<sup>th</sup> Floor, CSIR Road, Taramani,

Chennai-600113

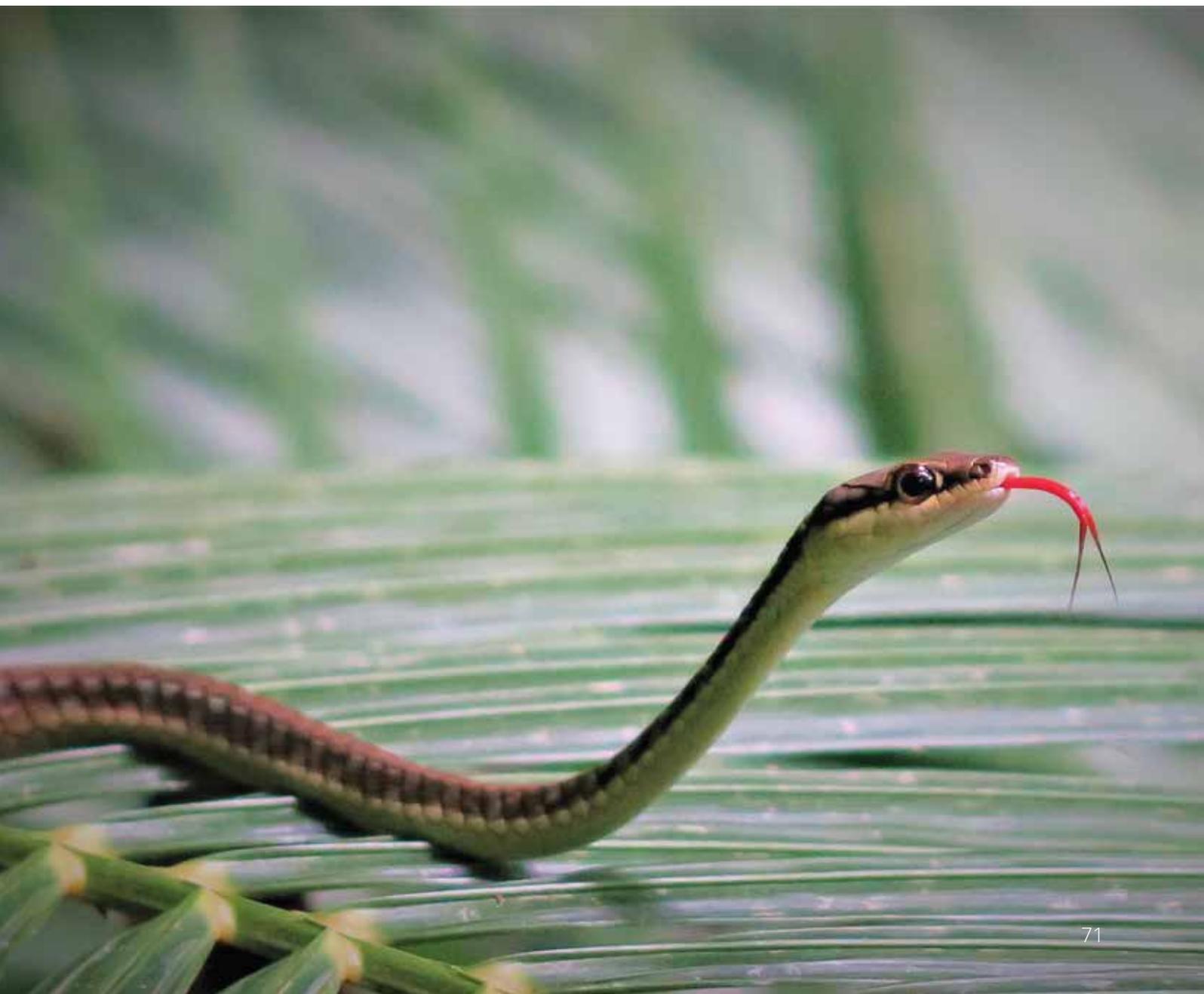
Phone: 044-22542777, 1075; Extension: 27

Fax: 044-22541200

E-mail: [adm@nba.inc.in](mailto:adm@nba.inc.in)

### **1.7 Expectations from the Citizens/ Clients**

To abide by the provisions of the Biological Diversity Act, 2002 and rules made there under and imbibe and promote the spirit of conservation of natural resources and respect for the laws of nature and extend cooperation for carrying out the above activities by NBA and SBBs in the overall interest of human kind.



## Audit Report

कार्यालय महानिदेशक लेखापरीक्षा  
वैज्ञानिक विभाग नई दिल्ली 110002

DGA/SD/EA/MoEF/SAR/N.BA/2018-19/1247

दिनांक: 04.03.2020

सेवा में,

**Dr. V. B. Mathur,**  
Chairman,  
National Biodiversity Authority,  
5th Floor, TICEL Bio Park,  
CSIR, Road, Taramani,  
Chennai - 600 113

**विषय: SAR on the accounts of National Biodiversity Authority, Chennai for the year 2018-19**

महोदय,

मुझे वर्ष 2018-19 के लिए National Biodiversity Authority, Chennai का पृथक लेखापरीक्षा प्रतिवेदन अग्रेषित करने का निर्देश हुआ है।

संसद के दोनों सदनों में प्रस्तुत करने से पहले वर्ष 2018-19 के वार्षिक लेखों को संस्थान के शासी निकाय द्वारा अनुमोदित किया/अपनाया जाए तथा इस संबंध में शासी निकाय द्वारा जारी किया गया रेजोल्यूशन ऑडिट को भेजा जाए। प्रत्येक दस्तावेज जो संसद में प्रस्तुत किया जाए उसकी तीन प्रतियाँ इस कार्यालय तथा दो प्रतियाँ भारत के नियंत्रक महालेखापरीक्षक को अग्रेषित की जाए। संसद के दोनों सदनों में प्रस्तुत करने की तिथियाँ भी इस कार्यालय को सूचित की जाए।

संलग्नक:- पृथक लेखापरीक्षा प्रतिवेदन

भवदीया,  
आर-3/1  
उप निदेशक (पर्या.ले.)

**Separate Audit Report of the Comptroller & Auditor General of India on the Accounts of National Biodiversity Authority, Chennai for the year ended 31 March 2019.**

1. We have audited the attached Balance Sheet of National Biodiversity Authority, Chennai as at 31 March 2019 and Income & Expenditure Account / Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29(2) of Biological Diversity Act. These financial statements are the responsibility of the National Biodiversity Authority, Chennai. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms, etc., Audit observations on financial transactions with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Reports/CAG's Audit Reports separately.

3. We have conducted our audit in accordance with auditing standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on a test basis, evidences supporting the amounts and disclosure in the financial statements. An Audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of financial statements. We believe that our audit provides a reasonable basis for our opinion.

4. Based on our audit, we report that

- i) We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.
- ii) The Balance Sheet and Income & Expenditure Account/Receipts & Payments Account dealt with by this report have been drawn up in the format approved by the Government of India, Ministry of Finance.
- iii) In our opinion, proper books of accounts and other relevant records have been maintained by the National Biodiversity Authority, Chennai as

required under Section 29(2) of the Biological Diversity Act, in so far as it appears from our examination of such books.

iv) Based on our audit, we further report that

## **A. Balance Sheet**

### **A.1. Liabilities-**

#### **1.1 National Bio-Diversity Fund- Schedule 3 Rs. 10565.34 lakh**

1. An amount of Rs.10565.34 lakh was shown as closing balance of National Bio-Diversity Fund Rule 20(9) of Biological Diversity Rules provided for earmarking of 5 percent of the amount accumulated in the fund towards administrative and service charges. The amount however was not worked out and transferred from Fund Accounts to Authority Accounts due to non-receipt of clarifications raised on the issue. Pending final transfer of amount, the Authority did not make provisions to reflect this liability on fund accounts. Rs.528.27 lakh (5 per cent of Rs. 10565.34) was not reflected in Authority Account.

#### **2. Assets**

##### **2.1 Fixed Assets – Rs. 28.98 lakh**

NBA placed an order on National Informatics Centre Services Inc. in January 2016 at a total cost of Rs.35.34 lakh for development of On-line web enabled software for on-line submission of applications. The total cost was payable to the firm in instalments. NBA, so far paid an amount of Rs.32.79 lakh in two instalments to the firm. The amount however was not reflected as “work in progress in Schedule-8 – Fixed Assets”. This resulted in understatement of work in progress and overstatement of revenue expenditure to the extent of Rs.32.79 lakh.

## **B. Income and Expenditure Account**

### **1. Income**

#### **1.1 Income Account – Rs. 2072.73 Lakh**

The amount of interest earned out of deposits made out of government grants is required to be added to grants and shown under liability as amount refundable to government. The entries to this effects are required to be carried out under ‘Current liabilities. It was however observed that NBA depicted an amount of Rs.21.08 lakh being interest earned out on deposit made out of grants as income under Income and Expenditure Account and not shown Current liabilities. This resulted in overstatement of income and understatement of Current liabilities.

### C) Grant-in-aid

During the year 2018-19, NBA received Grant-in-aid of Rs.20.03crore. This included unspent balance of Rs.1.53crore revalidated from previous year and out of total available funds of Rs.20.03crore. NBA could utilize a sum of Rs.18.60 crore leaving a balance of Rs.1.43crore as on March 2019.

### D) Management letter

Deficiencies which have not been included in the Draft Separate Audit Report have been brought to the notice of the National Biodiversity Authority through Annexure I and II for remedial/corrective action.

vi) Subject to our observations in the preceding paragraphs, we report that the Balance Sheet, Income & Expenditure Account and Receipts & Payment Account dealt with by this report are in agreement with the books of accounts.

vi) In our opinion and to the best of our information and according to the explanations given to us, the said financial statements read together with the Accounting Policies and Notes on Accounts, subject to the significant matters stated above and other matters mentioned in Annexure I to this Separate Audit Report give a true and fair view in conformity with accounting principles generally accepted in India.

a. In so far as it relates to the Balance Sheet, of the state of affairs of the National Biodiversity Authority, Chennai as at 31<sup>st</sup> March 2019 and

b. In so far as it relates Income and Expenditure Account of the surplus for the year ended on that date.

Place: New Delhi  
of India

For and on behalf of the C&AG

Date: 04.03.2020

Director General of Audit (SD)

## **Annexure-I to Draft Separate Audit Report**

### **1. Adequacy of Internal Audit.**

Internal Audit of NBA was conducted initially for the period from 2003-04 to 2008-09. The report for this period contained 21 paras and all 21 paras are still outstanding. Further, the internal audit was conducted for the period from 2012-13 to 2016-17 in the year 2018 and the report for this period was not received by NBA. The intervening period between 2009-10 to 2011-12 remained unaudited. The irregular conduct of audit, non-furnishing of report to NBA and non-furnishing of feedback after scrutiny of replies showed that internal audit was not effective.

### **2. Adequacy of Internal Control System**

The Internal Control System is not adequate as audit found following deficiencies

- NBA prepared draft scheme / guidelines for engagement of consultants. The scheme though approved in principle by the Authority, impressed upon NBA to resubmit the guidelines after studying existing scenario in various ministries and autonomous bodies for making conscious decision. The revised scheme / guidelines, for engaging consultants however was not submitted and final approval of the authority was not obtained. Thus there is no approved guidelines in place at present. NBA, however engaged consultants and incurred expenditure of Rs.63.92 lakh during 2018-19
- The Management Information System (MIS) was not put in place
- Following Control Register are not maintained.
  - i) Contract Register
  - ii) Expenditure Control Register

### **3. System of Physical Verification of Fixed assets**

NBA though conducted Physical verification of fixed assets, procedure enumerated in GFR was not followed. It was merely certified that “verification was conducted with satisfactory result”. The physical presence of every assets and its satisfactory functioning was not recorded. The items that become obsolete, unrepairable, idle were not identified and listed out. Thus, the exercise was not conducted as enumerated in the GFR. As a result, audit could not ensure the correctness of value of assets and satisfactory functioning of assets shown in the account records.

### **4. System of physical verification of inventory**

Physical verification of inventory was carried out for the year 2018-19.

### **5. Regularity in payment of statutory dues**

Test check revealed no outstanding statutory dues with NBA as of March 2019.



**Dy. Director (EA)**



सुनील दाढे, भा.ले.प.ले.से  
SUNIL DADHE, IAAS

महानिदेशक लेखापरीक्षा  
वैज्ञानिक विभाग  
ए.जी.सी.आर. भवन, इन्द्रप्रस्थ एस्टेट,  
नई दिल्ली-110002  
**DIRECTOR GENERAL OF AUDIT  
SCIENTIFIC DEPARTMENTS  
A.G.C.R. BUILDING, I.P. ESTATE  
NEW DELHI-110 002**

D.O. No. DGA/SD/EA/MoEF&CC /SAR/NBA-Chennai /2019-20/1250

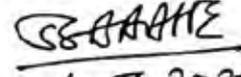
Dated: 04.03.2020

Dear Br. Mathur,

We have audited the annual accounts of National Biodiversity Authority, Chennai for the year 2018-19 and have issued the Audit Report thereon vide letter dated 04.03.2020. During the course of audit, some deficiencies were noticed as per annexure- A which are of a relatively minor nature and were, therefore, not included in the audit report. These are being brought to your notice for remedial and corrective action.

With regards,

Yours sincerely,

  
04 III 2020

Encl : As above

**Dr. V. B. Mathur,**  
Chairman,  
National Biodiversity Authority,  
5th Floor, TICEL Bio Park,  
CSIR, Road, Taramani,  
Chennai - 600 113

**Annexure to Management Letter****1. Liabilities**

The above Fund Account showed an amount of Rs.120.62 lakh as interest accrued on fixed deposits. The amount of interest accrued as per bankers' certificate, however, was Rs.120.97 lakh. Audit check revealed that an amount of Rs.0.35 lakh being the amount of interest earned out of deposit of Rs.7.01 lakh made in the bank was omitted to be included. This led to understatement of interest accrued in Schedule-3. The current assets in the balance sheet was also understated to the extent of Rs.0.35 lakh.

**2. Expenditure Account:** An amount of Rs.348.24 lakh was booked as salaries. This included remuneration of Contract staff amounting to Rs.176.41 lakh. In addition, an amount of Rs.63.92 lakh which was fee paid to consultant was also booked under salaries.

The amount of Pay and Allowances payable to regular employees borne on rolls of NBA alone are termed as 'Salaries' and therefore expenditure towards meeting salaries of regular employees alone are required to be booked under the object head "Grant-in-Aid Salaries" – Establishment Expenses. NBA, however booked expenditure towards remuneration of contract employees and fee of consultants which are not considered as 'Salaries' amounting to Rs.240.33 lakh under the object head "Grant-in-Aid Salaries".

The omission led to overstatement of 'Object Head-Salaries' and understatement of object head "Grant-in-Aid General".

**3. Income:** NBA received an amount of Rs.8.97 lakh being refund of Income Tax from Income Tax Department. This refund pertained to Income tax deducted by the bankers from the interest amount earned on Authority Account and Fund account. Instead of crediting the amount respectively to fund account and authority account by identifying correct amount of Income tax earlier deducted, NBA depicted the entire amount as other income in the Income and Expenditure Account. This led to overstatement of income to the extent of Rs.8.97 lakh. The cash balance under fund account and authority account is also understated.

#### **4. Payments Account :**

The Receipt & Payments account showed closing balance of cash in hand of Rs.50000 whereas Schedule-11- Current Assets showed cash in hand Rs.51380 which included value of postage stamps. As postage stamps in hand is treated as cash not including the value of stamps in closing balance led to understatement of “cash in hand” on the payment side of Receipt & Payments account.

#### **5. Suspense Accounts**

The ‘Receipt’ side of ‘Receipts & Payments Account’ showed an amount of Rs.1.51 lakh as ‘Un-claimed receipts-suspense account’. This amount comprised 6 items and the term ‘Suspense Accounts’ denoted that the final head under which these items were required to be booked was not determined and the present classification was only temporary. The depiction of amount under the suspense account as ‘Receipts’ led to overstatement of receipts. As this amount was added to fund account, the fund account also overstated to the extent of Rs.1.51 lakh.

#### **6. Diversion of funds**

Ministry of Finance, Department of Expenditure, opened a new object head ‘Grants for creation of capital assets’. During 2018-19, NBA received total grants of Rs.20.03 crores under the object head ‘Grants-in-aid – General and Grants-in-aid – Salary’. No funds were received under the object head. ‘Grants-in-aid – Capital’. NBA, however diverted an amount of Rs.14.20 lakh towards purchase of Assets during the year. This led to diversion of funds from one object head to other without the authority

#### **7. Non accountal of accrued interest on loans & Advances**

Current Assets depicted an amount of Rs.1.10 lakh as Loan and Advances recoverable from staff. NBA, however did not workout accrued interest on this outstanding balance and showed as income receivable under Income and Expenditure Account. This resulted in understatement of Current Assets and understatement of income.

#### **8. Asset Register**

Balance Sheet depicted various kinds of assets worth Rs.28.99 lakh as of March 2019. NBA, however did not maintain Asset Register in the prescribed proforma the closing balance of which duly tallied with that shown in the balance sheet. Audit therefore could not ensure the correctness of value of assets as shown in the balance sheet.

### **9. Understatement of Liabilities**

NBA did not make provision for Audit Fee, Audit fee being statutory payment, the omission led to understatement of liabilities and understatement of expenditure in Income & Expenditure account

### **10. Non-receipt of Utilization Certificate**

Audit noticed that out of 918 grants amounting to Rs.68.86 crore released during last twelve years to State Biodiversity Boards and other organization for which utilization certificate are due in the year 2018-19, utilization certificates were received only in respect of 754 grants amounting to Rs.45.54 crore. Utilization certificates for 164 grants amounting to Rs.23.32 crore were not received as of March 2019.

### **11. Non-disclosure of taking over of Assets**

The Administrative Ministry (MoEF&CC) in April 2018 communicated in principal approval to NBA for taking over a part of Animal Welfare Board of India (AWBI) premises vacated by them in Chennai. NBA accordingly taken over entire first floor of the building in July 2018. Further, NBA also met all the expenditure towards security, taxes and electricity bill and other maintenance charges. The process of transfer of rights through legal document is under process. Though the portion of building was taken over and expenditure towards taxes and maintenance was incurred, the value of assets was not reflected in the annual accounts. NBA may disclose taking over of the assets in the notes to accounts pending completion of process of entering into legal agreement.



**Dy. Director (EA)**



*Credits for All Natural Photos :*

**Dr. S. Rajesh Kumar**

*Design & Printed At :*

**Aparna Graphic Arts**

Chennai - 600 002.

Mob: 9841011751. 9941011317

## **ABOUT NBA**

The National Biodiversity Authority (NBA) was established in 2003 to implement India's Biological Diversity Act (2002). The NBA is a Statutory body and it performs facilitative, regulatory and advisory functions for Government of India on issues of conservation, sustainable use of biological resources and fair and equitable sharing of benefits arising out of the use of biological resources.

The Biological Diversity Act (2002) mandates implementation of the Act through decentralized system with the NBA focusing on advising the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources; and advising the State Governments in the selection of areas of biodiversity importance to be notified under Sub-section (1) of Section 37 as heritage sites and measures for the management of such heritage sites.

The State Biodiversity Boards (SBB) focusses on advising the State Governments, subject to any guidelines issued by the Central Government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources.

The SBB also regulates, by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians. The local level Biodiversity Management Committees (BMCs) are responsible for promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

The NBA with its headquarters in Chennai, Tamil Nadu, delivers its mandate through a structure that comprises of the Authority, Secretariat, SBBs, BMCs and Expert Committees.

Since its establishment, NBA has supported creation of SBBs in 29 States and facilitated establishment of 144371 BMCs at local level.

### **National Biodiversity Authority**

5th Floor, TICEL Bio Park,

CSIR Road, Taramani, Chennai - 600 113

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e-mail: [chairman@nba.nic.in](mailto:chairman@nba.nic.in)

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