

# Karnataka Biodiversity Board

## Agenda notes for the 31<sup>st</sup> Board Meeting

### **1. Reading and recording of proceedings of the 30<sup>th</sup> Board meeting:**

The proceedings of the 30<sup>th</sup> Board Meeting held on 08/12/2015 were communicated to all the members. As there were no comments from the members, the proceeding may be adopted. (*Annexure - I*).

### **2. Action taken on 30<sup>th</sup> Board Meeting Proceedings:**

Action taken on proceedings of 30<sup>th</sup> Board Meeting is placed in *Annexure - II*.

### **3. Expenditures 2015-16 and Budget 2016-17:**

i) The grants in aid of Rs. 3.64 crore for 2015-16 was sanctioned by Government. Last installment of Rs. 91 lakhs is yet to be released. The total unaudited expenditure up to Feb, 2016 is Rs. 2.47 Crores. (*Annexure – III*)

ii) The budget proposal for the year 2016-17 has been submitted to Government on 23<sup>rd</sup> January, 2016 for Rs. 6.73 Crore. This includes Rs. 3 crore for preparation of 1500 PBRs. (*Annexure – IV*)

The subject is placed before the Board for deliberation and approval of the budget for 2016-17.

### **4. Status of People's Biodiversity Registers:**

The Board has approved the methodology adopted for writing People's Biodiversity Registers (PBRs) in its 25<sup>th</sup> meeting and it resolved to complete the PBRs within two years. A master checklist has been finalized by taking the inputs from the PBRs prepared by the professors from different universities and from other secondary data available for each agro-climatic zone. A team of three students guided by professors/teachers/research scholars (coordinators) from bioscience background, after interacting with the stakeholders of biodiversity, prepare the PBR of the area falling in the jurisdiction of the local body. The teachers/professors from various districts have been selected and trained for taking up the task of writing PBRs in consultation with the members of Biodiversity Management Committee (BMC). The district officers from various departments related to bioresources along with the coordinators form a group called Technical Support Group (TSG) which guides the team and members of the BMC during preparation of PBR in technical matters. A Technical Expert Committee (TEC) is also constituted at district level with Deputy Conservator of Forests (Social Forestry) who is also the Nodal Officer of the district for biodiversity activities, as Chairperson and Deputy Directors of Agriculture, Animal husbandry, and one teacher/professor from bioscience discipline of any college of the district. This committee reviews and confirms the draft PBR.

During current year, 373 PBRs have been completed, 135 PBRs are waiting technical approval from TEC. Another 612 PBRs are in draft stage. A total of 762 PBRs are completed which includes 389 PBRs written before 2014-15 (*Annexure - V*).

Taking into account the PBRs at draft stage, it is found that about 1200 PBRs can be prepared in a year. This itself is quite a decent target as total no of PBRs completed during past several years is just 389. Therefore, it is submitted to fix a pragmatic target of 1200 PBRs each year to complete the PBRs for all local bodies (about 6000 in nos.) in next four (4) years.

The subject is placed for kind information and approval of the schedule for preparation of PBRs.

## **5. Biodiversity Management Committee:**

### **i) Status:**

Government of Karnataka has issued several circular orders directing the CEO, Zilla Panchayath to take active role in constituting the BMC. A joint circular dated 29 May, 2014 has been issued by the Additional Chief Secretary of FEE and RDPR, fixing the target of constituting the BMCs and writing PBRs before 1<sup>st</sup> March, 2015. However, the work is still going on. Since elections have taken place this financial year at local bodies of all three levels, a letter has been addressed to Principal Secretary, Panchayath Raj for issuing suitable direction to the concerned officials to take necessary action for constituting BMCs (*Annexure - VI*). At present 4556 BMCs have been constituted out of which, 373 is constituted during this year.

The matter is placed before the Board for information and further direction.

### **ii) Tenure of BMC:**

Section - 41 of Biological Diversity Act, 2002 provides for constituting a committee called Biodiversity Management Committee (BMC) for each local body. There is a difference in wording in Kannada and English versions of rule (Rule 21(2)), in which number of members of BMC is differently mentioned. The rule in Kannada and English states as follows;

Kannada version of Rule – 21(2):

“1ನೇ ಉಪನಿಯಮದಡಿ ರಚಿಸಲಾದಂಥ ಈ ಸಮಿತಿಯು ಸಂಸ್ಥೆಯಿಂದ ನಾಮನಿರ್ದೇಶಿತರಾದ ಏಳು ಜನಕ್ಕಿಂತ ಹೆಚ್ಚಿಲ್ಲದಷ್ಟು ಸಂಖ್ಯೆಯ ಸದಸ್ಯರನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು. ಅವರಲ್ಲಿ 1/3ಕ್ಕಿಂತ ಕಡಿಮೆ ಇಲ್ಲದಷ್ಟು ಮಹಿಳೆಯರು ಇರತಕ್ಕದ್ದು ಮತ್ತು ಶೇ. 18ಕ್ಕಿಂತ ಕಡಿಮೆ ಇಲ್ಲದಷ್ಟು ಸದಸ್ಯರು ಪರಿಶಿಷ್ಟ ಜಾತಿ/ಪಂಗಡಗಳಿಗೆ ಸೇರಿದವರಾಗಿರತಕ್ಕದ್ದು.”

English version of Rule – 21(2):

“The Biodiversity Management Committee as constituted under sub rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of which not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled tribes.”

Further, rule 21(4) provides for tenure of Chairperson only in English version, while the same rule in Kannada version provides for the tenure of both Chairperson as well as the members of the BMC. The National Biodiversity Authority (NBA) has issued guidelines (*Annexure – VII*) for operationalization of BMCs in 2013 recommending the tenure of the BMC to be five years/co-terminus with the tenure of the local body. It further mentions that the existing BMC will continue to operate, until a new committee is constituted.

At present, the committees which are constituted as per the format given in *Annexure – VIII* in which six members are mentioned including Chairperson is in conformity with the rule. However, another member can be in the committee in addition to six members mentioned in the format including Chairperson. Rule 21(2) also indicates that there can be up to seven members including chairperson.

The subject is submitted for deliberation and suitable decision.

## **6. Research studies:**

i) Dr. M D Subhashchandran, Member, Karnataka Biodiversity Board has submitted a concept note for creating database on ethnomedicine and accreditation of folk healers. The Board has taken his services for compiling traditional knowledge from four districts under GEF ABS project. In continuation of his effort of compiling the traditional knowledge, he has submitted this concept note on creation of database on ethnomedicine (*Annexure - IX*).

Subject is placed before the Board for deliberation and suitable decision.

ii) A series of meeting has been conducted under the project on ABS funded by MoEF-UNDP-GEF-NBA. It was found that to implement the provisions of BD Act pertaining to ABS, it is necessary to understand, interalia, the market linkage between primary harvesters, middleman and value addition by industries using Species of interest (SOI), port, season etc. Accordingly, a proposal for project on issues related to commercial utilization of bioresources from marine ecosystem has been invited (*Annexure - X*). Four proposals were received. The proposals have been reviewed by a committee of experts chaired by Dr. S. Shivananda Murthy, Professor & Head, College of fisheries, Mangalore and Member of our Board. The committee recommends for re-notification in order to get suitable proposals.

The matter is placed before the Board for deliberation and suitable decision.

### iii) Baseline data:

The Board has prepared baseline data in different fields by engaging the experts from various parts of the country. It was resolved in 29<sup>th</sup> Board meeting to pay an honorarium to each expert who has led the team to prepare the baseline data. The committee constituted by the Member Secretary, Karnataka Biodiversity Board to review the work met on 2<sup>nd</sup> March, 2016 and recommended the honorarium to each expert as given in the *Annexure - XI*.

The matter is submitted before the Board for deliberation and suitable decision.

iv) Concept note on research study requirement:

Dr. Swaminath, Member of the Board, submitted a concept note on 5 different topics. The Board resolved in its 23<sup>rd</sup> meeting to take up the studies on (i) Conservation and restoration of endemic but endangered species and (ii) Studies on the unique vegetation and Biodiversity hotspots in Karnataka. The detailed Terms of Reference (*Annexure – XII*) has been prepared by a committee of two members of the Board. The Board advertised for the proposal. The projects from 13 agencies were received. There was no suitable proposal for any of the species listed in the ToR under topic – I: Conservation and restoration of endemic but endangered species. Three proposals are received on topic - II: Studies on unique vegetation and Biodiversity Hotspots in Karnataka. As recommended by the committee (*Annexure – XIII*), the proposal was sent to the experts for review. As there is no precedence for paying the honorarium for reviewing such proposal, it is submitted before the Board to determine an honorarium for the experts reviewing the proposals. The final recommendation of the committee is awaited, hence the exact cost of the study proposals is not known. However, for all the studies of the species and unique vegetation, the cost is likely to be substantially high. Originally, the cost for these studies as per the concept note submitted to the Board was Rs. 20 lakhs.

**7. Access and benefit sharing:**

(i) ABS applicability to the Government Central Pharmacy, Department of AYUSH:

Final notice to submit ABS obligation for the year 2014-15 before 21<sup>st</sup> November 2015 was sent to various companies/organizations. In reply to this, the Government Central Pharmacy, AYUSH Department, sent a reply stating that the products manufactured are given free of cost to Government hospitals etc. (*Annexure - XIV*).

In such a case, the submission of ABS obligation may not arise since there is no benefit/profit gained by the organization and the manufacture is not done for commercial purpose.

The matter is placed before the Board for deliberation and suitable decision.

(ii) Legal action against other Government corporations:

Further, notices were sent to those companies/organizations which did not submit the ABS obligation for the year 2014-15 even after the final notice with intimation that legal action would be initiated if the obligation was not met. Karnataka Soaps and Detergents Ltd, was also issued a final notice for submission of ABS which has not been submitted till date. (*Annexure – XV*)

The matter is placed before the Board for deliberation and suitable decision regarding the initiation of legal action against other Government institutions under such circumstances.

(iii) ABS Agreement:

The Karnataka Biological Diversity Rules, 2005 under Rule 15(5) states that a written agreement between the Board and the applicant shall govern the access/collection of biological resources mentioned in Form-I submitted by the applicant.

Since the ABS Regulations were issued on 21<sup>st</sup> November 2014, the execution of this agreement was not possible for the year 2014-15. In this regard, since several companies (87) have already paid

ABS for the year 2014-15, a separate agreement may not be necessary as access and utilization has already been done for which ABS has also been paid even in the absence of a written agreement. Similarly, the companies have also paid the ABS obligation for the year 2015-16 without undertaking any agreement.

The matter is placed before the Board for deliberation and suitable decision regarding the ABS agreement for FY 2015-16.

(iv) ABS agreement format:

The present format of the ABS agreement document has been found to be repetitive with clauses that need not be explicitly mentioned when these are already stated in the Biological Diversity Act, 2002 and the Karnataka Biological Diversity Rules, 2005 and the ABS obligation is required to be submitted as per the guidelines on ABS dated 21<sup>st</sup> November, 2014 issued by NBA, MoEF. Therefore, it is felt that there is a need for a succinct agreement document as the existing document is 17 pages long. An agreement copy, in consultation with the Legal advisor of the Board, is drafted (*Annexure – XVIa & XVIb*).

The same is placed before the Board for deliberation and suitable decision.

(v) ABS agreement when paid under protest:

The applicability of ABS on Indian entities has been contested by various companies. The Ayurvedic Drug Manufacturers' Association (ADMA) has represented to the Ministry of Environment and Forests Climate Change (MoEFCC). A case has been filed by Central India AYUSH Drug Manufacturers Association in the Nagpur Bench of the Bombay High Court against the Maharashtra State Biodiversity Board. The same was forwarded by some companies and ABS obligation was paid for 2014-15 under protest, stating that they reserve the right for reimbursement (Amrut Pharma, Capro labs, Natural remedies, Sadvaityasala pvt Ltd, Sami Labs, Himalaya) (*Annexure - XVII*).

The execution of the ABS agreement with these companies when ABS is paid under protest has not been feasible.

The same is placed before the Board for deliberation and suitable decision.

(vi) Yearly submission of Form-I:

Rule 15(1) of the Karnataka Biological Diversity Rules, 2005 mandates that prior intimation must be submitted for access to biological resources along with a fee of Rs.1000. But the Rules and the prescribed Form-I does not indicate the timeline in terms of fiscal/financial years. Further, the item no. 2(f) in the Form-I requires the time span for access of biological resources to be indicated by the applicants.

Now, a company (*Annexure-XVIII*) has submitted a single Form-I with Rs. 1000 for 2014-15 along-with a yearly projection up to 2017-18. All the companies are submitting their requirement for biological resources in the beginning of financial year. In view of the fact that the Act is silent on the

timeframe for submitting the requirement of bio-resources in Form-1, the financial year may be fixed as the timeframe for reporting the utilization of bio-resources.

The same is placed before the Board for deliberation and suitable decision.

(vii) Selection of Advocates:

In pursuance of resolution of 30<sup>th</sup> Board meeting, the process of initiating legal action has been taken up. An OM was issued (*Annexure – XIXa*) authorizing the officers of the Board to conduct the litigation. These officers are eligible for taking up the cases against the companies failing to comply with the provisions of Biological Diversity Act, 2002, as per the notification issued by MoEFCC dated 17<sup>th</sup> November, 2008 (*Annexure – XIXb*). Some Government Corporations are approached for their panels of advocates. The Karnataka Forest Development Corporation had empanelled some advocates. It was discussed with those advocates and two of them have given their service charges (*Annexure – XX*).

The subject is placed before the Board for decision and for finalizing the procedure and service charges to the advocates.

## **8. Biodiversity Heritage Sites:**

(i) Nallur Tamarind Grove:

The Government has declared Nallur Tamarind Grove as Biodiversity Heritage Site. The BHS is in Devanahalli taluk of Bengaluru Rural District. During 22<sup>nd</sup> Board meeting, the matter was discussed and it was resolved that the funds from various sources under Corporate Social Responsibility (CSR) should be attempted for fencing the area. However, no company has come forward for this cause. The tamarind of the BHS is auctioned in 2012-13, 2013-14 and the proceeds (Rs. 2,24,482) is kept with the Board. NBA has given a support of Rs. 1.5 lakh in the year 2011-12. Utilization Certificate of Rs. 52000 only is received. The UC for remaining Rs. 98000 is awaited. The President, BMC Nallur has requested for provisions of watch and ward among other facilities (*Annexure - XXI*)

The matter is submitted for suitable decision.

(ii) Devika Rani Roerich Estate (Tathaguni Estate):

Board in its 28<sup>th</sup> meeting, resolved to initiate the process to declare the Tathaguni estate as Biodiversity Heritage Site. A proposal in this regard has been sent to Government (*Annexure - XXIIa*). Further, draft notification including the details of the site has been submitted to Government to notify (*Annexure - XXIIb*).

The matter is placed for information.

## **9. Projects:**

(i) Project on Climate Change:

EMPRI had invited project concepts from various departments, including Karnataka Biodiversity Board for the National Adaptation Fund for Climate Change. This funding is specifically provided to

undertake adaptation measures for climate change. The Board developed a concept note for a project entitled “Building resilience to climate change through revival of traditional agro fishery system, restoration of mangroves in coastal Karnataka” for revival of traditional rice cultivation cum fishery system - Gazani, in the coastal districts of Karnataka and submitted to EMPRI. The State-Level Steering Committee (SLSC) chaired by Chief Secretary met on 26<sup>th</sup> Feb, 2016 and has cleared the project for further onward submission to MoEF&CC (*Annexure – XXIIIA & XXIIIB*). The project concept has been appreciated by the SLSC committee & NABARD as very relevant for seeking NAFCC funding. The Board has proposed to implement this project through Karnataka Forest Dept., Dept of Agriculture, Dept. of Fisheries and local Biodiversity Management Committees (BMCs).

The matter is placed before the Board for deliberation and approval.

(ii) Status - NMPB project:

In pursuance of the resolution of the Board in its 26<sup>th</sup> meeting, the project sanctioned by NMPB is being implemented with Karnataka Medicinal Plant Board and Karnataka Forest Department as partners. The project was sanctioned for 1 year vide letter dated March, 2015. Originally, it was envisaged in the project to get the survey work with the help of students from forestry and other related colleges. However, during the implementation we faced the problem of availability of the students and trained taxonomists. The students from Forestry colleges etc were available only for few weeks and after they were trained and worked for couple of weeks, they had to get back to attend their classes and hence were not available for fieldwork. This was brought to the notice of the Board in 28<sup>th</sup> meeting. The Board resolved to take botanists and taxonomists for few months so that their services can be available after they get accustomed to forest survey. Though we have advertised for selection of such botanists/taxonomists several times, very few suitable candidates showed interest in the task. At present 19 botanists/taxonomists were working in Mangalore.

Meanwhile, a meeting with all CCFs of different circles was conducted by PCCF & HoFF on 23<sup>rd</sup> December, 2015 (*Annexure – XXIV*) and suitable instructions were issued to expedite the field work. The Karnataka Medicinal Plant Authority also reviewed the project on 17<sup>th</sup> Feb, 2016. A review meeting has also taken place at NMPB, New Delhi on 23<sup>rd</sup> Feb, 2016. Non availability of trained taxonomist/botanists for fieldwork was informed in the meeting. It was also submitted that the project needs to be extended by atleast 1 year with suitable modification in the expenses on different set of activities. The formal letter of extension with recasting the expenses will be submitted to NMPB shortly.

At present, the field work is being taken up in 11 forest divisions (*Annexure – XXV*).

(iii) Status of UNEP – GEF – MoEF - ABS Project:

The project facilitated constitution of 20 BMCs at taluk (block) level and taken up documentation of the People's Biodiversity Registers (PBRs). Project has also held dialogues with various industries that are using biological resources for commercial utilization and signed ten ABS agreements with industries.

Highlights of the works undertaken under GEF project is placed in Annexure - XXVI.

The matter is submitted before the Board for deliberation and suitable decision.

**10. Awards:**

The Board in its 23<sup>rd</sup> meeting resolved to give biodiversity award for four categories. A committee was constituted to decide the categories and select the awardees. The committee has recommended for giving awards in the category of a) Biodiversity Conservation, b) Research, c) Awareness dissemination. In its final meeting on 28/12/2015, the committee recommended the names of following awardees (Annexure - XXVII);

1. Sri. Kodlu Thota Ramesh, in the field of Biodiversity conservation.
2. Dr. K. V Gururaja, research in the field of Biodiversity conservation.
3. Dr. Pushpa. H.K, in the field of awareness creation.

Committee also recommends a cash award of Rs. 50,000 and a citation for each awardee.

The matter is placed before the Board for deliberation and suitable decision.

**11. Any other subject with permission of the chair.**

Sd/-

Member Secretary  
**Karnataka Biodiversity Board**



## **Supplementary Agenda:**

### **1. Publication by the Board:**

Sometime, quality research papers on various technical issues are brought to the knowledge of the Board by expert authors in their field. Such research papers related to Biodiversity of the State become very handy for the Board as a reference book. Recently, Dr. D. A Venkatesh, IFS (Rtd.) APCCF submitted (Annexure – XXXI S1) his work titled “Utilization of forest weeds of Western Ghats of Karnataka” with a request to publish it by the Board. Similarly, an exhaustive work by Dr. Mrs. R. Parimala on “Flora of Dharwad district” was submitted to the Board with the request for publishing it by the Board. (Annexure – XXXI S2).

The matter is placed before the Board for deliberation and suitable decision about publication of such works and honorarium thereof.

### **2. Herbal Mandi:**

The Board in its 26<sup>th</sup> meeting resolved to collect Access and benefit sharing as per the guidelines notified by MoEF-CC. After series of meetings and dialogues, many companies continued to default in submitting the required document and paying the ABS obligation. Hence, a hearing was convened for such companies for their non-compliance under section-24 (Annexure–31-S3). The representatives of the companies expressed their difficulties in the procurement of genuine medicinal plants from the traders and middlemen who dictate terms and at times not supplying the genuine plants. A note is placed in Annexure – 31-S4.

### **3. IPR issues:**

The Board resolved in its 30<sup>th</sup> meeting to constitute a committee to look into the issues related to access and IPR regarding giving consent in absence of timely reply from the concerned BMC from where the resources are used. The committee met twice on 5<sup>th</sup> January, 2016 and 2<sup>nd</sup> March, 2016 (Annexure – 31-S5). As per the decision of the committee, the consent has been sent to the National Biodiversity Authority. However, in following three cases, because of some technical issues, the matter is placed before the Board.

#### **i. Access related to *Salacia reticulata*:**

The committee declined the consent until the conservation status of *Salacia reticulata* is obtained. The detailed report is given in Annexure – 31-S6.

ii. Data collection for research on plant-insect interaction:

The committee decided not to give consent for collecting the data from NCBS campus as the GKVK campus where NCBS is located has been declared as a BHS. The proceedings and the note on the decision are enclosed in Annexure – 31-S6 and Annexure – 31-S7.

The matter is placed for deliberations and a suitable decision.

iii. Application by FRLHT:

The Committee decided not to give consent for lack of details by FRLHT. The same was communicated to NBA and NBA has referred the matter to the FRLHT to provide required clarification Annexure – 31-S6

4. **Repair of Vehicle:**

The Board is having one Tata Sumo No. KA 04-MB-6160 Vehicle of 2005 model. This vehicle is mostly used for Training purpose. The vehicle needs major repair which was certified by Regional Transport officer, Bangalore North on 24/03/2016. The vehicle was sent to Prerana Motors, the authorised garage for Tata Motors. They have submitted an estimate of Rs. 1,72,309 + 14.5% tax towards the cost of repair. The vehicle has completed 1,84,340 Kms which is 15,660 less than 2,00,000 Kms. As per the estimate of Karnataka Government Insurance Department the depreciated value of the vehicle is Rs.1,54,176/-

The matter is submitted before the Board for deliberation over the high cost of repair vis-à-vis its present value for suitable decision for taking up the repair or replace the vehicle. Annexure – 31-S8.

Sd/-

**Member Secretary,  
Karnataka Biodiversity Board**

