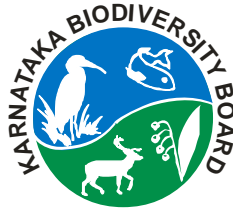


# **KARNATAKA BIODIVERSITY BOARD**

(FOREST, ECOLOGY AND ENVIRONMENT DEPT.)



## **34<sup>TH</sup> BOARD MEETING AGENDA**

**DATE: 17.04.2017**

**TIME: 11:00 AM**

### **Venue:**

Board Room of Karnataka Biodiversity Board  
Ground Floor, "Vanavikas Building",  
18<sup>th</sup> Cross, Malleshwaram,  
Bangalore – 560 003

# KARNATAKA BIODIVERSITY BOARD

## 34<sup>TH</sup> BOARD MEETING AGENDA

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# **Karnataka Biodiversity Board**

## **Agenda notes for the 34<sup>th</sup> Board Meeting**

### **34/1 - Reading and recording of Proceedings of the 33<sup>rd</sup> Board Meeting.**

The Proceedings of the 33<sup>rd</sup> Board meeting held on 17.12.2016 communicated to all the members. Revised proceedings of 33<sup>rd</sup> Board Meeting as suggested by the members were also communicated. The proceedings may be adopted **(Annexure-I)**.

### **34/2 - Action taken on 33<sup>rd</sup> Board meeting proceedings.**

Action taken on proceedings of 33<sup>rd</sup> Board meeting is placed in **(Annexure-II)**.

### **Deferred subjects of 33<sup>rd</sup> Board Meeting:**

#### **33/3 - Technical review of Form-I submitted to the Board.**

Since most of the bio-resources used by industries are sourced from various traders, the jurisdictional BMC of the origin of bio-resources cannot be traced. In such cases:

1. Should the Board seek consent of the jurisdictional BMC of the area where the trader is located?
2. Can this be used as consent or otherwise to execute the agreement document?
3. In the absence of a response from the BMC, steps to be taken by the Board in terms of technical review of the application and the execution of agreement with the stakeholder
4. How to ensure sustainable utilization when quantum of bio-resource trade in the State is unknown?
5. Basis for approval of Form-I and the execution of agreement document (which governs the access to bio-resources by the applicant as per Rule 15(5) of the Karnataka Biological Diversity Rules, 2005) in the absence of information on the status and sustainability of biological resources.

Further, to support the Board in taking appropriate decisions with regard to executing ABS agreements with the applicants, the ABS Expert committee of the Board is to be strengthened to include experts from various fields. Accordingly, letters were addressed to the Heads of Government Departments and Institutions **(Annexure-III)** for nomination of experts. It is proposed that the ABS Expert committee may be re-constituted with the nominated experts from these institutions.

Since the matter was deferred from the 33<sup>rd</sup> Board meeting, the same is placed before the Board for deliberation and suitable decision.

#### **33/4 - Dispersal of ABS amount collected by the Board.**

The Board in its 30<sup>th</sup> meeting held on 8<sup>th</sup> December 2015 had resolved to disburse the amount of ABS collected among three or four biodiversity rich taluks of the State since the exact location of origin of the bio-resources are

unknown. To identify bio-diversity rich taluks of the State, letters were addressed to the Forest Department and also the Karnataka State Medicinal Plants Authority for support (vide letter dated 18/2/2016 and 29/02/2016).

A reminder was also sent to the APCCF (FRM) requesting for data on the NTFP auction sales carried out by the Department for enabling the Board to take decision in this matter(vide letter dated: 15/03/2016 and 02/11/2016).

There is no concrete methodology for the identification of only 4 biodiversity rich taluks in the State. Hence, the same is placed before the Board for deliberation and suitable decision.

### **33/6 - Non-compliance of provisions of the Biological Diversity Act, 2002 and Karnataka Biological Diversity Rules, 2005.**

As per the resolution of the 32<sup>nd</sup> meeting of the Board, the issue of non-compliance of the provisions of the Act and Rules by various industrial sectors was referred to the AYUSH Department and the Drugs Controller and also the Principal Secretary, Health and Family Welfare Services, Govt. of Karnataka (vide letter 16/9/2016 and 7/10/2016) to prevail upon the industries to comply with the provisions of the Act and to cancel/suspend the licenses of those who do not comply with the Act. During the 33<sup>rd</sup> Board meeting held on 17/12/2016, the Director of AYUSH briefed that it may not be possible to cancel the licenses of those companies who do not comply with the Act. Therefore, the matter was again referred to the Principal Secretary, Health and Family Welfare Services, Govt. of Karnataka to prevail on the sectors and a reminder was also sent through the ACS, FEE vide letter dated 14/02/2017.

Letters intimating the various companies to comply with the provisions of the Act were sent in July and October 2015 and January 2016 and following the 33<sup>rd</sup> meeting of the Board, notices were also sent in the month of January and February 2017.

But the responses from these companies have been lackadaisical. The status of submission and non-submission by various sectors is given in the table below.

It is mandatory to submit the prior intimation (Form-I) to the Board for accessing biological resources under Section 7 read-with Section 24(2) of the Biological Diversity Act, 2002 and Rule 15(1) of the Karnataka Biological Diversity Rules, 2005. It may be noted that non-submission of Form-I amounts to offence under Section 58 and is punishable under section 55(2) of the Act.

<b>Sl No.</b>	<b>Sectors</b>	<b>Year</b>	<b>Form-I submitted</b>	<b>Form-I pending</b>
1	Pharma	2014-15	272	175
		2015-16	186	163

		2016-17	85	222
2	Cosmetics	2014-15	03	68
		2015-16	04	66
		2016-17	03	68
3	Fragrances	2014-17	0	37
4	Colours	2014-17	0	3
5	Nutraceuticals	2014-15	0	20
		2015-16	1	19
		2016-17	0	20
6	Extract manufacturing companies	2014-15	0	44
		2015-16	03	41
		2016-17	02	42
7	Enzyme industries	2014-15	0	16
		2015-16	01	15
		2016-17	0	16
8	Bio fertilizers	2014-15	0	48
		2015-16	0	48
		2016-17	1	47
		<b>TOTAL</b>	<b>561</b>	<b>1178</b>

Number of entities that have paid the ABS obligation

<b>SI. No.</b>	<b>Sectors</b>	<b>Year</b>	<b>No. of Companies</b>	<b>ABS Amount (Rs)</b>
01	Pharmaceuticals Companies	2014-15	109	2368729
		2015-16	54	1298232
		2016-17	0	0.00
		<b>Total</b>		<b>3666961</b>

02	Cosmetics, Fragrances, colours	2014-15	02	10500.00
		2015-16	02	11441.00
		2016-17	0	0.00
		<b>Total</b>		<b>21941.00</b>
03	Nutraceuticals	2014-15	0	0
		2015-16	0	0
		2016-17	0	0
04	Extract manufacturing companies, Enzyme, Bio-fertilizers industries	2014-15	0	0
		2015-16	0	0.00
		2016-17	0	0.00
		<b>Total</b>		<b>36,88,902</b>

Number of companies that have not paid ABS:

<b>Sl No.</b>	<b>Sectors</b>	<b>ABS pending 2014-15</b>	<b>ABS pending 2015-16</b>	<b>ABS pending 2016-17</b>
1	Pharma	208	273	321
2	Cosmetics, Fragrances, colours	68	68	68
		37	37	37
		05	05	05
3	Nutraceuticals	20	19	20
4	Extract manufacturing companies	44	44	44
5	Enzyme industries	19	18	19
6	Bio fertilizers	48	48	48
7	Total	<b>449</b>	<b>512</b>	<b>562</b>

The matter is put up to the Board for deliberation and suitable decision.

### **33/7 - Initiating legal action against defaulting companies.**

As per the proviso to Section 24(2), opportunities for hearing were provided to companies which did not submit the Form-A (ABS) for the year 2014-15. Hearings were conducted on 28<sup>th</sup> and 29<sup>th</sup> March 2016 for 16 companies. A second opportunity on 2<sup>nd</sup> May 2016 was provided for 5 companies that did not attend the hearing conducted in March. Representatives of M/s Arya Vaidya Sala Kottakal, Nanjangud, submitted a written statement objecting to the collection of ABS by the Karnataka Biodiversity Board. Four other companies that were intimated to attend the hearing were not present. The proceeding of the Expert committee along-with the statement submitted by the M/s Arya Vaidya Sala is enclosed for the kind perusal of the Board **(Annexure-IV)**.

Therefore, as per the resolution of the 31<sup>st</sup> Board meeting, the services of the advocate empaneled with the KFDC (Mr.G.S Kannur of Kannur and Katti Legal, Bangalore) were solicited for providing a draft of the complaint to be filed against the 4 defaulting companies and to draft a speaking order against M/s Arya Vaidya Sala Kottakal, Nanjangud, rejecting their submissions.

The drafts are brought to the kind attention of the Board **(Annexure-V)**.

The matter is put up for the Board for deliberation and discussion

### **33/8 - Decentralizing the implementation of ABS provisions in the State.**

The ABS provisions of the Biological Diversity Act, 2002 is being implemented in the State since the notification of the ABS Guidelines on 21<sup>st</sup> November 2014. Several meetings were held by the Board for creating awareness regarding the provisions of the Act and the ABS provisions among the various stakeholders utilizing biological resources in the State. Lists of registered companies were obtained from the AYUSH Department. Requests for list of registered companies with the Department of Industries and Commerce, Drugs Control Department etc were far from satisfactory. Implementation of the provisions of the Act and ABS provisions in the entire State from a small under-staffed office of the Karnataka Biodiversity Board is not feasible.

Therefore, it is proposed that a de-centralized mechanism for implementation of the ABS provisions of the Act (as envisaged by the Uttar Pradesh State Biodiversity Board- **(Annexure-VI)**) may be notified for Karnataka for better monitoring and implementation of the provisions of the Biological Diversity Act, 2002 in its entirety.

- i. The model as envisaged by the Uttar Pradesh State Biodiversity Board consists of a three tier approach with State, Directorate and District Level Government offices. The proposed structure will consist of a District level Committee headed by a Chairperson and a suitable coordinator. The District level committee shall comprise of officers from Agriculture, Horticulture, Fisheries, District Industries Centre, Micro Small and Mini Enterprises (MSME), Rural Development and Panchayat Raj, AYUSH, Drugs Control, Excise, Food Safety and Standards (FSSAI)



etc. This committee will support the State Biodiversity Board in terms of:

- ii. Identification of Industries/traders/manufactures using biological resources in that district/reporting detailed information of the quantum of biological resources used by them to SBB for initiating benefit sharing mechanism.
- iii. Technical review and approvals of applications for access of biological resources
- iv. Collection of benefit sharing for the bio resources related to their departments.
- v. To monitor the implementation of the Biological Diversity Act, 2002 and Regulations at District level.

Therefore, it is proposed that a similar District level committee be set up with the District Industries Officer/ Deputy Conservator of Forests (territorial) as the nodal officer for the activities of the Board and suitable guidelines may be issued by the State Government.

The matter is put up for the kind perusal of the Board.

### **33/10 - Collection of ABS from manufacturers when traders have sourced bio-resources from outside the State.**

Traders located in Karnataka have claimed to source the bio-resources from outside Karnataka and have also submitted Form-I claiming the same and have therefore not paid the ABS (Eg. Ebrahim Baig & Co, Channabasappa & Co.).

The companies that buy from these traders have now submitted Form-I and have paid the ABS (**Annexure-VII**).

The issue of payment of ABS by the company when the trader himself has not sourced the bio-resources from Karnataka is out up for discussion.

Further, companies situated in Karnataka submit Form-I for biological resources bought from various traders in other states. Since the section 7 of the Biological Diversity Act, 2002 indicates submission of prior intimation to the State Biodiversity Board concerned, the information regarding the traders are being sent to the concerned State Biodiversity Boards. Moreover, the companies have to submit Form-I to all concerned State Biodiversity Boards from where the resources are accessed along-with the applicable Form-I fee (different for each State Biodiversity Board). The Form-I fee can sometimes end up being more than the ABS obligation of the company. Therefore, it is proposed that a national level policy is requested from NBA streamline this process for easier implementation of the provisions of the Act.

### **34/3 - Audit, Expenditure and Budget.**

- i) The audited account of the Board for the year 2015-16 is submitted by the Accountant General. The same is placed before the Board in **(Annexure-VIII)**. The same is placed before the Board for information and necessary approval.
- ii) The grant in aid of Rs. 4.0cr for 2016-17 was sanctioned by State Government. The total unaudited expenditure of Rs. 4,12,83,902 is placed in **Annexure-IX** for deliberation and necessary approval. Excess expenditure of Rs. 12,83,902 may be ratified.
- iii) The budget proposal of the year 2017-18 has been submitted to Government on 07.12.2016 for Rs. 7.47 cr vide letter No. EPÄV/05/0fn/90, ÇÉÁPA: 07.12.2016. The Government has sanctioned Rs. 413 lakhs towards 2017-18 grants vide letter No.FEE 247 EPC 2016 dated: 01.04.2017. The budget for the financial year 2017-18 for Rs. 663 lakhs is placed in **Annexure-X**. The matter is placed before the Board for information and approval of the budget.

### **34/4 - Closure of SB Account, FD Accounts & PD Account.**

1. The Karnataka Biodiversity Board has opened SB account in the name of The Member Secretary, Karnataka Biodiversity Board (A/C No.032900101012097) in Corporation Bank, 18<sup>th</sup> Cross Malleshwaram branch on 30.07.2005 for the purpose of KUIDFC funded “The Biodiversity Information & Management System for Coastal Districts of Karnataka” project. The project is completed but payments and receipts are due and final decision is not taken in this regard. As on date Rs. 11,448/- is lying in the account, as we are not operating the account since 2 years. **(Annexure-XI)**

The Government vide Order No.FEE 50 EPC 2017 dated: 20.02.2017 & FD 5 TAR 2017 dated: 30.01.2017 **(Annexure-XII)** issued order for guidelines for operation of funds in banks by State Government departments, local bodies or authorities, boards, corporations, societies, universities and other state autonomies bodies. Guideline-**II 9 ( 1 )** states that, Bank accounts opened for a specific scheme must be closed as soon as the scheme is wind up. The Accountant General in its inspection report for the year 2015-16 vide No.AG(E&RSA)/IAU-I/B/2016-17 dated: 02.01.2017 para-X **(Annexure-VIII)** also suggested for the closure of this in operative account. The matter is placed before the Board for approval of closure of this account and transfer of balance amount to the Karnataka State Biodiversity Board Fund, Syndicate Bank.

2. The Government vide Order No.FEE 50 EPC 2017 dated: 20.02.2017 & FD 5 TAR 2017 dated: 30.01.2017 issued order for guidelines for operation of funds in banks by State Government departments, local bodies or authorities, boards, corporations, societies, universities and other state autonomies bodies. Guideline-**II 9 (k)** states that, Funds which are released by Government for the execution of schemes/ programs/works/

shall strictly **NOT** be invested fixed deposits or other risky instruments.  
**(Annexure-XII)**

Karnataka Biodiversity Board has made several fixed deposits **(Annexure-XIII)** from State Government grant, NBA grant & NMPB Project fund, funded by Government of India as per the suggestions of Accountant General **(Annexure-XIV)** totaling Rs. 6,67,17,152/-. As and when large sum deposited in SB Account, fixed deposits were made as per AG suggestions during FY 2013-14 inspection report in Part-B, Para-III. In view of the above Government Order, the matter is placed before the board for deliberation and suitable decision.

3. The Karnataka Biodiversity Board is operating a PD account (HOA 8449-00-120-5-06, A/C No.3000050) with treasury. As on March-2016 Rs. 10,080/- balance amount is with PD account. At present Biodiversity Board is not operating this account. The Accountant General in its inspection report for the year 2015-16 vide No.AG(E&RSA)/IAU-I/B/2016-17, dated: 02.01.2017 para-X **(Annexure-VIII)** suggested for necessary action. In view of the above suggestion by Accountant General placed before the Board for approval of closure of PD account and surrender of balance amount to the Government.

#### **34/5 - Financial assistance for Preparation of People's Biodiversity Registers by BMC's.**

The National Biodiversity Authority (NBA), vide order No.NBA/16/10/PBR/2012/4096 dated: 29.11.2013. Sanctioned Rs. 34.5 lakhs for preparation of PBR's in 30 BMC's for the financial year 2013-14 **(Annexure-XV)**. However, the PBR's have been already prepared in those BMC's by utilizing the State Government grants. Hence, an amount of Rs. 34.5 lakhs is lying unutilized with the Board since 2013-14 and the amount will be utilized for preparation of PBR's in other BMC's during 2017-18 as per the norms of the Board. The matter is placed before the Board for deliberation and suitable decisions.

#### **34/6 - Outsourcing of employees through Manpower agency.**

The Government of Karnataka vide order No.FEE 125 ENV 2003 dated: 19.03.2003, sanctioned several posts to Karnataka biodiversity Board and directed to hire the supporting staff through Man Power Agency. As per the 28<sup>th</sup> Board Meeting resolution No.4, a Man Power Agency providing services to the EMPRI was selected and availed the services from August-2015 to till March-2017. The Board has floated new tender on 25.02.2017 through e-procurement([www.eproc.karnataka.gov.in](http://www.eproc.karnataka.gov.in)) for the purpose of procuring services of Man Power Agency to provide outsourcing of employees from April-2017 **(Annexure-XVI)**. Technical bids are opened on 30.03.2017 and six bidders were found to be qualified. Financial bids were opened on 03.04.2017. Out of six bidders Mr.Srinivas D.A., M/S Aishwarya Facility Services quoted lowest bid @ 1% service charges. The lowest bidder were approved. Contract agreement will be made as per law. The matter is placed before the board for information.

### **34/7 - Review of salary of Executive Assistant and Personal Assistant to Member Secretary and Research Associate (Zoology).**

The staff of Karnataka Biodiversity Board is outsourced through manpower agency and the salary recommended by the Board is considered for payment which is made through outsourcing agency. Executive Assistant and Personal Assistant to Member Secretary having more than 20 years of Secretarial experience has put forth the requisition to Member Secretary stating that there is a discrimination in fixing the salary with the fresher's for equal post. However, the matter is requested for equality as per all the staffs. Also, Research Associate (Zoology) has submitted a requisition that there is a discrimination in fixing the salary and the increment given since July-2016 is not on par with other technical staff and with other implementing Institutions, also that the pay is too low for the post and responsibility borne. The matter is put forth in front of Member Secretary for the reasoning on the appraisal of salary. The requisition letters are provided as **(Annexure-XVII)**

The matter is brought before the Board for deliberation and necessary action.

### **34/8 - Revision of Survey of Medicinal Plants Project funded by NMPB.**

The National Medicinal Plant Board (NMPB), New Delhi, has sanctioned a project "Assessment of Population Status and removable of Bio-sources in forests with special emphasis of Medicinal Plants in Karnataka", for assessing the status of Plants in the forest of Karnataka for a period of one year and Rs. 2,94,40,000/- was sanctioned towards the project cost, accordingly an amount Rs. 2.0cr is released as a first installment. The cost of the project implementation is exceeding the project cost because of the ground level difficulties and change in the composition of field survey team. The revised project proposal for extension of period and grants is placed before the board for information. **(Annexure-XVIII)**.

### **34/9 - International Biodiversity Day 2017 Celebration.**

The Karnataka Biodiversity Board is celebrating International Biodiversity Day on 22<sup>nd</sup> May every year on different themes. This year International Biodiversity Day 2017 theme is **Biodiversity and Sustainable Tourism**. The Board has planned several activities like Painting, Essay writing (Kannada & English), Poster creations and stage event for IBD 2017 celebration. Prizes will be distributed to the winners of the above activities in the same stage event. As per the resolution of the 32<sup>nd</sup> Board meeting we are also honoring 6 farmers who are maintaining traditional varieties of crops on this occasion with a cash prize (Rs. 25,000/-) and citation. For celebration of IBD 2017 an estimate of Rs. 7.5 lakh will be requested from the NBA. If NBA doesn't sanction required amount the shortfall/difference amount will be borne by the Board. The letters received by the NBA is placed in **(Annexure-XIX)**. The matter is placed before the board for deliberation and approval.

### **34/10 - Nallur Tamarind Grove Biodiversity Heritage site.**

Government of Karnataka vide its order No.FEE 154 ENV 2006 dated: 24.01.2007 has declared Nallur Tamarind Grove, Devanahalli Taluk as Biodiversity Heritage site. The Chairman Nallur BMC vide letter dated 05.05.2016, has requested for the fund towards Watch & Ward of the heritage site (**Annexure-XX**).

Tamarind fruits were auctioned during the year 2012-2013 & 2013-14. The auction amount of Rs. 66,616/- on 28.09.2012, Rs. 67,333/- on 12.10.2012, Rs. 43,866/- on 25.11.2013 and Rs. 46,667/- on 30.11.2013 was collected and deposited in SB account of Karnataka Biodiversity Board. Thus, a total amount of Rs. 2,24,482/- (Two lakh twenty four thousand four hundred and eighty two only) is with the Board. This amount may be released to the Nallur BMC. The matter is placed before the board for deliberation and approval.

### **34/11 - Reconstitution of Publication Committee:**

As per the resolutions of the 31<sup>st</sup> Board meeting, a committee was constituted with Dr. M Sanjappa as the Chairperson and comprised of two domain experts for looking into publications of the Board and the said committee was called the "Publication Committee." Since all the members of the committee are from Plant Science (Botany) background, it is found necessary to have two additional domain specific members - Dr. S N Hegde, Professor and Chairman (Retd.), Department of Zoology, University of Mysore for review of data pertaining to animal sciences and Dr. Manjunatha, Professor of Agricultural Extension & Editor, Communications Centre, GKVK to look into editing part of the publications. In view of the above, the matter is placed before the Board for approval on reconstitution of the Publication Committee.

### **34/12 - Protection of TK documented from five districts of Karnataka.**

Karnataka Biodiversity Board in its directive to strengthen the implementation of the Biological Diversity Act 2002, Rules 2004 and KBD rules 2005 has documented Traditional Knowledge (TK) from five districts of Karnataka namely, Uttara Kannada, Dakshina Kannada, Udupi, Kodagu and Shimoga (Around 1000 TK documented). To protect and safeguard documented TK, the support of CSIR was solicited and a preliminary meeting was held with Dr. Raj Hirwani, Head, CSIR-URDIP. During the course of discussion, it came to the notice of the Board that the issues pertaining to TK is likely to be discussed at National level to safeguard the Traditional Knowledge and to prevent misappropriation of Indian TK at the international level. It is also learnt that **National Innovation Foundation (NIF), India helps grassroots innovators and outstanding traditional knowledge holders get due recognition, respect and reward for their innovations.**

Following the 32<sup>nd</sup> Board meeting, letters were drafted to Prof. Anil.K.Gupta, Executive Vice Chair, National Innovative Foundation (NIF), DG, CSIR and Secretary DSIR by Additional Chief Secretary (FEE). There is no response till date. Keeping into consideration the resolution of 32<sup>nd</sup> Board meeting which proposed to constitute a committee to go through the complete process and suggest suitable steps to safeguard documented TK, a meeting was held on 13<sup>th</sup> February 2017 in Karnataka Biodiversity Board with CEO, KAMPA and

representatives of AYUSH Department, FRLHT and Ministry of AYUSH and the proceedings of the meeting is put up for the perusal of the Board (**Annexure - XXI**).

Brief of the Meeting:

1. The members perused the Sections of the Act under which protection of TK is explained and opined that since the section 36(5) of the Act comes under the purview of the Central Government, the same may not be applicable to the State Government.
2. On perusal of Rules 13 (xi), 13(xv) of KBD Rules 2005 and Rule 22 (6) of BD Rules 2004 it came to the notice of the committee that biological resources and associated TK has to be documented through People's Biodiversity Registers and Biodiversity Registers respectively. It is requested that the Board may introduce the word 'People's Biodiversity Registers' in place of Biodiversity Register in Rule 13 (xi) of KBD Rules 2005 by amendment in Rules, notified by the State Government through Official Gazette.
3. The Committee said that the word 'Traditional Knowledge' (TK) is not defined in the BD Act, 2002 and raised the primary concern for defining TK as per law, further it has resolved that the knowledge accumulated under Biodiversity Registers should be notified by the State Government to protect the TK.

This is brought to the notice of the board for deliberation.

#### **34/13 - Constitution of Expert Committee on Marine Biological Resources.**

In pursuance of the implementation of the Biological Diversity Act, Rules and Regulations, an 'Expert Committee on Marine Biological Resources' was constituted to understand the conservation issues in the marine sector and the scope of implementation of Access and Benefit Sharing (ABS) in this sector. During the course of implementation of the Act, concerns were raised by many industries in the Marine sector which utilize biological resources for research/commercial utilization. Since the Act and Regulations do not give specific and explicit answers to such queries the Expert Committee is constituted to review such issues and advice the Board within the ambit of the Act. The Committee was approved by the Ex-Chairman of the Board. Office Memorandum with Terms of Reference (TOR) enclosed (**Annexure-XXII**).

The Committee is constituted with the following members.

1. Dr. H.R.V. Reddy, Professor and Head, Aquatic Environment Management, College of Fisheries, Mangalore
2. Dr. Gangadhara Gowda, Professor, Aquatic Environment Management, College of Fisheries, Mangalore
3. Dr. B. Hanumanthappa, Professor and Head, Fishery Engineering & Technology, College of Fisheries, Mangalore
4. Dr Ramachandra Bhatta, ICAR Emeritus Scientist (Economics), College of Fisheries, Mangalore

5. Dr. Pratibha Rohit, Principal Scientist & SIC, Central Marine Fisheries Research Institute, Mangalore Research Centre, Mangalore
6. Dr. D. Seenappa, Chief Scientific Officer, Inland Fisheries, UAS, Hebbal, Bangalore-560024
7. Dr. K.K Philipose, Principal Scientist & SIC, Central Marine Fisheries Research Institute, Karwar Research Centre, Karwar
8. Dr. Vidya Pradeep Kumar, State Project Co-ordinator, UNEP-GEF-MoEF-CC-ABS project, Karnataka Biodiversity Board, Bangalore-Secretary

The Committee met on 18<sup>th</sup> March 2017 in College of Fisheries, Mangalore. The highlights of the meeting are as follows:

1. Dr. Prathibha Rohit, unanimously elected as Chairman of the Committee
2. A three tier system to be adapted for efficient functioning of the Committee, where Karnataka Biodiversity Board will be entailed at the first level, Marine Committee at the second and working groups at the third level.
3. Marine Biological resources are mobile and hence difficult to track and establish traceability. To identify gaps and establish linkages, as a first step Questionnaire would be prepared and circulated among all the members for further inputs
4. Status assessment of fishes/marine biological resources in the State
5. The Committee will
  - (i) finalize members of stakeholders by next meeting
  - (ii) prepare list of experts who can be involved at different levels to take suggestions
  - (iii) involve industry associations to strengthen the Committee
  - (iv) adapt a
    - (a) Planning phase-6 months
    - (b) Output phase-6 months
  - (v) facilitate sector growth with a holistic approach with three main objectives of conservation, sustainable use of biological resources and fair and equitable sharing of benefits develop framework for mapping resources and understand the roles and responsibilities
  - (vi) enhancement of marine resources (CMFRI, Mangalore has developed a technology for integrated culturing which may be adapted to realize the objectives)
  - (vii) quantify integral part of the supply chain, resource availability and invite fisherman/farmers and traditional/local institutions/industries for their inputs
  - (viii) Interim report to be submitted within two months

The same is brought to the notice of the Board for information.

### **34/14 - Recruitment of Finance Assistant.**

The UNEP-GEF-MoEF-ABS Project was due for completion in the month of December 2016. The project has been technically extended until December 2017. Finance Assistant post under the project was vacant. The post was

advertised in the newspaper/s and on the website and interview was conducted on 8<sup>th</sup> March 2017 at the Board. Ms. Amithamatti Angadi has been recruited for the said post.

This is put up for kind information of the Board.

### **34/15 - Review of the list of species commercially used by various Industries.**

Following the 26<sup>th</sup> Board Meeting held on 24/12/2014, a Committee was constituted to determine the percentage of payments for access and benefit sharing (ABS) supposed to be paid by the entities for the utilization of biological resources based on the species and the threat status of those bio-resources in the state. The Regulations of the ABS Guidelines, 2014 prescribes ABS at a range of 1 to 5% for the utilization, but the exact percentage of ABS to be paid for a specific bio resource by an entity is not specified. The Committee constituted as per the 26<sup>th</sup> Board meeting held on 24.12.2014 has submitted the recommendations for fixing of ABS percentage to the Board. The recommendation of the Committee with the percentages of ABS for 593 plant species was discussed during the next 27<sup>th</sup> meeting of the Board held on 03/03/2015 and following its decision, an Office Memorandum was issued adopting the recommendations on 27/03/2015.

During the implementation of the ABS provisions for the Financial Years 2014-15 and 2015-16, it was noted by the Board that the plant species list categorized on 27.03.2015 did not contain some species used by various companies. Therefore, a new Expert Committee on Medicinal Plant species was proposed during the 30<sup>th</sup> Board meeting held on 8/12/2015 to revise the list of species and submit their recommendations to the Board. Accordingly a new Expert Committee was constituted on 19.01.2016, to analyze the issues raised in the Board meeting dated 08.12.2015 and to submit a report. The issues discussed during the Board meeting are as under-

1. Species list utilized by companies to be made comprehensive
2. Scientific names and spellings of the species to be reviewed and corrected
3. Phasing out of some species from utilization is not feasible until alternatives to those species are found.

The Expert Committee held a series of meetings in the subject matter to prepare a comprehensive list of medicinal plant species utilized by various companies located in Karnataka based on the database for the year 2014-15 and 2015-16 in Form-I as available with Board and also discussed the issue of fixing the ABS percentage on the species based on the Guidelines dated 21st November 2014. The recommendations of the committee are put up for discussion and approval (**Annexure-XXIII**).

### **34/16 - Creation of online platform for the submission of Form-I and Form-A.**

The process of application of Form-I and Form-A to the Board by various entities has been made online through the development of a new online application system for effective maintenance of the database. The online



application system is under security audit and will be launched in the coming financial year 2017-18.

### **34/17 - Upfront payment of ABS for High Economic value bio-resources:**

As per the Regulation 3(3) of the ABS Regulations, 2014, in cases of biological resources having high economic value such as sandalwood, red sanders etc and their derivatives, the benefit sharing may include an upfront payment of not less than 5% on the proceeds of the auction or the sale amount to be deposited to the designated fund. The same was communicated to the Forest Department to collect upfront ABS payments of 5% from the purchaser of sandalwood etc and deposit the same to the State Biodiversity Fund (vide letter No.ADM/A01/28/BM dated 25/06/2015 and 11/08/2015). The matter was referred to the State Government by the Forest Department for necessary inclusion in the Forest Code, 1976 (vide letter dated: 10/03/2016). The Board had opined that the inclusion to the Forest Code was not necessary for the collection of upfront payment of ABS, since, it is similar to the collection of various other taxes collected by the Forest Department. Another letter was addressed to the PCCF (HoFF) to look into the matter (vide letter dated 27/05/2106). But, there has been no further response from the Forest Department or the State Government in this regard. Another reminder regarding this matter was sent to the PCCF (HoFF) vide letter dated 25/11/2016 along-with a pro forma for the collection of the ABS. The same was also sent to the Secretary, FEE, for necessary guidelines to be issued to the Forest Department for the collection of the upfront payment of ABS for bio-resources of high economic value during the auction sales.

Following the 33<sup>rd</sup> Board meeting the matter was brought to the notice of the Secretary (E&E, Dept of Forest, Ecology and Environment) with a request to direct the PCCF(HoFF) for suitable action in the matter (vide letter no.TEC/C01/BPC/34-B/Vol-5/1116 dt: 13/2/2017)(**Annexure- XXIV**).

The matter is put up for the Board for deliberation and discussion.

### **34/18 - Amendment to the Karnataka Biological Diversity Rules, 2005.**

The amendments to the Karnataka Biological Diversity Rules, 2005 as resolved during the 25<sup>th</sup> meeting of the Board held on 12 November 2014 has been notified by the State Government vide letter no FEE 106 ENV 2014 dated 29/08/2016. The amendments to the Rule 15(2) state that 'Every application under sub-rule (i) shall be accompanied by a fee of one thousand rupees for commercial utilization in the form of cheque or demand draft drawn in favor of the Board, four fifth of which shall be refunded to the applicant in case of rejection of the application'.

Further, Rule 15(1) states that any person intending to obtain any biological resources and associated knowledge for research or for commercial utilization shall give prior intimation to the Board in Form-I.

With the above referred amendment to the Rule 15(2), the matter of payment of the Form-I fee (Rs.1000) by applicants for research purpose was sent to the

Government for clarification vide letter dated 30/11/2016. It was also brought to the notice of the Department of Forest, Ecology and Environment that upon perusal of the Form-I application, it is noticed that the heading reads "*Application for prior intimation to access/collection of Biological resources for commercial utilization and associated traditional knowledge*" and since, as on date, the application of Form-I is mandatory for accessing biological resources for research purposes as well, suitable amendments need to be brought in the pro forma of Form-I (vide letter dated 02/01/2017 along with a request to examine the resolution (no. 33/1) of the 33<sup>rd</sup> Board meeting held on 17/12/2016) (**Annexure-XXV**).

The matter is put up to the Board for deliberation and early resolution of the matter so that the research fraternity in the State could be suitably addressed.

### **34/19 - Chief Conservator of Forests and other staffs.**

The Board in its 32<sup>nd</sup> meeting (agenda No 32/8, 32/9, 32/10 and 32/11) approved for the sanction for the following posts:

- i) 32/2 – Creation of the post of Chief Conservator of Forests to be taken on deputation basis.
- ii) 32/9 Creation of two posts of Finance officer and Accountant on deputation.
- iii) 32/10 Creation of one posts of Librarian/documentation officer.
- iv) 32/11 Creation of supporting staff for office administration.

As per the resolution the board has requested for the creation of the above posts. The Government in the Order No.FEE 50 EPC 2017 & FD 5 TAR 2017 dated: 30.01.2017 also directs for joint signature of all fund transfer requests/cheques. At present the Board does not have CFO/CAO/Head of Finance. The KBB may once again request the Government to sanction the posts for the smooth running of the Board.

### **34/20 - Karnataka State Action Plan on Climate Change.**

Environmental Management Policy Research Institute (EMPRI) - vide letter No:C.C.C./C.R-18/SAPCC-CO COM/2016-17/1137 dated 23.02.2017 has sought information (**Annexure-XXVI**) regarding action taken on the Karnataka State Climate Change Action Plan and appointment of Nodal Officer to attend biennial meetings. A committee needs to be constituted to look into the challenges and action to be taken. The matter is kept before the Board for deliberation and decision.

The matter is kept before the Board for deliberation and decision.

### **34/21 - Project on "Protection, conservation and cultivation methods for Wild Banana (Kadu Baale) in Kodagu District":**

The project was taken up by Dr. M. Jayashankara, Associate Professor, Dept of Microbiology, Mangalore University, Cauvery Campus, Madikeri in the year 2009 for a period of one year and first installment of Rs. 20,000 was released. Since the final report was not submitted and the project is incomplete, the Principal Investigator Dr. M Jayashankara was informed to return the funds

released along with a penalty of 18%. In view of this, Dr. M Jayashankara has sent a cheque of Rs. 20,000/- and agreed to remit penalty fee @ 18% as advised by legal advisor (**ANNEXURE-XXVII**). The matter is kept before the Board for information.

**34/22 - Extension of the project titled "Documentation of traditional knowledge of livestock keepers of Karnataka State":**

A Project titled "Documentation of traditional knowledge of livestock keepers of Karnataka State" was given to Dr. K.P Ramesha, Head, Southern Regional Station, ICAR-National Dairy Research Institute, Bengaluru for a sanctioned amount of Rs. 4.95 lakh. The project was initiated on 13/05/2016 for a period of six months i.e., till 13/11/2016. An advance equal to 80% (Rs. 3.96 lakh) of the sanctioned amount has been released after signing of the Memorandum of Understanding.

Meanwhile, the Principal Investigator Dr. K.P Ramesha has requested for extension of the project till December, 2017 for an additional period of 1 year 1 month citing delay of work due to administrative reasons & recruitment of project staff (**ANNEXURE-XXVIII**).

The matter is placed before the Board for suitable decision on extension.

**34/23 - ABS regulations - discussions as per letter of Ex-Chairman Mr.R.M.N.Sahai, IFS (Retd) to ACS, FEE marked for discussion in Board Meeting**

The ex-Chairman of the Board, Shri.R.M.N.Sahai, had written to the National Biodiversity Authority and the Additional Secretary, MoEF-CC, regarding some of the paradigm changes that need to be brought about in the implementation of the provisions of the Biological Diversity Act, 2002 and related notifications. Following the meeting of the State Biodiversity Boards in Chennai on 1<sup>st</sup> October 2016, the then Chairman of the Board sent an opinion letter highlighting few suggestions for the effective implementation (**ANNEXURE-XXIX-A**). This was referred to the Additional Chief Secretary, Department of Forest, Ecology and Environment, Government of Karnataka, to address the Ministry of Environment, Forests and Climate Change, for due attention to these suggestions.

The Board received a direction from Secretary, FEE letter No. FEE 29 ENV 2017 dated 9/3/2017 to discuss the issues with regard to the fundamental amendments to the provisions of the Act and notifications (**ANNEXURE XXIX - B**) in the Board meeting.

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

**34/24 - Any other subject with the permission of the Chair**

**Sd/-  
Member Secretary  
Karnataka Biodiversity Board**