

Karnataka Biodiversity Board

Proceedings of the 34th Board Meeting

Venue: Meeting room, Ground floor, Vanavikas Building,
18th Cross, Malleshwaram, Bengaluru – 560 003.

The 34th Board meeting convened at 11.00 AM on 17/04/2017 in the Karnataka Biodiversity Board meeting room, Ground floor, Vanavikas Building, 18th Cross, Malleshwaram, Bengaluru– 560 003.

Members Present:

Sl. No	Board Members	Designation
1	Vacant (Term closed on 24/01/2017)	Chairman
2	Sri. P. Ravikumar, IAS, Additional Chief Secretary to Government, Forest, Ecology and Environment Department, MS Building, Bengaluru	Ex-officio Member
3	Sri R.K. Singh, IFS, Director, Department of AYUSH, Dhanvantari Road, Ananda Rao Circle, Bengaluru – 560009	Presiding Officer/ Ex-officio Member
4	Sri P. Sridhar Additional Principal Chief Conservator of Forests (Development), Aranya Bhavan, 18 th Cross, Malleshwaram, Bengaluru-560003	Special Invitee
5	Smt Anita, K. Arekal, Additional Principal Chief Conservator of Forests (Social Forestry), Aranya Bhavan, 18 th Cross, Malleshwaram, Bengaluru-560003	Special Invitee
6	Dr. Niranjana Murthy, Prof. & Scheme Head, AICRP on Potential Crops, RIOF Bldg., UAS, GKVK, Bangalore-65	Non-officio Member
7	Dr. C.G. Kushalappa, Prof. & University Head, Forest and Ecology Science, University of Agriculture and Horticultural Science, Shivamogga, Forestry College, Kunda Road, Ponnampet.	Non-officio Member
8	Prof. M. Narayan Swamy, M.V.Sc., Ph.D. Prof.& Head, Dept. of Veterinary Physiology, Veterinary College, Hebbal, Bangalore-24	Non-officio Member
9	Dr. Jayakar Bandari, M. Asst. Prof and Head, Dept. of Botany, Govt. Arts and Science College, Karwar.	Non-officio Member
10	Dr. M. Mahadev Murthy, Prof. Dept. of Forestry and Environmental Science, University of Agricultural Sciences, GKVK, Bangalore-65.	Non-officio Member
11	Dr. Virender Singh, IFS, Member Secretary, Karnataka Biodiversity Board, Ground Floor, Vanavikas, 18 th Cross, Malleshwaram, Bengaluru-560 003.	Member Secretary - Convener

Leave of absence was granted to the following members:

Sl. No	Board Members	Designation
1	Sri M. Maheshwar Rao, IAS, Secretary to Government, Agriculture Department, MS Building, Bengaluru	Ex-officio Member
2	Sri. Ramachandra, IFS, Secretary to Government, Forest, Ecology and Environment Department, MS Building, Bengaluru	Ex-officio Member
3	Sri. R.S Suresh, IFS, Principal Chief Conservator of Forests (HoFF), Aranya Bhavan, 18 th Cross, Malleshwaram, Bengaluru-560003	Ex-officio Member

On request of the Member Secretary, Karnataka Biodiversity Board, the Board members requested Sri. R.K Singh, Director, AYUSH, to be the Presiding Officer of the 34th Board meeting considering the vast experience and familiarity with the subject as the former Member Secretary of the Board, as per Rule (iv) of Karnataka Biological Diversity Rules, 2005.

34/1 - Reading and recording of proceedings of the 33rd Board meeting:

The proceedings of the 33rd Board Meeting, held on 17/12/2016 was communicated to all the members. As there were no comments from the members, the proceeding, as reported in Annexure-I of agenda notes, was adopted.

34/2 - Action taken on 33rd Board Meeting Proceedings:

Action taken on proceedings of 33rd Board meeting, as reported in Annexure-II of the agenda, was noted by the Board. Further discussions took place on some of the issues in the 'Action taken report' which is as below.

33/3 - Technical review of Form-I submitted to the Board:

The members deliberated on the matter and had a prolonged discussion on sustainability. Since all the members were new to the Board, the Consultant, Access and Benefit Sharing (ABS) was summoned to provide an overview of ABS and submission of Form-I by the bioresource users. The

Consultant, ABS, informed about the process of Access and benefit sharing and explained the jurisdictional mandate of the National Biodiversity Authority (NBA) and State Biodiversity Boards and stated that as per Section-7 of the Biological Diversity Act, 2002, 'No person, who is a citizen of India or a body corporate, association or organization which is registered in India, shall obtain any biological resource for commercial utilization, or bio-survey and bio-utilization for commercial utilization except after giving prior intimation to the State Biodiversity Board concerned. The Board agreed to the action taken by Member Secretary in re-constituting the Expert Committee for ABS by nominating the experts, who will deliberate on the issues raised and suggest measures to implement the Biological Diversity Act, 2002 from time to time. Based on the recommendations of the Expert Committee, the ABS agreements shall be executed with companies/individuals/body corporate/associations from the financial year 2017-18.

33/4 - Dispersal of ABS amount collected by the Board:

The Board, in its 30th meeting resolved to disburse the amount of ABS collected among three or four biodiversity rich taluks of the State considering the anonymity of the exact location of the origin of bioresources for which ABS was collected. As the ABS received is mostly for the use of Medicinal Plants, the Presiding Officer suggested that the PCCF (HoFF) may be requested to identify the four Biodiversity-rich taluks to which ABS amount may be disbursed. After detailed discussion, the Board resolved to request the PCCF (HoFF) to identify the four Biodiversity-rich taluks to which ABS amount may be disbursed.

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

The Member Secretary, Karnataka Biodiversity brought to the notice of the Board that there is a necessity of a Legal Advisory group in the Board to advice on the legal matters. In this regard, it was decided that a legal advisory group may be constituted with 3-5 members drawn from the expertise of National Law School India University, Bangalore. The Presiding Officer who reminded that in the 31st Board meeting, the Board had agreed to take services of legal advisor of Karnataka Forest Development Corporation Limited (KFDC), Bengaluru. The Additional Chief Secretary, Forest, Ecology and Environment, advised stating that, since it is mandatory to submit prior intimation in Form-1 for accessing biological resources, non-submission of Form-1 amounts to violation of the Biological Diversity Act, 2002 and the Karnataka Biological Diversity Rules, 2005. Hence, the Member Secretary may be authorized to proceed against defaulters by utilizing services of legal advisor of KFDC, Bengaluru at the rates sanctioned by KFDC Ltd, Bengaluru. After detailed discussion, the Board resolved to take up the legal services from the panel of legal experts identified by KFDC with the same terms and conditions. The Administrative officer of Karnataka Biodiversity Board shall be the litigation conducting officer.

33/7 - Initiating legal action against defaulting companies:

The matter regarding initiating legal action against those companies which failed to appear for the hearings conducted in the month of March and May 2016 and also against M/s. Arya Vaidya Sala, Kottakal, situated in Nanjangud, which submitted a written statement against submission of ABS, was deliberated at length. The Board resolved to initiate legal action against them through the services of the advocate empanelled with the KFDC Ltd.

33/8 - Decentralizing the implementation of ABS provisions in the State:

While discussing the decentralizing of the implementation of ABS provisions in the State, the Member Secretary explained that to implement Biological Diversity Act, 2002, a district level committee under Chairmanship of Deputy Commissioner is necessary for monitoring the implementation of provisions of the Act in its entirety. The Members deliberated the matter in detail and arrived at a conclusion that a District Level Committee may be constituted to serve as a monitoring body in the matters of co-ordination and overall monitoring of the implementation efforts and will also provide information on the use of bio-resources and their quantum by various entities in each District. The Committee will also co-ordinate with the Taluka/Grama Panchayath BMCs for any conservation related activities. The Additional Chief Secretary, Forest Ecology and Environment expressed that the Deputy Commissioner of the District are already flooded with lots of works. He suggested that the Secretary (Deputy Conservator of Forest – Social Forestry) should be responsible for timely conducting and implementing the decision of the District level Committee. It was also discussed to constitute an in-house committee comprising of Dr. Niranjan Murthy, Member of the Board, as Chairperson of the committee, along with Dr. Narayan Swamy, Member of the Board and Consultant, ABS as Convenor of the Committee, for drafting the functions of the District Level Advisory Committee. The said proposal to the Government was decided to be sent at the earliest possible time. After detailed deliberation, the Board resolved to have an Advisory Committee in each District and authorized the Member Secretary to write to Government to constitute the District Level Committee headed by the Deputy Commissioners. The Board further resolved to constitute an inhouse committee for finalizing the Terms of Reference of District Level Advisory Committee.

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

The issue of payment of ABS by manufacturers when the vendors that supply bio-resources claim to source the material from other States was discussed at length. The Presiding Officer advised that the decision was already taken earlier & that the bioresource users need to produce the proof of purchase in the concerned State and also the proof of submission of Form-I to the concerned State. The members advised that ABS has to be invariably collected on the incremental value of the bio-resources for which ABS has not been paid by the immediate seller as mentioned in the Regulation 3 of the ABS Regulations, 2014. The Presiding Officer stated that, if the trader located in Karnataka does not produce proof of submission of ABS obligation to the State Biodiversity Board from where he claims to have procured the bioresources, then the trader has to meet the ABS obligation of the Board. The Presiding Officer and the APCCF, (Development) were of the opinion that the taluk/district level BMC must identify such traders and bring them under the compliance of the Act. Dr. Niranjan Murthy stated that all taluka/district Level BMCs must be immediately constituted to deal with the issue of bringing the traders of biological resources under the ambit of the Act. After detailed deliberations, the Board resolved that the bioresource user/trader has to submit the document of having met the ABS obligation to the State Biodiversity Board of the State from where the bioresource user/trader is claiming to have procured and in absence of such proof, it will be deemed that the product is purchased from Karnataka and the trader has to meet the ABS obligation as per the regulation dated 21/11/2014, issued by Government of India.

34/3 - Audit, Expenditure and Budget:

(i) The Board noted the action taken.

(ii) The Board noted the action taken and accepted expenditure statement of the Board. As the reason of excess payment was on account of 1106 People's Biodiversity Registers prepared during 2016-17. The Board commended the efforts of Karnataka Biodiversity Board in this regard.

(iii) The matter was discussed and Board approved the budget.

34/4 - Closure of SB Account, FD Accounts & PD Account:

(i) The Board members discussed the issue and asked the Member Secretary to follow suggestions of Accountant General and close the A/c No. 032900101012097 in Corporation Bank.

(ii) The Board authorized the Member Secretary to hold the previous years funds in a Fixed Deposit but noted that any funds received in the current year with a utilization plan should be utilized as per the sanctioned plan within the stipulated time.

(iii) Board advised the Member Secretary to act as per the Accountant General's inspection report.

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

The Member Secretary, Karnataka Biodiversity Board brought it to the notice of the Board that the National Biodiversity Authority (NBA), vide order No.NBA/16/10/PBR/2012/4096 dated: 29.11.2013 has sanctioned Rs. 34.5 lakhs for preparation of PBR's in 30 BMC's for the financial year 2013-14. However, the PBR's have already been prepared in those BMC's by utilizing the State Government grants. The Members were of the opinion that the NBA may be informed that the unspent balance will be utilized for preparation of PBRs in the current year 2017-18. After

detailed deliberation, the Board resolved to authorize the Member Secretary to correspond with National Biodiversity Authority for all technical issues as and when it arises.

34/6 - Outsourcing of employees through Manpower agency.

The Board discussed the matter of the employees being hired through manpower agency. The Action taken is noted by the Board. APCCF (Development) advised the Board to frame its own C&R Rules for the employees of the Board. In this regard, the Board resolved to authorize the Member Secretary to take action to frame its own C&R rules.

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

The Members discussed the issue at length and noted the salary of Executive Assistant and Personal Assistant who is working in the Board since 2006. She has been continuously working in the Board for 10 years. Since the Board does not have permanent employees, she is the link to past and present activities of the Board. It is impossible to get such experienced person with Rs. 22,000 salary. The Board considered her request and the members unanimously agreed to raise her salary from Rs. 22,832 to Rs. 28,000 per month. For Technical Executives, earlier scale was fixed in the 28th Board meeting, where the starting salary for beginners was Rs. 20,000/-. The Board now recommended to fix the starting salary for beginners at Rs. 25,000/- with an annual increment of Rs. 1500/- per year of experience up to 5 years and same pattern will follow as per the number of years of experience of the candidate at the time of recruitment. After detailed deliberation, the Board resolved to fix the following salary with effect from 01/07/2017.

Sl. No.	No of years of Experience	Salary payable
1	Fresher	25000/-
2	1	26500/-
3	2	28000/-
4	3	29500/-
5	4	31000/-
6	5	32500/-
7	6	34000/-
8	7	35500/-
9	8	37000/-
10	9	38500/-
11	10	40000/-

34/8 - Revision of Survey of Medicinal Plants Project funded by NMPB:

The Board noted the action taken by Member Secretary in requesting the NMPB to extend the Project period up to 2018-19, since half of the work is yet to be completed. The Presiding officer also advised the APCCF (Development) to ask Deputy Conservator of Forests/Chief Conservator of Forests of districts and circles to monitor the project closely for speedy implementation of the project. The Members were of the opinion that the project should be completed at the earliest. The Member Secretary submitted that there is a dearth of trained Botanists. After detailed deliberations, the Board resolved to increase the number of field Botanists by recruiting on contract basis for the project period as per the earlier terms and conditions of Rs. 800 per day for 2 kilometres of survey in plains areas and 1.5 kilometres of survey in hilly areas.

34/9 - International Day for Biological Diversity- 2017 Celebration:

The Member Secretary briefed the Board regarding the events being planned towards celebration of the International Day for Biological Diversity on May 22, 2017. The Board noted the action taken and resolved to authorize the Member Secretary to incur expenditure from Board for expenditure over and above NBA grants, if required.

34/10 - Nallur Tamarind Grove Biodiversity Heritage site.

The Board took notice of the letter from Chairman, Nallur BMC requesting for the funds towards watch & ward of the heritage site. Tamarind 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) collected from auction of Tamarind from Nallur Tamarind Grove is with the Board. After detailed deliberations, the Board resolved to transfer the total amount to the Local Biodiversity Fund account of Nallur Tamarind Grove Biodiversity Management Committee, which may be spent by BMC as per their management plan.

34/11 - Reconstitution of Publication Committee:

The Board approved the reconstitution of the Publication Committee by including the following members – Dr. S N Hegde, Professor and Chairman (Retd.), Department of Zoology, University of Mysore and Dr. Manjunatha, Professor of Agricultural Extension & Editor, Communications Centre, Gandhi Krishi Vignyan Kendra.

34/12 - Protection of TK documented from five districts of Karnataka:

The Board noted the action taken and approved to write to the Government for suitable decision.

34/13 - Constitution of Expert Committee on Marine Biological Resources:

The Board noted the action taken.

34/14 - Recruitment of Finance Assistant:

The Board noted the action taken.

34/15 - Review of the list of species commercially used by various Industries:

The Board discussed the matter in detail and noted that the ABS Regulations, 2014, has prescribed ABS at a range of 1% to 5% for different categories. After going through the recommendations of the Expert Committee, the Board approved same and resolved to notify the OM, and also submit to the Government to notify it in the Gazette Notification and then upload the same on the website of the Board. The prescribed percentages shall come into effect from 01/04/2017.

34/16 - Creation of online platform for the submission of Form-I and Form-A:

The Board noted the development of new online application system for submission of Form-I and Form-A and the action taken with regard to the security audit of the application and the new website of the Board.

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

The Board deliberated on the action taken and endorsed the same and asked the Member Secretary to pursue the matter with the Government.

34/18 - Amendment to the Karnataka Biological Diversity Rules, 2005:

The Board noted the action taken and asked the Member Secretary, Karnataka Biodiversity Board to follow-up with the Secretary, Ecology and Environment regarding this matter and asked the Member Secretary to pursue the matter with the Government.

34/19 - Chief Conservator of Forests and other staffs:

The Board, in its 32nd meeting approved for the sanction of various posts for strengthening the office structure of Karnataka Biodiversity Board based on which a proposal was sent to Government for creation of the said posts. The Board noted the same and endorsed the decisions of previous Board decisions in this regard and asked the Member Secretary to pursue the matter.

34/20 - Karnataka State Action Plan on Climate Change:

After going through the Karnataka State Action Plan on Climate Change which has been prepared by Environmental Management and Policy Research Institute (EMPRI), the Board was of the opinion that each of the challenges associated with Karnataka Biodiversity Board needs a study in the form of a project. Hence, project proposals need to be invited for each study and the selected proposals may be sent to EMPRI for financial assistance. After detailed discussion, the Board resolved to constitute a four member committee comprising of Dr. Kushalappa, as Chairperson and three members to be co-opted from within the Board to call for projects and a response may be sent to EMPRI.

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

The matter on payment of penalty to be paid by Dr. Jayashankar, Associate Professor, Dept. of Microbiology, Mangalore University, on account of non-completion of the project was noted by

the Board. The members deliberated on the issue and were of the common opinion that insisting on 18% interest may be too high. After a round of discussion, the Board resolved to authorize the Member Secretary to collect interest as per the UGC norms.

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

The Board noted the request letter sent by Dr. K.P Ramesha, Head, Southern Regional Station, ICAR-National Dairy Research Institute, Bengaluru and authorised the Member Secretary to extend the project duration when no extra cost is incurred to complete the project.

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 letter written by Ex-Chairman Sri R.M.N Sahai, IFS (Retd) to Additional Chief Secretary, Forest, Ecology and Environment, was read by Member Secretary, Karnataka Biodiversity Board. The matter was noted by the Board.

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

1. Implementation of Nagoya Protocol:

With permission from the Board, the Presiding Officer brought up the subject on Implementation of Nagoya Protocol for discussion and emphasised on conducting a workshop to clarify on action required by concerned departments. Member Secretary responded saying that a letter has been addressed to Additional Chief Secretary, Forest, Ecology and Environment to call for a meeting to assess the progress of each department regarding the progress on targets set for the departments and further informed that Additional Chief Secretary, Forest Ecology and Environment has asked for the agenda of meeting for review. Regarding organizing workshop for Nagoya Protocol, the

matter was deliberated and the Board members were of the opinion that a workshop may be conducted through any University. The Board resolved to authorize the Member Secretary to conduct a workshop to apprise about the targets for each Government Departments and other agencies as per India's 5th National report to the Convention on Biological Diversity (CBD).

With no other subject for discussion, the meeting ended with vote of thanks to the Chair.

Sd/-

Member Secretary
Karnataka Biodiversity Board

Sd/-

Presiding Officer
Karnataka Biodiversity Board