

Minutes of the 6th Meeting of the Assam State Biodiversity Board Guwahati 9th January 2013

The 6th Meeting of the Assam State Biodiversity Board was held at the Board HQ in Guwahati on 9th January 2013. List of participants of the Meeting is at **Annexure- A**.

At the outset the Chairman welcomed everyone and conveyed New Year Greetings on behalf of the Board and on his personal behalf. He specially welcomed the new incumbent Principal Secretary (E & F) Shri Kumar Sanjay Krishna, IAS and Commissioner (Finance) Dr. Ashish Kumar Bhutani, IAS to the meeting.

Member secretary made a brief introduction on the Biodiversity Act, Assam Biodiversity Rules and the mandate of the Board. Thereafter, Agenda wise discussions were initiated

Agenda item-1: Action Taken Report:

- a. Proposals seeking permission of the Board were suggested to be discussed with Agenda 3 & 7
- b. Regarding Peoples' Biodiversity Registers (PBR), it was informed that due to non availability of funds the field works have yet to start, however, progress made in developing digital format for PBR would be presented in this meeting by AMTRON.
- c. The draft MOU for collaboration between the Tezpur University and Board for writing of PBR need to be finalized by incorporating financial details.
- d. The draft proposal for amendment to the Assam Biodiversity Rules-2010 is still under consideration of the government. There may be necessity for further amendments to certain Rules in terms of the discussions on Agenda item 3 & 7 in this meeting.
- e. The Board was informed that the proposal for Sanction of Secretarial Posts is still under consideration of the Government.
- f. The Board was informed that English version of Board's Website has been launched on 28th September, 2012 and Assamese version would be attempted subsequently.
- g. The Board was informed that so far 57 Biodiversity Management Committees (BMCs) were formed in six Districts- Kamrup, Jorhat, Morigaon, Nagaon, Lakhimpur & Dhemaji. However, in view of the panchayat elections to be held in February 2013, these BMCs may have to be reconstituted.

Agenda item-2: The Board agreed upon launching of following PBRs:

- h. Morigaon District PBR: Coordinator-AMTRON
- i. Tezpur District PBR: Coordinator- CF (NAC) with Tezpur University.
- j. Jorhat District PBR: WPO (Jorhat) with Assam Ag. University, Jorhat.

Agenda item- 3: The Board discussed the provisions of the Biological Diversity Act (Sec-3, Sec-7, Sec-23), Biodiversity Rule, 2004 (Rule-14) and Assam Biodiversity Rule, 2010 (Rule-18) in detail to evolve a clear understanding on:

- i. Whether the Board is required to regulate, by way of grant of permission or otherwise, applications made by Indians for access to biological resources for research or commercial purposes.
- ii. When the applicant is an Indian individual or an Indian body which has received support of external aid i.e. Foreign funds for its research proposal, what is the correct legal course of action.
- iii. How to ensure that the permissions granted for research are not subsequently exploited for commercial gain without following due procedure.

After detailed discussions, the Board was of the following opinion:

- i. a. Going by the spirit of Rule of Section-23 (b), Rule- 14 of BD Rules, 2004 (Central Rules), access by any citizen, whether for commercial purposes or not, must be regulated by the Board.
- i. b. The above interpretation is supported by Format-I prescribed under the Rule-14-(1) of BD Rules-2004, which states *“any person seeking approval of the Authority for access to biological resources and associated traditional knowledge **for research or for commercial utilization** shall make an application in Form-I”*,
- i. c. Accordingly, the Rule-18 of the Assam Biodiversity Rule, 2010 needs amendment so as to conform to the above considered view. Thus, **under Rule-18(1) there is a need to add “research” as a purpose for making application in Format-I.**
- ii. a. Whenever a research proposal of an Indian applicant has a support of Foreign funds, it attracts Section-3 (2).(c).(ii) under the meaning “non- Indian participation in its share capital or management”.

- ii. b. In view of the above, such proposals would have to be referred to the NBA.
- ii. c. The present proposals appear to be falling in this category and may be referred to the NBA, through the State Government, by the Board.
- iii. The Board took note of the fact that if, when a research results before putting to commercial use requires an IPR, there are already safeguards under the Act through Section-6. However, if there is no need for an IPR for using the research results for commercial gains, there are no such safeguards. The Board suggested that efforts should may be made to examine if there are any other legislations that take care of such issues. If so, the same may be referred to for controlling such practices and if not, appropriate safeguards may be worked out in the State Rules.

Agenda item- 4:

- k. The Board took note of recommendations of the State level sensitization workshop organized by the Board on 28th September, 2012.
- l. The Board was informed about India commitments consequent to its rectifying the Access and Benefit Sharing (ABS) principles and obligations towards the Aichi Targets as indicator biodiversity conservation .
- m. Board noted extension granted to the contractual staffs of the Board.

Agenda item-5: A summary of accounts was presented before the Board for information and ratification. The same was ratified.

Agenda item-6:

- a. The Board took note of the fact that the Grant-in-aid for the current year is yet to be released.
- b. On the matter of purchase of vehicle, some Members of the Board expressed their doubts about the proposal getting through. Following recommendations were made after careful consideration of the original proposal of the Board for the year 2012-13 and the alternatives in the event of non sanction of the vehicles:
 - i. For the present, the Board may hire vehicles, as when required.
 - ii. In the event of non-sanction of vehicle, the revised plan may be taken up with following modifications.

- a. Consultancy for developing digital format for PBR at Rs. 2 Lakh is agreed.
- b. Traditional Knowledge documentation project may be deferred and the amount of Rs. 2 Lakh be used for field works of PBR.
- c. Model PBR for Sonitpur and Jorhat Districts for 3.0 Lakh is agreed.
- d. Proposal for Board Library (books & Furniture) for 1.70 Lakh is agreed subject to a committee comprising of the following is involved in selection of books and literatures.
 - i. Dr. A. K. Goswami, Member ASBB
 - ii. Dr. P. C. Bhattacharjee, Member ASBB
 - iii. Member Secretary-ASBB
- e. The original scheme for the year 2012-13 was reviewed by the Board and following was agreed to:
 - i. The proposal for consultancy on Heritage Sites (Rs. 2 Lakh) and study on wild varieties of Paddy (Rs. 2 Lakh) may be deferred. The saved amount may be utilized for preparation of more PBRs.
 - ii. Pilot survey of *Arachnids* at a cost of Rs. 2 Lakh was agreed.

Agenda item- 7:

- a. i & ii. The applications seeking permission of the Board made by Mr. Abhijit Das, Mr Udayan Borthakur, and Mr Bibhuti P. Lahkar of Aaranyak, may be referred to NBA as decided in Agenda- 3.
- a. iii. Status of application of Mr. Kalita was noted. No action is required till the information asked for is submitted by the applicant.
- a. iv. The proposal of Assistant Director Mr. H. P. Chetri for study of wild *muga* in Lakhimpur District was allowed subject to application made in proper format.
- b. The draft agreement prepared in terms of Rule 18 (4) was approved.

c. The Board took note of the application fee being charged by some State Biodiversity Boards namely, Manipur, UP, MP and Kerala and after detailed discussions decided the following fee:

- i. for research purpose: Rupees five hundred (Rs. 500),
- ii. for commercial purpose: Rupees five thousand (Rs 5000).

d. Regarding implementation of certain Biodiversity Components of the Assam-French Project by the Board, it was decided that the fund for those components of works that fit into priority areas of the Board, for example constitution of BMCs and preparation of PBRs, may be taken up by the Board. For implementation of other components e.g. award of consultancy etc., the Forest Department may involve the Board only as a partner rather than the sole implementer.

The Board further observed that strengthening of the manpower of the Board is essential specially for implementation of components of the French Project. The Principal Secretary (E & F) and the PCCF & HoFF-Assam were requested to help the Board in this regard.

Agenda item- 8:

i. A research Advisory Committee comprising of the following was constituted for considering research proposal:

- a. Dr. A. K. Goswami
- b. Dr. P. C. Bhattacharjee
- c. Chief Conservator of Forest (RE&WP)
- d. An Expert Member from the concerned Department.
- e. Member Secretary-ASBB

ii. The Chairman of State Pollution Control Board shall be the Special Invitee in the Board Meetings.

iii. The Proposal submitted by the Board for establishment of a Biodiversity Museum to be pursued.

iv. The Board may write to various Universities and Research Institutes for nominating their scientists/ faculty for preparing a 'Panel of Experts' of the Board.

These experts may be requested to assist the Board on voluntary basis, however, suitable honorarium may be paid to them by the Board.

v. Managing Director, AMTRON, Shri M. K. Yadav and his team made a presentation before the Board about the concept on the basis of which a digital platform is being designed by them. A demonstration on how the entries would be made into the Register was also made. Following suggestions emerged:

a. The PBR in Local Language as hard copies shall be made as prescribed in the Act. While doing so, a facilitator who has a fair knowledge of biodiversity shall render assistance in recording common as well as scientific names of the species.

b. A Technical Support Group (TSG) comprising of experts from concerned departments such as Forest, Fishery, Agriculture, Horticulture would facilitate entry from the ground level PBR to digital format. In case of any ambiguity, the TSG would visit/revisit the site,

c. The Digital format of the PBR should include space for entry of details of hybrid varieties and microbes. It should also have scope for entry of traditional knowledge and local practices.

d. AMTRON would take up preparation of PBR in the Mayong area of Morigaon District. The Board would request the District Administration and the Forest Department for technical support.

Agenda Item-9: The next Board meeting will be held in April after the Bihu festival . The date would be made known afterwards.

The meeting ended with thanks from the Chair to everyone.