



Environment and Forest (FR.5) Department,  
Secretariat, Chennai-9.

**Letter No.20153/FR.5/2008- 1, Dated 18.9.2008.**

From  
Tmt. B.Gunasundari, B.Sc.,  
Deputy Secretary to Government.

✓ To  
All Members,  
Tamil Nadu Biodiversity Board. (w.e.)

Sir,

Sub: Meeting – Tamil Nadu Bio diversity Board Meeting to be held on 14.10.2008 at 11.00 a.m. in the Conference Hall, 2<sup>nd</sup> Floor, Secretariat Main Building, Chennai-9 – Intimation – Regarding.

The first meeting of the Tamil Nadu Bio-diversity Board under the Chairmanship of Hon'ble Minister for Forests is scheduled to be held on **14.10.2008 at 11.00 A.M.**, Old Conference Hall, 2<sup>nd</sup> Floor, Secretariat Main Building, Chennai-9. A copy of the Agenda is enclosed herewith. I therefore request you to make it convenient to attend the above meeting.

Yours faithfully,

for Deputy Secretary to Government

**Copy to:**

Senior P.A. to Minister (Forests),(w.e.)

P.S. to Principal Secretary to Environment and Forests Department,Chennai-9.(w.e.)

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**Agenda Notes of the first meeting of the Tamil Nadu Biodiversity Board**

**Agenda Item No.1)** Granting leave of absence of the members who could not attend the meeting.

**Agenda Item No.2)** Tamil Nadu Biodiversity Board - Details and action taken for the information of the members.

Tamil Nadu Biodiversity Board has been constituted vide G.O.Ms.No.32/FR-5/2008 Environment & Forests Department dated 29-4-2008. For activation of the Tamil Nadu Biodiversity Board the following proposals have been sent to Government in C.No.WL4/8702/2004 dated 19-6-2008 and 30-6-2008.

**i) Tamil Nadu Biodiversity Board office**

As per section 22 (3) of the State Biological diversity act 2002, the Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

As per section 22 (5) of the above act, the head office of the State Biodiversity Board shall be at such place as the State Government may, by notification in the official Gazette, specify.

Hence proposals have been sent to Government in this office Ref.No.WL4/8702/2004 dated 19-6-2008 requesting that orders notifying that the Head Quarters of the Tamil Nadu Biodiversity Board will be at Chennai may be issued. A suitable accommodation will be located at Chennai for housing the Board office subsequently.

Chennai

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**Staff for the Tamil Nadu Biodiversity Board**

As per section 23 of the above act the functions of the Tamil Nadu Biodiversity Board shall be to

a) advise the State government, subject to any guidelines issued by the Central government, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources.

b) regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by Indians;

c) perform such other functions as may be necessary to carryout the provisions of this Act or as may be prescribed by the State Government.

As per section 25, the provisions of sections 9 to 17 shall apply to a State Biodiversity Board and shall have effect subject to the following modifications, namely; -

a) references to the Central Government shall be construed as references to the State Government;

b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;

c) reference to the consolidated fund of India shall be construed as reference to the consolidated Fund of the State.

As per section 14(1), the National Biodiversity Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

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2) The terms and conditions of service of such officers and other employees of the National Biodiversity Authority shall be such as may be specified by regulations.

As per section 17 of the act the salaries and allowances payable to the members and the administrative expenses of the National Biodiversity Authority including salaries, allowances and pension payable to, or in respect of, the officers and other employees of the National Biodiversity Authority shall be defrayed out of the consolidated Fund of India.

Hence, the State Biodiversity Board may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this act.

For carrying out the affairs of the Board office, services of a senior officer in the grade of Chief Conservator of Forests is felt necessary. Hence suitable proposals are being sent from the establishment section of Principal Chief Conservator of Forests office regarding creation/redeployment of a post of Chief Conservator of Forests for the post of Secretary, Tamil Nadu Biodiversity Board.

Initially only Secretary will be there to look after the activities of the Tamil Nadu Biodiversity Board. It has been proposed to explore the possibilities of nominating academicians/ scientist as part time employees on contract basis. Hence for the initial set up, the board may need the following ministerial and office staff.

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1) Superintendent	- 1
2) Assistant	- 1
3) Steno-Typist	- 2
4) Data Entry Operators	- 2
5) Office Assistants	- 2
6) Drivers	- 2

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Total	- 10
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A proposal has been sent to Government in this office even No. dated 30-6-2008 to sanction the above ten minimum supporting staff on deputation, initially.

**Creation of State Biodiversity fund:** As per section 32, the state has to constitute a fund to be called the 'Tamil Nadu Biodiversity fund'.

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32(1) There shall be constituted a fund to be called the State Biodiversity

Fund and there shall be credited thereto.

- any grants and loans made to the State Biodiversity Board under section 31;
- any grants or loans made by the National Biodiversity Authority;
- all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government.

Government orders have been requested in this office reference No. WL4/8702/2004 dated 19-6-2008 to constitute the Tamil Nadu Biodiversity Fund and that a corpus of Rs.5 crores may be sanctioned by the State Government towards the Tamil Nadu Biodiversity Fund. Alternatively, it is requested to make provision in the Forest Department budget for meeting the recurring and non-recurring expenditure of the Board as done in the case of Karnataka Government.

#### **iv) Local Biodiversity fund**

As per provision of section 42 & 43 of the act, the State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Local Biodiversity Funds by way of grants or loans such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

There shall be constituted a Fund to be called the Local Biodiversity Fund at every area notified by the State Government where any institution of self-government is functioning and there shall be credited thereto.

- a) any grants and loans made under section 42;
- b) any grants or loans made by the National Biodiversity Authority;
- c) any grants or loans made by the State Biodiversity Boards;
- d) fees referred to in sub-section (3) of section 41 received by the Biodiversity Management Committees;
- e) all sums received by the Local Biodiversity Fund from such other sources as may be decided upon by the State Government.

Since there are 31 revenue districts as on date, creation of local Biodiversity fund for each revenue district may be done. Proposal has been sent to Government in this office Ref No. WL4/8702/2004 dated 19-6-2008 regarding this.

#### **Agenda Item No.3) Constitution of the Biodiversity Management Committees**

As per the provisions of section 41 (1) "Every local body shall constitute a Biodiversity Management Committee within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars,

domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity."

During the State Biodiversity board interactive and review meeting held by National Biodiversity Authority on 28th and 29th April 2008 at Ooty, the important points which emerged are

- ❖ The State's Biodiversity Boards should look into the option of making the BMC formation at District level which includes some of the important village Panchayat, Gram Panchayat and Zillaparishad for mandatory decision making for access and benefit sharing.
- ❖ In this connection NBA has to develop a guideline for the establishment of BMC at district level and circulate to all the State Biodiversity Boards.

This may be discussed for suitable follow up action.

#### **Agenda Item No.4. Tamil Nadu Biodiversity Heritage sites**

As per section 37 (1) 'Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act.'

The Addl. Secretary to Government, Ministry of Environment and Forests has written a letter to the Chief Secretary of the State vide D.O.No.28-17/2008 -CS.III dated 9-7-2008 on various issues involved on this which is as follows.

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The Biological Diversity Act was enacted in 2002, and the related Rules were notified in 2004. The Act aims at conservation and sustainable use of biological resources, and fair and equitable sharing of benefits arising out of the use of these resources and the associated traditional knowledge. The Act provides for a three-tier institutional structure for its implementation, viz. National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs), and Biodiversity Management Committees (BMCs) at the local body level.

Biodiversity is not distributed evenly or uniformly. Certain areas are characterized by high species richness and more number of endemic species. The importance of conserving areas rich from the biodiversity point of view has been recognized in the Biological Diversity Act, 2002. Section 37 of this Act provides that: (1) the State Government from time to time in consultation with the local bodies, notify areas of biodiversity importance as heritage sites under the Act; (2) the State Government in consultation with the Central Government may frame rules for management and conservation of heritage sites; and (3) the State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

Thus this clause provides that the State Government may, in consultation with the local bodies, notify areas of biodiversity importance as biodiversity heritage sites under this Act; in consultation with the Central Government frame rules for the management and conservation of heritage sites; and also frame schemes for compensating or rehabilitating people economically affected by such notification.

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**Agenda Item No.5 Establishment of People's Biodiversity Registers**

As per the minutes of the meeting held by NBA at Ooty, the points are as

follows:

1. With regard to the establishment of Peoples Biodiversity Register, the simplified model PBR used by West Bengal, Karnataka and Kerala State Biodiversity Boards have to be followed as model.
2. Since the BMC does not have experience on the preparation of PBR, the West Bengal System of hiring Universities and research organization should be used in other States.
3. State Biodiversity Boards such as Karnataka and Andhra Pradesh have used local NGO's who have previous experience on biodiversity aspects for the preparation of PBR and so far eight PBR's have been released.
4. The simplified methodology already prepared by the NBA has to be sent to all State Biodiversity Boards for comments and those State Biodiversity Boards who have prepared the PBRs should be sent to NBA for incorporation left out points.

It is requested that a sub committee may be constituted to look into this format and its adaptability and give its comments for discussion in the next meeting of the board.

**Agenda Item No.6) Framing of State Biodiversity Board Rules**

As per the minutes of the meeting held by NBA at Ooty, the points are as

follows:

While some of the State Government have notified their rules under the Act, many of them are still in the process of doing so. The States may be requested to

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send the rules/draft rules to the NBA, to enable the NBA to have these examined through a legal consultant.

A sub committee may be nominated to frame the State Biodiversity Board Rules after going through the rules framed by other States and keep it for approval of the board in the next meeting.

Agenda Item No.7) Any other item with the permission of the chair.

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