

# **BIODIVERSITY AND THE BIOLOGICAL DIVERSITY ACT, 2002**

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# BACKGROUND

- Biological resources
  - *vital for our economic and social development*
  - *global asset for present and future generation*
  - *under threat due to human activities*
  - *getting extinct at an alarming rate*
- This forced world leaders to come together in one platform for taking up measures
- This resulted in CBD, the commitment of world community towards sustainable development
- Total signatory to CBD: 168 countries

- CBD reaffirmed the right of Sovereign States over their biological resources
- The world leaders meet after every two years in Conference of Parties (CoP) on CBD, total 194 Parties
- As one of the signatory to CBD, India hosted 11<sup>th</sup> CoP (CoP-XI) in Hyderabad during 8 – 19 October 2012

### Objectives of CBD:

1. Conservation of biological diversity;
2. Sustainable use of its components; and
3. Fair and equitable sharing of the benefits arising out of the utilization of genetic resources.



# WHY BD ACT 2002 ENACTED?

- India, one of the 12 mega bio-diversity countries of the world; harbour 7% – 8% of the worlds' biodiversity.
- India, also one of the 12 primary centres of origin of cultivated plants and domesticated animals
- Industrialised / Developed nations eyeing on our bio-resources and the associated traditional knowledge for their benefit
- In order to conserve them, promote their sustainable use and to ensure fair and equitable sharing of benefits, India enacted Biological Diversity Act 2002.
- This Act primarily addresses access to genetic resources and associated knowledge.

# SALIENT FEATURES OF THE BD ACT 2002

- ◉ To regulate access to biological resources of the country.
- ◉ To conserve and sustainable use of biological diversity.
- ◉ Setting up of NBA, SBB and BMCs.
- ◉ NBA and SBB are required to consult BMCs in decision making related to bio-resources / related knowledge within their jurisdiction.
- ◉ To respect and protect knowledge of local communities traditional knowledge related to biodiversity.
- ◉ To secure sharing of benefits with local people as conservers and knowledge holders of biological resources.
- ◉ All foreign nationals / organizations require prior approval of NBA for obtaining biological resources and / or associated knowledge for use.



## SALIENT FEATURES.....CONTD.

- ◉ Indian scientists / individuals require approval of NBA for transferring results of research to foreign nationals / organizations.
- ◉ To conserve and develop areas of importance by declaring them as biological heritage sites.
- ◉ Protection and rehabilitation of threatened species.
- ◉ Involvement of institutions of State Government in the implementation of the BD Act through constitution of committees
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## SALIENT FEATURES.....CONTD.

- ◎ Protect India's rich biodiversity and associated knowledge against their use by foreign individuals or organizations without sharing benefits arising out of such use and check bio-piracy.
- ◎ *Indian industry needs prior intimation to SBB to obtain bio-resource. SBB has right to restrict if found to violate conservation and sustainable use and benefit sharing.*
- ◎ Provisions for notifying heritage sites by State Government in consultation with local body.
- ◎ *Creation of National, State and Local Biodiversity Fund and its for conservation of biodiversity.*
- ◎ Prior approval is needed from NBA for IPRs in any invention in India or outside India on bio-resources.



# Implementing Agencies & Their Functions

## Biological Diversity Act, 2002

1. National Biodiversity Authority
2. SBBs *under Section 22*
3. BMC: *under Section 41*



NBA, Chennai

(advises Central & State Govts.)



State Biodiversity Boards

(advises State Govt., facilitates BMCs)



Biodiversity Management Committees

(promote Conservation, Sustainable Use, Documentation of Trad. Knowledge, etc.)



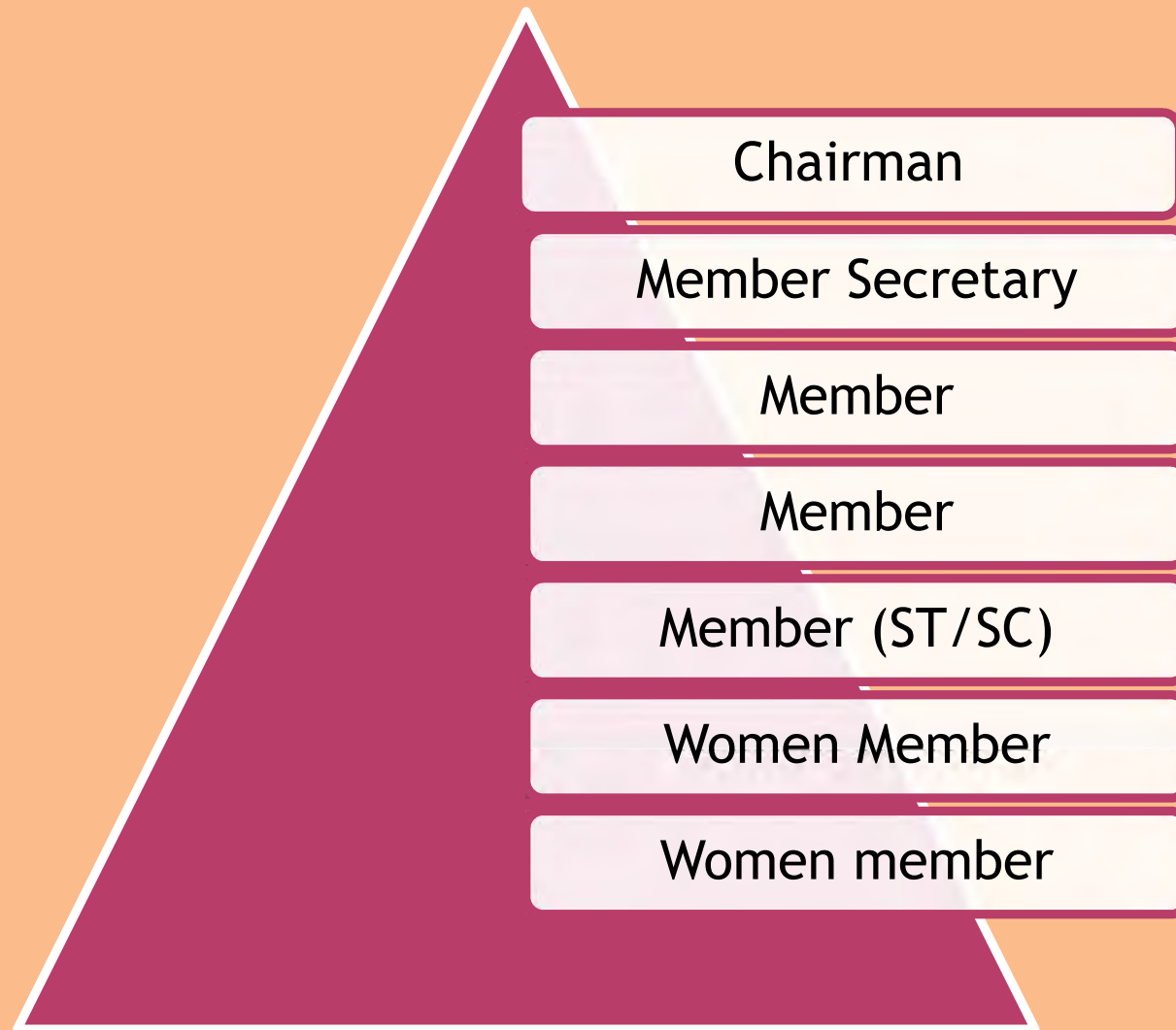
Sikkim  
Biodiversity  
Board



# BIODIVERSITY MANAGEMENT COMMITTEE

- ◎ **Sec 41 of BD Act 2002:** every local body shall constitute a BMC within its area for the purpose of promoting conservation, sustainable use and documentation of biological diversity
- ◎ Statutory bodies at local level.

# COMPOSITION OF BMC



**All village level committees to find representation in BMCs ( JFMCs / EDCs etc. )**



# TENURE OF BMC

- ◉ The Chairperson of the BMC shall have a tenure of Three (03) years.
- ◉ The non-official members of the BMC shall have a tenure of five (05) years or co-terminus with the tenure of the local elected body whichever is lesser





# CONSTITUTION OF BMC

- ◉ Constituted at GPU level (Sikkim)
- ◉ Constituted in Gram Sabha through open election
- ◉ Representation from SBB during constitution of BMC



## BMC Resolution at Gram Panchayat Level

### FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEE AT GRAM PANCHAYAT

Resolution No. \_\_\_\_\_

Date: \_\_\_\_\_

Name of the Gram Panchayat Unit \_\_\_\_\_ Tahuk \_\_\_\_\_ District \_\_\_\_\_

The Gram Panchayat meeting was held on \_\_\_\_\_ at \_\_\_\_\_ am/pm in \_\_\_\_\_ Gram panchayat office, under the chairmanship of Shri./Smt. \_\_\_\_\_ the President and with the consent of all the members, Biodiversity Management Committee was formed under section 41(1) of Biological Diversity Act 2002 and Rule 22 of Biological Diversity Rules 2004 and Rule \_\_\_\_\_ of \_\_\_\_\_ Biological Diversity Rules 2006, for the period of three / five years.

Details of Committee Members:

Sl. No.	Full Name and Address	Age	Category	Signature
1			Chairman	
2			Woman Member	
3			Woman Member	
4			SC/ST Member	
5			Member	
6			Member	
7			Secretary	

The Biodiversity Management Committee will be responsible for :-

1. Conservation and sustainable utilization of bioresources within its area of jurisdiction.
2. Stop illegal access of bio resources within its area of jurisdiction.
3. Furnishing of opinion to National Biodiversity Authority, Chennai and \_\_\_\_\_ Biodiversity board on various subjects as and when required.
4. Levying charges by way of collection fees for accessing/collecting bio-resources for commercial purpose within its area of jurisdiction, as per the act.
5. Maintain data about local vaidyas and practitioners using biological resources.
6. Maintain register containing information about the details of access of biological resources and traditional knowledge granted, details of collection fee imposed and details of benefits derived and mode of their sharing.
7. The Biodiversity Management Committee will also be involved in documentation of biodiversity and associated traditional knowledge.
8. Management and use of biodiversity fund as per guidelines provided by National Biodiversity Authority and \_\_\_\_\_ Biodiversity Board from time to time

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Gram Panchayat President

Gram Panchayat Secretary/  
Member of the permanent establishment



# CHECKLIST: PAPERS TO BE SUBMITTED TO BOARD AFTER CONSTITUTION

- ❖ Forwarding letter from Panchayat
- ❖ BMC resolution format (original)
- ❖ Minutes of meeting (photocopy)
- ❖ COI and Voters ID of the members (photocopy)
- ❖ Passport size photo of members

# APPROVAL BY BOARD MEMBERS

- The BMC has to be approved by Board Members during Board meeting.
- Formal Letter of approval to be sent to the BMC.
- BMC will then open an account called **Local Biodiversity Board**

# LOCAL BIODIVERSITY FUND

- ◉ Joint signatory: Chairman and Member Secretary
- ◉ The LBF can be built with fees and charges levied by the BMC and grant from State governments, SBB and NBA.
- ◉ Fund will be used for conservation and promotion of biodiversity



# CONTRIBUTION FORM NBA FOR CONSTITUTION OF BMC

No	item	Village (in Rs.)
1	Upon opening bank account	10,000
2	Purchase of office equipment including stationary	15,000
3	Conduct of meetings	3,000
4	One training to BMC and Panchayat on general BD profile	7,000
5	Constitution of BMC	25,000
		60,000

# FUNCTIONS OF BMC

- ❖ Prepare, maintain and validate **People's Biodiversity Registers** in consultation with the local people.
- ❖ Advise on any matter referred to it by the SBB or Authority for granting approval.
- ❖ To maintain data about the local vaids and practitioners using the biological resources.
- ❖ Levy charges by way of collection fees from person(s) accessing or collecting bio resource for commercial purpose from its territorial jurisdiction.

# PEOPLE'S BIODIVERSITY REGISTER

- ◉ It is a register that contains comprehensive information on availability and knowledge of local biological resources and associated traditional knowledge.
- ◉ To be filled by BMCs with the help of students, researchers and knowledgeable individuals and validated by BMC with the help of TSG (Technical Support Group)
- ◉ BMC is the **custodian** of PBR and shall ensure the protection of the knowledge recorded in the PBR.
- ◉ Access to registers need to be recorded in writing and maintained in consultation with SBB/TSG.



## OTHER RESPONSIBILITIES OF BMC

- ❖ Conservation and sustainable utilization of biological resources.
- ❖ Eco-restoration of the local biodiversity.
- ❖ Proper feedback to the SBB in the matter of IPR, Traditional Knowledge and local Biodiversity issues, wherever feasible and essential feedback to be provided to the NBA.
- ❖ Management of Heritage Sites
- ❖ Regulation of access to the biological resources and / or associated Traditional Knowledge, for commercial and research purposes.
- ❖ Sharing of benefits arising out of commercial use of bio-resources.

No. of BMCs constituted :13 Nos.

North	West	South	East
Singhik Sentam	Gyaten Karmataar	Lingmo-Payong	West Pendam
Toong-Naga	Ribdi-Bhareng	Lingee-Sokpay	Martam- Nazitam
Passingdang- Saffu	Yuksam-Dubdi	Kitam	Tumin
	Labing- Gerethang		

THANK

YOU!!!