



Government of Sikkim

Report On

Dialogue with Public Representatives on Biological Diversity Act and Biodiversity Management Committee

06th November, 2014

Under: UNEP-GEF-MoEF-ABS Project

“Strengthening the Implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing”



Organized By
Sikkim Biodiversity Board, Government of Sikkim

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National Biodiversity Authority, Government of India



Under the UNEP-GEF-MoEF-ABS Project “Strengthening the Implementation of the Biological Diversity Act and Rules with focus on its Access and Benefit Sharing”, a meeting “**Dialogue with Public Representatives on Biological Diversity Act and Biodiversity Management Committee**” was organised by the Sikkim Biodiversity Board on 6th November, 2014 under the guidance of **Honourable Minister** (FEWMD, Mines, Minerals & Geology and Department of Science and Technology) cum Vice-Chairman (SBB), **Shri Tshering Wangdi Lepcha** and the Sp. PCCF cum Member Secretary (SBB), **Shri SBS Bhadauria, IFS** . The meeting was chaired by the Honourable Deputy Speaker of the Sikkim Legislative Assembly, **Shri Sonam Gyatso Lepcha** and was attended by the **Honourable Minister, Shri DD Bhutia** (Energy and Power and Labour Department), **Shri GM Gurung** (Roads and Bridges and Cultural Affairs and Heritage Department), **Shri NK Subba** (Urban Development & Housing and Food, Civil Supplies and Consumer Affairs Department), **Smt. Tulsi Dev Rai** (Water Security & Public Health Engineering and Social Justice, Empowerment and Welfare Departments); **Honourable Member of Legislative Assembly, Shri Karma Sonam Lepcha** (Rinchenpong Constituency) and **Shri Bek Bdr. Rai** (Assam Lingzey Constituency). Other participants present were **Smt. Padma Shanker** (The Chairperson, State Land Use and Environment Board), **Dr. Thomas Chandy** (Principal Secretary cum PCCF, FEWMD), **Shri CS Rao** (CCF(Territorial/Headquarter)), **Shri YP Gurung** (CF(T)), Divisional Forest Officers (WL, KNP, SBFP) and the Assistant Conservator of Forest.



Welcoming the delegates, the Member Secretary (SBB) appraised them regarding the need of forming Biodiversity Management Committee (BMC), which will be constituted at every GPU Level in

our state. He further highlighted that BMCs have the main hand in protecting and preserving the bio-resources of their area and it is upto the BMC to allow or to restrict the access to it for commercial purpose. He mentioned that they also have the right to levy fee in case the access is allowed for commercial purpose and will get certain benefit share from the company accessing the bio-resource. He pointed out that, SBB have been able to constitute 15 BMCs so far and we will definitely be able to have BMC in all the 176 GPUs in the coming days; he requested the dignitaries to suggest the areas where BMCs are needed to be constituted. According to him, till date, our bio-resources are open to all and lots of bio-piracy is taking place and now, a time has come that we work together and take step in protecting our valuable bio-resources.



Dr. Thomas Chandy briefed the delegates that the concept of BMC has come to Sikkim since very long; nevertheless, it has not been properly implemented in our state. Supporting the statement made by the Member Secretary, he also pointed out the BMCs are at the full liberty to levy the charges on the bio-resources that goes out of the state and that will go to the

fund of BMC and will be used for the activities related to biodiversity conservation. He also gave emphasis on the need of the constitution of the BMCs and requested the delegates to suggest the areas for further action. He stated that the BMCs should be well aware about the duties and responsibilities assigned to them as per the Indian Biological Diversity Act 2002.

Mrs Usha Lachungpa (State Project Coordinator) through her power point presentation briefed the gathering that biodiversity just not includes forest and animals but it also includes everything that is alive, from micro-organisms (present in the soil, air, water, etc.) to land races, vegetables, cultivated crops varieties, domesticated animals, etc. and human being is also a biodiversity. According to her, there is a need to raise awareness amongst the general people including the officials at various levels regarding the same. She said that variety of life is not only confined to forest and wildlife areas but also are spread in our agricultural fields, etc. Therefore, the representatives from agriculture, horticulture, animal husbandry, departments are also included in the Biodiversity Board. She pointed out that there is diversity in the human beings also and we have different communities, culture, traditions and the knowledge associated with it; all these comes under biodiversity, according to her.

We the mountain people have lots of traditional knowledge regarding the making of fermented food and beverages like *kinema*, *gundruk*, *chyang*, etc. and all this knowledge should not be shared with anybody unless they get some benefit share out of it and this is all covered under the Indian Biological Diversity Act 2002, she said. There is a provision under the BD Act to assign Heritage site to important area; nonetheless, even a single old tree may be the house for numerous biodiversity; an initiative have been taken up by the Sikkim Biodiversity Board during Forest Centenary Year (1909 - 2009) to assign Heritage tree status to such trees and she advised that this needs to be taken up further. She said that, earlier, an effort was made by the public and the forest field staffs to locate such trees and was able to identify almost 50 trees. Similarly, in Sikkim we have living fossil fern and tree species like *Cythea* sp. (tree fern), *Cycas pectinata* (Thakkal), etc. that is being existing since Dinosaur period in the same form, this is also an important bio-resources and needs to be taken care



of, she said. There has been the practice of oral documentation from father/mother to son/daughter to grand children but now that is vanishing; it was emphasized by her that now there is a need to document everything including biodiversity, bio-resources and the traditional knowledge. She ended her presentation by making a remark that there are lot of trained manpower in the respective field in our state whose

knowledge can be utilized for the same.

Shewani Pradhan (ACF, SBB) in her presentation enlightened the distinguished delegates about the BD Act and its objectives, which stresses on biodiversity conservation, its sustainable use and the fair and equitable sharing of benefits arising out of the use of the bio-resources. She also briefed about the implementing agencies (NBA, SBB, and BMC) of the BD Act and their functions, the members of the Sikkim Biodiversity Board and the BMCs. During her presentation, she pointed out that one of the main functions of the BMCs is to prepare the People's Biodiversity Register (PBR) with the help of the Technical Support Group (TSG), and the Sikkim Biodiversity Board is in a process of forming the TSGs. The PBR is a classified document and BMC will be the sole custodian of the same; nevertheless, one copy of the same will be deposited in the office of the Sikkim Biodiversity Board, she added. The record of the individuals having a glance at the PBR has to be maintained by each BMCs. In her presentation she quoted an example from Andhra Pradesh where they have already

initiated documenting several domesticated crop varieties and animal breeds and many more. Apart from preparing PBR, other function of the BMCs includes conservation and sustainable use of bio-resources, eco-restoration, giving advice and feedback to the SBB regarding the traditional knowledge, management of the heritage sites, and regulation of access to biological resources, etc. She further said that each BMC have to open a Bank account in some nationalised Bank which will be known as Local Biodiversity Fund and whatever fund they gathers by collecting fees, their benefit share from the companies, etc. will go in that fund and the same will be utilized for the conservation and promotion of biodiversity and other biodiversity related activities. SBB have been able to constitute 13 BMCs in all the four districts, so far and two are in the process, she added at the end requesting all the delegates to suggest area of biodiversity importance where BMC can be constituted in priority.

Open Discussion

Shri DD Bhutia (Honourable Minister, Energy and Power and Labour Department) said that the BMC members have to be well aware and very serious about their roles and responsibilities. Raising the issue of Pani amala (*Nephrolepis cordifolia*), he said that due to lack of our seriousness, we are not getting any benefit from it, even though it is going out of state in a bulk. Even some of our rare and endemic orchids have been taken out from our state by the foreigners and have patented in their name and we are still unaware of it. According to him, in a BMC we need to include experienced people like retired teachers, personal from various departments, learned individuals, etc. who can easily understand their responsibilities. Further, the work of the BMCs should be result oriented and not for the name sake; the BMCs should be formed in such a place which are rich in biodiversity and Sikkim being a very small state, it will be better if the BMCs are constituted at GPU level, he added.



Shri TW Lepcha (Honourable Minister, FEWMD, DST and Mines, Minerals and Geology Department) as the vice-chairman of the Sikkim Biodiversity Board said that before constituting BMC, it is the responsibility of the Board to intimate the local public representatives (area MLAS) because they are

the best person who knows well about the area and the people and this is the main reason for calling the meeting. He gave strict verbal guidelines to the SBB that, in the future the BMC should be constituted only after consulting the concerned MLAs, in not doing so, the BMCs will be not be recognized. Nonetheless, he showed satisfaction that the SBB has been raising awareness in different parts of Sikkim before constituting the BMC.

Smt. Tulsi Devi (Honourable Minister, Water Security & Public Health Engineering and Social Justice, Empowerment and Welfare Departments) raised a question to SBB regarding Pani amala (*Nephrolepis cordifolia*) which is going out of the state from south Sikkim in bulk; whether it is permitted by the FEWMD or not? Answering to the query, Shri YP Gurung made it clear that *Nephrolepis cordifolia* being a forest produce is permitted for collection and the royalty is pre-approved by the Government of Sikkim, only issue is some take it legally and some illegally and this needs to be checked at the respective check post. During the discussion period, Smt. Tulsi Devi further raised a concern over the disappearance of pollinators due to which the production of the vegetables is decreasing and she requested everyone to take this matter seriously and get some funding provision so that the villagers can work towards the preservation of the pollinators.

At the end, she also suggested that once the BMC is constituted, they should be given awareness on their roles and responsibilities and that can be conducted at State Level or District level.

Shri GM Gurung (Honourable Minister, Sikkim Public Works (Roads and Bridges and Cultural Affairs and Heritage Department) also suggested that the BMC members should be given awareness programme on their roles and responsibilities, about their area of jurisdiction, etc. which will help them perform their responsibilities smoothly. In this connection, Mrs Usha Lachungpa enlightened the delegates that recently, a three days district level training was organised by the Rural Management and Development Department for the Panchayats where resource persons from the Sikkim Biodiversity Board conducted preliminary awareness about BD Act and the BMCs, after which they have been approaching the SBB for constitution of BMCs in their respective GPUs.

Shri SBS Bhadauria said that BMC has a major role to play in guiding and advising the SBB as far as the bio-resources are concerned. He proposed that, the Biology Teacher of the concerned area should be part of the BMC because they can provide technical support as well as guide the BMC in preparing the PBR and other activities. Sikkim being very rich in bio-resources, we can expect multi-million dollar business of bio-resources in future, he added. During the discussion, he cited an example from Kerala where a Kani tribe have been able to get benefit share by sharing their traditional knowledge on the use of herbal medicinal plant *arogyapaacha*, from which a herbal medicine 'Jeevani' was prepared and commercialized by Arya Vaidya Pharmacy Ltd. He made a clear stand that BD Act, 2002 is applicable only when there is issue of the commercialization of the bio-

resources. If some company is interested in commercializing bio-resources, they will have to sign an ABS agreement and the percent of benefit share will be mutually decided by the company and the respective BMC.

Shri MR Rai (Jt. Director, SBB) requested the delegates to suggest the areas where BMC needs to be constituted in priority. He said that the BMC should be formed in every GPU and the representatives have to be from every ward of a GPU. He requested them to identify such members who are capable of maintaining and preparing the PBR. He highlighted that in Sikkim, the Member Secretary of the BMC is the concerned RO/BO of the wildlife who needs to be sensitized about the BD Act as well about the BMC and their functions, so that they can well coordinate with the other members of the BMC. He further pointed out that there should be the representation of the JFMCs/EDCs in the BMC.

Some of the delegates raised a question “whether the consent of the BMC has been taken by the department before permitting the collection of the same”. Since, there is no BMC as of now due to which there is no question of taking prior consent; nevertheless, once the BMC is constituted, the procedure will be followed, said the department official.

The meeting was concluded with the **Vote of Thanks** by Mrs. Usha Lachungpa.

Conclusion

The conclusion of the meeting is as follows

1. The concerned MLA has to be intimated before constituting BMC.
2. There should be some educated member along with the traditional knowledge holders in the BMC.
3. The Biology Teacher of the concerned area should be the part of the BMC or the TSG.
4. *Nephrolepis cordifolia* being a forest resource is permitted for collection and the royalty is pre-approved by the government.
5. Without the consent of the BMC, the traders should not be allowed to collect the bio-resources.
6. In the case of organised business, though the FEWMD permitted to collect the resources by charging nominal fee, the company should also pay the royalty to the respective BMCs.
7. The BMC members should be given separate awareness training specifically on their roles and responsibilities.