



सत्यमेव जयते

**THE BIOLOGICAL DIVERSITY ACT, 2002
AND
BIOLOGICAL DIVERSITY RULES, 2004**

National Biodiversity Authority, India



THE BIOLOGICAL DIVERSITY ACT, 2002
AND
BIOLOGICAL DIVERSITY RULES, 2004



National Biodiversity Authority
INDIA

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First Publication, 2004..... 5000 copies
Second Publication, 2007..... 3000 copies
Third Publication, 2009..... 500 copies
Fourth Publication, 2009..... 1000 copies
Fifth Publication, 2010..... 1000 copies
Sixth Publication, 2010..... 1000 copies
Seventh Publication, 2011..... 1000 copies
Eighth Publication, 2012..... 1000 copies

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For bibliographic and reference purpose this publication should be referred to as, The Biological Diversity Act, 2002 and Biological Diversity Rules, 2004, National Biodiversity Authority (2004), 74 PP.

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Printed by :

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भारत का राजपत्र
The Gazette of India

EXTRAORDINARY
PART II - SECTION 1

PUBLISHED BY AUTHORITY

NEW DELHI, WEDNESDAY, FEBRUARY 5, 2003 / MAGHA 16, 1924

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th February, 2003 / Magha 16, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 5th February, 2003, and is hereby published for general information :-

THE BIOLOGICAL DIVERSITY ACT, 2002

No. 18 of 2003

[5th February, 2003]

An Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.

WHEREAS India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto;

AND WHEREAS India is a party to the United Nations Convention on Biological Diversity signed at Rio de Janeiro on the 5th day of June, 1992;

AND WHEREAS the said Convention came into force on the 29th December, 1993;

AND WHEREAS the said Convention reaffirms the sovereign rights of the States over their biological resources;

AND WHEREAS the said Convention has the main objective of conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilization and equitable sharing of the benefits arising out of utilization of genetic resources and also to give effect to the said Convention.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

- Short title, extent and commencement** 1. (1) This Act may be called the Biological Diversity Act, 2002.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:
- Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.
- Definitions** 2. In this Act, unless the context otherwise requires,-
- (a) "benefit claimers" means the conservers of biological resources, their byproducts, creators and holders of knowledge and information relating to the use of such biological resources, innovations and practices associated with such use and application;
- (b) "biological diversity" means the variability among living organisms from all sources and the ecological complexes of which they are part and includes diversity within species or between species and of eco-systems;
- (c) "biological resources" means plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value, but does not include human genetic material;

(d) “bio-survey and bio-utilization” means survey or collection of species, subspecies, genes, components and extracts of biological resource for any purpose and includes characterisation, inventorisation and bioassay;

(e) “Chairperson” means the Chairperson of the National Biodiversity Authority or, as the case may be, of the State Biodiversity Board;

(f) “commercial utilization” means end uses of biological resources for commercial utilization such as drugs, industrial enzymes, food flavours, fragrance, cosmetics, emulsifiers, oleoresins, colours, extracts and genes used for improving crops and livestock through genetic intervention, but does not include conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;

(g) “fair and equitable benefit sharing” means sharing of benefits as determined by the National Biodiversity Authority under section 21;

(h) “local bodies” means Panchayats and Municipalities, by whatever name called, within the meaning of clause (1) of article 243B and clause (1) of article 243Q of the Constitution and in the absence of any Panchayats or Municipalities, institutions of self-government constituted under any other provision of the Constitution or any Central Act or State Act;

(i) “member” means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the Chairperson;

(j) “National Biodiversity Authority” means the National Biodiversity Authority established under section 8;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regulations" means regulations made under this Act;

(m) "research" means study or systematic investigation of any biological resource or technological application, that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for any use;

(n) "State Biodiversity Board" means the State Biodiversity Board established under section 22;

(o) "sustainable use" means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations;

(p) "value added products" means products which may contain portions or extracts of plants and animals in unrecognizable and physically inseparable form.

CHAPTER -II

REGULATION OF ACCESS TO BIOLOGICAL DIVERSITY

Certain persons not to undertake Biodiversity related activities without approval of National Biodiversity Authority

3. (1) No person referred to in sub-section (2) shall, without previous approval of the National Biodiversity Authority, obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization.

(2) The persons who shall be required to take the approval of the National Biodiversity Authority under sub-section (1) are the following, namely:-

(a) a person who is not a citizen of India;

(b) a citizen of India, who is a non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961 ; **43 of 1961**

- (c) a body corporate, association or organization-
- (i) not incorporated or registered in India; or
 - (ii) incorporated or registered in India under any law for the time being in force which has any non-Indian participation in its share capital or management.

4. No person shall, without the previous approval of the National Biodiversity Authority, transfer the results of any research relating to any biological resources occurring in, or obtained from, India for monetary consideration or otherwise to any person who is not a citizen of India or citizen of India who is non-resident as defined in clause (30) of section 2 of the Income-tax Act, 1961 or a body corporate or organisation which is not registered or incorporated in India or which has any non-Indian participation in its share capital or management. **Results of research not to be transferred to certain persons without approval of National Biodiversity Authority.**

43 of 1961

Explanation - For the purposes of this section, "transfer" does not include publication of research papers or dissemination of knowledge in any seminar or workshop, if such publication is as per the guidelines issued by the Central Government.

5. (1) The provisions of sections 3 and 4 shall not apply to collaborative research projects involving transfer or exchange of biological resources or information relating thereto between institutions, including Government sponsored institutions of India, and such institutions in other countries, if such collaborative research projects satisfy the conditions specified in sub-section (3). **Sections 3 and 4 not to apply to certain collaborative research projects**

(2) All collaborative research projects, other than those referred to in sub-section (1) which are based on agreements concluded before the commencement of this Act and in force shall, to the extent the provisions of agreement are inconsistent with the provisions of this Act or any guidelines issued under clause (a) of sub-section (3), be void.

(3) For the purposes of sub-section (1), collaborative research projects shall-

(a) conform to the policy guidelines issued by the Central Government in this behalf;

(b) be approved by the Central Government.

Application for intellectual property rights not to be made without approval of National Biodiversity Authority

6. (1) No person shall apply for any intellectual property right, by whatever name called, in or outside India for any invention based on any research or information on a biological resource obtained from India without obtaining the previous approval of the National Biodiversity Authority before making such application.

Provided that if a person applies for a patent, permission of the National Biodiversity Authority may be obtained after the acceptance of the patent but before the sealing of the patent by the patent authority concerned:

Provided further that the National Biodiversity Authority shall dispose of the application for permission made to it within a period of ninety days from the date of receipt thereof.

(2) The National Biodiversity Authority may, while granting the approval under this section, impose benefit sharing fee or royalty or both or impose conditions including the sharing of financial

benefits arising out of the commercial utilisation of such rights.

(3) The provisions of this section shall not apply to any person making an application for any right under any law relating to protection of plant varieties enacted by Parliament.

(4) Where any right is granted under law referred to in sub-section (3), the concerned authority granting such right shall endorse a copy of such document granting the right to the National Biodiversity Authority.

7. No person, who is a citizen of India or a body corporate, association or organisation which is registered in India, shall obtain any biological resource for commercial utilisation, or bio-survey and bio-utilisation for commercial utilisation except after giving prior intimation to the State Biodiversity Board concerned:

Prior intimation to State Biodiversity Board for obtaining biological resource for certain purposes

Provided that the provisions of this section shall not apply to the local people and communities of the area, including growers and cultivators of biodiversity, and *vaid*s and *hakim*s, who have been practising indigenous medicine.

CHAPTER -III

NATIONAL BIODIVERSITY AUTHORITY

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the National Biodiversity Authority.

Establishment of National Biodiversity Authority

(2) The National Biodiversity Authority 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.

(3) The head office of the National Biodiversity Authority shall be at Chennai and the National Biodiversity Authority may, with the previous approval of the Central Government, establish offices at other places in India.

(4) The National Biodiversity Authority shall consist of the following members, namely:-

(a) a Chairperson, who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the Central Government;

(b) three *ex officio* members to be appointed by the Central Government, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment and Forests of whom one shall be the Additional Director General of Forests or the Director General of Forests;

(c) seven *ex officio* members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with -

-
- (i) Agricultural Research and Education;
 - (ii) Biotechnology;
 - (iii) Ocean Development;
 - (iv) Agriculture and Cooperation;
 - (v) Indian Systems of Medicine and Homeopathy;
 - (vi) Science and Technology;
 - (vii) Scientific and Industrial Research;

(d) five non-official members to be appointed from amongst specialists and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, representatives of industry, conservers, creators and knowledge-holders of biological resources.

9. The term of office and conditions of service of the Chairperson and the other members other than *ex officio* members of the National Biodiversity Authority shall be such as may be prescribed by the Central Government.

Conditions of service of Chairperson and members.

10. The Chairperson shall be the Chief Executive of the National Biodiversity Authority and shall exercise such powers and perform such duties, as may be prescribed.

Chairperson to be Chief executive of National Biodiversity Authority.

11. The Central Government may remove from the National Biodiversity Authority any member who, in its opinion, has –

Removal of members

- (a) been adjudged as an insolvent; or
- (b) been convicted of an offence which involves moral turpitude; or

- (c) become physically or mentally incapable of acting as a member; or
- (d) so abused his position as to render his continuance in office detrimental to the public interest; or
- (e) acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

**Meetings of
National
Biodiversity
Authority**

12. (1) The National Biodiversity Authority shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(2) The Chairperson of the National Biodiversity Authority shall preside at the meetings of the National Biodiversity Authority.

(3) If for any reason the Chairperson is unable to attend any meeting of the National Biodiversity Authority, any member of the National Biodiversity Authority chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come before any meeting of the National Biodiversity Authority shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or, in his absence, the person presiding, shall have and exercise a second or casting vote.

(5) Every member who is in any way, whether directly, indirectly or personally, concerned or interested in a matter to be decided at the meeting shall disclose the nature of his concern or interest and after such disclosure, the member concerned or interested shall not attend that meeting.

(6) No act or proceeding of the National Biodiversity Authority shall be invalidated merely by reason of :-

- (a) any vacancy in, or any defect in the constitution of, the National Biodiversity Authority; or
- (b) any defect in the appointment of a person acting as a member; or
- (c) any irregularity in the procedure of the National Biodiversity Authority not affecting the merits of the case.

13. (1) The National Biodiversity Authority may constitute a committee to deal with agro-biodiversity.

Explanation – For the purposes of this sub-section, “agro-biodiversity” means biological diversity of agriculture related species and their wild relatives.

(2) Without prejudice to the provisions of sub-section (1), the National Biodiversity Authority may constitute such number of committees as it deems fit for the efficient discharge of its duties and performance of its functions under this Act.

(3) A committee constituted under this section shall co-opt such number of persons, who are not the members of the National Biodiversity Authority, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(4) The persons appointed as members of the committee under sub-section (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

**Committees
of
National
Biodiversity
Authority**

Officers and employees of National Biodiversity Authority 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.

(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.

Authentication of orders and decisions of National Biodiversity Authority 15. All orders and decisions of the National Biodiversity Authority shall be authenticated by the signature of the Chairperson or any other member authorized by the National Biodiversity Authority in this behalf and all other instruments executed by the National Biodiversity Authority shall be authenticated by the signature of an officer of the National Biodiversity Authority authorized by it in this behalf.

Delegation of powers 16. The National Biodiversity Authority may, by general or special order in writing, delegate to any member, officer of the National Biodiversity Authority or any other person subject to such conditions, if any, as may be specified in the order, such of the powers and functions under this Act (except the power to prefer an appeal under section 50 and the power to make regulations under section 64) as it may deem necessary.

Expenses of National Biodiversity Authority to be defrayed out of the Consolidated Fund of India 17. 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.

CHAPTER –IV

**FUNCTIONS AND POWERS OF THE
NATIONAL BIODIVERSITY AUTHORITY**

18. (1) It shall be the duty of the National Biodiversity Authority to regulate activities referred to in sections 3, 4 and 6 and by regulations issue guidelines for access to biological resources and for fair and equitable benefit sharing.

**Functions
and powers
of National
Biodiversity
Authority**

(2) The National Biodiversity Authority may grant approval for undertaking any activity referred to in sections 3, 4 and 6.

(3) The National Biodiversity Authority may-

(a) advise the Central Government on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources;

(b) advise the State Governments in the selection of areas of biodiversity importance to be notified under sub-section (1) of section 37 as heritage sites and measures for the management of such heritage sites;

(c) perform such other functions as may be necessary to carry out the provisions of this Act.

(4) The National Biodiversity Authority may, on behalf of the Central Government, take any measures necessary to oppose the grant of intellectual property rights in any country outside India on any biological resource obtained from India or knowledge associated with such biological resource which is derived from India.

CHAPTER -V
**APPROVAL BY THE
NATIONAL BIODIVERSITY AUTHORITY**

Approval by National Biodiversity Authority for undertaking certain activities 19. (1) Any person referred to in sub-section (2) of section 3 who intends to obtain any biological resource occurring in India or knowledge associated thereto for research or for commercial utilization or for bio-survey and bio-utilization or transfer the results of any research relating to biological resources occurring in, or obtained from, India, shall make application in such form and payment of such fees as may be prescribed, to the National Biodiversity Authority.

(2) Any person who intends to apply for a patent or any other form of intellectual property protection whether in India or outside India referred to in sub-section (1) of section 6, may make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (1) or sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to any regulations made in this behalf and subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

20. (1) No person who has been granted approval under section 19 shall transfer any biological resource or knowledge associated thereto which is the subject matter of the said approval except with the permission of the National Biodiversity Authority.

**Transfer of
biological
resource or
knowledge**

(2) Any person who intends to transfer any biological resource or knowledge associated thereto referred to in sub-section (1) shall make an application in such form and in such manner as may be prescribed to the National Biodiversity Authority.

(3) On receipt of an application under sub-section (2), the National Biodiversity Authority may, after making such enquiries as it may deem fit and if necessary after consulting an expert committee constituted for this purpose, by order, grant approval subject to such terms and conditions as it may deem fit, including the imposition of charges by way of royalty or for reasons to be recorded in writing, reject the application:

Provided that no such order for rejection shall be made without giving an opportunity of being heard to the person affected.

(4) The National Biodiversity Authority shall give public notice of every approval granted by it under this section.

21. (1) The National Biodiversity Authority shall while granting approvals under section 19 or section 20 ensure that the terms and conditions subject to which approval is granted secures equitable sharing of benefits arising out of the use of accessed biological resources, their by-products, innovations and practices associated with their use and applications and knowledge relating thereto in accordance with mutually

**Determination
of equitable
benefit
sharing by
National
Biodiversity
Authority**

agreed terms and conditions between the person applying for such approval, local bodies concerned and the benefit claimers.

(2) The National Biodiversity Authority shall, subject to any regulations made in this behalf, determine the benefit sharing which shall be given effect in all or any of the following manner, namely:

(a) grant of joint ownership of intellectual property rights to the National Biodiversity Authority, or where benefit claimers are identified, to such benefit claimers;

(b) transfer of technology;

(c) location of production, research and development units in such areas which will facilitate better living standards to the benefit claimers;

(d) association of Indian scientists, benefit claimers and the local people with research and development in biological resources and bio-survey and bio-utilization;

(e) setting up of venture capital fund for aiding the cause of benefit claimers;

(f) payment of monetary compensation and other non-monetary benefits to the benefit claimers as the National Biodiversity Authority may deem fit.

(3) Where any amount of money is ordered by way of benefit sharing, the National Biodiversity Authority may direct the amount to be deposited in the National Biodiversity Fund:

Provided that where biological resource or knowledge was a result of access from specific individual or group of individuals or organisations, the National Biodiversity Authority may direct that the amount shall be paid directly to such individual or group of individuals or organisations in accordance with the terms of any agreement and in such manner as it deems fit.

(4) For the purposes of this section, the National Biodiversity Authority shall, in consultation with the Central Government, by regulations, frame guidelines.

CHAPTER -VI

STATE BIODIVERSITY BOARD

22. (1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established by that Government for the purposes of this Act, a Board for the State to be known as the _____ (name of the State) Biodiversity Board.

**Establishment
of State
Biodiversity
Board**

(2) Notwithstanding anything contained in this section, no State Biodiversity Board shall be constituted for a Union territory and in relation to a Union territory, the National Biodiversity Authority shall exercise the powers and perform the functions of a State Biodiversity Board for that Union territory:

Provided that in relation to any Union territory, the National Biodiversity Authority may delegate all or any of its powers or functions under this sub-section to such person or group of persons as the Central Government may specify.

(3) 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.

(4) The Board shall consist of the following members, namely:-

(a) a Chairperson who shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biological diversity and in matters relating to equitable sharing of benefits, to be appointed by the State Government;

(b) not more than five *ex officio* members to be appointed by the State Government to represent the concerned Departments of the State Government;

(c) not more than five members to be appointed from amongst experts in matters relating to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources.

(5) 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.

**Functions
of State
Biodiversity
Board**

23. The functions of the State 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 utilisation 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 carry out the provisions of this Act or as may be prescribed by the State Government.

24. (1) Any citizen of India or a body corporate, organization or association registered in India intending to undertake any activity referred to in section 7 shall give prior intimation in such form as may be prescribed by the State Government to the State Biodiversity Board.

(2) On receipt of an intimation under sub-section (1), the State Biodiversity Board may, in consultation with the local bodies concerned and after making such enquires as it may deem fit, by order, prohibit or restrict any such activity if it is of opinion that such activity is detrimental or contrary to the objectives of conservation and sustainable use of biodiversity or equitable sharing of benefits arising out of such activity:

Provided that no such order shall be made without giving an opportunity of being heard to the person affected.

(3) Any information given in the form referred to in sub-section (1) for prior intimation shall be kept confidential and shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.

Power of State Biodiversity Board to restrict certain activities violating the objectives of conservation etc.

Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board	<p>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:-</p> <p>(a) references to the Central Government shall be construed as references to the State Government;</p> <p>(b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;</p> <p>(c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.</p>
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CHAPTER –VII

FINANCE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

Grants or loans by the Central Government	<p>26. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Biodiversity Authority by way of grants or loans such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.</p>
Constitution of National Biodiversity Fund	<p>27. (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto</p> <p>(a) any grants and loans made to the National Biodiversity Authority under section 26;</p> <p>(b) all charges and royalties received by the National Biodiversity Authority under this Act; and</p> <p>(c) all sums received by the National Biodiversity Authority from such other sources as may be decided upon by the Central Government.</p> <p>(2) The Fund shall be applied for –</p> <p>(a) channeling benefits to the benefit claimers;</p>

(b) conservation and promotion of biological resources and development of areas from where such biological resources or knowledge associated thereto has been accessed;

(c) socio-economic development of areas referred to in clause (b) in consultation with the local bodies concerned.

28. The National Biodiversity Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

**Annual
report
of National
Biodiversity
Authority**

29. (1) The National Biodiversity Authority shall prepare a budget, maintain proper accounts and other relevant records (including the accounts and other relevant records of the National Biodiversity Fund) and prepare an annual statement of account in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

**Budget,
accounts
and audit**

(2) The accounts of the National Biodiversity Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Biodiversity Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Biodiversity Authority shall have the same rights and privileges and authority in

connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National Biodiversity Authority .

(4) The accounts of the National Biodiversity Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government.

Annual report to be laid before Parliament

30. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER -VIII

FINANCE, ACCOUNTS AND AUDIT OF STATE BIODIVERSITY BOARD

Grants of money by State Government to State Biodiversity Board.

31. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the State Biodiversity Board 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.

Constitution of State Biodiversity Fund.

32. (1) There shall be constituted a Fund to be called the State Biodiversity Fund and there shall be credited thereto-

(a) any grants and loans made to the State Biodiversity Board under section 31 ;

(b) any grants or loans made by the National Biodiversity Authority;

(c) all sums received by the State Biodiversity Board from such other sources as may be decided upon by the State Government.

(2) The State Biodiversity Fund shall be applied for —

(a) the management and conservation of heritage sites;

(b) compensating or rehabilitating any section of the people economically affected by notification under sub-section (1) of section 37;

(c) conservation and promotion of biological resources;

(d) socio-economic development of areas from where such biological resources or knowledge associated thereto has been accessed subject to any order made under section 24, in consultation with the local bodies concerned;

(e) meeting the expenses incurred for the purposes authorised by this Act.

33. The State Biodiversity Board shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government.

**Annual
Report of
State
Biodiversity
Board**

34. The accounts of the State Biodiversity Board shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the State Biodiversity Board shall furnish, to the State Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon .

**Audit of
accounts
of a State
Biodiversity
Board.**

Annual report of State Biodiversity Board to be laid before State Legislature 35. The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the House of State Legislature.

CHAPTER -IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

Central Government to develop National strategies plans. etc., for conservation, etc., of biological diversity. 36. (1) The Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promotion of *in situ*, and *ex situ*, conservation of biological resources, incentives for research, training and public education to increase awareness with respect to biodiversity .

(2) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed.

(3) The Central Government shall, as far as practicable wherever it deems appropriate, integrate the conservation, promotion and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

(4) The Central Government shall undertake measures,—

(i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;

(ii) to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology likely to have adverse impact on the conservation and sustainable use of biological diversity and human health.

(5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including *sui generis* system.

*Explanation:-*For the purposes of this section,-

(a) "*ex situ* conservation" means the conservation of components of biological diversity outside their natural habitats;

(b) "*in situ* conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

Biodiversity heritage sites. 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.

(2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.

(3) The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

Power of Central Government to notify threatened species 38. Without prejudice to the provisions of any other law for the time being in force, the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species.

Power of Central Government to designate repositories. 39. (1) The Central Government may, in consultation with the National Biodiversity Authority, designate institutions as repositories under this Act for different categories of biological resources.

(2) The repositories shall keep in safe custody the biological material including voucher specimens deposited with them.

(3) Any new taxon discovered by any person shall be notified to the repositories or any institution designated for this purpose and he shall deposit the voucher specimens with such repository or institution.

40. Notwithstanding anything contained in this Act, the Central Government may, in consultation with the National Biodiversity Authority, by notification in the Official Gazette, declare that the provisions of this Act shall not apply to any items, including biological resources normally traded as commodities.

Power of Central Government to exempt certain biological resources.

CHAPTER-X

BIODIVERSITY MANAGEMENT COMMITTEES

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.

Constitution of Biodiversity Management Committees.

Explanation.- For the purposes of this sub-section,-

(a) "cultivar" means a variety of plant that has originated and persisted under cultivation or was specifically bred for the purpose of cultivation;

(b) "folk variety" means a cultivated variety of plant that was developed, grown and exchanged informally among farmers;

(c) "landrace" means primitive cultivar that was grown by ancient farmers and their successors.

(2) The National Biodiversity Authority and the State Biodiversity Boards shall consult the Biodiversity

Management Committees while taking any decision relating to the use of biological resources and knowledge associated with such resources occurring within the territorial jurisdiction of the Biodiversity Management Committee.

(3) The Biodiversity Management Committees may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction.

CHAPTER -XI

LOCAL BIODIVERSITY FUND

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| Grants to Local Biodiversity Fund. | 42. 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. |
| Constitution of Local Biodiversity Fund. | <p>43.(1) 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-</p> <ul style="list-style-type: none"> (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. |

44. (1) Subject to the provisions of sub-section (2), the management and the custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied, be in the manner as may be prescribed by the State Government.

Application of Local Biodiversity Fund.

(2) The Fund shall be used for conservation and promotion of biodiversity in the areas falling within the jurisdiction of the concerned local body and for the benefit of the community in so far such use is consistent with conservation of biodiversity.

45. The person holding the custody of the Local Biodiversity Fund shall prepare, in such form and during each financial year at such time as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the concerned local body.

Annual Report of Biodiversity Management Committees.

46. The accounts of the Local Biodiversity Fund shall be maintained and audited in such manner as may, in consultation with the Accountant-General of the State, be prescribed and the person holding the custody of the Local Biodiversity Fund shall furnish, to the concerned local body, before such date as may be prescribed, its audited copy of accounts together with auditor's report thereon.

Audit of accounts of Biodiversity Management Committees.

47. Every local body constituting a Biodiversity Management Committee under sub-section (1) of section 41, shall cause, the annual report and audited copy of accounts together with auditor's report thereon referred to in sections 45 and 46, respectively and relating to such Committee to be submitted to the District Magistrate having jurisdiction over the area of the local body.

Annual report, etc, of the Biodiversity Management Committee to be submitted to District Magistrate.

CHAPTER -XII

MISCELLANEOUS

National Biodiversity Authority to be bound by the directions given by Central Government. 48. (1) Without prejudice to the foregoing provisions of this Act, the National Biodiversity Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the National Biodiversity Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of State Government to give directions 49. (1) Without prejudice to the foregoing provisions of this Act, the State Biodiversity Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the State Biodiversity Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government whether a question is one of policy or not shall be final.

Settlement of disputes between State Biodiversity Boards. 50. (1) If a dispute arises between the National Biodiversity Authority and a State Biodiversity Board, the said Authority or the Board, as the case may be, may prefer an appeal to the Central Government within such time as may be prescribed.

(2) Every appeal made under sub-section (1) shall be in such form as may be prescribed by the Central Government.

(3) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government:

Provided that before disposing of an appeal, the parties shall be given a reasonable opportunity of, being heard.

(4) If a dispute arises between the State Biodiversity Boards, the Central Government shall refer the same to the National Biodiversity Authority.

(5) While adjudicating any dispute under sub-section (4), the National Biodiversity Authority shall be guided by the principles of natural justice and shall follow such procedure as may be prescribed by the Central Government.

(6) The National Biodiversity Authority shall have, for the purposes of discharging its functions under this section, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it *ex parte*;
- (g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
- (h) any other matter which may be prescribed.

45 of 1860	<p>(7) Every proceeding before the National Biodiversity Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code and the National Biodiversity Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.</p>	
2 of 1974	51. All members, officers and other employees of the National Biodiversity Authority or the State Biodiversity Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.	<p>Members, officers, etc., of National Biodiversity Authority and State Biodiversity Board deemed to be public servants.</p>
45 of 1860	<p>52. Any person, aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, may file an appeal to the High Court within thirty days from the date of communication to him, of the determination or order of the National Biodiversity Authority or the State Biodiversity Board, as the case may be:</p> <p style="padding-left: 40px;">Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal-within the said period, allow it to be filed within a further period not exceeding sixty days.</p> <p style="padding-left: 40px;">¹[Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010.</p> <p style="padding-left: 40px;">Provided also that any appeal pending before the High Court, before the commencement of the National Green Tribunal Act, 2010, shall continue to be heard and disposed of by the High Court as if the National Green Tribunal had not been established under section 3 of the National Green Tribunal Act, 2010.</p>	
Appeal.	<p>52 A. Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act,</p>	
Appeal to National Green Tribunal	<p>52 A. Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act,</p>	

on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act]

53. Every determination of benefit sharing or order made by the National Biodiversity Authority or a State Biodiversity Board under this Act or the order made by the High Court in any appeal against any determination or order of the National Biodiversity Authority or a State Biodiversity Board shall, on a certificate issued by any officer of the National Biodiversity Authority or a State Biodiversity Board or the Registrar of the High Court, as the case may be, be deemed to be decree of the civil court and shall be executable in the same manner as a decree of that court.

Execution of determination or order.

Explanation.- For the purposes of this section and section 52, the expression "State Biodiversity Board" includes the person or group of persons to whom the powers or functions under sub-section (2) of section 22 have been delegated under the proviso to that sub-section and the certificate relating to such person or group of persons under this section shall be issued by such person or group of persons, as the case may be.

54. No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government or any officer of the Central Government or the State Government or any member, officer or employee of the National Biodiversity Authority or the State Biodiversity Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

¹ Inserted by the National Green Tribunal Act, 2010 (19 of 2010) dt. 2.6.2010

Penalties. 55. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 6 shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten lakh rupees and where the damage caused exceeds ten lakh rupees such fine may commensurate with the damage caused, or with both.

(2) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 7 or any order made under sub-section (2) of section 24 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

Penalty for contravention of directions or orders of Central Government, State Government, National Biodiversity Authority and State Biodiversity Boards. 56. If any person contravenes any direction given or order made by the Central Government, the State Government, the National Biodiversity Authority or the State Biodiversity Board for which no punishment has been separately provided under this Act, he shall be punished with a fine which may extend to one lakh rupees and in case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of continuous contravention with additional fine which may extend to two lakh rupees everyday during which the default continues.

Offences by Companies 57. (1) Where an offence or contravention under this Act has been committed by a company, every person who at the time the offence or contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence or contravention under this Act has been committed by a company and it is proved that the offence or contravention has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence or contravention and shall be liable to be proceeded against and punished accordingly.

Explanation. -For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

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| 58. The offences under this Act shall be cognizable and non-bailable. | Offences to be cognizable and non-bailable. |
| 59. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to forests or wildlife. | Act to have effect in addition to other Acts. |
| 60. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or regulation or order made thereunder. | Power of Central Government to give directions to State Government. |
| 61. No Court shall take cognizance of any offence under this Act except on a complaint made by – | Cognizance of offences. |

(a) the Central Government or any authority or officer authorized in this behalf by that Government; or

(b) any benefit claimer who has given notice of not less than thirty days in the prescribed manner, of such offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.

**Power of
Central
Government
to make rules**

62. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) terms and conditions of service of the Chairperson and members under section 9;

(b) powers and duties of the Chairperson under section 10;

(c) procedure under sub-section (1) of section 12 in regard to transaction of business at meetings;

(d) form of application and payment of fees for undertaking certain activities under sub-section (1) of section 19;

(e) the form and manner of making an application under sub-section (2) of section 19;

(f) form of application and the manner for transfer of biological resource or knowledge under sub-section (2) of section 20;

(g) form in which, and the time of each financial year at which, the annual report of the National Biodiversity Authority shall be prepared and the date before which its audited copy of accounts together with auditor's report thereon shall be furnished under section 28;

(h) form in which the annual statement of account shall be prepared under subsection (1) of section 29;

(i) the time within which and the form in which, an appeal may be preferred, the procedure for disposing of an appeal and the procedure for adjudication, under section 50;

(j) the additional matter in which the National Biodiversity Authority may exercise powers of the civil court under clause (h) of sub-section (6) of section 50;

(k) the manner of giving notice under clause (b) of section 61;

(l) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rule made under this section and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power of State Government to make rules

63. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the other functions to be performed by the State Biodiversity Board under clause (c) of section 23;

(b) the form in which the prior intimation shall be given under sub-section (1) of section 24;

(c) the form in which, and the time of each financial year at which, the annual report shall be prepared under section 33;

(d) the manner of maintaining and auditing the accounts of the State Biodiversity Board and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 34;

(e) management and conservation of national heritage sites under section 37;

(f) the manner of management and custody of the Local Biodiversity Fund and the purposes for which such Fund shall be applied under sub-section (1) of section 44;

(g) the form of annual report and the time at which such report shall be prepared during each financial year under section 45;

(h) the manner of maintaining and auditing the accounts of the Local Biodiversity Fund and the date before which its audited copy of the accounts together with auditor's report thereon shall be furnished under section 46;

(i) any other matter which is to be, or may be, specified.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

64. The National Biodiversity Authority shall, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations for carrying out the purposes of this Act.

**Power to
make
regulations.**

65.(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

**Power to
remove
difficulties.**

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

SUBHASH C. JAIN

Secretary to the Government of India

BIOLOGICAL DIVERSITY RULES - 2004

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 15th April, 2004

G.S.R. 261 (E). – In exercise of the powers conferred by Section 62 of the Biological Diversity Act, 2002, and in supersession of the National Biodiversity Authority (salary, Allowances and conditions of service of Chairperson and other Members) Rules, 2003 except as respect to things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely: -

1. Short title and commencement

- (1) These rules may be called the Biological Diversity Rules, 2004.
- (2) Thus shall come into force on 15th April, 2004.

2. Definitions

In these rules, unless the context otherwise requires, -

- (a) "Act" means the Biological Diversity Act 2002 (18 of 2003);
- (b) "Authority" means the National Biodiversity Authority established under sub-section (1) of Section 8,
- (c) "Biodiversity Management Committee" means a Biodiversity Management Committee established by a local body under sub-section (1) of Section 41;
- (d) "Chairperson" means the chairperson of the National Biodiversity Authority or as the case may be, of the State Biodiversity Board.
- (e) "fee" means any fee stipulated in the Schedule;
- (f) "Form" means form annexed to these rules;
- (g) " Member" means a member of the National Biodiversity Authority or a State Biodiversity Board and includes the chairperson as the case may be;
- (h) "section " means a section of the Act;

- (i) "Secretary" means the full time Secretary of the Authority.
- (j) words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Manner of selection and appointment of the Chairperson

- (1) The Chairperson of the Authority shall be appointed by the Central Government.
- (2) Every appointment of Chairperson under sub-section (1) shall be made either on deputation basis or by selection from outside the Central Government. In case the appointment is through deputation, the applicant should not be below the rank of Additional Secretary to the Government of India.

4. Term of Office of the Chairperson

- (1) The Chairperson of the Authority shall hold the office for a term of three years' and shall be eligible for re-appointment,
- (2) Provided that no Chairperson shall hold office as such after he attains the age of sixty five years or his term of office expires which is earlier.
- (3) The Chairperson may resign from his office by giving at least one month notice in writing to the Central Government.

5. Pay and Allowances of Chairperson :—

- (1) A Chairperson shall be entitled to a fixed pay of Rs. 26,000/- per month. In case of retired person is appointed as Chairperson, his pay shall be fixed in accordance with the orders of the Central Government as applicable to such persons.
- (2) A Chairperson shall be entitled to such allowances, leave, pension, provident fund, house and other perquisites etc. to be decided by the Central Government from time to time.

6. Term of Office and Allowances of non- official Members:

- (1) Every non-official member of the Authority shall hold his office for a term not exceeding three years at a time from the date of publication of his appointment in the official Gazette.
- (2) Every non- official member attending the meeting of the Authority shall be entitled to sitting allowance, travelling expenses, daily allowance and such other allowances as are applicable to non official member of commissions and committees of the Central Government attending the meeting (s) of such Commissions or Committees.

7. Filling up of vacancies of non- official members

- (1) A non –official member of the Authority may resign his office at any time by giving in writing under his hand addressed to the Central Government and the seat of that member in the Authority shall become vacant.
- (2) A casual vacancy of a non – official member in the Authority shall be filled up by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he was nominated.

8. Removal of the members of the Authority.

No member of the Authority shall be removed from his office on any ground specified in section 11, without a due and proper enquiry by an officer not below the rank of a Secretary to the Government of India appointed by the Central Government and without giving such member a reasonable opportunity of being heard.

9. Secretary of the Authority

- (1) The Authority shall appoint a Secretary to it.
- (2) The terms and conditions of the appointment of the Secretary shall be determined by the Authority by regulation.

- (3) The Secretary shall be responsible for co-ordinating and convening the meetings of the Authority, maintenance of the records of the proceedings of the Authority and such other matters as may be assigned to him by the Authority.

10. Meetings of the Authority

- (1) The Authority shall meet at least four times in a year normally after a period of three months at the Head quarters of the Authority or at such place as may be decided by the Chairperson.
- (2) The Chairperson shall, upon a written request from not less than five Members of the Authority or upon a direction of the Central Government, call a special meeting of the Authority.
- (3) The members shall be given at least fifteen days' notice for holding an ordinary meeting and at least three days' notice for holding a special meeting specifying the purpose, the time and the place at which such meeting is to be held.
- (4) Every meeting shall be presided over by the Chairperson and in his absence, by a presiding officer to be elected by the members present from amongst themselves.
- (5) The decision of the Authority at a meeting shall, if necessary, be taken by a simple majority of the Members present and voting and the Chairperson or in his absence, the Member presiding shall have a second or casting vote.
- (6) Each member shall have one vote.
- (7) The quorum at every meeting of the Authority shall be five.
- (8) No Member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten days' notice unless the Chairperson in his discretion permits him to do so.
- (9) Notice of the meeting may be given to the Members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Secretary of the Authority may, in the circumstances of the case, think fit.

11. Appointment of Expert Committee by the Authority and their entitlements

- (1) The Authority may constitute any number of Committees for such purposes as it may deem fit consisting wholly of members or wholly of other persons or partly of members or partly of other persons.
- (2) The members of the Committee other than the members of the Authority shall be paid such fees and allowances for attending the meetings as the Authority may deem fit.

12. General functions of the Authority

The Authority may perform the following functions; namely:-

- (i) lay down the procedure and guidelines to govern the activities provided under sections 3, 4 and 6;
- (ii) advise the Central Government on any matter concerning conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;
- (iii) coordinate the activities of the State Bio-diversity Boards;
- (iv) provide technical assistance and guidance to the State Bio-diversity Boards;
- (v) commission studies and sponsor investigations and research;
- (vi) engage consultants, for a specific period, not exceeding three years, for providing technical assistance to the Authority in the effective discharge of its functions :

Provided that if it is necessary and expedient to engage any consultant beyond the period of three years, the Authority shall seek prior approval of the Central Government for such an engagement.

- (vii) collect, compile and publish technical and statistical data, manuals, codes or guides relating to conservation of bio diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

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- (viii) organise through mass media a comprehensive programme regarding conservation of bio-diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.
 - (ix) plan and organise training of personnel engaged or likely to be engaged in programmes for the conservation of bio-diversity and sustainable use of its components;
 - (x) prepare the annual Budget of the Authority incorporating its own receipts as also the devaluation from the Central Government provided that the allocation by the Central Government shall be operated in accordance with the budget provisions approved by the Central Government ;
 - (xi) recommend creation of posts to the Central Government, for effective discharge of the functions by the Authority and to create such posts, provided that no such post whether permanent / temporary or of any nature, would be created without prior approval of the Central Government;
 - (xii) approve the method of recruitment to the officers and servants of the Authority;
 - (xiii) take steps to build up data base and to create information and documentation system for biological resources and associated traditional knowledge through bio-diversity registers and electronics data bases, to ensure effective management, promotion and sustainable uses ;
 - (xiv) give directions to State Bio-diversity Boards and the Bio-diversity Management Committees in writing for effective implementation of the Act;
 - (xv) report to the Central Government about the functioning of the Authority and implementation of the Act;
 - (xvi) recommend, modify, collection of benefit sharing fee under sub section (1) of Section 6 or Changes of royalties under sub-section (2) of section 19 in respect of biological resources from time to time;

- (xvii) sanction grants – in – aid and grants to the State Bio-diversity Board and Bio-diversity Management Committees for specific purposes;
- (xviii) undertake physical inspection of any area in connection with the implementation of the Act;
- (xix) take necessary measures including appointment of legal experts to oppose grant of intellectual property right in any country outside India on any biological resource and associated knowledge obtained from India in an illegal manner;
- (xx) do such other functions as may be assigned or directed by the Central Government from time to time.

13. Powers and duties of Chairperson

- (1) The Chairperson shall have the overall control of the day - to - day activities of the Authority.
- (2) Subject to the provisions of Section 10, the Chairperson shall have the powers of general superintendence over the officers and staff of the Authority and he may issue necessary directions for the conduct and management of the affairs of the Authority.
- (3) The Chairperson shall be in charge of all the confidential papers and records of the Authority and shall be responsible for their safe custody.
- (4) All orders and instructions to be issued by the Authority shall be under the signature of the Chairperson or of any other officer authorised by the Chairperson in this behalf.
- (5) The Chairperson, either himself or through an officer of the authority authorised for the purpose, may sanction and disburse all payments against the approved budget.
- (6) The Chairperson shall have full powers for granting administrative and technical sanction to all estimates.

- (7) The Chairperson shall convene and preside over all the meetings of the Authority and shall ensure that all decisions taken by the Authority are implemented in proper manner.
- (8) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Authority or the Central Government.

14. Procedure for access to biological resources and associated traditional knowledge

- (1) Any person seeking approval of the Authority for access to biological resources and associated knowledge for research or for commercial utilization shall make an application in Form I
- (2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of a cheque or demand draft drawn in favour of the Authority.
- (3) The Authority shall after consultation with the concerned local bodies and collecting such additional information from the applicant and other sources, as it may deem necessary, dispose of the application, as far as possible, within a period of six months from the date of its receipts .
- (4) On being satisfied with the merit of the application, the Authority may grant the approval for access to biological resources and associated knowledge subject to such term and conditions as it may deem fit to impose.
- (5) The approval to access shall be in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant.
- (6) The form of the agreement referred to in sub-rule (5) shall be laid down by the Authority and shall include the following; namely:-

- (i) general objectives and purpose of the application for seeking approval ;
- (ii) description of the biological resources and traditional knowledge including accompanying information;
- (iii) intended uses of the biological resources (research, breeding, commercial utilization etc.)
- (iv) conditions under which the applicant may seek intellectual property rights;
- (v) quantum of monetary and other incidental benefits. If need be, a commitment to enter into a fresh agreement particularly in case if the biological material is taken for research purposes and later on sought to be used for commercial purposes, and also in case of any other change in use thereof subsequently.
- (vi) restriction to transfer the accessed biological resources and the traditional knowledge to any third party without prior approval of Authority ;
- (vii) to adhere to a limit set by the Authority on the quantity and specification of the quality of the biological resources for which the applicant is seeking access;
- (viii) guarantee to deposit a reference sample of the biological material sought to be accessed with the repositories identified in Section 39;
- (ix) submitting to the Authority a regular status report of research and other developments;
- (x) commitment to abide with the provisions of Act and rules and other related legislations in force in the country;
- (xi) commitment to facilitate measures for conservation and sustainable use of biological resources accessed;
- (xii) commitment to minimize environmental impacts of collecting activities;

- (xiii) legal provisions such as duration of the agreement, notice to terminate the agreement, independent enforceability of individual clauses, provision to the extent that obligations in benefit sharing clauses survive the termination of the agreement, events limiting liability (natural calamities), arbitration, any confidentiality clause.
- (7) The conditions for access may specifically provide measures for conservation and protection of biological resources to which the access is being granted.
- (8) The Authority may for reasons to be recorded in writing reject an application if it considers that the request cannot be acceded to.
- (9) No application shall be rejected unless the applicant is given a reasonable opportunity of being heard.
- (10) The Authority shall take steps to widely publicize the approvals granted, through print or electronic media and shall periodically monitor compliance of conditions on which the approval was accorded.

15. Revocation of access or approval:-

- (1) The Authority may either on the basis of any complaint or *suo moto* withdraw the approval granted for access under rule 15 and revoke the written agreement under the following conditions ; namely:-
 - (i) on the basis of reasonable belief that the person to whom the approval was granted has violated any of the provisions of the Act or the condition on which the approval was granted ;
 - (ii) when the person who has been granted approval has failed to comply with the terms of the agreement ;
 - (iii) on failure to comply with any of the conditions of access granted;
 - (iv) on account of overriding public interest or for protection of environment and conservation of biological diversity;

-
- (2) The Authority shall send a copy of every order of revocation issued by it to the concerned State Biodiversity Board and the Biodiversity Management Committees for prohibiting the access and also to assess the damage, if any, caused and take steps to recover the damage.

16. Restriction on activities related to access to biological resources

- (1) The Authority if it deems necessary and appropriate shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons; namely:-
 - (i) the request for access is for any endangered taxa;
 - (ii) the request for access is for any endemic and rare species ;
 - (iii) the request for access may likely to result in adverse effect on the livelihoods of the local people;
 - (iv) the request to access may result in adverse environmental impact which may be difficult to control and mitigate.
 - (v) the request for access may cause genetic erosion or affecting the ecosystem function;
 - (vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.

17. Procedure for seeking approval for transferring results of research

- (1) Any person desirous of transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non Resident Indians (NRIs), shall make an application to the Authority in the Form II.
- (2) Every application under sub-rule (1) shall be accompanied by a fee of five thousand rupees in the form of a Bank draft or Cheque drawn in favour of the Authority.
- (3) Every application under sub-rule (1) shall be decided upon by the Authority, as far as possible within a period of three months from the receipt of the same.

- (4) On being satisfied that the applicant has fulfilled all the requirements, the Authority may grant the approval for transferring the results of research subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval for transfer shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.
- (6) The Authority may for reasons to be recorded in writing reject an application if it considers that the application cannot be allowed; Provided that the application shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

18. Procedure for seeking prior approval before applying for intellectual property protection.

- (1) Any person desirous of applying for a patent or any other intellectual property based on research on biological material and knowledge obtained from India shall make an application in Form III.
- (2) Every application under sub- rule (1) shall be accompanied by paying a fee of five hundred rupees.
- (3) The Authority after due appraisal of the application and after collecting any additional information, on the basis of merit shall decide on the application, as far as possible within a period of three months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for applying for a patent or any other IPR subject to such terms and conditions as it may deem fit to impose in each case.
- (5) The approval shall be granted in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement may be decided by the Authority.

- (6) The Authority may reject the application if it considers that the request cannot be acceded to after recording the reasons. Before passing order of rejection, the applicant shall be given an opportunity of hearing.

19. Procedure for third party transfer under sub- section (2) of Section 20.

- (1) The persons who have been granted approval for access to biological resources and associated knowledge, intend to transfer the accessed biological resource or knowledge to any other person or organization shall make an application to the Authority in Form IV
- (2) Every application under sub- rule (1) shall be accompanied by a fee of ten thousand rupees in the form of Bank draft or cheque drawn in favour of the Authority.
- (3) The Authority shall after collecting any additional information, decide upon the application as far as possible within a period of six months of receipt of the same.
- (4) On being satisfied that the applicant has fulfilled all the necessary requirements, the Authority may grant approval for third party transfer subject to such terms and conditions it may deem fit to impose in each case.
- (5) The approval as may be granted under sub-rule (4) in the form of a written agreement duly signed by an authorized officer of the Authority and the applicant. The form of the agreement shall be such as may be decided by the Authority.
- (6) The Authority may for reasons to be recorded in writing reject the application if it considers that the request cannot be acceded to provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

20. Criteria for equitable benefit sharing (Section 21)

- (1) The Authority shall by notification in the Official Gazette formulate the guidelines and describe the benefit sharing formula.
- (2) The guidelines shall provide for monetary and other benefits such as royalty; joint ventures; technology transfer; product development; education and awareness raising activities; institutional capacity building and venture capital fund.
- (3) The formula for benefit sharing shall be determined on a case-by case basis.
- (4) The Authority while granting approval to any person for access or for transfer of results of research or applying for patent and IPR or for third party transfer of the accessed biological resource and associated knowledge may impose terms and conditions for ensuring equitable sharing of the benefits arising out of the use of accessed biological material and associated knowledge.
- (5) The quantum of benefits shall be mutually agreed upon between the persons applying for such approval and the Authority in consultation with the local bodies and benefit claimers and may be decided in due regard to the defined parameters of access, the extent of use, the sustainability aspect, impact and expected outcome levels, including measures ensuring conservation and sustainable use of biological diversity.
- (6) Depending upon each case, the Authority shall stipulate the time frame for assessing benefit sharing on short, medium and long term benefits.
- (7) The Authority shall stipulate that benefits shall ensure conservation and sustainable use of biological diversity.
- (8) Where biological resources or knowledge is accessed from a specific individual or a group of individuals or organizations, the Authority may take steps to ensure that the agreed amount is paid directly to them through the district administration. Where such individuals or group of individuals or organizations cannot be identified, the monetary benefits shall be deposited in the National Biodiversity Fund.

- (9) Five percent of the assessed benefits shall be earmarked for the Authority or Board as the case may be, towards administrative and service charges.
- (10) The Authority shall monitor the flow of benefits as determined under sub rule (4) in a manner determined by it.

21. Application of National Biodiversity Fund. -

- (1) The National Biodiversity Fund shall be operated by the Chairperson or by such other officer of the Authority as may be authorized in this regard
- (2) The National Biodiversity Fund shall have two separate heads of accounts, one relating to the receipts from the Central Government and the other concerning the fee, licence fee, royalty and other receipts of the Authority.

22. Constitution of Biodiversity Management Committees

- (1) Every local body shall constitute a Biodiversity Management Committee (BMCs) within its area of jurisdiction.
- (2) The Biodiversity Management Committee as constituted under Sub- rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/ Scheduled Tribes.
- (3) The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.
- (4) The Chairperson of the Biodiversity Management Committee shall have a tenure of three years.
- (5) The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.

- (6) The main function of the BMC is to prepare People's Biodiversity Register in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them.
- (7) The other functions of the BMC are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vairs and practitioners using the biological resources.
- (8) The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.
- (9) The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.
- (10) The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.
- (11) The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.

23. Appeal for settlement of disputes under Section 50. –

- (1) If a dispute arises between the Authority or a State Biodiversity Board or between one Board and other Board(s) on account of implementation of any order or direction or on any issue of policy decision, either of the aggrieved parties i.e., Authority or the Board, as the case may be, prefer an appeal to the Central Government under section 50, in Form V to the Secretary, Ministry of Environment and Forests, Government of India.

- (2) In case the dispute arises between a State Biodiversity Board and another state Biodiversity Board or Boards, the aggrieved Board or Boards, shall prefer the point or points of dispute to the Central Government which shall refer the same to the Authority.
- (3) The memorandum of appeal shall state the facts of the case, the grounds relied upon by the appellant, for preferring the appeal and the relief sought for.
- (4) The memorandum of appeal shall be accompanied by an authenticated copy of the order, direction or policy decision, as the case may be, by which the appellant is aggrieved and shall be duly signed by the authorized representative of the appellant.
- (5) The memorandum of appeal shall be submitted in quadruplicate, either in person or through a registered post with Acknowledgement due, within 30 days from the date of the orders, direction or policy decision, impugned provided that if the Central Government is satisfied that there was good and sufficient reason for the delay in preferring the appeal, it may, for reason to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of 30 days but before the expiry of 45 days from the date of the orders impugned, direction or policy decision, as the case may be.
- (6) The notice for hearing of the appeal shall be given in Form VI by a registered post with an acknowledgement due.
- (7) The Central Government shall, after hearing the appellant and the other parties, dispose of the appeal.
- (8) In disposing of an appeal it may vary or modify or cancel impugned order, direction or policy, as the case may be.
- (9) In adjudicating a dispute, the Authority shall be guided by the principles of natural justice and as far as practicable, follow the same procedure which the Central Government is required to follow under this rule.

24. Manner of giving notice under Section 61

- (1) The manner of giving notice, under clause (b) of section 61, shall be as follows namely:
 - (i) The notice shall be in writing in Form VII
 - (ii) The person giving the notice may send it to,-
 - (a) If the alleged offence has taken place in a Union territory, to the Chairperson of the National Bio-diversity Authority; and
 - (b) If the alleged offence has taken place in a State, to the Chairperson of the State Bio-diversity Board
- (2) The notice referred to in sub – rule (1) shall be sent by registered post acknowledgement due; and
- (3) The period of thirty days mentioned in clause (b) of section 61 shall be reckoned from the date, the notice is received by the Authorities mentioned in sub – rule (1).

FORM I

(see rule 14)

Application form for access to Biological resources and associated traditional knowledge**Part A**

- (i) Full particulars of the applicant
 - (ii) Name:
 - (iii) Permanent address:
 - (iv) Address of the contact person / agent , if any, in India:
 - (v) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication):
 - (vi) Nature of business:
 - (vii) Turnover of the organization in US \$:
2. Details and specific information about nature of access sought and biological material and associated knowledge to be accessed
- a) Identification (scientific name) of biological resources and its traditional use:
 - b) Geographical location of proposed collection:
 - c) Description /nature of traditional knowledge (oral/ documented):
 - d) Any identified individual /community holding the traditional knowledge:
 - e) Quantity of biological resources to be collected (give the schedule):
 - f) Time span in which the biological resources is proposed to be collected:
 - g) Name and number of person authorized by the company for making the selection:
 - h) The purpose for which the access is requested including the type and extent of research, commercial use being derived and expected to be derived from it:

- i) Whether any collection of the resource endangers any component of biological diversity and the risks which may arise from the access:
3. Details of any national institution which will participate in the Research and Development activities.
4. Primary destination of accessed resource and identity of the location where the R&D will be carried out.
5. The economic and other benefits including those arriving out of any IPR, patent obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he/she belongs
6. The biotechnological, scientific, social or any other benefits obtained out of accessed biological resources and knowledge that are intended, or may accrue to the applicant or to the country that he / she belongs
7. Estimation of benefits, that would flow to India / communities arising out of the use of accessed bioresources and traditional knowledge
8. Proposed mechanism and arrangements for benefit sharing.
9. Any other information considered relevant.

Part B**Declaration**

I / we declare that:

- Collection of proposed biological resources shall not adversely affect the sustainability of the resources;
- Collection of proposed biological resources shall not entail any environmental impact;
- Collection of proposed biological resources shall not pose any risk to ecosystems;
- Collection of proposed biological resources shall not adversely affect the local communities;

I/we further declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect / wrong information.

Signed

Name

Title

Place

Date

FORM II

(see rule 17)

Application for seeking prior approval of National Biodiversity Authority for transferring the results of research to foreign nationals, companies, NRI's, for commercial purposes.

1. Full particulars of the applicant
 - i) Name :
 - ii) Address :
 - iii) Professional profile :
 - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the results of research conducted
3. Details of the Biological resources and / or associated knowledge used in the research.
4. Geo-graphical location from where the biological resources used in the research are collected
5. Details of any traditional knowledge used in the research and any identified individual / community holding the traditional knowledge
6. Details of institution where R & D activities carried out.
7. Details of the individual / organization to whom the research results are intend to transfer.
8. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the individual / organization due to commercialization of transferred research results.

9. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant seeking approval for transfer of results of research.
10. Details of any agreement or MOU between by the proposed recipient and applicant seeking approval for transfer of results of research.

Declaration

I/we declare the information provided in the application form is true and correct and I/We shall be responsible for any incorrect/wrong information.

Signed

Name

Title

Place

Date

FORM III

(See rule 18)

Application for seeking prior approval of National Biodiversity Authority for applying for Intellectual Property Right

1. Full particulars of the applicant
 - i) Name :
 - ii) Address :
 - iii) Professional profile :
 - iv) Organizational affiliation (Please attach relevant documents of authentication):
2. Details of the invention on which IPRs sought
3. Details of the Biological resources and / or associated knowledge used in the invention.
4. Geo-graphical location from where the biological resources used in the invention are collected .
5. Details of any traditional knowledge used in the invention and any identified individual/ community holding the traditional knowledge.
6. Details of institution where Research and Development activities carried out.
7. Details of economic, biotechnological, scientific or any other benefits that are intended, or may accrue to the applicant due commercialization of the invention.

Declaration

I/we declare the Information provided in the application form is true and correct and I/We shall be responsible for any incorrect/ wrong information.

Signed

Name

Title

Place

Date

FORM IV

(See rule 19)

Application form for seeking approval of National Biodiversity Authority for third party transfer of the accessed Biological resources and associated traditional knowledge.

1. Full particulars of the applicant
 - (i) Name :
 - (ii) Address :
 - (iii) Professional profile :
 - (iv) Organizational affiliation (Please attach relevant documents of authentication)
2. Details of the biological material and traditional knowledge accessed
3. Details of the access contract entered (Copy to be enclosed)
4. Details of the benefits and mechanism/arrangements for benefit sharing already implemented.
5. Full particulars of the third part to whom the accessed material knowledge is intended to transfer.
6. The purpose of the intended third party transfer.
7. Details of economic, social, biotechnological, scientific or any other benefits that are intended, or may accrue to the third party due to transfer of accessed biological material and knowledge.
8. Details of any agreement to be entered between the applicant and the third party.

9. Estimation of benefits that would flow to India/communities arising out of the third party transfer of accessed biological resources and traditional knowledge.
10. Proposed mechanism and arrangements for benefit sharing arising out of the proposed third party transfer.
11. Any other relevant information

Declaration

I/we declare the Information provided in the application form is true and correct and I /We shall be responsible for any incorrect/ wrong information.

Signed

Name

Title

Place

Date

FORM V

(See rule -23 (1))

Form of Memorandum of Appeal

**BEFORE THE _____ MINISTRY OF ENVIRONMENT AND FORESTS,
NEW DELHI**

OR

NATIONAL BIODIVERSITY AUTHORITY

(as the case may be)

(Memorandum of appeal under Section 50 of the Biological Diversity Act, 2002)

Appeal No. _____ of 200

..... Appellant (s)

Vs.

.....Respondent (s)

(here mention the designation of the Authority/Board, as the case may be)

The appellant begs to prefer this Memorandum of Appeal against the order dated _____ passed by the Respondent on the following facts and grounds.

1. FACTS:

(Here briefly mention the facts of the case):

2. GROUND :

(Here mention the grounds on which the appeal is made):

i.)

ii.)

iii.)

3. RELIEF SOUGHT

i.)

ii.)

iii.)

4. PRAYER:

a) In the light of what is stated above, the appellant respectfully prays that the order /decision of the respondent be quashed / set-aside.

b) The policy / guidelines / regulation framed by the Respondent be quashed / modified / annulled to the extent_____

c) _____

Place:_____

Dated:_____

Signature of the appellant

with seal

Address:

VERIFICATION

I, the appellant do hereby declare that what is stated above is true to the best of my information and belief.

Verified on _____ day of _____

Signature of the appellant
with seal
Address

Signature of the Authorised representative of the appellant

Enclosures: 1. Authenticated copy of the order / direction/ policy decision, against which the appeal has been preferred.

FORM VI

(See rule 23 (6))

BEFORE THE _____ MINISTRY OF ENVIRONMENT AND
FORESTS, NEW DELHI

OR

NATIONAL BIODIVERSITY AUTHORITY
(as the case may be)

Appeal No. _____ of 200

Between:

_____ Appellant (s)

Vs.

_____ ... Respondents (s)

NOTICE

Please take notice that the above appeal filed by the appellant, against the order / direction / policy decision (give details) is fixed for hearing on _____ at _____ .

The copies of the appeal memorandum and other annexure filed along with the appeal are sent herewith for your reference.

Please note that if you fails to appear on the said date or other subsequent date of hearing of the appeal, the appeal would be disposed of finally by placing you ex-parte.

Authorised signatory on behalf of the
Appellate Authority (Seal)

Date: _____

Place: _____

FORM VII

FORM OF NOTICE

(See rule 24(1))

By Registered Post / Acknowledgement due

From,

Shri _____

To,

Sub: NOTICE UNDER SECTION 61(b) OF THE BIOLOGICAL DIVERSITY ACT, 2002

Whereas an offence under the Biological Diversity Act, 2002 has been committed/is being committed by _____

2. I/ we hereby give notice of 30 days under Section 61(b) of the Biological Diversity Act, 2002 of my / our intention to file a complaint in the Court against _____ for violation of the provisions of the Biological Diversity Act, 2002.

-
3. In support of my /our notice, I am / we are enclosing herewith the following documents as evidence of proof.

Place: _____

Date: _____

Signature

EXPLANATION:

- (1) In case the notice to be given in the name of a company, documentary evidence authorizing the person to sign the notice on behalf of the company shall be enclosed to the notice.
- (2) Give the name and address of the alleged offender. In case of using biological resource/knowledge/research/bio- survey and bio utilization / the intellectual property right/patent, without the approval of the Authority, the details thereof and the commercial utilisation if any, may be furnished.
- (3) Documentary evidence shall include photograph, technical report etc., for enabling enquiry into the alleged violation / offence.

[No. J-22018/57/2002-CSC(BC)]

DESH DEEPAK VERMA, Jt. Secy.

Guidelines for Operationalization of Biodiversity Management Committees (BMCs)

**National Biodiversity Authority (NBA)
Chennai**

January 2013

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Guidelines for Operationalization of Biodiversity Management Committees (BMCs)

SECTION I: OPERATIONAL ASPECTS

1.1 Role of SBBs, Institutions and Civil Society in the formation of BMCs

The process of BMC formation would involve all the stakeholders in the gram sabha including tribal groups and other marginalized communities to ensure an effective consultative process to meet the requirements of the state and local conditions.

BMC formation can possibly be mediated through institutions or civil society organizations or Technical Support Groups (TSGs). Potential areas rich in biodiversity and locations where there is popular interest or support should be identified and BMCs established. The Member-Secretary should get approval from the State Biodiversity Board for forming BMCs. Technical Support Groups can extend all possible help in identification, formation and operationalization of BMCs.

The State Biodiversity Boards may require a percentage of the funds earmarked for the establishment of each BMC. This may include costs incurred by the SBBs in involving civil society organizations and TSGs in identifying potential areas for BMC formation.

The local body shall make efforts to integrate BMCs to other village level committees related to natural resources management.

1.2. Integration of BMCs to other village level committees related to natural resource management

The BMC will be constituted by the local body with members of the Participatory forest/natural resources management committees members, including from members of horticulture/voids/foot botanists/tribal heads., etc., based on the local conditions. The SBB should issue suggestive list of persons to be included in the BMC. The representation may be flexible to meet the local requirements.

The Biodiversity Management Committee may also draw its members from amongst the existing committees which have been formed under statutory powers/administrative orders of the respective Governments.

1.3 Time period for operationalization

Once a BMC is formed, its operation should commence immediately and a set of tasks completed in a period of 12 months. Any, unspent part of the startup BMC fund BMC may be

utilized at a later date. BMCs may be authorized to retain up to 50% of the sanctioned grant amount and make use of the interest for conducting their activities.

1.4 Office of the BMC

The BMC will function from the office premises to be provided by the local body.

1.5 Tenure of the BMC

The tenure of the BMC will be five years / co-terminus with the tenure of the local body however, the existing BMC will continue to operate, until a new committee is constituted.




1.6 Methodology of BMC Startup Fund Release

Each State Biodiversity Board shall arrive at a realistic number of BMCs to be established in the state based on biodiversity rich areas and socially conscious areas. The National Biodiversity Authority (NBA) on its part shall release the amount requested by the State Biodiversity Boards (SBBs). The SBBs are advised to release the amount to each BMC in instalments (2 – 4 instalments) after obtaining either a Statement of Expenditure and an Utilisation Certificate (UC). No copies of bills should be insisted upon by the SBBs

No.	Item	Village Level MBC Rs.	Block level BMC Rs.	District level BMC Rs.
1.	On opening of Bank account	10,000	13,344	16,600
2.	Purchase of Office equipment including stationary	15,000	20,000	25,000
3.	Conduct of meetings (2meetings in a year)	3,000	4,000	5,000
4.	One training to BMC and Panchayat general BD profile	7,000	9,328	11,740
5.	Formation of BMC	25,000	33,328	41,660
	Start up Fund (Total)	60,000	80,000	1,00,000

1.7 Roles and Functions of the BMCs

The BMCs would, in addition to the preparation of the People's Biodiversity Register (PBR), participate in ensuring:

-  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 including Heritage Trees, Animals/ Micro organisms etc., and Sacred Groves and Sacred Water bodies.
- 📖 Regulation of access to the biological resources and/ or associated Traditional Knowledge, for commercial and research purposes.
- 📖 Sharing of usufructs arising out of commercial use of bio-resources
- 📖 Conservation of traditional varieties/breeds of economically important plants/animals.
- 📖 Biodiversity Education and Awareness building.
- 📖 Documentation, enable procedure to develop bio-cultural protocols .
- 📖 Sustainable Use and Benefit Sharing.
- 📖 Protection of Traditional Knowledge recorded in PBR

1.8 Meetings of BMCs

BMC shall hold a minimum of 4 meetings in a year, and meet once at least in every 3 months.

The meetings shall be chaired by the Chairperson of the BMC, and in his/her absence, by any other member elected by the members present.

The quorum at every meeting shall be three including the chairperson and excluding official members.

1.9 Minutes of the BMC Meetings

Minutes/proceedings of the BMC Meetings will be drawn and submitted to the Local Body / District Nodal Officer. The SBB shall provide a format for drafting of minutes of the meetings, maintenance of meeting registers and alike, lay down the procedures for updating the registers & record of discussions, resolutions made, audit etc., which would facilitate Process Documentation at the BMC level (Annexure 7).

1.10 BMC Action Plan

Each BMC shall prepare an Action Plan, drawing information validated in the People's Biodiversity Register. The Technical Support Group (TSG) shall guide in the preparation of the action plan. The Action Plan may include in addition to the steps outlined for conservation of the bio-resources, the training needs identified for the personnel of the BMC and the list of potential items for consideration for registration as Geographical Indicators (G.I).

To draw a management micro plan for the sustainable use of local biodiversity including medicinal plants and associated traditional knowledge.

1.11 Capacity Building on BD Act and BMCs

Awareness Building on Biological Diversity Act 2002, its scope and implications with issues specific to operation of Biodiversity Management Committees (BMCs), may include:

Awareness building on the Biodiversity Act 2002, the role of Biodiversity Management Committees, the procedures, the role of BMCs with various associated departments of the Government such as Forests, Environment, Tribal Welfare, Rural Development, Agriculture, Horticulture, Animal Husbandry, Fisheries and Aquaculture, Poultry, Health, Local systems of Medicine, Education etc.,

- a) Awareness building on the Acts, Rules and Institutions pertaining to the Conservation of Biodiversity at large.
- b) Capacity Building at various levels of Government and Non-Governmental Agencies including the elected representatives at State, District and Local levels.
- c) Capacity Building and Skill development of BMC members as identified by SBB. The areas of skill building may include:
 - Preparation of PBR
 - Administrative procedures of BMC
 - Maintenance of accounts/audit.
 - Intellectual Property Issues.
 - Access and Benefit Sharing issues.
 - Levy of fees.
 - Preparation of Action Plan, Project Report, Annual Report.
 - All Acts and Rules pertaining to Biodiversity
 - Management of Biodiversity Heritage Sites

SECTION II - FINANCIAL ASPECTS

2.1 Financial Resources for BMCs

BMCs shall generate funds through the following modes:

- a) Receipts (grants and loans) from NBA, SBB and State Government. In addition, BMCs may access funds from various sources including raising donations, line departments of Government of India and state governments, other Central and State Boards, institutions and corporate bodies.
- b) Receipts from fee, license fee, levies, royalties and other receipts.

For purpose of transparency, monitoring and follow up, each BMC shall maintain bank accounts separately for both categories of receipts.

2.2 Funding BMCs and maintenance of their accounts

The State Government on the recommendation of the SBB shall designate Nodal officers for each of the districts to oversee the various matters of the BMC. An officer from appropriate line department relevant to the local conditions may be appointed as Nodal Officer, who will report to the SBB.

BMC should draw a plan of Action for accessing resources from various sources such as – NBA, SBB, Grants, Donations, Various line departments of Government of India and the State Governments, other Central and State Boards, Institutions, Corporate Bodies etc.,

Start up funds may be obtained from the NBA, SBB. The state government may make appropriate provision in the budget for funding SBBs and provide financial support through SBBs to the BMCs.

The SBB shall facilitate the BMC to open a Bank Account with an Enabling Letter that BMC have been formed in accordance with The Biological Diversity Act, 2002.

The SBB shall fund the BMC directly and the concerned district level Nodal officer/ the DFO /District Administration/ Zilla parishad shall be duly informed. The Utilization Certificate (UC) along with the Statement of Expenditure should be submitted to the SBB. The BMC would give Utilization Certificate (UC) to the appropriate authority from whom they received the Funds /NBA/SBB etc., as required.

All the funds of the BMC will be operated jointly by the Chairperson and the Secretary of the BMC.

The Secretary of the BMC will maintain the accounts of the BMC. The accounting procedures will be drawn up and format for the maintenance of the accounts will be provided by the SBB. The SBB will also draw a check list to ensure that there is proper maintenance and submission of accounts.

The accounts would be audited annually by an Auditor specially appointed for the purpose and after being passed by the BMC will be given to the local body and the SBB.

The members of the BMC and the Secretary of the BMC should be trained and educated on the procedure for giving Utilization certificate (UC) and accounting procedures including preparation of Annual Report and utilization of the resources in accordance with the Action Plan drawn up by the BMC, prioritizing the conservation of the local biodiversity.

The State Governments upon the recommendation of the SBB shall provide adequate fund and support staff at Nodal/district levels, to carry out the implementation of the Act, keeping in view the priorities and importance of the regional issues. Such funds may be routed through the SBB.

2.3 Custody of funds

The funds of the BMCs will be kept in a bank account. The custody of the funds of the BMC is the responsibility of the person belonging to the permanent establishment like local / district administration and will take necessary steps for safeguarding during receipt, deposition and transmission of the money, maintain suitable records for purposes of accounting and auditing.

The BMC shall issue cheques for making payments and by and large avoid cash transactions.

BMCs may require the procurement of good, equipments, furniture and other supplies and services like consultancy, upkeep and maintenance, other management services, technical services and expert assistance.

Procurement of goods and services can be made in a most efficient and judicious manner keeping in view the financial properties of the funds. Standard rules and regulations governing purchases etc., on such activity relevant in the Local bodies may be adhered to.

2.4 *Modus Operandi* of Expenditure for BMC

A startup fund, appropriate for its level may be provided for each BMCs and a manner of disbursement would be in the manner prescribe below:

2.5 Modus Operandi of Expenditure for People's Biodiversity Register

Funds earmarked for preparation of People's Biodiversity Registers (PBRs) may be utilized in the following manner:

No	Item	Village level BMC & PBR (in Rs.)	Block/Taluk level BMC & PBR (in Rs.)	District level BMC & PBR (in Rs.)
1	Amount apportioned for SBB to meet its expenditure for undertaking various activities during the preparation of PBR	15,000	20,000	30,000
	PHASE-I			
1	Awareness/PRA exercise	5,000	10,000	15,000
2	Skill development/field visit /Meetings	10,000	10,000	20,000
3	Collection of primary data	20,000	20,000	35,000
	PHASE-II			
4	Processing of data / documentation /drafting	20,000	30,000	40,000
5	Printing cost of PBR	10,000	20,000	30,000
6	Remuneration /TA/DA to Technical Support group/personnel	25,000	25,000	40,000
7	Miscellaneous charges	10,000	15,000	20,000
	Total	1,15,000	1,50,000	2,30,000

2.6 Signing of cheques and support for member of the permanent establishment

Cheques may be signed by the Chairperson and the Secretary of the BMC. The Secretary should be from permanent establishment like forest/panchayat raj/ Department etc., The Secretary of the BMC will maintain the accounts of the BMC. This task would be treated as an Additional Charge for the member of the permanent establishment. And therefore suitable honorarium in rupees would be paid for the services rendered to every Secretary. In this regard the State Government may issue a suitable Government Order/Resolution in consultation with SBB.

2.7 Cash Book

A Cash Book is to be maintained by the BMC. All records of cash/ bank transaction are to be recorded in the cash Book. While compiling the cashbook, page numbers of all receipts / cash

payments record of certificates must be maintained. Cash payments must also be recorded in the cash book

2.8 Control of Expenditure

The Chairperson of the BMC is responsible for enforcing financial order and strict economy in every step.

The Secretary of the BMC is responsible for maintenance and upkeep of accounts in the prescribed manner.

2.9 Bank Reconciliation Statement

Balance in Bank and in the cash book should be reconciled in the last day of every month and the cashier should prepare the reconciliation statement. In case there is no expenditure, then such statement need not be prepared.

2.10 Statement of expenditure

A Statement of Expenditure upon receipt and expenditure of funds is to be submitted to the funding agency within the stipulated time. After expenditure of a minimum of 80% of the funds received, an Utilization Certificate in the prescribed format shall be submitted.(Format to be Annexed to the Guidelines)

2.11 BMCs and Access to Biological Resources, Levy and Benefit Sharing

The Committee (BMC) shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing; which shall be intermittently examined by the local body.

The issues related to collection fee, benefit sharing and management of heritage sites, sacred groves, water bodies etc., will be done in consultation with the technical support of the SBB, and the SBB shall in this regard set up technical support groups comprising of local experts to provide necessary assistance to the BMC at State/Regional/District level.

SECTION III - TECHNICAL ASPECTS

3.1 Areas covered by the Sixth Schedule

In case of sixth schedule areas, BMCs shall be formed at the levels of local institutions recognized by Autonomous District Councils. The Local Bodies shall ensure that the Biodiversity Management Committees are integrated with the existing local institutions by cross membership and regular coordination meetings.

The concerned State Biodiversity Board in the North-Eastern states will provide a suggestive list of members for the constitution of the Biodiversity Management Committees duly taking into cognizance the ethnic and cultural diversity.

3.2 Technical Support Groups (TSG) for strengthening BMCs

The SBB shall formulate District level technical support groups (TSGs) comprising of officials/institutions /people of excellence and expertise in the biodiversity issues at local level, which should guide the BMC in its operation.

The People's Biodiversity Registers shall be maintained, **authenticated** and validated by the Biodiversity Management Committees with the assistance/guidance of the Local Technical Support Committee, a copy of which would be made available to the SBB.

The TSGs established at the appropriate level (State/Regional/ District) shall assist BMCs with regard to collection fee, benefit sharing and management of heritage sites, sacred groves and water bodies.

The Technical Support Group shall be formed at district level including representative from the departments of Forests, Agriculture, Horticulture, Veterinary and Fishery, Local Educational and Research Institutions, Autonomous District Councils, Non Governmental Organisations, Herbal Practitioner etc. based on the local conditions.

The Technical support group shall assist the BMC in listing local names of flora, fauna, traditional knowledge relating to flora and fauna, and current practices of communities regarding conservation within its territorial jurisdiction, to be included in the PBR.

3.3 Monitoring

The National Biodiversity Authority (NBA) may constitute every two years a Committee of Experts consisting field officers, scientists, academicians, member-secretaries and others to review the workings of BMCs to amend the guidelines from time to time.

3.4 Custody of PBRs and information therein

The BMC shall ensure the protection of the knowledge recorded in the People's Biodiversity Register principally in the matters of regulation of access to agencies and individuals outside the village limits. Access to registers need to be recorded in writing and maintained in consultation with SBB/ Technical Support group. Use of any information/knowledge from PBR should be duly and properly acknowledged

3.5 BMCs and Biodiversity Heritage Sites

To incentivize BMCs to protect more areas of biodiversity importance, a sum of Rs.50,000/= (Rupees fifty thousand only) would be deposited in a nationalized bank in the name of BMCs declaring Biodiversity Heritage Sites (BHS). The interest of the said amount can be use by the BMC to pursue activities that aid in strengthening the efforts.

3.6 Resolution of Disputes

Disputes between/amongst BMCs in the same district may be referred to the Nodal Officer/ CEO ZP /District Magistrate.

Model BMC Resolution at Gram Panchayat Level

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT GRAM PANCHAYATS

Resolution No. _____ Date: _____

Name of the
Gram Panchayat: _____ Taluk : _____ District: _____

The Gram Panchayat meeting was held on _____ at _____ AM/PM in _____ Gram Panchayat office, under the Chairmanship of Sri. _____ 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 2005, 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 bio resources 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 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 the National Biodiversity Authority and ----- Biodiversity Board from time to time.

Signature Gram Panchayat President

Signature Gram Panchayat Secretary*/ Member of
the permanent establishment

Model BMC Resolution at Block Level

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT BLOCK/TALUK/MANDAL PANCHAYATS

Resolution No. _____ Date: _____

Name of the Block: _____ District: _____

The Block Panchayat meeting was held on _____ at _____ AM/PM in _____ Block Panchayat office, under the Chairmanship of Sri. _____ 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 -----, for the period of three / five years.

Committee Members details

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 bio resources 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 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 the National Biodiversity Authority and ----- Biodiversity Board from time to time.

Signature
Taluk/Block/Mandal Panchayat
President

Signature Executive Officer
Taluk/Block/Mandal Panchayat

Model Resolution at Zilla Panchayat Level

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT ZILLA PANCHAYATS

Resolution No. _____ Date: _____

Name of the District: _____

The Zilla Panchayat meeting was held on _____ at _____ AM/PM in _____ Zilla Panchayat office, under the Chairmanship of Sri. _____ 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 -----, for the period of three / five years.

Committee Members details:

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 bio resources 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 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 the National Biodiversity Authority and ----- Biodiversity Board from time to time.

Signature
Zilla Panchayat President

Signature
Chief Executive Officer,
Zilla Panchayat

Model Resolution for Municipal Council

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT MUNICIPAL COUNCIL

Resolution No. _____ Date: _____

Name of the Municipal Council: _____

The Municipal Council meeting was held on _____ at _____ AM/PM in _____ Municipal Council office, under the Chairmanship of Sri. _____ 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 -----, for the period of three / five years.

Committee Members details:

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 bio resources 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 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 the National Biodiversity Authority and ----- Biodiversity Board from time to time.

Signature President Municipal Council

Signature of the Municipal Commissioner

Model resolution for Municipal Corporation

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT MUNICIPAL CORPORATION

Resolution No. _____ Date: _____

Name _____ of _____ the _____ Municipal Corporation: _____

The Municipal Corporation meeting was held on _____ at _____ AM/PM in _____ Municipal Corporation office, under the Chairmanship of Sri. _____ 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 -----, for the period of three / five years.

Committee Members details:

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 bio resources 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 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 the National Biodiversity Authority and ----- Biodiversity Board from time to time.

Signature President Municipal Corporation

Signature of the Commissioner

Format for recording Minutes of BMC Meetings

Minutes of the _____ Biodiversity Management Committee Meeting held on _____

Venue of the meeting: _____

Agenda Items of the meeting

- i)
- ii)
- iii)
- iv)
- v)

Proceedings including key issues discussed and decisions made:

- i)
- ii)
- iii)
- iv)

List of members present and their designation and signature

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)

Signature of the Chairperson of the BMC

Signature of the Secretary of the BMC

Model Annual Report format for Biodiversity Management Committee (BMC)

- a. The name of the committee
- b. The period to which the report relates (Financial Year)
- c. The incumbency of office for the period (Names of the Chairperson and Secretary)
- d. Detailed statement of programmes of action for the year
- e. Detailed report on the activities performed during the year
- f. A brief account of financial position of the committee
- g. Map of jurisdiction
- h. Progress of work in People's Biodiversity Register (PBR):
 - Documentation
 - Updation
 - Validation in consultation with the SBB and TSG
- i. Minutes Book recording resolutions and decisions made by BMC
- j. BMC Annual Financial Report with resolutions of the BMC
- k. List of Visitors
- l. List of persons provided access to biological resources and traditional knowledge by BMC
- m. Important communication between BMC-SBB-NBA
- n. Photographs, Newsclippings (if any)

Signature of the Chairperson of the BMC

Signature of the Secretary of the BMC

Format for Vaid and practitioners making use of biological resources

List of *Vaids, hakims* and traditional health care (human and livestock) practitioners residing and or using biological resources occurring within the territorial jurisdiction of the village panchayat

Name:
Age:
Gender:
Address:
Area of Specialization:
Location from which the person accesses biological material:
Perception of the practitioner on the resource status:

Name:
Age:
Gender:
Address:
Area of Specialization:
Location from which the person accesses biological material:
Perception of the practitioner on the resource status:

Name:
Age:
Gender:
Address:
Area of Specialization:
Location from which the person accesses biological material:
Perception of the practitioner on the resource status:

Expenditure Register Certificate

Name of BMC _____

Bill Serial No. _____

Date _____

Certificate Serial No. _____

Date _____

Amount mentioned in the afore said bill is debited / credited in the following accounts.

S.No.	Account Name	Amount Debited	Amount Credited
	Total		

Rs. _____ (In Words) _____

Entry of the certificate done in register no. _____ on page no. _____ Signature officer

Signature officer

Receipt

Name of BMC _____ Book No. _____

_____ Date _____

Receipt No. _____

Mr./Ms./Office _____

Address _____

Received cash / cheque/ draft of bank _____ No. _____

Dated _____.

Received amount entered under _____ accounting head

Received Rupees (in figures) _____ accounting head.

(In words) _____

Receipt of payment made cheque is issued subject to realization of the cheque.

Signature

Secretary BMC / Drawing Disbursement Officer

Cheque / Draft Register

Name of BMC _____

S.No.	Bank Draft Cheque Payee Name	Bank Draft / Cheque No. & Date	Name of Bank	Category	Amount (Rs.)	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Bill Register

Name of BMC _____

Date	Bill Number	Bill Type	Bill Amount	Drawing Secretary BMC / Disbursement Officer Signature	Payment Mode	Cheque Number or Certificate Number	Cheque Number or Date	Amount (Rs.)	Drawing Secretary BMC / Disbursement Officer Signature	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Note:-

1. Mention Cash or Bank in column no. 6.
2. Bill serial no. should be mentioned on bill also. Bill serial number will be according to financial year's end digits.

Cash Payment Certificate

Name of BMC _____

Certificate Serial No. _____

Department / Branch Name _____

_____ Date _____ Bill serial _____

Date _____

Rs. _____ (In Words) _____

Be paid in cash. The payment amount should be entered under _____ accounting head.

Payment particulars recorded on cash book page number _____ dated _____ Payment of the

concerned done and receipt of the same kept in records.

Signature

Secretary BMC / Drawing Disbursement
Officer

Cheque Payment Certificate

Name of office _____

Certificate Serial No. _____

Department / Branch Name _____

Date _____ Bill Serial _____ Date _____

Rs. _____ (In Words) _____

Be made paid through following cheque.

S.No.	Name	Cheque Number	Date	Amount
(1)				
(2)				
(3)				
(4)				
(5)				

The above payment amount should be entered under _____ accounting head.

Signature
Secretary BMC / Drawing Disbursement
Officer

Annexure 16

Certificate Register

S.No.	Bill Serial No. & Date	Amount	Cash Payment Certificate No.	Cheque Payment Certificate No.	Signature Secretary BMC / Drawing Disbursement Officer	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Cash Book

Name of BMC _____

Receipt Side					Payment Side						
Receipt Date	Receipt No.	Particulars (Name of Depositor etc.)	Amount		Accounting Date	Payment Date	Certificate No. & Date	Particulars	Amount		Accounting Head
			Cash	Bank					Cash	Bank	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
								Closing Balance			
		Total						Total			

Bank Reconciliation Statement

For the Month of _____

Name of Office _____

S.No.	Particulars	Amount
1.	Add : Issued Cheques but not presented for payment	
2.	Add: Issued cheques but handed over to concern	
3.	Add : Issued cheques but dishonored	
4.	Add: Maturity addable cash credited by bank but not recorded in cash book	
5.	Add: Interest paid by bank or payments received directly through bank	
6.	Deduct: Payment done directly through bank but not recorded in cash book	
7.	Deduct: Bank charges, bank service charges levied by bank not recorded in cash book	
8.	Deduct: Received unaccounted cheque	
Balance in bank according to pass book		

Signature

Secretary BMC / Drawing Disbursement Officer

Journal Register

Name of BMC _____

Register Page No. _____

Financial Year _____

Date	Serial No.	Account Head	Account Page Serial	Amount Debited	Amount Credited	Particulars	Signature of Authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)



**GUIDELINES FOR
OPERATIONALIZATION OF
BIODIVERSITY
MANAGEMENT COMMITTEES
(BMCs)**

**NATIONAL BIODIVERSITY AUTHORITY
GOVERNMENT OF INDIA**



Guidelines for Operationalization of Biodiversity Management Committees (BMCs)

National Biodiversity Authority
Government of India

The 'Guidelines for Operationalization of Biodiversity Management Committees (BMCs)' is issued by the National Biodiversity Authority to help facilitate informed activities at State and local levels in establishing the BMCs as per Section 41 and Rule 22 of the Biological Diversity Act (2002) and Rules (2004). The National Biodiversity Authority reserves the right to review the Guidelines and re-issue the same at a suitable time based on implementation experiences of using these Guidelines. These Guidelines are to be read in a manner that helps facilitate better operationalization of BMCs and not in any manner conflicting the interests and objectives of the Act and the Rules.

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Published by

National Biodiversity Authority
5th Floor, TICEL Bio Park
CSIR Road, Taramani
Chennai 600 113

Designed & Printed by

Hi-Tech Offset (P) Limited
11, Srinivasa Nagar Main Road,
Koyambedu, Chennai - 600 107

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Foreword

The Biological Diversity Act (2002) and Rules (2004) heralded a significant era in the way India wished to conserve, manage and share the benefits of biological resources and associated knowledge in a fair and equitable manner besides using the legal provisions to fulfill its obligations as a signatory to the Convention on Biological Diversity (CBD).

The Act and the Rules were progressive and innovative to effect the implementation is decentralized and responsibilities spread across different institutions. The National Biodiversity Authority (NBA), the State Biodiversity Boards (SBBs) and the Biodiversity Management Committees (BMCs) form the operational arms for the Act and Rules at National, State and Local levels respectively.

This three-tier system of implementation not only provides opportunities to effectively implement the Act and Rules in objective manner but also opens means of challenges if these structures are unclear about their respective roles and responsibilities. With the BMCs rightly identified as the key players in decision making, the NBA embarked on a comprehensive programme to increase the awareness about the rights and obligations of BMCs to conserve, manage and benefit from biological resources and also worked on developing a set of guiding principles and operational guidelines for the BMCs to fulfill their mandates.

In this regard, an expert committee was established in 2009 under the Chairmanship of Smt. Gayathri Ramachandran, IAS to develop the operational guidelines for BMCs so that their establishment and operationalization becomes informed with clarity on roles and responsibilities of BMCs. This Committee benefitted from a range of inputs from SBBs, NGOs, community based organizations, legal and policy experts and others and made several site visits to understand the field realities before providing the NBA with a set of draft guidelines. These Guidelines were subsequently put for on-line consultation for a period of ninety days and circulated to a large number of stakeholder groups before their finalization. These revised guidelines were presented to BMC representatives in Sikkim, Andhra Pradesh, Kerala and West Bengal to seek direct inputs before presentation to the SBBs and the Authority. Based on these inputs, the NBA has finalized the guidelines in its current form which is being issued now.

It is my sincere hope that BMCs and interested stakeholder groups will begin using these guidelines in the days to come, keep NBA informed of the usefulness and gaps from an implementation perspective so that we can continuously work in improving the same. The NBA has taken a resolve that during 2013-2014, it will focus specifically on issues of strengthening the BMCs so that implementation of the Biological Diversity Act and Rules becomes an inclusive agenda at National, State and Local levels.

Special thanks are due to the following members of the expert committee who provide their valuable guidance and advice to NBA in finalizing these guidelines, Smt. Gayathri Ramachandran, IAS, (Chairperson), Dr. V. Arivudai Nambi Member – (Convenor), Mr. Debal Ray, IFS, Dr. Nandhita Krishna, Dr. Neelima Jerath, Dr. Upender Dhar, Shri G. Sai Prakash, IFS, Shri. K.S.Sugara IFS, Dr. Pradeep Chaudhry IFS, Shri A.K. Goyal IFS, Dr. Oommen V. Oommen, Shri. R.S.C. Jayaraj IFS, Shri. A.K. Johari IFS, Shri. C. Achalender Reddy, IFS, Smt. S. Padmavathi, Dr. K.P. Raghuram, Dr. Ravishankar Thupalli, Dr. Ishwar Poojar & Dr. Kabir Sanjay Bavikatte.

Balakrishna Pisupati

Chairman

National Biodiversity Authority

Chennai

Guidelines for Operationalization of Biodiversity Management Committees (BMCs)

SECTION I: OPERATIONAL ASPECTS

1.1 Role of SBBs, Institutions and Civil Society in the formation of BMCs

The process of BMC formation would involve all the stakeholders in the gram sabha including tribal groups and other marginalized communities to ensure an effective consultative process to meet the requirements of the State and local conditions.

BMC formation can possibly be mediated through institutions or civil society organizations or Technical Support Groups (TSGs). Potential areas rich in biodiversity and locations where there is popular interest or support should be identified and BMCs established. The Member-Secretary should get approval from the State Biodiversity Board for forming BMCs. Technical Support Groups can extend all possible help in identification, formation and operationalization of BMCs.

The State Biodiversity Boards may require a percentage of the funds earmarked for the establishment of each BMC. This may include costs incurred by the SBBs in involving civil society organizations and TSGs in identifying potential areas for BMC formation.

The local body shall make efforts to integrate BMCs to other village level committees related to natural resources management.

1.2. Integration of BMCs to other village level committees related to natural resource management

The BMC will be constituted by the local body with members of the Participatory forest/natural resources management committees members, including from members of horticulture/voids/foot botanists/tribal heads., etc., based on the local conditions. The SBB should issue suggestive list of persons to be included in the BMC. The representation may be flexible to meet the local requirements.

The Biodiversity Management Committee may also draw its members from amongst the existing committees which have been formed under statutory powers/administrative orders of the respective Governments.

1.3 Time period for operationalization

Once a BMC is formed, its operation should commence immediately and a set of tasks completed in a period of 12 months. Any, unspent part of the startup BMC fund BMC may be utilized at a later date. BMCs may be authorized to retain up to 50% of the sanctioned grant amount and make use of the interest for conducting their activities.

1.4 Office of the BMC

The BMC will function from the office premises to be provided by the local body.

1.5 Tenure of the BMC

The tenure of the BMC will be five years / co-terminus with the tenure of the local body however, the existing BMC will continue to operate, until a new committee is constituted.

1.6 Methodology of BMC Startup Fund Release

Each State Biodiversity Board shall arrive at a realistic number of BMCs to be established in the state based on biodiversity rich areas and socially conscious areas. The National Biodiversity Authority (NBA) on its part shall release the amount requested by the State Biodiversity Boards (SBBs). The SBBs are advised to release the amount to each BMC in installments (2 – 4 installments) after obtaining either a Statement of Expenditure and an Utilisation Certificate (UC). No copies of bills should be insisted upon by the SBBs

No	Item	Village Level BMC (In Rs.)	Block Level BMC (In Rs.)	District level BMC (In Rs.)
1	Startup fund	60,000	80,000	100,000
2	On Opening of Bank Account	10,000	13,328	16,660
3	Purchase of Office Equipment including stationary	15,000	20,000	25,000
4	Conduct of meetings (2 meetings in a year)	3,000	4,000	5,000

5	One Training to BMC and Panchayat general BD Profile	7,000	9,328	11,660
6	Formation of BMC	25,000	33,328	41,660

1.7 Roles and Functions of the BMCs

The BMCs would, in addition to the preparation of the People's Biodiversity Register (PBR), participate in ensuring:

- ▲ 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 including Heritage Trees, Animals/ Micro organisms etc., and Sacred Groves and Sacred Water bodies.
- ▲ Regulation of access to the biological resources and/ or associated Traditional Knowledge, for commercial and research purposes.
- ▲ Sharing of usufructs arising out of commercial use of bio-resources.
- ▲ Conservation of traditional varieties/breeds of economically important plants/animals.
- ▲ Biodiversity Education and Awareness building.
- ▲ Documentation, enable procedure to develop bio-cultural protocols.
- ▲ Sustainable Use and Benefit Sharing.
- ▲ Protection of Traditional Knowledge recorded in PBR.

1.8 Meetings of BMCs

BMC shall hold a minimum of 4 meetings in a year, and meet once at least in every 3 months.

The meetings shall be chaired by the Chairperson of the BMC, and in his/her absence, by any other member elected by the members present.

The quorum at every meeting shall be three including the chairperson and excluding official members.

1.9 Minutes of the BMC Meetings

Minutes/proceedings of the BMC Meetings will be drawn and submitted to the Local Body / District Nodal Officer. The SBB shall provide a format for drafting of minutes of the meetings, maintenance of meeting registers and alike, lay down the procedures for updating the registers & record of discussions, resolutions made, audit etc., which would facilitate Process Documentation at the BMC level (Annexure 7).

1.10 BMC Action Plan

Each BMC shall prepare an Action Plan, drawing information validated in the People's Biodiversity Register. The Technical Support Group (TSG) shall guide in the preparation of the action plan. The Action Plan may include in addition to the steps outlined for conservation of the bio-resources, the training needs identified for the personnel of the BMC and the list of potential items for consideration for registration as Geographical Indicators (G.I).

To draw a management micro plan for the sustainable use of local biodiversity including medicinal plants and associated traditional knowledge.

1.11 Capacity Building on BD Act and BMCs

Awareness Building on Biological Diversity Act 2002, its scope and implications with issues specific to operation of Biodiversity Management Committees (BMCs), may include:

Awareness building on the Biodiversity Act 2002, the role of Biodiversity Management Committees, the procedures, the role of BMCs with various associated departments of the Government such as Forests, Environment, Tribal Welfare, Rural Development, Agriculture, Horticulture, Animal Husbandry, Fisheries and Aquaculture, Poultry, Health, Local systems of Medicine, Education etc.,

- a) Awareness building on the Acts, Rules and Institutions pertaining to the Conservation of Biodiversity at large.
- b) Capacity Building at various levels of Government and Non-Governmental Agencies including the elected representatives at State, District and Local levels.
- c) Capacity Building and Skill development of BMC members as identified by SBB. The areas of skill building may include:
 - Preparation of PBR
 - Administrative procedures of BMC

- Maintenance of accounts/audit.
- Intellectual Property Issues.
- Access and Benefit Sharing issues.
- Levy of fees.
- Preparation of Action Plan, Project Report, Annual Report.
- All Acts and Rules pertaining to Biodiversity
- Management of Biodiversity Heritage Sites

SECTION II - FINANCIAL ASPECTS

2.1 Financial Resources for BMCs

BMCs shall generate funds through the following modes:

- a) Receipts (grants and loans) from NBA, SBB and State Government. In addition, BMCs may access funds from various sources including raising donations, line departments of Government of India and state governments, other Central and State Boards, institutions and corporate bodies.
- b) Receipts from fee, license fee, levies, royalties and other receipts.

For purpose of transparency, monitoring and follow up, each BMC shall maintain bank accounts separately for both categories of receipts.

2.2 Funding BMCs and maintenance of their accounts

The State Government on the recommendation of the SBB shall designate Nodal officers for each of the districts to oversee the various matters of the BMC. An officer from appropriate line department relevant to the local conditions may be appointed as Nodal Officer, who will report to the SBB.

BMC should draw a plan of Action for accessing resources from various sources such as – NBA, SBB, Grants, Donations, Various line departments of Government of India and the State Governments, other Central and State Boards, Institutions, Corporate Bodies etc.,

Start up funds may be obtained from the NBA, SBB. The state government may make appropriate provision in the budget for funding SBBs and provide financial support through SBBs to the BMCs.

The SBB shall facilitate the BMC to open a Bank Account with an Enabling Letter that BMC have been formed in accordance with The Biological Diversity Act, 2002.

The SBB shall fund the BMC directly and the concerned district level Nodal officer/ the DFO /District Administration/ Zilla parishad shall be duly informed. The Utilization Certificate (UC) along with the Statement of Expenditure should be submitted to the SBB. The BMC would give Utilization Certificate (UC) to the appropriate authority from whom they received the Funds /NBA/SBB etc., as required.

All the funds of the BMC will be operated jointly by the Chairperson and the Secretary of the BMC.

The Secretary of the BMC will maintain the accounts of the BMC. The accounting procedures will be drawn up and format for the maintenance of the accounts will be provided by the SBB. The SBB will also draw a check list to ensure that there is proper maintenance and submission of accounts.

The accounts would be audited annually by an Auditor specially appointed for the purpose and after being passed by the BMC will be given to the local body and the SBB.

The members of the BMC and the Secretary of the BMC should be trained and educated on the procedure for giving Utilization certificate (UC) and accounting procedures including preparation of Annual Report and utilization of the resources in accordance with the Action Plan drawn up by the BMC, prioritizing the conservation of the local biodiversity.

The State Governments upon the recommendation of the SBB shall provide adequate fund and support staff at Nodal/district levels, to carry out the implementation of the Act, keeping in view the priorities and importance of the regional issues. Such funds may be routed through the SBB.

2.3 Custody of funds

The funds of the BMCs will be kept in a bank account. The custody of the funds of the BMC is the responsibility of the person belonging to the permanent establishment like local / district administration and will take necessary steps for safeguarding during receipt, deposition and transmission of the money, maintain suitable records for purposes of accounting and auditing.

The BMC shall issue cheques for making payments and by and large avoid cash transactions.

BMCs may require the procurement of goods, equipments, furniture and other supplies and services like consultancy, upkeep and maintenance, other management services, technical services and expert assistance.

Procurement of goods and services can be made in a most efficient and judicious manner keeping in view the financial properties of the funds. Standard rules and regulations governing purchases etc., on such activity relevant in the Local bodies may be adhered to.

2.4 Modus Operandi of Expenditure for BMC

A startup fund, appropriate for its level may be provided for each BMCs and a manner of disbursement would be in the manner prescribed below:

2.5 Modus Operandi of Expenditure for People's Biodiversity Registers

Funds earmarked for preparation of People's Biodiversity Registers (PBRs) may be utilized in the following manner:

No	Item	Village level BMC & PBR (in Rs.)	Block/Taluk level BMC & PBR (in Rs.)	District level BMC & PBR (in Rs)
1	Amount apportioned for SBB to meets its expenditure for undertaking various activities during the preparation of PBR	15,000	20,000	30,000
	PHASE-I			
1	Awareness/PRA exercise	5,000	10,000	15,000
2	Skill development/field visit /Meetings	10,000	10,000	20,000
3	Collection of primary data	20,000	20,000	35,000
	PHASE-II			
4	Processing of data / documentation /drafting	20,000	30,000	40,000
5	Printing cost of PBR	10,000	20,000	30,000
6	Remuneration /TA/DA to Technical Support group/personnel	25,000	25,000	40,000
7	Miscellaneous charges	10,000	15,000	20,000
	Total	1,15,000	1,50,000	2,30,000

2.6 Signing of cheques and support for member of the permanent establishment

Cheques may be signed by the Chairperson and the Secretary of the BMC. The Secretary should be from permanent establishment like forest/panchayat raj/ Department etc., The Secretary of the BMC will maintain the accounts of the BMC. This task would be treated as an Additional Charge for the member of the permanent establishment. And therefore suitable honorarium in rupees would be paid for the services rendered to every Secretary. In this regard the State Government may issue a suitable Government Order/Resolution in consultation with SBB.

2.7 Cash Book

A Cash Book is to be maintained by the BMC. All records of cash/ bank transaction are to be recorded in the cash Book. While compiling the cashbook, page numbers of all receipts / cash payments record of certificates must be maintained. Cash payments must also be recorded in the cash book.

2.8 Control of Expenditure

The Chairperson of the BMC is responsible for enforcing financial order and strict economy in every step.

The Secretary of the BMC is responsible for maintenance and upkeep of accounts in the prescribed manner.

2.9 Bank Reconciliation Statement

Balance in Bank and in the cash book should be reconciled in the last day of every month and the cashier should prepare the reconciliation statement. In case there is no expenditure, then such statement need not be prepared.

2.10 Statement of expenditure

A Statement of Expenditure upon receipt and expenditure of funds is to be submitted to the funding agency within the stipulated time. After expenditure of a minimum of 80% of the funds received, an Utilization Certificate in the prescribed format shall be submitted.(Format to be Annexed to the Guidelines)

2.11 BMCs and Access to Biological Resources, Levy and Benefit Sharing

The Committee (BMC) shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing; which shall be intermittently examined by the local body.

The issues related to collection fee, benefit sharing and management of heritage sites, sacred groves, water bodies etc., will be done in consultation with the technical support of the SBB, and the SBB shall in this regard set up Technical Support Groups comprising of local experts to provide necessary assistance to the BMC at State/Regional/District level.

SECTION III - TECHNICAL ASPECTS

3.1 Areas covered by the Sixth Schedule

In case of sixth schedule areas, BMCs shall be formed at the levels of local institutions recognized by Autonomous District Councils. The Local Bodies shall ensure that the Biodiversity Management Committees are integrated with the existing local institutions by cross membership and regular coordination meetings.

The concerned State Biodiversity Board in the North-Eastern states will provide a suggestive list of members for the constitution of the Biodiversity Management Committees duly taking into cognizance the ethnic and cultural diversity.

3.2 Technical Support Groups (TSG) for strengthening BMCs

The SBB shall formulate District level Technical Support Groups (TSGs) comprising of officials/ institutions /people of excellence and expertise in the biodiversity issues at local level, which should guide the BMC in its operation.

The Peoples' Biodiversity Register shall be maintained, authenticated and validated by the Biodiversity Management Committees with the assistance/guidance of the Local Technical Support Committee, a copy of which would be made available to the SBB.

The TSGs established at the appropriate level (State/Regional/ District) shall assist BMCs with regard to collection fee, benefit sharing and management of heritage sites, sacred groves and water bodies.

The Technical Support Group shall be formed at district level including representative from the departments of Forests, Agriculture, Horticulture, Veterinary and Fishery, Local Educational and Research Institutions, Autonomous District Councils, Non Governmental Organisations, Herbal Practitioner etc. based on the local conditions.

The Technical Support Group shall assist the BMC in listing local names of flora, fauna, traditional knowledge relating to flora and fauna, and current practices of communities regarding conservation within its territorial jurisdiction, to be included in the PBR.

3.3 Monitoring

The National Biodiversity Authority (NBA) may constitute every two years a Committee of Experts consisting field officers, scientists, academicians,

member-secretaries and others to review the workings of BMCs to amend the guidelines from time to time.

3.4 Custody of PBRs and information therein

The BMC shall ensure the protection of the knowledge recorded in the People's Biodiversity Registers principally in the matters of regulation of access to agencies and individuals outside the village limits. Access to registers need to be recorded in writing and maintained in consultation with SBB/ Technical Support group. Use of any information/knowledge from PBR should be duly and properly acknowledged

3.5 BMCs and Biodiversity Heritage Sites

To incentivize BMCs to protect more areas of biodiversity importance, a sum of Rs.50,000/- (Rupees fifty thousand only) would be deposited in a nationalized bank in the name of BMCs declaring Biodiversity Heritage Sites (BHS). The interest of the said amount can be used by the BMC to pursue activities that aid in strengthening the efforts.

3.6 Resolution of Disputes

Disputes between/amongst BMCs in the same district may be referred to the Nodal Officer/ CEO ZP /District Magistrate.

Model BMC Resolution at Gram Panchayat Level

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT GRAM PANCHAYATS

Resolution No. _____ Date: _____

Name of the

Gram Panchayat _____ Taluk _____ District _____

The Gram Panchayat meeting was held on _____ at _____ AM/PM in _____ Gram Panchayat office, under the Chairmanship of Sri. _____ 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 2005, 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 bio resources 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 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 the National Biodiversity Authority and _____ Biodiversity Board from time to time.

Signature
Gram Panchayat President

Signature
Gram Panchayat Secretary/
Member of the permanent
establishment

Model BMC Resolution at Block Level

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT BLOCK/TALUK/MANDAL PANCHAYATS

Resolution No. _____ Date: _____

Name of the Block: _____ District: _____

The Block Panchayat meeting was held on _____ at _____ AM/PM in _____ Block Panchayat office, under the Chairmanship of Sri. _____ 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 _____, 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 bio resources 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 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 the National Biodiversity Authority and _____ Biodiversity Board from time to time.

Signature
Taluk/Block/Mandal
Panchayat President

Signature
Executive Officer
Taluk/Block/Mandal
Panchayat

Model Resolution at Zilla Panchayat Level

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT ZILLA PANCHAYATS

Resolution No. _____ Date: _____

Name of the District: _____

The Zilla Panchayat meeting was held on _____ at _____ AM/PM in _____ Zilla Panchayat office, under the Chairmanship of Sri. _____ 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 _____, 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 bio resources 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 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 the National Biodiversity Authority and -----
- Biodiversity Board from time to time.

Signature
Zilla Panchayat President

Signature
Chief Executive Officer
Zilla Panchayat

Model Resolution for Municipal Council

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT MUNICIPAL COUNCIL

Resolution No. _____ Date: _____

Name _____ of _____ the _____ Municipal
Council: _____

The Municipal Council meeting was held on _____ at _____ AM/PM in _____ Municipal Council office, under the Chairmanship of Sri. _____ 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 _____, 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 bio resources 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 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 the National Biodiversity Authority and _____ Biodiversity Board from time to time.

Signature
President Municipal Council

Signature of
The Municipal Commissioner

Model resolution for Municipal Corporation

FORMATION OF BIODIVERSITY MANAGEMENT COMMITTEES AT MUNICIPAL CORPORATION

Resolution No. _____ Date: _____

Name _____ of _____ the _____ Municipal Corporation: _____

The Municipal Corporation meeting was held on _____ at _____ AM/PM in _____ Municipal Corporation office, under the Chairmanship of Sri. _____ 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 _____, for the period of three / five years.

Committee Members details:

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 bio resources 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 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 the National Biodiversity Authority and _____ Biodiversity Board from time to time.

Signature
President Municipal Corporation

Signature of
the Commissioner

Format for recording Minutes of BMC Meetings

Minutes of the _____ Biodiversity Management
Committee Meeting held on _____

Venue of the meeting: _____

Agenda Items of the meeting

- i)
- ii)
- iii)
- iv)
- v)

Proceedings including key issues discussed and decisions made:

- i)
- ii)
- iii)
- iv)

List of members present and their designation and signature

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)

Signature of the
Chairperson of the BMC

Signature of the
Secretary of the BMC

Model Annual Report format for Biodiversity Management Committee (BMC)

- a. The name of the committee
- b. The period to which the report relates (Financial Year)
- c. The incumbency of office for the period (Names of the Chairperson and Secretary)
- d. Detailed statement of programmes of action for the year
- e. Detailed report on the activities performed during the year
- f. A brief account of financial position of the committee
- g. Map of jurisdiction
- h. Progress of work in Peoples' Biodiversity Register (PBR):
 - Documentation
 - Updation
 - Validation in consultation with the SBB and TSG
- i. Minutes Book recording resolutions and decisions made by BMC
- j. BMC Annual Financial Report with resolutions of the BMC
- k. List of Visitors
- l. List of persons provided access to biological resources and traditional knowledge by BMC
- m. Important communication between BMC-SBB-NBA
- n. Photographs, News clippings (if any)

Signature of the
Chairperson of the BMC

Signature of the
Secretary of the BMC

Format for Vaid and practitioners making use of biological resources

List of *Vaids*, *hakims* and traditional health care (human and livestock) practitioners residing and or using biological resources occurring within the territorial jurisdiction of the village panchayat

Name:

Age:

Gender:

Address:

Area of Specialization:

Location from which the person accesses biological material:

Perception of the practitioner on the resource status:

Name:

Age:

Gender:

Address:

Area of Specialization:

Location from which the person accesses biological material:

Perception of the practitioner on the resource status:

Name:

Age:

Gender:

Address:

Area of Specialization:

Location from which the person accesses biological material:

Perception of the practitioner on the resource status:

Format for recording information related to access of biological resources and traditional knowledge granted

Details of access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing

S.No.	Name and address of the Person /institution/ company/ others	Local and Scientific Name of the biological material Accessed and quantity	Date and resolution of the BMC and endorsement by the panchayat	Details of collection Fee imposed	Anticipated mode of sharing benefits or quantum of benefits shared

Expenditure Register Certificate

Name of BMC _____

Bill Serial No. _____
Date _____

Certificate Serial No. _____

Date _____

Amount mentioned in the afore said bill is debited / credited in the following accounts.

S.No.	Account Name	Amount Debited	Amount Credited
	Total		

Rs. _____ (In Words) _____

Entry of the certificate done in register no. _____ on page no. _____ Signature officer

Signature officer

Receipt

Name of BMC _____ Book No. _____

Receipt No. _____ Date _____
Mr./Ms./Office _____
Address _____
Received cash / cheque/ draft of bank _____ No. _____
Dated _____
Received amount entered under _____ accounting head
Received Rupees (in figures) _____ accounting head.
(In words) _____

Receipt of payment made cheque is issued subject to realization of the cheque.

Signature

Secretary BMC / Drawing Disbursement Officer

Cheque / Draft Register

Name of BMC _____

S.No.	Bank Draft Cheque Payee Name	Bank Draft / Cheque No. & Date	Name of Bank	Category	Amount (Rs.)	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Bill Register

Name of BMC _____

Date	Bill Number	Bill Type	Bill Amount	Drawing Secretary BMC / Disbursement Officer Signature	Payment Mode	Cheque Number or Certificate Number	Cheque Number or Date	Amount (Rs.)	Drawing Secretary BMC / Disbursement Officer Signature	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Note:-

1. Mention Cash or Bank in column no. 6.
2. Bill serial no. should be mentioned on bill also. Bill serial number will be according to financial year's end digits.

Cash Payment Certificate

Name of BMC _____

Certificate Serial No. _____

Department / Branch Name _____

_____ Date _____ Bill serial _____

Date _____

Rs. _____ (In Words) _____

Be paid in cash. The payment amount should be entered under _____ accounting head.

Payment particulars recorded on cash book page number _____ dated _____ Payment of the

concerned done and receipt of the same kept in records.

Signature

Secretary BMC / Drawing Disbursement Officer

Cheque Payment Certificate

Name of office _____

Certificate Serial No. _____

Department / Branch Name _____

Date _____ Bill Serial _____ Date _____

Rs. _____ (In Words) _____

Be made paid through following cheque.

S.No.	Name	Cheque Number	Date	Amount
(1)				
(2)				
(3)				
(4)				
(5)				

The above payment amount should be entered under _____ accounting head.

Signature

Secretary BMC / Drawing Disbursement Officer

Certificate Register

S.No.	Bill Serial No. & Date	Amount	Cash Payment Certificate No.	Cheque Payment Certificate No.	Signatory BMC / Drawing Disbursement Officer	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Cash Book

Name of BMC _____

		Receipt Side				Payment Side					
Receipt Date	Receipt No.	Particulars (Name of Depositor etc.)	Amount		Accounting Date	Payment Date	Certificate No. & Date	Particulars	Amount		Accounting Head
			Cash	Bank					Cash	Bank	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
		Total						Closing Balance			
								Total			

Bank Reconciliation Statement

For the Month of _____

Name of Office _____

S.No.	Particulars	Amount
1.	Add : Issued Cheques but not presented for payment	
2.	Add: Issued cheques but handed over to concern	
3.	Add : Issued cheques but dishonored	
4.	Add: Maturity addable cash credited by bank but not recorded in cash book	
5.	Add: Interest paid by bank or payments received directly through bank	
6.	Deduct: Payment done directly through bank but not recorded in cash book	
7.	Deduct: Bank charges, bank service charges levied by bank not recorded in cash book	
8.	Deduct: Received unaccounted cheque	
Balance in bank according to pass book		

Signature

Secretary BMC / Drawing Disbursement Officer

Journal Register

Name of BMC _____

Register Page No. _____ Financial Year _____

Date	Serial No.	Account Head	Account Page Serial	Amount Debited	Amount Credited	Particulars	Signature of Authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Biodiversity Management Committee (BMC)

Under Section 41(1) of the Biological Diversity Act, 2002, every local body in the State/UT shall constitute a Biodiversity Management Committee within its area of jurisdiction for the purpose of promoting conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties & cultivars, domesticated stocks and breeds of animals and micro-organisms and chronicling of knowledge relating to biological diversity.

- ✿ The Biodiversity Management Committee (BMC) to be constituted under section 41(1), shall consist of a Secretary and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled Tribes; Provided that the members of the committee shall be the proven resident of the local body and their names should be included in the electoral roll of the concerned local body.
- ✿ The Chairperson of the BMC shall be elected from amongst 06 nominated members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.
- ✿ The Secretary of the BMC shall be the Gram Panchayat /Panchayat Secretary or any person nominated by the Panchayat Department for Block and District BMCs.
- ✿ The local Member of State Legislative Assembly and Member of Parliament would be special invitees to the meetings of the Committee.
- ✿ The tenure of the BMC shall be maximum of 05 years and shall be co-terminus with the tenure of the local body, however, the existing BMC shall continue to function, until a new committee is constituted.
- ✿ The BMCs shall hold a minimum of 4 meetings in a year and meet at least once in every 3 months. The meetings shall be chaired by the Chairperson of the BMC, and in his/her absence, by any other member elected by the members present.

The quorum at every meeting shall be 03 including the Chairperson and excluding official member (secretary).

- ✿ The main function of the BMC is to prepare People's Biodiversity Register (PBR) in consultation with local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use or any other traditional knowledge associated with them. The BMC shall be responsible for ensuring the protection of the knowledge recorded in PBR, especially to **regulate its access to outside persons and agencies.**
- ✿ In addition to preparation of the People's Biodiversity Register (PBR), the BMCs in their respective jurisdiction shall also be responsible for the following:-
 - Conservation, sustainable use and access and benefit sharing of biological resources.
 - Eco-restoration of the local biodiversity.
 - Feedback/information to the Board and the National Biodiversity Authority in the matter of Intellectual Property Right (IPR), Traditional Knowledge and local Biodiversity issues.
 - Management of Biodiversity Heritage Sites including Heritage Trees, Animals/ Micro-organisms etc., and Sacred Groves and Sacred Water bodies.
 - Regulation of access to the biological resources and/ or associated Traditional Knowledge, for commercial and research purposes.
 - Conservation of traditional varieties/breeds of economically important plants/animals.
 - Biodiversity Education and Awareness building.
 - Documentation, enable procedure to develop bio-cultural protocols.
- ✿ To advise on any matter referred to it by the State Biodiversity Board for granting approval, maintain data about the local voids and practitioners using the biological resources.

- ✿ Technical Support Group (TSG) may be constituted by the Board at appropriate level (State/Region/ District/Development block/Gram Panchayat etc). The TSG formed at any level may include representatives from departments like Forests, Agriculture, Horticulture, Veterinary, Fishery, Local Educational and Research Institutions, Autonomous District Councils, Non-Governmental Organizations, Herbal Practitioners etc. based on the local conditions. The Technical Support Group shall assist the BMC in listing local names and traditional knowledge relating to flora & fauna, and current practices of communities regarding conservation within its territorial jurisdiction, to be included in the PBR.
- ✿ The BMC shall ensure the documentation of the particulars in People's Biodiversity Registers as prescribed by the National Biodiversity Authority. The Board shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.
- ✿ The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees. It shall then be counter signed by the Board through its authorized officer.
- ✿ The BMC shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing from area within its jurisdiction.
- ✿ The BMC may levy charges by way of collection fees from any person for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction. The Board shall provide guidance to the BMCs for the said purpose.
- ✿ As per sub section (1) of sec. 43 of the act, there shall be constituted a fund to be called "Local Biodiversity Fund" at the level of local body, which shall be maintained and used in the following manner:-
 - The Local Biodiversity Fund shall be used for conservation and promotion of biodiversity as advised by the Board in the areas falling within the jurisdiction of the concerned local body and for the benefit of the local

community, in so far as such use is consistent with conservation of biodiversity.

- All funds of the BMC shall be operated jointly by the Chairperson and the Secretary of the BMC. The Board shall lay down the guidelines for operation of the fund including ways to make its functioning transparent and accountable.
- The Secretary of the BMC shall maintain the accounts of the committee. The accounting procedures shall be drawn up and format for the maintenance of the accounts/registers shall be provided by the Board.
- The accounts of the Local Biodiversity Fund shall be audited annually by the auditor specially appointed for the said purpose by the Board. The Secretary of the BMC shall furnish audited copy of accounts together with auditor's report of the previous financial year to the concerned local body and the Board by September 30th every year.
- The BMC shall prepare its annual report, giving full account of its activities during the previous financial year along with audited copy of accounts together with auditor's report thereon, and submit a copy thereof to the Board and the local body in prescribed form.

Section 22, Biological Diversity Rules, 2004: Constitution of Biodiversity Management Committees (BMCs).

- Every local body (i.e. Panchayat, Municipality, etc.) shall constitute a Biodiversity Management Committee (BMC) within its area of jurisdiction.
- The Biodiversity Management Committee as constituted under sub-rule (1) shall consist of a Chairperson and not more than six persons nominated by the local body, of whom not less than one third should be women and not less than 18% should belong to the Scheduled Castes/Scheduled Tribes.
- The Chairperson of the Biodiversity Management Committee shall be elected from amongst the members of the committee in a meeting to be chaired by the Chairperson of the local body. The Chairperson of the local body shall have the casting votes in case of a tie.

- The tenure of the Biodiversity Management Committee shall be of five years or co-terminus with the tenure of the local body (Guidelines for the Operationalization of the Biodiversity Management Committees).
- The local Member of Legislative Assembly/Member of Legislative Council and Member of Parliament would be special invitees to the meetings of the Committee.
- The main function of the BMC is to prepare People's Biodiversity Register in consultation with the local people. The Register shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any other use.
- The other functions of the BMC are to advice on any matter referred to it by the State Biodiversity Board or Authority for granting approval, to maintain data about the local vairs and practitioners using the biological resources.
- The Authority shall take steps to specify the form of the People's Biodiversity Registers, and the particulars it shall contain and the format for electronic database.
- The Authority and the State Biodiversity Boards shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers.
- The People's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.
- The Committee shall also maintain a Register giving information about the details of the access to biological resources and traditional knowledge granted, details of the collection fee imposed and details of the benefits derived and the mode of their sharing.



PREPARING A PEOPLES' BIODIVERSITY REGISTER



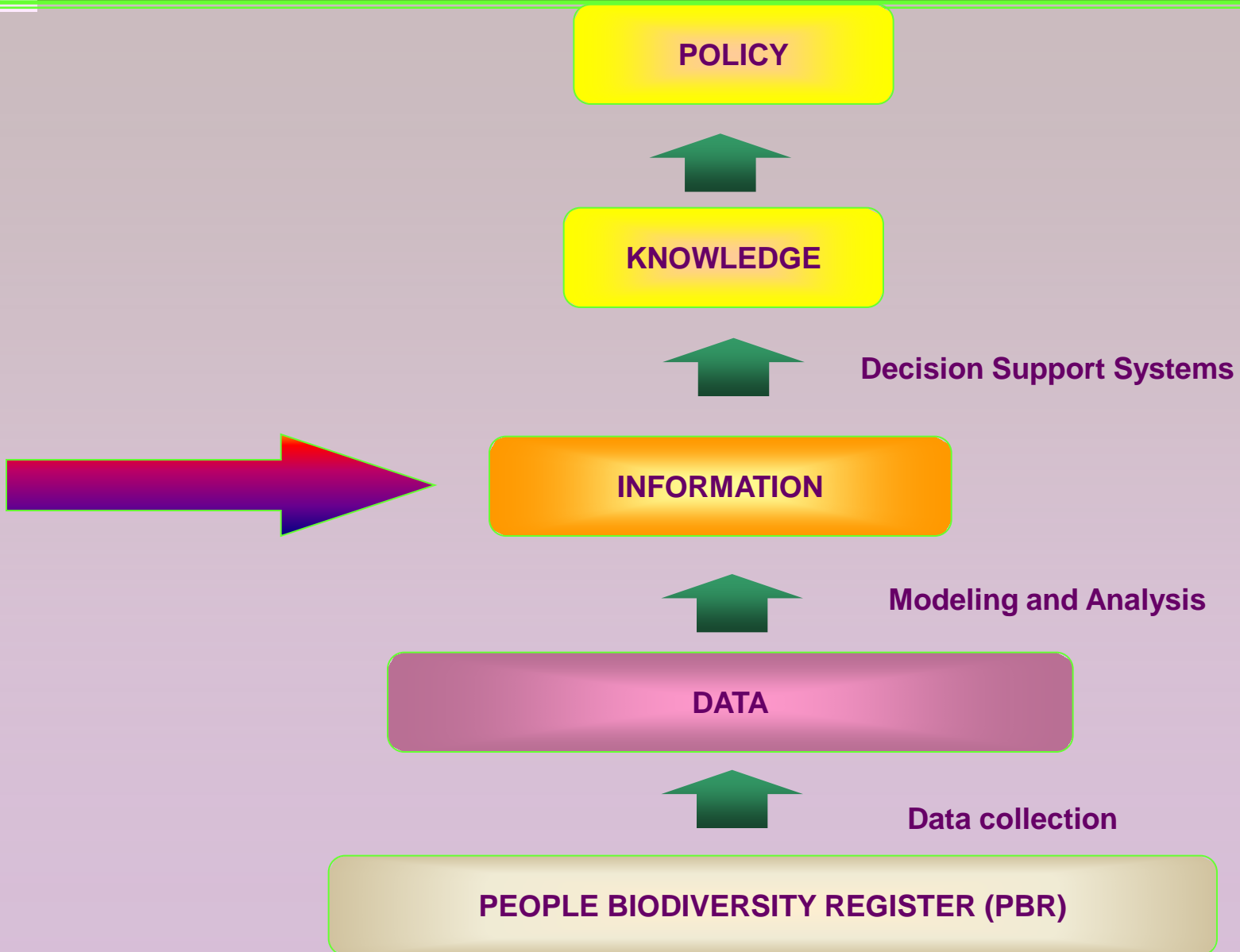
This Presentation was prepared by Dr. K. Thulsi Rao and modified by NBA





The Biodiversity Policy Pyramid

BIODIVERSITY POLICY MAKING





Process in PBR Preparation

Formation of BMC



Sensitization of the public about the study, survey and possible management



Training of members in identification and collection of data



Collection of Data.



Analysis and validation of data

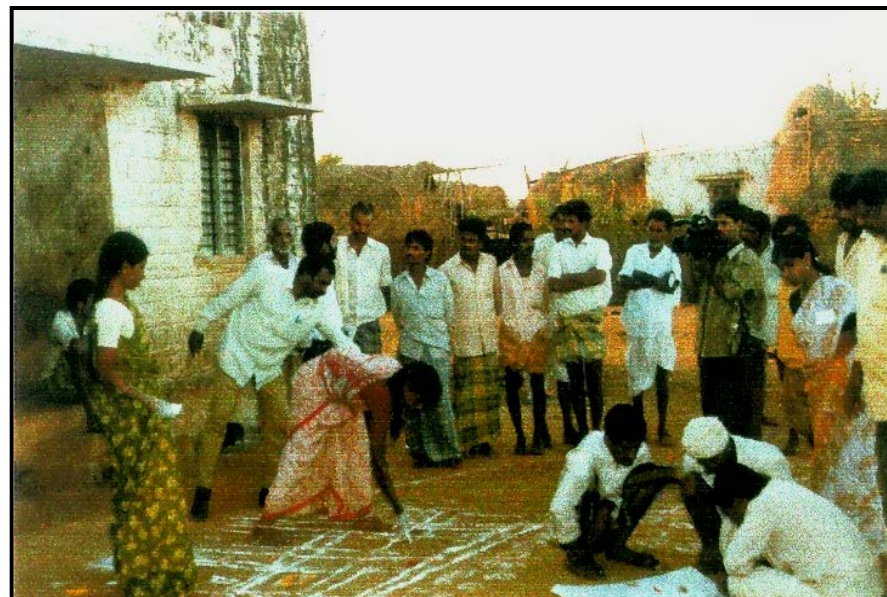


Preparation of People's Biodiversity Register



Computerization of Information and resources

Consultative Led by Local Communities



Through Biodiversity Management Committees (BMCs)

All Taxa Biodiversity Inventory, Management Information System & Bio-Mapping

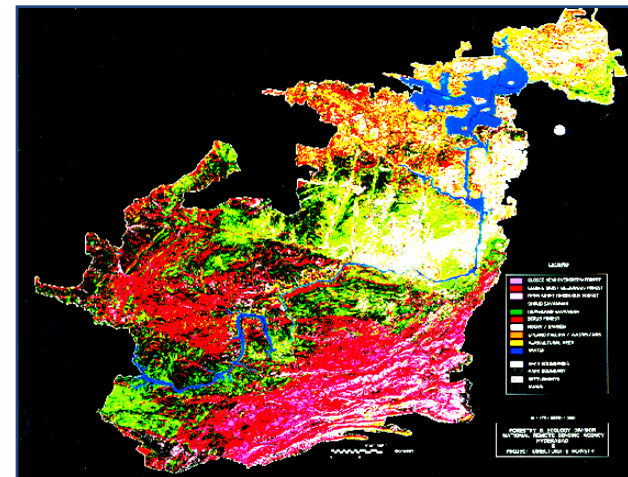
Surveying & Collection of Voucher Specimens



Specimens Identification & Preservation



Database Management & Bio-Mapping



Bio Diversity Management Information Systems - [Fauna]

Ecology Human Dimensions Research

Bio Region: [CONES OF THE DECCAN] Division: [ACHANKRPT]
 Sanctuary / National Park: [NSTR] Range: [MANNANUR 05]
 Biotic Province: [SA & 66] Beat: [MANNANUR (N) 15]
 District: [MARABOONNAGAR] Compartment: [319]

Site Specific Details
 Forest Type: [MIXED DRY DECCANUS FOREST] Soil Type: [SANDY SOIL] Longitude: [00 00 000] Altitude: [0]
 Temperature: [35] Humidity: [0] Season: [WINTER] Latitude: [00 00 000] D
 Rainfall Status: [NO RAIN] Date: [27/02/2002] Time: [9:00:00 AM] Locality/Landmark: []

Species Details
 Field Observations
 Total No Sighted: [00]
 No of Specimens Collected: [0]
 Status: [UNCOMMON]
 Collected By: [A]
 Specimen No.: [1004]
 Specimen Code: [FNA272021004]
 Fauna Code: []
 Fauna Group Name: [LICARIDS]

Identification: Scientific Name: [] Forest Density: [DENSE]
 Common Name: [CROCODILE] Associated Species: []
 Vernacular Name: []
 Order: [] Species Other Characteristics: []
 Family: []
 Identified By: [ERM LABS] Species Charecters: []
 Fauna Colour: [GRAY] Habitat Observations: []
 Gender: [ADULT MALE]
 Measurement Details: []

FAUNA SPECIMEN CODE	COMMON NAME	TOT SIGHTED	DATE	BEAT	STATUS	FOREST TYPE
FNA272021004	HONEY BEE	20	27/02/2002	MANNANUR (N)	COMMON	MIXED DRY DECCANUS FOREST
FNA272021005	DRAGON FLY	3	27/02/2002	MANNANUR (N)	ABUNDANCE	MIXED DRY DECCANUS FOREST
FNA2812020002	SEETFS	5	28/12/2002	BOMMANAPALLY	ABUNDANCE	MIXED DRY DECCANUS FOREST





Lynx Sp



Argiope pulchella



Tommy Sp



Peucetia viridana (lynx)



Scare crow spider



Argiope arcuata



Nephilia maculata



Myrmarachne sp



Orb Spider



Demon spider



Peoples' Biodiversity Registers (PBRs) Guidelines

The Process :

- It is to be undertaken in a participatory mode involving varying sections of village society.
- While documenting, the knowledge and views of both genders are to be recorded.
- Information provided by people need to be collated, analysed and crosschecked before documentation.
- The PBR is important base document in the legal arena as evidence of availability of resource and knowledge and hence careful documentation is necessary.



Peoples' Biodiversity Registers (PBRs) Guidelines

The Process :

- The document should be endorsed by the BMC and later publicized in the Gram Sabha / Gram Panchayat / Panchayat Samiti. The document can be a very useful tool in the management and sustainable use of bio resources.
- The document can also be a very useful teaching tool for teaching environmental studies at schools, colleges and university level
- The document should be periodically updated with additional and new information as and when generated.
- The PBR will be deposited with State Biodiversity Board (SBB) according to some SBB Rules (Ex: Kerala).



Peoples' Biodiversity Registers (PBRs)

Operating spatial scales

PBR can be proposed at

Village



Panchayat



Block



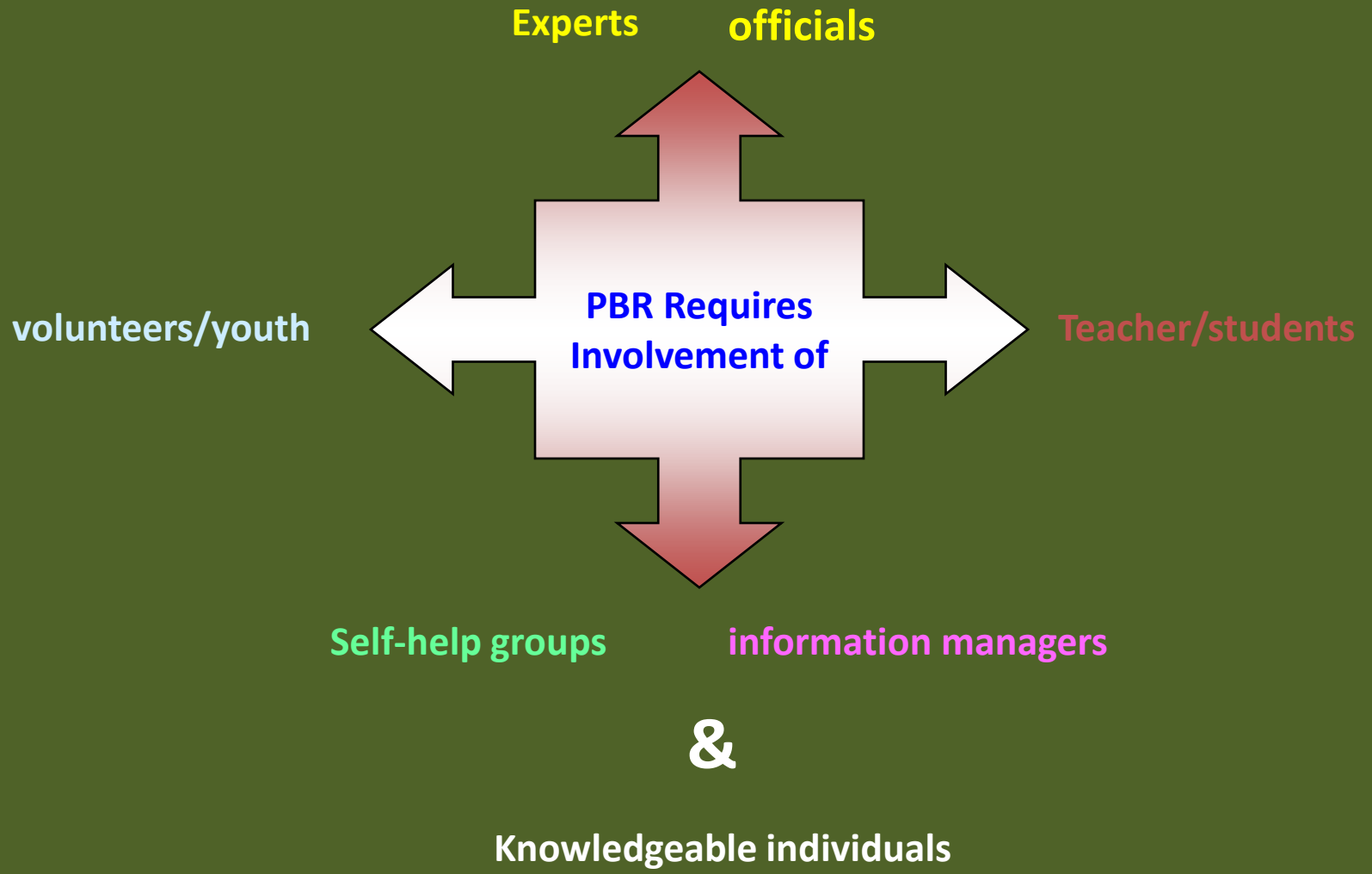
Municipality



District



Corporation Levels





❖ Overview

The PBR process shall be

1. An integral component of decentralized, participatory management of natural resources,
2. It shall be introduced in phases, beginning with the relatively simpler activities.



Peoples' Biodiversity Registers (PBR)

Seven Streams (Suggestive)

Organizing the effort (7 Activities)



Capacity building (3 Activities)



Data collection (8 Activities)



Resource management (7 Activities)



Verification (2 Activities)



Information management (2 Activities)



Feeding into action (3 Activities)



1. Organising the system

Clarifying the format



Deciding on sites,



Setting up a team



Deciding on formats, timelines, procedures for data and information collection



Preparing Drafts



Sharing of information for verification



Finalization of PBR



Sharing of information with Grama Panchayat, Gram Sabha and SBB



2.Capacity building

Taxonomic Capacity



Traditional Knowledge



Ecology



Economics



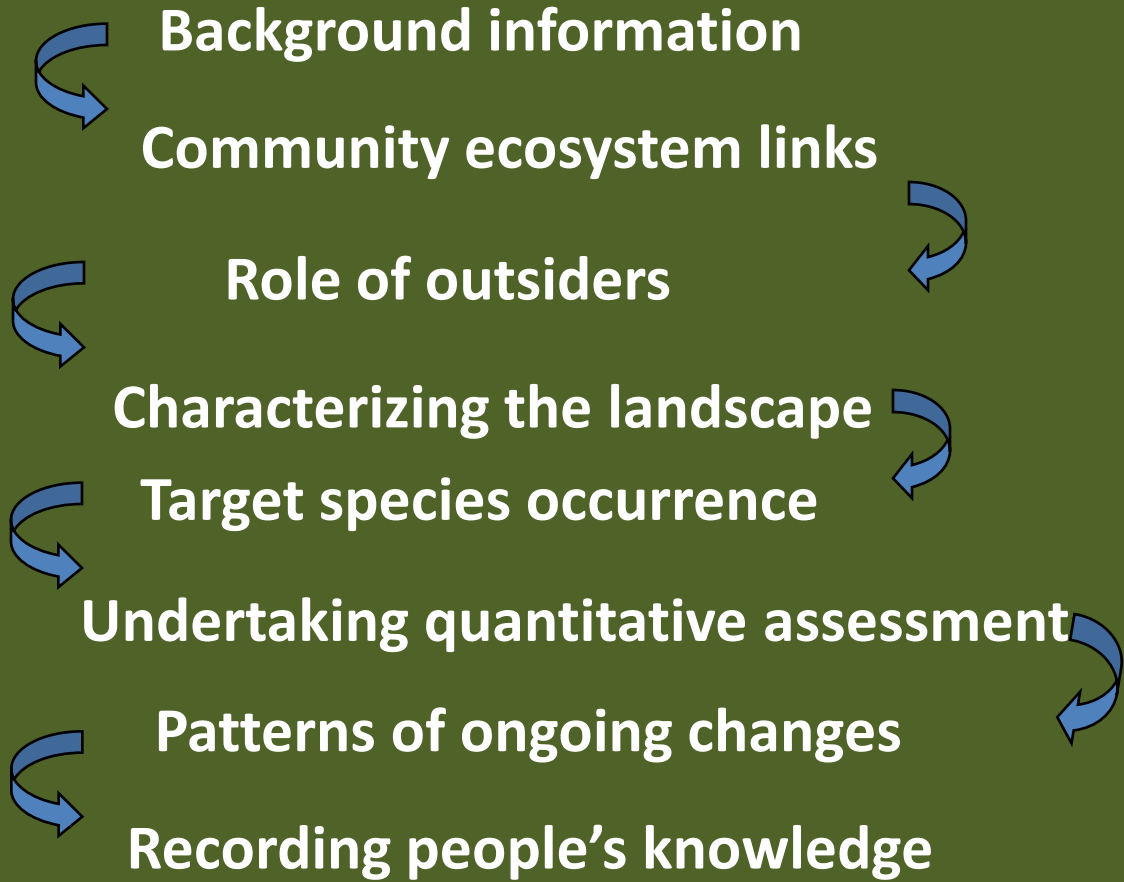
Traditional Uses



Others



3.Data collection





4.Resource management

Perceptions, values and preferences

Documenting Landscape management



Management of living resources



Valuing habitats



Species



Likely futures



Desired futures



Response options



5. Verification

Checking for duplication



Ecological information



People's knowledge



6. Information management

Preparing Hard Copy



Safeguarding, soft copies, if available



Preparing an action plan an using data and information



7. Feeding into action

Agreeing on response options



Preparing a management plan



Preparing an Action Plan to use the default information



PBR – Details - Format

PART - I

Details: General description about the GP with GPS location.

Annexure 1-5

Maps (GP, Taluk & Zilla /District)

Photos: field study, BMC members, training to BMC members and diversity of the GP.

PART - II

Formats 1-30.

PART – III

Profile of the study area.

Details of the natural resources.

Abbreviations.

References



Peoples' Biodiversity Register

Data Collection

Form 1. Background Information

C2. Community – Ecosystem Links

Form 2: List of categories of activities and occupations of people residing within the study area.

Form 3: Square matrix showing relation of activities within the study area.

Form 4: Composition of Eco-resource User Groups (Inside study area)

Composition of Eco-system links- Understanding Peoples' Perceptions through In-depth.



Peoples' Biodiversity Register

C3. Role of Outsiders

Form 5: List of activities by outsider within study area

Form 6: Square matrix of outsider activities the study area

Form 7: Composition of outside influences

Form 8: List of Knowledgeable Individuals

C4. Characterizing the landscape

Form 9A: Description of LSEs and their codes

Form 9: Description of Landscape Elements (LSEs)

Form 10: Description of Waterscape Element (WSEs)

Form 11: Topography and trend in area of selected LSEs

Form 12: Survey of selected WSEs

Form 13: Estimate of vegetation cover of selected LSEs



Peoples' Biodiversity Register

C5. Target Species Occurrence

Form 15-Occurrence and abundance of target species/varieties for entire study area.

Form 16- Occurrence and abundance of target species in selected LSE\WSEs



Peoples' Biodiversity Register

C6: Understanding quantitative assessment

C7: Patterns of Ongoing Changes

Form-17 Extent of interaction with important LSE\WSEs User Groups

Form-18 Extent of interaction with L\WSEs types by User groups (Outside)

Form-19-History of important LSEs over 10 years from User groups

Form-20- History of important WSEs over 10 years from User groups

Patterns of Ongoing Changes-Trend analysis



Peoples' Biodiversity Register

C8: Recording People's Knowledge

Form-21 Common information on knowledge

Form-22A-Health-Human/Veterinary/Plant

Form 22B-Management-L\WSE type /L/WSE/
Population/Individual organism

Form 22C-Instrumentation

Form 224D-Ecology and behaviour

Form 22E-Agricultural practices

Form 22F-Plant and animal varieties

Form 22G-Art

Form 22H-Rituals

Form 22 I-Food processing



Peoples' Biodiversity Register

Resource management:

Perceptions, values and preferences

D1. Documenting Landscape Management

Form 23-Pattern of ongoing changes in LSEs from User groups

Form 24-Pattern of ongoing changes in WSEs from User groups

D2. Documentation Management of Living Resources

Form-25-Patterns of ongoing changes from User groups regarding significant species

Experiences : Management of Living Resources-School level studies in support of Andhra Pradesh Biodiversity Strategy and Action Plan



Peoples' Biodiversity Register

D3. Valuing Habitats

D4. Valuing Species

D5. Likely Futures.

D6. Desired Futures

D7. Response Options:

Form 26 - Listing of managing issues

Form 27 - Assessing actions taken to change management

Form 28 - Responses to change in management actions



Peoples' Biodiversity Register

❖ Verification

E1: Verification of Ecological Information

E2. Verification of People's Knowledge



Annexure 1

Details of Biodiversity Management Committee (BMC) of the panchayat (One elected Chairperson and six persons nominated by the local body; not less than one third to be women and not less than 18% belonging to SC/ST)

1) Name of the Chairperson:

Age:

Gender:

Address:

Area of specialization:

Annexure 2

List of Vaid, hakims and traditional health care (human and livestock) practitioners residing and or using biological resources occurring within the jurisdiction of the village

Name:

Age:

Gender:

Address:

Area of Specialization:

Location from which the person accesses biological material:

Perception of the practitioner on the resource status:



Annexure 3

List of individuals perceived by the villagers to possess Traditional Knowledge (TK) related to biodiversity in agriculture, fisheries, and forestry

1) Name of the Chairperson:

Age:

Gender:

Address:

Area of specialization:

Annexure 4

Details of schools, colleges, departments, universities, government institutions, non-governmental organization and individuals involved in the preparation of the PBR

1) Contact Person

Name and Address:

2) Contact Person

Name and Address:

You may add names of more institutions / NGO / Individuals, etc. if necessary.



PBR – Formats

AGROBIODIVERSITY

Format 1: Crop Plants

1	2	3	4	5	6	7		8	9	10	11	12	13	14
Crop	Scientific Name	Local Name	Variety	Landscape / Habitat	Approx. area shown	Local Status		Special features	Cropping season	Uses	Associated TK	Other details	Source of Seeds/PI ants	Community/ Knowledge Past Present Holder
						Past	Present							
Rice	Oryza sativa		Veliyan	Lowland valleys		Plenty	Rare	Tall variety High yield Resistant to drought, flood, pest & diseases		Food Fodder Roofing Fuel	Provides more energy	Suitable for "Valicha" cultivation		Kurichiya Kuruma W. Chetty





Format 17: Markets / Fairs for Domesticated Animals, Medicinal Plants and other products

1	2	3	4	5	6	7	8	9
Name of the weekly market or fair	Location	Weekly / Fortnightly & Others Bi-annual / Annual	Day held	Month incase of bi-annual or annual market fair	Types of animal bought and Sold Number of animals (average) transacted in a day	Number of animals (average) transacted in a day	Places from where the animals are arrived	Places to where the animals are transported

Format 18: Trees, Shrubs, Herbs, Tubers, Grasses, Climbers, etc.,

1	2	3	4	5	6	7	8	9	10	11	
Plant Type	Local Name	Scientific Name	Habit	Habitat	Local status		Commercial / own use	Part collected	Associated TK	Other details	Community Past Present Knowledge Holder
					Past	Present					

Format 19: Wild Plant Species of Importance

1	2	3	4	5	6
S.No	Local Name	Scientific Name	Variety	Importance (as economic, social cultural etc.,)	Status



Format 26: Timber Plants

1	2	3	4		5	6	7	8
Local Name	Scientific Name	Habitat	Local Status		uses	Associated TK	Other Details	Community / Knowledge holder
			Past	Present				

Format 27 A: Coastal and Marine Flora

1	2	3	4	5		6	7	8	9	10
Plant Type	Local Name	Scientific Name	Habitat	Local Status		Parts Collected (if any)	uses	Associated TK	Other Details	Community / Knowledge holder
				Past	Present					

Format 27 B: Coastal and Marine Flora

1	2	3	4	5		6	7	8	9	10
Animal Type	Local Name	Scientific Name	Habitat	Local Status		Parts Collected (if any)	uses	Associated TK	Other Details	Community / Knowledge holder
				Past	Present					



Format 28: Wild Animals (Mammals, Birds, Reptiles, Amphibian, Insects, others)

1	2	3	4	5	6	7	8	9	10	11	12	
Animal Type	Local Name	Scientific Name	Habitat	Description	Season when seen	Local Status		uses	Associated TK	Mode of Hunting, collecting	Other Details	Community / Knowledge holder
						Past	Present					

URBAN BIODIVERSITY

Format 29: Flora

1	2	3	4	5	6	7
Sr. No.	Local Name	Scientific Name	Type of Plants	Habitat	Flowering Season	Remarks (Rare / Common etc.)

Format 30: Fauna

1	2	3	4	5	6
Sr. No.	Local Name	Scientific Name	Type of Animals (Mammals / Birds / Fish / Insect etc.)	Habitat	Remarks (Rare / Common etc.)

Format 31: Any other information of Local Importance

1	2	3
Sr. No.	Information of Local Importance	Remarks



THANK YOU



Guidelines for Biodiversity Management Committees (BMCs)



National Biodiversity Authority



Formation of BMC

- **Section 41 of the Biological Diversity Act states as follows:-**

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.



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 vaid and practitioners using the biological resources.
- **Levy charges** by way of collection fees from person(s) accessing or collecting bioresource for commercial purpose from its territorial jurisdiction.

Section 41 & Rule 22



1. Integration of BMCs to other village level committees related to natural resource management

- All village level committees to find representation in the BMCs
- SBB to issue suggestive list of Members to be included in the BMCs
- BMCs to reflect the nature of the biodiversity in the village/ region for conservation of local knowledge and traditions



2. Office of the BMC and members of the permanent establishment

Office space to be provided by local bodies, staff of the line dept. like forest guard/gram sevak/Village agriculture officer shall be nominated to function as Secretary to the BMC.

3. Technical Co-ordinator (TC) for BMCs

Each BMC shall have a Technical Co-ordinator (TC) to assist the BMC in its functioning. The cost for the TC shall be borne by SBB / BMC.

4. Tenure of the BMC

The Chairperson of the BMC shall have a tenure of 3 years. The non-official members of the BMC shall have a tenure of five years or coterminous with the tenure of the local elected body whichever is lesser



5 Roles and Functions of the BMCs

The BMCs would, in addition to the preparation of the People's Biodiversity Register (PBR), participate in following activities:

- ❖ 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 including Heritage Trees, Animals/ Micro organisms etc., and Sacred Groves and Sacred Water bodies.

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- ❖ Regulation of access to the biological resources and/ or associated Traditional Knowledge, for commercial and research purposes.
- ❖ Sharing of usufructs arising out of commercial use of bio-resource
- ❖ Conservation of **traditional varieties/breeds** of economically important plants/animals.
- ❖ Biodiversity **Education** and **Awareness** building
- ❖ Documentation, enable procedure to develop **bio-cultural protocol**.



6. Technical Support Groups for strengthening BMCs and preparation of PBRs

- The SBB shall formulate District level technical support groups comprising of officials/ institutions /people of excellence and expertise in the biodiversity issues at local level, which should guide the **BMC in its operation**.
- The People's Biodiversity Registers shall be maintained, **authenticated** and **validated** by the Biodiversity Management Committees with the assistance/guidance of the local Technical Support Committee, a copy of which would be made available to the SBB.



7. BMC Action Plan

- Each BMC shall prepare an Action Plan, drawing information validated in the People's Biodiversity Register.
- A technical support group (TSG) shall guide in the preparation of the action plan.
- The Action Plan to include
 - a) conservation of the bio-resources,
 - b) training needs identified for the personnel of the BMC and
 - c) list of potential items for consideration for registration as Geographical Indicators (G.I).
- Micro plan for the sustainable use of local biodiversity including medicinal plants associated traditional knowledge.



8. BMCs and Access to Biological Resources, Levy and Benefit Sharing

- The issues related to collection fee, benefit sharing and management of heritage sites, sacred groves, water bodies etc., can **be done in consultation with the technical support of the SBB,**
- SBB will set up technical support groups with experts to assist BMCs.



9. Custody of People's Biodiversity Registers (PBRs) and information therein

BMC shall ensure the protection of the knowledge recorded in the People's Biodiversity Register principally in the matters of regulation of access to agencies and individuals outside the village limits. Access to registers need to be recorded in writing and maintained in consultation with SBB/ Technical Support group.



10. Operational Guidelines for BMCs

- BMC shall hold a minimum of **4 meetings** in a year, and meet once at least in every 3 months.
- The meetings shall be chaired by the Chairperson of the BMC, and in his/her absence, by any other member elected by the members present.
- The quorum at every meeting shall be **three** including the chairperson and excluding official members.



- The minutes of the meeting so conducted, shall be drawn and a copy sent to the SBB and the local body.
- The SBB shall provide a format for drafting of minutes of the meetings, maintenance of meeting registers and alike, lay down the procedures for updating the registers & record of discussions, resolutions made, audit etc., which would facilitate Process Documentation at the BMC level.



11 Suggested format for Annual Reports

- The name of the committee
- The period to which the report relates
- The incumbency of office for the period
- Detailed statement of programmes of action for the year
- Detailed report on the activities performed during the year
- A brief account of financial position of the committee
- Map of jurisdiction
- Progress of work in People's Biodiversity Register (PBR):
- Documentation

Continued.....

- Updation
- Validation in consultation with the SBB and TSG
- Minutes of resolutions and decisions made by BMC
- BMC Annual Financial Report with resolutions of the BMC
- List of Visitors who viewed PBRs
- List of persons provided access to biological resources and traditional knowledge by BMC
- Important communication between BMC-SBB-NBA
- Photographs, News clippings (if any)



12 Funding BMCs and maintenance of their accounts

- The State Government on the recommendation of the SBB shall designate **Nodal officers** for each of the districts to oversee the various matters of the BMC.
- BMC should draw a plan of Action for accessing resources from various sources such as – NBA, SBB, Grants, Donations, Various line departments of Government of India and the State Governments, other Central and State Boards, Institutions, Corporate Bodies etc.,
- Start up funds may be obtained from the NBA, SBB. The state government may make appropriate provision in the budget for funding SBBs and provide financial support through SBBs to the BMCs.
- The SBB shall facilitate the BMC to open a Bank Account with an Enabling Letter that BMC have been formed in accordance with The Biological Diversity Act,2002.



- The Secretary of the BMC will maintain the accounts of the BMC. The accounting procedures will be drawn up and format for the maintenance of the accounts will be provided by the SBB. The SBB will also draw a check list to ensure that there is proper maintenance and submission of accounts.
- The BMC would give Utilization Certificate (UC) to the appropriate authority from whom they received the Fund and NBA/SBB as required.
- The accounts would be audited annually by an Auditor specially appointed for the purpose and after being passed by the BMC will be given to the local body and the SBB.

Continued



- The members of the BMC and the Secretary of the BMC should be trained and educated on the procedure for giving Utilization certificate (UC) and accounting procedures including preparation of Annual Report and utilization of the resources in accordance with the Action Plan drawn up by the BMC, prioritizing the conservation of the local biodiversity.
- The State Governments upon the recommendation of the SBB shall provide adequate fund and support staff at Nodal/district levels, to carry out the implementation of the Act, keeping in view the priorities and importance of the regional issues.

Continued



14 Disputes with regard to BMCs

In case any dispute arises between a BMC and another BMC or BMCs, the aggrieved BMC or BMCs, shall prefer the point or points of dispute to the State/Central Government which shall refer the same to the Authority or the SBB. Aggrieved BMCs may refer disputes to SBBs. Cases that cannot be resolved by SBB shall be referred to the State / Central Government. Disputes at the District level would be attended to by District level Nodal officers viz., Collector/CEO/DCF as per nature of the dispute and the State Government would decide the procedure.



15. Special Note on North East India

BMC Model for NE States: There are a large number of major and sub tribes in the NE States. There are **geographical and cultural variations with regard to the structure of communities** in the NE States. In addition, different NE states have different levels of autonomy, which further complicate issues. Some states have both traditional leaders as well as those elected by the law. In other situations, the village council undertakes all activities related to the development in the village. The NE region can not be clubbed as a single entity. Hence **a uniform model for the NE States is not possible**. The NBA and SBB should allow for flexibility, to take into account local conditions, traditions and customary laws and practices. In many instances the local tradition of these states is far advanced than the rest of the country.

Continued



Community Conserved Areas (CCA): In many locations there are **Community Conserved Areas (CCA)** that offer protection to biodiversity. This is a unique feature with regard to the NE states and the BMCs of the NE states need to be supported, where they are quite advanced and already operational.

Land Tenure and BMCs and importance of raising awareness about the BD Act: Land tenure with regard to cultivated and non cultivated lands in the NE states is fairly complex. For example land in the Apatani Plateau is classified into: **Community lands** (Common to all groups in the villages), **Clan lands** (Owned by members of a clan only) and **Individual land** (Owned by a family) apart from the **Reserved Forests** which is in the custody of the State. In most NE states, the area under the control of the forest department is limited. Hence the role of BMCs in Biodiversity Management in such regions will be critical. Hence, raising awareness about the Act amongst various stakeholders - officials and representatives of communities is essential.

BMCs and Shifting Cultivation (Jhum) the BMCs may be involved in raising awareness about the loss of Biodiversity arising out of shifting cultivation.

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Peoples' Biodiversity Registers: Preparation of PBRs is critical given the fact that NE states are both Global Biodiversity Hotspot and very rich in traditional knowledge of communities. The **PBR exercise** being carried out in **Nagaland** is systematic, logical and realistic. Data is collected over a period of time, cross-checked and validated before finalization. This is a workable model that can be adopted by others states involved in the exercise.

Involvement of Research and Educational Institutions in PBR preparation and maintenance: Strengthening village communities with regard to preparation of PBRs with the help of **research and educational institutes** is important. A symbiotic relationship with such institutions, the State Biodiversity Boards and the BMCs is required. In a meeting in Arunachal Pradesh, members of the Apatani communities expressed the need for a Technical Support Group (TSG) for assisting in the preparation of PBRs, and require guidelines for sustainable harvest of resources and conservation.

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Thanks...