





THE BIOLOGICAL DIVERSITY ACT, 2002

Presented by:
District and Sessions Court,
Balod



OBJECT OF THE ACT

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



Some Important Terms

- Benefit claimers – Conservers of biological resources, their by products, creators and holders of knowledge relating to use of such biological resources;
- Biological diversity – Variability among living organisms from all sources and includes diversity within species or between species and eco-systems;
- Biological resources- Plants, animals and micro-organisms, their genetic material and by products but excludes:-
 - Value added products;
 - Human genetic material.



Some Important Terms

- Commercial Utilization – End uses of biological resources for commercial utilization such as drugs, food flavours, cosmetics etc.but does not include conventional breeding or traditional practices in use in any agriculture, horticulture or poultry etc.;
- Sustainable use – use of components of biological diversity in such manner and rate that does not lead to its long-term decline thereby maintaining its potential to meet the needs and aspirations of present and future generation;
- Value Added Products- Products which contain portions of plants or animals in unrecognizable and physically inseparable form.



Regulation of access to biological diversity

- Certain persons not to undertake Biodiversity related activities without approval of NBA:-
 - Person who is not a citizen of India;
 - Citizen of India, who is non-resident under the Income-Tax Act, 1961;
 - Company or association not registered or incorporated in India (Section 3).
- Results of research not to be transferred to certain persons without approval of NBA (Section 4);
- The above provisions shall not apply to certain collaborative research projects;
- Application of IPR not to be made without the approval of NBA (Section 6);
- Prior intimation to SBB for obtaining biological resource for certain purposes (Section 7).



National Biodiversity Authority

- Establishment of NBA by Central Govt.;
- Functions and powers of NBA:-
 - Regulate and approve activities u/s 3,4 and 6;
 - Issue guidelines for access to biological resources for fair and equitable benefit sharing;
 - Advise Central Govt.on matters relating to conservation of biodiversity;
 - Advise State Govt.in selection of areas of biodiversity importance to be notified as heritage sites;
 - Other functions.



State Biodiversity Board

- Establishment of SBB by the State Govt.;
- No SBB for a Union Territory;
- Functions of SBB:-
 - Advise the State Govt.on conservation of biodiversity;
 - Regulate by granting of approvals requests for commercial utilization or bio-survey and bio utilization of biological resource;
 - Other functions.
- Power of SBB to restrict certain activities (Section 24).



Other Provisions

- State Govt. to notify areas of biodiversity importance to be Biodiversity heritage sites;
- Central Govt.to notify threatened species;
- Central Govt.to designate repositories to keep in safe custody the biological material including voucher specimens deposited with them;
- Central Govt.to exempt certain biological resources;
- Local bodies to constitute Biodiversity Management Committees to promote conservation, sustainable use and documentation of biological diversity;



Local Biodiversity Fund

- State Govt.to constitute LBF;
- State Govt. to pay grants or loans to the fund;
- The fund shall be used for conservation and promotion of biodiversity within its jurisdiction.



Penalties

- Contravention of section 3, 4 or 6:-
 - 5 years imprisonment or fine upto 10 lakhs and if damage is more than 10 lakhs then commensurate with damage caused or both;
- Contravention of section 7:-
 - 3 years imprisonment or fine upto 5 lakhs or both.
- Contravention of directions or orders of Central Govt., State Govt., NBA and SBB:-
 - Fine of upto Rupees 1 lakh.
- Cognizable and non-bailable offence;
- Act to have effect in addition to other Acts;
- Cognizance of offence on the basis of complaint by Central Govt. or any benefit claimer.





THANK YOU