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## UNIT 11 BIODIVERSITY

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### 11.1 INTRODUCTION

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The Biological Diversity Act, 2002 is an Act enacted by the Parliament of India for the preservation of biological diversity in India and provides a mechanism for equitable sharing of benefits arising out of the use of traditional biological resources and knowledge. This act was an attempt to meet the objectives carved in the United Nations Convention on Biological Diversity (CBD) 1992. CBD has three main objectives: the conservation of biodiversity; the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources. It has two supplementary agreements, the Cartagena Protocol and Nagoya Protocol. Before going deeper into “The Biological Diversity Act, 2002”, let us quickly recap the definition of biodiversity! CBD defined biodiversity as **“the variability among living biota from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems”**. This unit will give you an overview of the Biological Diversity Act, 2002. We will be discussing the functions of the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs) and Biodiversity Management Committees (BMCs).

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### 11.2 OBJECTIVES

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After studying this unit, you should be able to:

- explain the features of the Biological Diversity Act, 2002;
- explain the functions of the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs) and Biodiversity Management

Committees (BMCs); and

- describe the Biodiversity Heritage Sites (BHS).

## **11.3 THE BIOLOGICAL DIVERSITY ACT, 2002**

The biological diversity act, 2002 has a total of 12 chapters (Table 11.1). The act envisaged a three-tier structure to regulate the access to biological resources at the national level, at the state level and district level through The National Biodiversity Authority (NBA), The State Biodiversity Boards (SBBs) and The Biodiversity Management Committees (BMCs) respectively.

**Table 11.1 The chapters in the Biological Diversity Act, 2002**

<b>Chapter</b>	<b>Content</b>
I	1. Short title, extent and commencement and 2. Definitions.
II	Regulations of Access to Biological Diversity
III	National Biodiversity Authority
IV	Functions and Powers of the National Biodiversity Authority
V	Approval by the National Biodiversity Authority
VI	State Biodiversity Board
VII	Finance, Accounts and Audit of National Biodiversity Authority
VIII	Finance, Accounts and Audit of State Biodiversity Board
IX	Duties of the Central and the State Governments
X	Biodiversity Management Committee
XI	Local Biodiversity Fund
XII	Miscellaneous

Let's know about the National Biodiversity Authority (NBA)!

## **11.4 NATIONAL BIODIVERSITY AUTHORITY**

The National Biodiversity Authority (NBA) was established in 2003 and is a statutory body that performs facilitative, regulatory and advisory functions for the Government of India on the issue of conservation and sustainable use of biological resources. The head office of the NBA is in Chennai, Tamil Nadu, India.

### **Structure of NBA**

The National Biodiversity Authority (NBA) consists of the following members who are appointed by the Central Government:

**a. The Chairperson**

The Chairperson 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.

**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's notice in writing to the Central Government.
- b. Three ex officio members, one representing the Ministry dealing with Tribal Affairs and two representing the Ministry dealing with Environment, Forests, and Climate Change.
- c. Seven ex-officio members 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 Homoeopathy
  - 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 and experience in the areas 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.

**Functions of the NBA**

- To promote conservation and sustainable use of biodiversity.
- Advising the central government, regulating activities and issuing guidelines for access to biological resources and fair and equitable benefit sharing as per Biological Diversity Act, 2002.
- 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 resources derived from India.

- Advising the State Governments in the selection of areas of biodiversity importance to be notified as heritage sites and their management.

### **Approval from the National Biodiversity Authority (NBA)**

Approval from the National Biodiversity Authority (NBA) is required for the following:

- To obtain any biological resource occurring in India or knowledge associated with the biological resource for research or commercial utilisation.
- To transfer the results of any research relating to any biological resources from India.
- To claim intellectual property rights on any invention based on the research made on the biological resources obtained from India.
- Under the Biological Diversity Act, 2002, the Central Government in consultation with the NBA:
- Shall notify threatened species and prohibit or regulate their collection, rehabilitation and conservation.
- All offences under this act are cognizable and non-bailable.

Any grievances relating to the determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act shall be taken to the National Green Tribunal (NGT). NGT is a specialised body set up under the National Green Tribunal Act (2010) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.

### **Exemptions from the Act**

- The Act excludes Indian biological resources that are normally traded as commodities.
- The act also excludes traditional uses of Indian biological resources and associated knowledge and when they are used in collaborative research projects between Indian and foreign institutions with the approval of the central government.
- Growers and cultivators of biodiversity, and vaidas and hakims, who have been practising indigenous medicine are exempted.

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## **11.5 STATE BIODIVERSITY BOARDS (SBBS)**

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The SBBs are established by the State Governments in accordance with Section 22 of the Biological Diversity Act, 2002.

### Structure of SBBs

The State Biodiversity Board consists of the following members:

- A Chairperson;
- Not more than five ex officio members to represent the concerned Departments of the State Government; and
- Not more than five members 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.

All the members of the SBB are appointed by the respective State Governments.

### Functions of SBBs

1. To advise the State Government, subject to any guidelines issued by the Central Government, on matters relating to the conservation, sustainable use or sharing of equitable benefits.
2. To grant approvals or otherwise requests for commercial utilisation or bio-survey and bio-utilisation of any biological resource by people.

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## 11.6 BIODIVERSITY MANAGEMENT COMMITTEES (BMCs)

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According to Section 41 of the Biological Diversity Act, 2002, every local body shall constitute the BMC within its area to promote conservation, sustainable use and documentation of biological diversity including:

- Preservation of habitats
- Conservation of Landraces
- Folk varieties and cultivars
- Domesticated stocks and breeds of animals
- Microorganisms and chronicling of knowledge relating to biological diversity

“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. 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” (<https://www.indiacode.nic.in/bitstream/123456789/2046/1/200318.pdf>).

### Structure of BMCs

- It shall consist of a chairperson and not more than six persons nominated by the local body.
- Out of the total members of a BMC, 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.

### Functions of BMCs

- The main function of the BMC is to prepare the People's Biodiversity Register in consultation with the local people.
- The register shall contain comprehensive information on the availability and knowledge of local biological resources, their medicinal or any other use or any other.

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## 11.7 BIODIVERSITY HERITAGE SITES (BHS)

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According to Section 37 of the Biological Diversity Act, 2002, the State Government in consultation with local bodies may notify the areas of biodiversity importance as Biodiversity Heritage Sites. “The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites. The State Government shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification” (<https://www.indiacode.nic.in/bitstream/123456789/2046/1/200318.pdf>).

The Biodiversity Heritage Sites are the well-defined areas that are unique, ecologically fragile ecosystems - terrestrial, coastal and inland waters and marine having rich biodiversity comprising of any one or more of the following components:

- the richness of wild as well as domesticated species or intra-specific categories
- high endemism
- presence of rare and threatened species
- keystone species
- species of evolutionary significance
- wild ancestors of domestic/cultivated species or their varieties
- past pre-eminence of biological components represented by fossil beds and having significant cultural, ethical or aesthetic values

### Check Your Progress 1

**Note:** i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

1. What are the functions of the National Biodiversity Authority?

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2. Write a short note on State Biodiversity Authority.

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3. Write a short note on the "Biodiversity Management Committee".

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4. Write a short note on Biodiversity Heritage Sites.

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### 11.8 LET US SUM UP

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India is a nation rich in biodiversity and has a history of enriched knowledge of its forms and biodiversity use in traditional medicine etc. Way back on 5<sup>th</sup> June 1992, India became a party to the United Nations Convention on Biological Diversity signed in Rio de Janeiro, 1992 and the said Convention came into force on the 29th December 1993. The 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 the utilisation of genetic resources.

In this unit, we have discussed the salient features of the Biological Diversity Act, 2002. The Biological Diversity Act, 2002 is an Act enacted by the Parliament of India for the preservation of biological diversity in India and provides a mechanism for equitable sharing of benefits arising out of the use of traditional biological resources and knowledge. This act was an attempt to meet the objectives carved in the United Nations Convention on Biological Diversity (CBD) 1992. We have also discussed the functions of the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs) and Biodiversity Management Committees (BMCs).

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## 11.9 KEY WORDS

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**Agrobiodiversity:** "Agrobiodiversity" means the biological diversity of agriculture-related species and their wild relatives.

**Biological Diversity:** "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 ecosystems.

**Biological Resources:** Biological Resources can be defined as 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 do not include human genetic material.

**Commercial Utilisation of Biodiversity:** "Commercial utilisation of biodiversity" means end uses of biological resources for commercial utilisation 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 beekeeping.

**Sustainable Use of Biodiversity:** "Sustainable use of biodiversity" means the use of components of biological diversity in such manner and at such a 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.

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## 11.10 SUGGESTED FURTHER READING/REFERENCES

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### Web Links

<http://nbaindia.org/link/304/1/1/home.html>



<https://legislative.gov.in/sites/default/files/A2003-18.pdf>

<https://www.indiacode.nic.in/bitstream/123456789/2046/1/200318.pdf>

<http://nbaindia.org/content/106/29/1/bhs.html>

[http://www.wiienviis.nic.in/Database/bhs\\_8650.aspx](http://www.wiienviis.nic.in/Database/bhs_8650.aspx)

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## **11.11 ANSWERS TO CHECK YOUR PROGRESS**

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### **Check Your Progress 1**

1. Please refer to section 11.4
2. Please refer to section 11.5
3. Please refer to section 11.6
4. Please refer to section 11.7



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THE PEOPLE'S  
UNIVERSITY