



COMPENDIUM OF
BIOLOGICAL DIVERSITY ACT, RULES
AND OTHER NOTIFICATIONS

KERALA STATE BIODIVERSITY BOARD

COMPENDIUM OF BIOLOGICAL DIVERSITY ACT, RULES AND OTHER NOTIFICATIONS



KERALA STATE BIODIVERSITY BOARD
THIRUVANANTHAPURAM, KERALA

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A wide, calm river flows through a lush green landscape. The water is still, reflecting the sky and the surrounding trees. The sky is filled with large, white, fluffy clouds, with a hint of blue visible between them. The trees on the banks are dense and green, creating a natural frame for the river. The overall scene is peaceful and serene.

National Act and Rules



सत्यमेव जयते

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



**National Biodiversity Authority
INDIA**



रजिस्ट्री सं. डीएल-33004/2003

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
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 utilisation of genetic resources;

AND WHEREAS it is considered necessary to provide for conservation, sustainable utilisation and equitable sharing of the benefits arising out of utilisation 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 by-products, 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-utilisation" means survey or collection of species, sub-species, 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

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 utilisation or for bio-survey and bio-utilisation.

(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;

(c) a body corporate, association or organisation—

(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.

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).

(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.

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

Results of research not to be transferred to certain persons without approval of National Biodiversity Authority.

Sections 3 and 4 not to apply to certain collaborative research projects.

43 of 1961.

43 of 1961.



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.

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

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:

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 *vaidis* and *hakims*, who have been practising indigenous medicine.

CHAPTER III

NATIONAL BIODIVERSITY AUTHORITY

Establishment of 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.

(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 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 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.

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.

Meetings of National Biodiversity Authority.

(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.

Committees of National Biodiversity Authority.

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.

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 authorised 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 authorised 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

Functions and powers of 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.



(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 utilisation 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

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 utilisation or for bio-survey and bio-utilisation 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.

Approval by National Biodiversity Authority for undertaking certain activities.

(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.

Determination of equitable benefit sharing by National Biodiversity Authority.

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 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-utilisation;

(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

Establishment of 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.

(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.

23. The functions of the State Biodiversity Board shall be to—

Functions of State Biodiversity Board.

(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 utilisation or bio-survey and bio-utilisation 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, organisation 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.

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

(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.

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:—

Provisions of sections 9 to 17 to apply with modifications to State Biodiversity Board.

(a) references to the Central Government shall be construed as references to the State Government;

(b) references to the National Biodiversity Authority shall be construed as references to the State Biodiversity Board;



(c) reference to the Consolidated Fund of India shall be construed as reference to the Consolidated Fund of the State.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT OF NATIONAL BIODIVERSITY AUTHORITY

Grants or loans by the Central Government.

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 utilised for the purposes of this Act.

Constitution of National Biodiversity Fund.

27. (1) There shall be constituted a Fund to be called the National Biodiversity Fund and there shall be credited thereto—

(a) any grants and loans made to the National Biodiversity Authority under section 26;

(b) all charges and royalties received by the National Biodiversity Authority under this Act; and

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

(2) The Fund shall be applied for—

(a) channeling benefits to the benefit claimers;

(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.

Annual report of National Biodiversity Authority.

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 auditors' report thereon.

Budget, accounts and audit

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.

(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.



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.

Annual report to be laid before Parliament

CHAPTER VIII

FINANCE, ACCOUNTS AND AUDIT OF 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.

Grants of money by State Government to State Biodiversity Board.

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

Constitution of State Biodiversity Fund

- (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 authorized 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 State Biodiversity Board.

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.

Annual report of State Biodiversity Board to be laid before State Legislature.

CHAPTER IX

DUTIES OF THE CENTRAL AND THE STATE GOVERNMENTS

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.

Central Government to develop National strategies, plans, etc., for conservation, etc., of biological diversity.

(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 minimise 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 threat-
ened 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.

Power of
Central
Government to
exempt certain
biological
resources.

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.



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 micro-organisms 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

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 utilised for the purposes of this Act.

Grants to Local Biodiversity Fund.

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—

Constitution of Local Biodiversity Fund.

(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 as 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.



Audit of accounts 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.

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

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.

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.

2 of 1974.

(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.

45 of 1860.

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.

Members, officers, etc., of National Biodiversity Authority and State Biodiversity Board deemed to be public servants.

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:

Appeal.

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.

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 subsection 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.

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.

Penalties.



(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.
Offences by companies.

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.

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.

Offences to be cognizable and non-bailable.

58. The offences under this Act shall be cognizable and non-bailable.

Act to have effect in addition to other Acts.

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.

Power of Central Government to give directions to State Government.

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.

Cognizance of offences.

61. No Court shall take cognizance of any offence under this Act except on a complaint made by—



(a) the Central Government or any authority or officer authorised 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 authorised as aforesaid.

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

Power of
Central
Government
to make rules.

(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 sub-section (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 (k) 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.

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

Power of
State Govern-
ment to make
rules.

(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.

Power to make regulations.

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 remove difficulties.

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:

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,
Secy to the Govt. of India.



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-coordinating 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 atleast 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;
- (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 authorized by the Chairperson in this behalf.
- (5) The Chairperson, either himself or through an officer of the authority authorized 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 24)**

- (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 vaid 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 authorised 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, impunged 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 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).



Schedule

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-geographical 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 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 28)

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 alongwith 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: _____

Dated: _____

Signature



EXPLANATION:

- (1) In case the notice to be given in the name of a company, documentary evidence authorising 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 utilisation /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 (EC)]

DESH DEEPAK VERMA, Jt. Secy.



The National Green Tribunal Act 2010 (19 of 2010)

PART IV

AMENDMENT TO THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

(14 OF 1981)

Insertion of
new section
31B.

After section 31A, the following section shall be inserted, namely:—

Appeal to
National
Green
Tribunal.

"31B. Any person aggrieved by an order or decision of the Appellate Authority under section 31, made 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."

PART V

AMENDMENT TO THE ENVIRONMENT (PROTECTION) ACT, 1986

(29 OF 1986)

Insertion of
new section
5A.

After section 5, the following section shall be inserted, namely:—

Appeal to
National Green
Tribunal.

"5A. Any person aggrieved by any directions issued under section 5, 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."

PART VI

AMENDMENTS TO THE BIOLOGICAL DIVERSITY ACT, 2002

(18 OF 2002)

Amendment
of section 52.

1. In section 52, after the proviso, the following provisos shall be inserted, namely:—

"Provided further that nothing contained in this section shall apply on and from the commencement of the National Green Tribunal Act, 2010:

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."

Insertion of
new section
52A.

2. After section 52, the following section shall be inserted, namely:—

Appeal to
National Green
Tribunal.

"52A. Any person aggrieved by any determination of benefit sharing or order of the National Biodiversity Authority or a State Biodiversity Board under this Act, 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."

V.K. BHASIN,
Secy. to the Govt. of India.





Access and Benefit sharing



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 612]

नई दिल्ली, शुक्रवार, नवम्बर 21, 2014/कार्तिक 30, 1936

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

(राष्ट्रीय जैव विविधता प्राधिकरण)

अधिसूचना

नई दिल्ली, 21 नवम्बर, 2014

सा.का.नि. 827(अ).—राष्ट्रीय जैव विविधता प्राधिकरण, जैव विविधता अधिनियम, 2002 (2003 का 18) की धारा 18 की उपधारा (1) और धारा 21 की उपधारा (4) के साथ पठित धारा 64 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और आनुवंशिक संसाधनों पर पहुंच और उनके उपयोग से उद्भूत फायदों का क्लृप्त और साम्यपूर्ण विभाजन करने पर नागोया प्रोटोकॉल और जैव विविधता कन्वेंशन तारीख 29 अक्तूबर, 2010 के अनुसरण में निम्नलिखित विनियम बनाता है, अर्थात् :-

संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम जैविक संसाधनों तक पहुंच और सहयुक्त जानकारी तथा फायदा बंटाना विनियम, 2014 है।

(2) ये राजपत्र में उनके अंतिम प्रकाशन की तारीख में प्रवृत्त होंगे।

1. जैविक संसाधनों और/या सहयुक्त पारंपरिक जानकारी तक अनुसंधान या जैव सर्वेक्षण तक पहुंच की प्रक्रिया और अनुसंधान के लिए जैव उपयोग :-

(1) अधिनियम की धारा 3 की उपधारा (2) के अधीन निर्दिष्ट कोई व्यक्ति जो जैविक संसाधनों और/या सहयुक्त पारंपरिक जानकारी तक अनुसंधान या जैव सर्वेक्षण तक पहुंच की प्रक्रिया और अनुसंधान के लिए जैव उपयोग का आशय रखता है, राष्ट्रीय जैव विविधता प्राधिकरण (एनबीए) को जैव विविधता नियम, 2004 के प्ररूप-1 में भारत में उपगत होने वाले ऐसे से जैविक संसाधनों और/या सहयुक्त जानकारी तक पहुंच अभिप्राप्त करने के लिए आवेदन करेगा।



(2) एनबीए उप-विनियम (1) के अधीन किसी आवेदन पर उसका समाधान हो जाने पर, आवेदक के साथ फायदा बंटाने का करार करेगा जिसे उस विनियम में निर्दिष्ट अनुसंधान के लिए अनुमोदन प्रदान करना समझा जाएगा।

परंतु जैविक संसाधनों की दशा में जिनका उच्च स्थानिक मूल्य है, तो करार फायदे को बंटाने के विषय में आवेदक द्वारा एक ऐसी रकम के अग्रिम संदाय के प्रमान का खंड अंतर्विष्ट हो सकेगा, जो एनबीए और आवेदक के बीच सहमत हो।

2. वाणिज्यिक उपयोग या जैव सर्वेक्षण के लिए जैविक संसाधनों तक पहुंच की प्रक्रिया और वाणिज्यिक उपयोग के लिए जैव उपयोग-

(1) कोई व्यक्ति जो जैविक संसाधनों तक पहुंच का आशय रखता है, जिसके अंतर्गत संयुक्त वन प्रबंधन समिति (जेएफएमसी)/वनवासी/जनजाति कृषक/ग्राम सभा द्वारा की जा रही फसल भी है, इन विनियमों से उपायद्ध प्ररूप 'क' के साथ यथास्थिति जैव विविधता नियम, 2004 के प्ररूप 1 में एनबीए को या राज्य जैव विविधता बोर्ड (एसबीबी) को ऐसे प्ररूप में आवेदन करेगा जो एसबीबी द्वारा चिह्नित किया जाए।

(2) यथास्थिति, एनबीए या एसबीबी उप विनियम (1) के अधीन आवेदन ने समाधान हो जाने पर, आवेदक के साथ फायदा बंटाने का करार करेगा जिसे जैविक संसाधनों के वाणिज्यिक उपयोग के लिए या जैव सर्वेक्षण के लिए और उस उप-विनियम में निर्दिष्ट वाणिज्यिक उपयोग हेतु जैव उपयोग के लिए अनुमोदन समझा जाएगा।

3. वाणिज्यिक उपयोग के लिए या जैव सर्वेक्षण के लिए और वाणिज्यिक उपयोग हेतु जैव उपयोग के लिए जैविक संसाधनों तक पहुंच के लिए फायदा बंटाने का अंग

(1) जहां आवेदक/व्यापारी/विनिर्माता ने संयुक्त वन प्रबंधन समिति (जेएफएमसी)/वनवासी/जनजाति कृषक/ग्राम सभा जैसे व्यक्तियों के साथ फायदा बंटाने के लिए पूर्व बातचीत नहीं की है और इन व्यक्तियों से सीधे जैविक संसाधन का क्रय करता है तो व्यापारी पर फायदा बंटाने की बाध्यता जैविक संसाधनों के क्रय मूल्य के 1.0 प्रतिशत से 3.0 प्रतिशत की रेंज में होगी और विनिर्माता पर फायदा बंटाने की बाध्यता जैविक संसाधनों के क्रय मूल्य के 3.0 प्रतिशत से 5.0 प्रतिशत की रेंज में होगी।

परंतु व्यापारी द्वारा उसके द्वारा क्रय किए गए जैविक संसाधनों को किसी अन्य व्यापारी या विनिर्माता को विक्रय करने की दशा में, क्रेता पर फायदा बंटाने की बाध्यता यदि वह व्यापारी है तो क्रय मूल्य के 1.0 प्रतिशत से 3.0 प्रतिशत की रेंज में और यदि वह विनिर्माता है तो 3.0 प्रतिशत से 5.0 प्रतिशत की रेंज में होगी।

परंतु यह और कि यदि क्रेता तुरंत पश्चात्कर्ती विक्रेता के साथ आपूर्ति शृंखला में फायदा बंटाने का साक्ष्य प्रस्तुत करता है तो क्रेता पर फायदा बंटाने की बाध्यता केवल उस क्रय मूल्य के भाग तक लागू होगी, जिसके लिए फायदे को आपूर्ति शृंखला में बांटा नहीं गया है।

(2) जहां आवेदक/व्यापारी/विनिर्माता ने संयुक्त वन प्रबंधन समिति (जेएफएमसी)/वनवासी/जनजाति कृषक/ग्राम सभा जैसे व्यक्तियों के साथ पूर्व फायदा बंटाने के लिए बातचीत की है और इन व्यक्तियों से सीधे जैविक संसाधन का क्रय करता है तो आवेदक पर फायदा बंटाने की बाध्यता उस दशा में जब क्रेता कोई व्यापारी है, जैविक संसाधनों के क्रय मूल्य के 3.0 प्रतिशत से कम नहीं होगी और क्रेता के विनिर्माता होने की दशा में ये 5.0 प्रतिशत से कम नहीं होगी।

(3) ऐसे जैविक संसाधनों की दशा में जिनका उच्च आर्थिक मूल्य है जैसे चंदन, लाल सैंडर्स आदि या उनके व्युत्पन्नों की दशा में, फायदा बंटाने में नीलाामी या विक्रय की रकम से अगलों के 5 प्रतिशत से अत्यून का संदाय जैसा कि, यथास्थिति, एनबीए या एसबीबी द्वारा विनिश्चय किया जाए और सफल बोली दाता या क्रय कर्ता अभिहित निधि में जैविक संसाधनों तक पहुंच से पूर्व रकम का संदाय करेगा।

4. विनियम 2 के अधीन वाणिज्यिक उपयोग के लिए पहुंच बनाए गए जैविक संसाधनों के विक्रय मूल्य के फायदे को बंटाने का विकल्प-

जब जैविक संसाधनों तक वाणिज्यिक उपयोग के लिए या जैव सर्वेक्षण के लिए पहुंच की जाती है और जैव उपयोग से वाणिज्यिक उपयोग होता है तो आवेदक के पास फायदा बंटाने का 0.1 प्रतिशत से 0.5 प्रतिशत की रेंज में उस उत्पाद की वार्षिक समग्र कारखाना पूर्व विक्रय की प्रतिशतता के निम्नलिखित शेड में जिसकी गणना वार्षिक कारखाना पूर्व समग्र विक्री को सरकारी कर्तों ने कम करके, जैसा कि नीचे दिया गया है, विकल्प होगा



उत्पाद का कारखाना पूर्व वार्षिक वित्त्रय	फायदा बंटाने वाले संघटक
1.00.00.000 रुपए तक	0.1 %
1.00.00.001 रुपए से 3.00.00.000 रुपए तक	0.2%
3.00.00.000 रुपए से ऊपर	0.5%

5. फीस का संग्रहण—

अधिनियम की धारा 41 की उपधारा (3) के अधीन किसी जैविक संसाधन तक वाणिज्यिक प्रयोजन के लिए पहुंच या संग्रहण के लिए उन क्षेत्रों से जो जैव विविधता प्रबंधन समिति (बीएमसी) के राज्यस्तरीय क्षेत्राधिकार में आते हैं, फीस का संग्रहण इन विनियमों के अधीन एनबीए/एसबीवी को फायदा बंटाने के अतिरिक्त होगा।

6. जैविक संसाधनों से संबंधित अनुसंधान के परिणामों को अंतरित करने की प्रक्रिया—

(1) धनीय प्रतिकूल या अन्यथा के लिए अधिनियम की धारा 3 की उप-धारा (2) में निर्दिष्ट व्यक्तियों को भारत में उपगत होने वाले या भारत में अभिप्राप्त जैविक संसाधनों से संबंधित अनुसंधान के परिणामों को अंतरित करने का आशय रखने वाला कोई व्यक्ति—

(क) भारत में अभिप्राप्त जैविक संसाधनों से संबंधित अनुसंधान के परिणामों को किसी प्रयोजन के लिए अंतरित करने के लिए जैविक विविधता नियम, 2004 के प्ररूप 2 में आवेदन करेगा;

(ख) अनुसंधान में अंतर्वर्तित जैविक संसाधन और / या सहयुक्त जानकारी तक पहुंच के लिए एनबीए के अनुमोदन का माध्यम प्रस्तुत करेगा:

परंतु किसी आवेदक को, जो भारत का नागरिक है या नियमित निकाय, संगम या संगठन है जो भारत में रजिस्ट्रीकृत है और उसकी पूंजी या प्रबंधन में किसी बर भारतीय की कोई सहभागिता नहीं है, इस खंड के अधीन माध्यम देने की अपेक्षा लागू नहीं होगी;

(ग) आवेदक की जानकारी में अनुसंधान के परिणामों के संभावित वाणिज्यिक मूल्य की संपूर्ण जानकारी देगा।

(2) एनबीए, उप-विनियम (1) के अधीन आवेदन से समाधान हो जाने पर, आवेदक के साथ एक फायदा बंटाने का करार करेगा जिसे उस विनियम में निर्दिष्ट अनुसंधान के परिणामों को अंतरित करने का अनुमोदन समझा जाएगा।

7. अनुसंधान के परिणामों को अंतरित करने के लिए फायदे बंटाने का ङं-आवेदक, विनियम 6 के अधीन अनुसंधान के परिणामों को अंतरित करने की दशा में एनबीए को ऐसे धनीय और बर धनीय फायदे का संदाय करेगा जैसी कि आवेदक और एनबीए के बीच सहमति हुई हो :

परंतु उसके द्वारा धनीय फायदे की प्राप्ति पर, यदि कोई हो, ऐसे अंतरण पर आवेदक एनबीए को धनीय विचारण का 3.0 प्रतिशत से 5.0 प्रतिशत तक का संदाय करेगा।

8. बौद्धिक संपदा अधिकार (आईपीआर) अभिप्राप्त करने की प्रक्रिया—

(1) कोई व्यक्ति जो किसी बौद्धिक संपदा अधिकार को भारत या भारत से बाहर अभिप्राप्त करने का आशय रखता है, चाहे किसी भी गाम से ज्ञात हो, किसी खोज के लिए जो किसी भारत में अभिप्राप्त अनुसंधान या किसी जैविक संसाधन पर किसी सूचना पर आधारित है, जैविक विविधता नियम, 2004 के प्ररूप 3 में एनबीए को आवेदन करेगा।

परंतु यदि आवेदक अधिनियम की धारा 3 की उप-धारा (2) में निर्दिष्ट कोई व्यक्ति है, तो वह जैविक संसाधनों और/या सहयुक्त जानकारी के उपयोग, जो उसके अनुसंधान में उपयोग की गई है जिससे वह खोज हुई है, तक पहुंच के लिए एनबीए के अनुमोदन का माध्यम प्रस्तुत करेगा:

परंतु यह और कि पौधा बिस्म और कृपक अधिकार अधिनियम, 2001 (2001 का 53) के अधीन किसी अधिकार के लिए आवेदन करने वाले किसी व्यक्ति को इस उप-विनियम में छूट होगी।



(2) एनवीए उप विनियम (1) के अधीन आवेदन की प्राप्ति पर समाधान हो जाने पर आवेदक के साथ फायदे बंटाने का करार करेगा और उसे आईपीआर अभिप्राप्त करने का अनुमोदन माना जाएगा।

9. आईपीआर में हिस्सा बंटाने का ढंग-

(1) आवेदक, अभिप्राप्त आईपीआर के वाणिज्यिकरण की दशा में एनवीए को ऐसा धनीय और/या गैर धनीय फायदे का संदाय करेगा जैसे कि आवेदक और एनवीए के बीच सहमति हो।

(2) जहाँ आवेदक स्वयं प्रक्रिया/उत्पाद /नई पद्धति का वाणिज्यिकरण करता है, धन सेक्टर अप्रोच के आधार पर जिनकी गणना सरकारी करों को घटाकर वार्षिक समग्र कारखाना पूर्व बिक्रय के आधार पर की जाएगी, 0.2 से 1.0 प्रतिशत की रेंज में बांटा जाएगा।

(3) जहाँ आवेदक प्रक्रिया को अनुज्ञप्ति/उत्पादनई पद्धति को वाणिज्यिकरण के लिए तृतीय पक्षकार को समानुदेशित करता है, (किमी भी रूप में जिसके अंतर्गत अनुज्ञप्ति/मननुदेशन फीस है) आवेदक एनवीए को प्राप्त फीस का 3.0 प्रतिशत से 5.0 प्रतिशत और सेक्टरल अप्रोच के आधार पर समानुदेशित/अनुज्ञप्तिधारी से वार्षिक रूप से प्राप्त स्वामिस्व की रकम का 2.0 प्रतिशत से 5.0 प्रतिशत के बीच संदाय करेगा।

10. आईपीआर के वाणिज्यिकरण की दशा में आवेदक की बाध्यताएं-

(1) कोई आवेदक, जिसे आईपीआर प्रदान किया गया है, जो भारत का नागरिक है या निगमित निकाय है, संगठन या संगठन है जो भारत में रजिस्ट्रीकृत है और जिनकी शेयर पूंजी या प्रबंधन में किसी गैर भारतीय की सहभागिता नहीं है जैविक संसाधनों तक पहुंच के लिए संबंधित एनबीबी को एनबीबी द्वारा विहित प्ररूप में पूर्व सूचना देगा और ऐसे निबंधनों और शर्तों का अनुपालन करेगा, यदि कोई हों, जो एमएसबी द्वारा संरक्षण और धारणीय उपयोग के द्वित में अधिरोपित की जाएं।

(2) कोई आवेदक जो अधिनियम की धारा 3 की उपधारा (2) में निर्दिष्ट व्यक्ति है, जिसे आईपीआर प्रदान किया गया है और जो निगमित निकाय या कोई संगठन या कोई संगठन है, जैविक विविधता नियम, 2004 के प्ररूप 1 में एनवीए को जैविक संसाधनों तक पहुंच के लिए आवेदन करेगा।

11. ऐसे जैविक संसाधनों जिन तक पहुंच की गई है और /या सहयुक्त जानकारी को अनुसंधान के लिए /वाणिज्यिक उपयोग के लिए तृतीय पक्षकार को अंतरित करने की प्रक्रिया-

(1) कोई व्यक्ति जो, जैविक संसाधनों को और /या सहयुक्त जानकारी को अंतरित करने का आशय रखता है जिसे विनियम 1 के अधीन तृतीय पक्षकार को अनुसंधान या वाणिज्यिक उपयोग के लिए पहुंच प्रदान की गई है, जैविक विविधता नियम, 2004 के प्ररूप 4 में एनवीए को ऐसे तृतीय पक्षकार को अंतरण के लिए आवेदन करेगा।

(2) एनवीए उप विनियम (1) के अधीन आवेदन से समाधान हो जाने पर आवेदक हिस्सा बंटाने का करार करेगा जिसे पहुंच किए गए जैविक संसाधनों और /या उन विनियम में निर्दिष्ट सहयुक्त जानकारी के अंतरण के लिए अनुमोदन प्रदान करना समाप्त जाएगा।

12. जैविक संसाधनों जिन तक पहुंच की गई है और या सहयुक्त जानकारी को अनुसंधान/वाणिज्यिक उपयोग के लिए सीसरे पक्षकार को अंतरित करने का ढंग-

(1) आवेदक एनवीए को ऐसे धन और या गैर धनीय फायदे को संदाय करेगा जैसा कि आवेदक और एनवीए के बीच सहमति हो।

(2) आवेदक (अंतरक) एनवीए को किमी रकम और/या अंतरिती से प्राप्त राजस्व का करार की संपूर्ण अवधि के दौरान फायदा बंटाने के रूप में 2.0 प्रतिशत से 5.0 प्रतिशत (सेक्टरल अप्रोच का अनुसरण करते हुए) का संदाय करेगा।

(3) जैविक संसाधन का उच्च आर्थिक मूल्य होने की दशा में, आवेदक, एनवीए को एक अग्रिम संदाय का भी जैसा कि आवेदक और एनवीए के बीच सहमति हो।

13. भारतीय अनुसंधानकर्ताओं/संस्थाओं द्वारा भारत से बाहर जैव वाणिज्यिक अनुसंधान करना या आपातकालीन प्रयोजनों के लिए अनुसंधान करना। -



(1) कोई भारतीय अनुसंधानकर्ता/सरकारी संस्था जो जैविक संसाधनों को अधिनियम की धारा 5 में निर्दिष्ट सहयोगी अनुसंधान से भिन्न आधारभूत अनुसंधान करने के लिए ले जाने/भेजने का आशय रखता है, एनबीए को इन विनियमों के उपायबद्ध प्रारूप 'ख' में आवेदन करेगा।

(2) कोई सरकारी संस्था जो महामारी आदि से बचने के लिए कतिपय शीघ्र अध्ययन करने के लिए जैविक संसाधन भेजने का आशय रखता है, एनबीए को इन विनियमों से उपायबद्ध प्रारूप 'ख' में आवेदन करेगा।

(3) एनबीए उप विनियम (1) या उप विनियम (2) के अधीन आवेदन से समाधान हो जाने पर, आवेदन की प्राप्ति की तारीख से पैतालीस दिन के भीतर अपना अनुमोदन प्रदान करेगा।

(4) उप विनियम (3) के अधीन एनबीए से अनुमोदन की प्राप्ति पर, आवेदक भारत से बाहर वैश्विक संसाधनों को ले जाने/भेजने से पूर्व अभिहित राष्ट्रीय निक्षेपामार को बाउचर नमूने जमा करेगा और ऐसे जमा की प्रति सद्वृत्त के रूप में एनबीए को पृष्ठांकित किया जाएगा।

14. फायदा बंटाने का अवधारण-

(1) धनीय और गैर धनीय ढंग से फायदा बंटाना जैसी कि आवेदक और एनबीए/संबंधित एसबीवी के बीच सहमति हो, बीएमसी/फायदे का दावा करने वाले आदि के बीच परामर्श से किया जा सकेगा। ऐसे फायदा बंटाने के लिए विकल्प उपायबंध 1 में दिए गए हैं।

(2) फायदा बंटाने का अवधारण विचारणों पर आधारित होगा जैसे कि जैविक संसाधन का वाणिज्यिक उपयोग, अनुसंधान और विकास के प्रक्रम, अनुसंधान के परिणाम के लिए संबंधित बाजार अनुसंधान और विकास में पहले ही किए गए विनिधान की रकम उपयोग की गई प्रौद्योगिकी की प्रकृति अनुसंधान प्रारंभ करने से उत्पाद के विकास तक समय और प्राप्त की गई उल्लेखनीय उपलब्धियां तथा उत्पाद के वाणिज्यिकरण में अंतर्बर्तित जोखिम।

परंतु ऐसे मामलों पर विशेष ध्यान दिया जा सकेगा जहां प्रौद्योगिकियों/उत्पादों का विकास महामारियों/बीमारियों को नियंत्रित करने के लिए और मानव/प्राणी/पादप स्वास्थ्य को प्रभावित करने वाले पर्यावरणीय प्रदूषण को कम करने के लिए किया जाता है।

(3) फायदा बंटाने की रकम समान रहेगी चाहे अंतिम उत्पाद में एक या अधिक जैविक संसाधन अंतर्विष्ट हैं।

(4) किसी उत्पाद के लिए, दो या अधिक एसबीवी के क्षेत्राधिकार से प्राप्त जैविक संसाधनों की दशा में उद्भूत फायदों की कुल रकम को उनकी बीच एनबीए द्वारा यथा विनिश्चित समानुपात में बांटा जाएगा।

15. फायदों का बंटाना-

(1) जहां एनबीए द्वारा अनुमोदन अनुसंधान वा वाणिज्यिक उपयोग या अनुसंधान के परिणाम के अंतरण के लिए या बौद्धिक संपदा अधिकारों या तृतीय पक्षकार अंतरण के लिए प्रदान किया जाता है, हिस्सा बंटाने का ढंग नीचे दिए अनुसार होगा-

(क) उद्भूत फायदों 5.0 प्रतिशत एनबीए को मिलेगा जिसमें से आधी रकम को एनबीए द्वारा प्रतिधारित किया जाएगा और शेष आधी रकम को प्रशासनिक प्रभारों के लिए संबंधित एसबीवी को दिया जा सकेगा।

(ख) उद्भूत फायदों का 95 प्रतिशत संबंधित बीएमसी को और/या फायदे का दावा करने वालों को मिलेगा।

परंतु जैविक संसाधन या जानकारी किसी व्यक्ति या व्यक्तियों के समूह या संगठन से प्राप्त करने की दशा में, इस खंड के अधीन रकम सीधे ऐसे व्यक्ति या व्यक्तियों के समूह या संगठनों को किसी करार के निबंधनों के अनुसार और ऐसी रीति में जो ठीक समझी जाए, दी जाएगी।

परंतु यह और कि जहां फायदे का दावा करने वालों की पहचान नहीं की गई है, ऐसी निधि का उपयोग जैविक संसाधनों के संरक्षण और धारणीयता का उपयोग करने के लिए और उन स्थानीय व्यक्तियों के जीवन यापन का संवर्द्धन करने के लिए जहां संसाधन प्राप्त किए गए हैं, किया जाएगा।

(2) जहां अनुमोदन इन विनियमों के अधीन राज्य जैव विविधता बोर्ड द्वारा प्रदान किया गया है। एसबीवी उद्भूत फायदों का 5 प्रतिशत से अतिरिक्त भाग का प्रशासनिक प्रभारों के लिए प्रतिधारण कर सकेगा और शेष हिस्सा संबंधित बीएमसी या फायदे का दावा करने वालों को, जहां उनकी पहचान की गई है, दे दिया जाएगा।



परंतु यह कि जहां व्यक्ति या व्यक्तियों के समूह या संगठनों की पहचान नहीं की जा सकती है, ऐसी विधियों का उपयोग जैविक संसाधनों के संरक्षण और धारणीयता का उपयोग करने के लिए और उन स्थानीय व्यक्तियों के जीवन यापन का संवर्द्धन करने के लिए जहां संसाधन प्राप्त किए गए हैं, किया जाएगा।

16. एनबीए द्वारा प्राप्त आवेदनों को प्रक्रियागत करना

- (1) प्रत्येक आवेदन उनमें निर्दिष्ट संलग्नकों सहित सभी परिप्रेक्ष्यों में पूर्ण होगी।
- (2) अपूर्ण आवेदन जिनमें कोई सूचना जो विशिष्ट रूप से चाही गई है, जिसके अंतर्गत अस्पष्ट प्रत्युत्तर, अपूर्ण प्रकटन, सार्व्य का अभाव आदि हैं, को आवेदकों को लौटा दिया जाएगा।
- (3) आवेदनों को प्रक्रियागत करने के लिए विनिर्दिष्ट समय सीमा केवल तब प्रारंभ होगी जब आवेदन सभी परिप्रेक्ष्यों में जिसके अंतर्गत विहित फीस का प्राप्त करना है, पूर्ण हो।
- (4) आवेदन में किसी सूचना, जिसे गोपनीय विनिर्दिष्ट किया गया है, का प्रकटन जान बूझकर या अनजाने में किसी व्यक्ति को जो उससे संबंधित नहीं है, नहीं किया जाएगा।
- (5) एनबीए, किसी जैविक संसाधन (जिसे अंतर्गत पादप और/या प्राणी और/या उनके भाग या अनुवांशिक सामग्री या व्युत्पन्न हैं) तक पहुंच के लिए किसी आवेदन का प्रसंस्करण करते हुए, निम्नलिखित कारकों पर विचार कर सकेगा, अर्थात्-

क्या जैविक संसाधन की -

- (i) कृषि की गई है या पालतु या वन्य है;
- (ii) दुर्लभ या स्थानिक या संकटापन्न या जोखिम में प्रजाति है
- (iii) पहुंच सीधे प्रारंभिक संग्राहक के माध्यम से की गई है जो प्राकृतिक पर्यवास में रह रहा है या उसे मध्यवर्तियों जैसे व्यापारियों के माध्यम से अभिप्राप्त किया गया है;
- (iv) विकास या अनुरक्षण पूर्व के आस-पास की परिस्थितियों के अधीन किया गया है;
- (v) स्थानीय समुदायों के जीवन यापन के लिए उच्च मूल्य/महत्वा है;
- (vi) अधिनियम या तत्समय प्रवृत्त किसी अन्य विधि के अधीन निर्बंधित है;
- (vii) अधिनियम की धारा 40 के अधीन छूट प्राप्त है;
- (viii) अंतरराष्ट्रीय खाद्य और कृषि के लिए पादप अनुवांशिकी संसाधन संधि (आईटीपीवीआरएफए) जिसमें भारत एक संविदाकारी पक्षकार है, के उपाबंध 1 के अधीन सूचीबद्ध फसलों में शामिल है
- (ix) संकटापन्न प्रजाति का अंतरराष्ट्रीय व्यापार पर कन्वेंशन के परिशिष्ट (सीआईटीईएस) में शामिल है।
- (6) एनबीए, जैविक संसाधनों और/या सहपुनः जानकारी के उपयोग से संबंधित आवेदन पर कोई चिन्तित्व करते समय एनबीसी, बीएनसी, जिनकी अधिकांशता के भीतर जैविक संसाधन और/या जानकारी उद्भूत होती है, से परामर्श कर सकेगा
- (7) एनबीए जैविक विविधता नियम, 2004 के नियम 16 के अधीन विनिर्दिष्ट कारणों से जैविक संसाधनों तक पहुंच के आवेदन को अस्वीकार कर सकेगा।
- (8) किसी आवेदन की प्राप्ति पर एनबीए ऐसी जांच कर सकेगा जैसा कि वह ठीक समझे और यदि आवश्यक हो तो वह इस प्रयोजन के लिए गठित विशेषज्ञ समिति से परामर्श कर सकेगा।
- (9) एनबीए, ऐसी जांच और/या उप विनियम (8) में निर्दिष्ट परामर्श करने पर आदेश द्वारा अनुमोदन प्रदान कर सकेगा या आवेदन को अस्वीकार कर सकेगा:



परंतु जहां एनबीए ने ऐसे आवेदन को अस्वीकार कर दिया है, ऐसे अस्वीकार करने के कारणों को आवेदक को सुने जाने का अवसर दिए जाने के पश्चात्, लेखबद्ध किया जाएगा।

(10) एनबीए द्वारा किया गया अनुमोदन एनबीए को सम्बन्ध रूप से प्राधिकृत अधिकारी, आवेदक और यथा लागू अन्य के बीच हस्ताक्षरित लिखित करार के रूप में होगा।

परंतु एनबीए वैश्व वाणिज्यिक अनुसंधान करने या भारत में बाहर भारतीय अनुसंधानकर्ताओं/संस्थाओं द्वारा विनियम 13 के अधीन आपातकालीन प्रयोजनों के लिए अनुसंधान करने के लिए विना किसी लिखित करार के अनुमोदन प्रदान कर सकेगा।

(11) एनबीए, किसी शिकायत के आधार पर या स्व प्रेरणा से पट्टे के लिए प्रदान किए गए अनुमोदन को वापस ले सकेगा और जैविक विविधता नियम, 2004 के नियम 15 के अधीन विनिर्दिष्ट आधारों पर लिखित करार का प्रतिसंहरण कर सकेगा:

परंतु ऐसे प्रतिसंहरण के आदेश की प्रति संबंधित राज्य जैव विविधता बोर्ड को और जैव विविधता प्रबंधन समितियों को पट्टे को प्रतिषिद्ध करने के प्रयोजन के लिए जारी की जाएगी।

(12) जहां आवेदक द्वारा आवेदन को वापस लेने के लिए अनुरोध किया जाता है या आवेदक अनुबद्ध समय के भीतर एनबीए के प्रश्नों का प्रत्युत्तर देने में असफल रहता है, एनबीए आवेदकों को बंद कर देगा या इस अधिनियम के अधीन जैसा वह उचित समझे कार्रवाई प्रारंभ करेगा।

परंतु यह कि यदि आवेदक आवेदन को पुनर्जीवित करना चाहता है तो वह अपेक्षित फीस के साथ नया आवेदन करेगा।

टिप्पण: जैविक संसाधनों तक पहुंच या सहयुक्त जानकारी, मार्गदर्शक सिद्धांतों के लिए भरने के लिए आवेदन फार्म और करार के फार्म एनबीए की वेबसाइट: www.nbaindia.org पर उपलब्ध हैं।

17. एनबीए या एसबीवी से छूट प्राप्त कतिपय कार्यकलाप या व्यक्ति-

निम्नलिखित कार्यकलाप या व्यक्तियों को एनबीए या एसबीवी के अनुमोदन की अपेक्षा नहीं होगी, अर्थात् -

(क) जैविक संसाधनों और/या सहयुक्त जानकारी को, जो भारत में उद्भूत हो रही है या भारत में अभिप्राप्त है, अनुसंधान या जैविक सर्वेक्षण और भारत में अनुसंधान के लिए जैव उपयोग के लिए पट्टे बनाने हुए भारतीय नागरिक या निकाय;

(ख) सहयोगकारी अनुसंधान परियोजनाएं, जिनमें जैविक संसाधनों या संबंधित जानकारी का अंतरण या विनिमय अंतर्निहित है, यदि ऐसी सहयोगकारी अनुसंधान परियोजनाओं को राज्य या केन्द्रीय सरकार के संबंधित मंत्रालय या विभाग द्वारा अनुमोदित किया गया है और वे ऐसी सहयोगकारी अनुसंधान परियोजनाओं को केन्द्रीय सरकार द्वारा जारी नीति मार्गदर्शक सिद्धांतों के अनुरूप हैं;

(ग) क्षेत्र के स्थानीय लोग और समुदाय, जिनके अंतर्गत जैविक संसाधनों को उगाने वाले और उनकी कृषि करने वाले निवाय बौद्धिक संपदा अधिकार अभिप्राप्त करने के, तथा स्वदेशी औषधि का व्यवसाय करने वाले वैद्य और हकीम भी हैं;

(घ) पारंपरिक प्रजनन या भारत में फिनी कृषि, बागवानी, कुक्कुट पालन, दुग्ध उद्योग, पशु पालन या मधु मक्खी पालन के लिए पारंपरिक पद्धतियों का उपयोग;

(ङ) अनुसंधान पेपरों का प्रकाशन या किसी सेमिनार या कार्यशाला में जानकारी का प्रसार यदि ऐसा प्रकाशन केन्द्रीय सरकार द्वारा समय समय पर जारी मार्गदर्शक सिद्धांतों के अनुसार है;

(च) मूल्यवर्धित उत्पाद, जो ऐसे उत्पाद हैं जिनमें पादपों और प्राणियों का निष्कर्षण पहचानी न जा सकने वाली और भौतिक रूप से अलग न किए जा सकने वाले रूप में है;



(छ) जैविक संसाधन, जिनका साधारणतया व्यापार केन्द्रीय सरकार द्वारा अधिनियम की धारा 40 के अग्रिम अधिसूचित सामग्रियों के रूप में होता है।

[फा. सं. एनवीए/टेक/ 2/11]

हेम पाण्डे, अध्यक्ष

प्ररूप क
(विनियम 2 देखिए)

आवेदक द्वारा जैविक संसाधनों के उपयोग के लिए प्रस्तुत

की जाने वाली सूचना

स्वतः प्रकटन

उपयोग किए जाने के लिए प्रस्तावित जैविक संसाधन का सामान्य नाम:				
वैज्ञानिक नाम				
व्यापार किए जाने वाले पादप या प्राणी या उनके भाग:				
पहुंच का विशिष्ट प्रयोजन:				
अवस्थिति/स्रोत जहाँ से उपात्त किए गए हैं*	मात्रा कितने ग्राम में	दर प्रति इकाई	राज्य जैविक विविधता बोर्ड	भाषी श्रेणी/उपयोगकर्ता (यदि जानें हों)

*स्थानीय निकाय/बीएमसी, यदि पहले ही पहचान कर ली गई है तो सूची संलग्न करें

वचनबंध

1. मैंने एबीएस मार्गदर्शक सिद्धांतों के निबंधनों और शर्तों को पढ़ और समझ लिया है तथा मैं जैविक संसाधनों को लागू सुसंगत विधिक उपबंधों का पालन करने का वचन देता हूँ।
2. मैं कथित प्रयोजन में कोई परिवर्तन करने से पूर्व एनवीए/एसबीवी का अनुमोदन अभिप्राप्त करने का वचन देता हूँ।
3. मैं, एनवीए/एसबीवी को सुसंगत अभिलेख प्रस्तुत करने/दिखाने का, जब भी अपेक्षा हो, वचन देता हूँ।
4. मैं यह और घोषणा करता हूँ कि प्ररूप में दी गई सूचना सत्य और सही है तथा मैं किसी असत्य/गलत जानकारी और जानबूझकर तथ्यों को छिपाने के लिए उत्तरदायी होऊंगा।

हस्ताक्षर

व्यापारी/कंपनी/विनिर्माता/प्राधिकृत प्रतिनिधि का नाम
व्यापारी/कंपनी/विनिर्माता के पूरे पते के साथ फोन नं. और ई-मेल का पता

स्थान

तारीख



प्ररूप ख
(देखिए विनियम 13)

भारतीय अनुसंधानकर्ताओं/संस्थाओं द्वारा जैविक संसाधनों का उपयोग करने हुए गैर वाणिज्यिक अनुसंधान या आपातकालीन प्रयोजनों के लिए अनुसंधान

1.	आवेदक का नाम (भारतीय अनुसंधानकर्ता/संस्था)	
2.	पुरा पता*	
	क. स्थायी	
	ख. वर्तमान	
3.	भारत में संस्थान का पता	
4.	भारत में कार्य स्थल पर संस्था के पर्यवेक्षक या अध्यक्ष का नाम	
5.	संस्थान या संगठन का नाम और संपर्क के व्यक्ति जो प्रस्तावित अनुसंधान का मार्गदर्शन करेगा /जैविक संसाधनों को प्राप्त करेगा	
6.	संस्थान या संगठन के पर्यवेक्षक के व्यक्ति जो प्रस्तावित अनुसंधान का मार्गदर्शन करेगा /जो जैविक संसाधनों का प्राप्तकर्ता है	
7.	प्रस्तावित अध्ययन की महापत्रा करने वाले बिलत पोषण अभिकरण का नाम	
8.	अनुसंधान का संक्षिप्त विवरण	
9.	अनुसंधान के लिए साथ ले जाए जाने वाले या भेजे जाने वाले प्रस्तावित जैविक संसाधनों के व्यौरे	
	i. जैविक संसाधन का नाम (वैज्ञानिक/सामान्य नाम)	
	ii. संग्रहण की अवस्थिति	
	iii. अपेक्षित मात्रा	
	iv. अनुसंधान की अवधि	
10.	यदि वे आपातकालीन प्रयोजन के लिए है तो व्यौरे विनिर्दिष्ट करें।	

* स्वयं द्वारा हस्ताक्षरित पते/पहचान के सबूत जैसे कि आश्चर कार्ड/पैन कार्ड/पासपोर्ट आदि संलग्न करें।

वचनबंध

मैं -----पुरु/पुत्री/पत्नी/पति -----आयु----- में निवास कर रहा हूँ, मैं स्थायी पहचान सं----- (पैन कार्ड/आधार कार्ड/पासपोर्ट आदि) का धारक हूँ, एतद्वारा घोषणा करता हूँ कि ऊपर दी गई सभी जानकारी सही और सत्य है। मैं एतद् द्वारा पुष्टि करता हूँ कि जैविक संसाधनों का उपयोग केवल आवेदन में कथित प्रयोजनों के लिए ही किया जाएगा। मैं किसी सहयोगकर्ता की प्रमुखिधा/प्रयोगशाला में एनवीए का अनुमोदन प्राप्त किए बिना किसी जैविक संसाधन को नहीं बांटूंगा/उपलब्ध कराउंगा/छोड़ूंगा/रहने दूंगा। मैं अपने पर्यवेक्षक और सहयोगकर्ता के साथ व्यक्ति रूप से और पृथक् रूप से घोषणा करता हूँ कि न तो जैविक संसाधनों और सहयुक्त पारंपरिक जानकारी जिसका उपयोग अनुसंधान/सहयोग में किया गया है, का वाणिज्यिक उपयोग करेगा न ही उस पर कोई आईपीआर दावा करेगा। यदि ऐसी स्थिति उत्पन्न होती है तो हम पूर्वानुमोदन प्राप्त करने के लिए राष्ट्रीय जैव विविधता प्राधिकरण को आवेदन करेंगे। इस कार्यकलाप से उद्भूत परिणामों, प्रक्रियाओं, उत्पादों या अन्य तंत्रों को हम अनुसंधान के दौरान और अनुसंधान के पुरा होने पर एनवीए के साथ समंगत दस्तावेजों और प्रकाशनों की प्रति के साथ बाँटेंगे।

हस्ताक्षर-----

तारीख-----

स्थान-----

संस्था के पर्यवेक्षक/अध्यक्ष द्वारा घोषणा

मैं----- के रूप में----- में (संस्था का नाम) पुष्टि करता हूँ कि ----- श्री/डा./श्रीमती/सुत्री-----द्वारा दिए गए व्यौरे सत्य और सही हैं।



तागीर-----	हस्ताक्षर-----
स्थान-----	पदनाम-----
	कार्यालय की मुहर-----

प्राप्तकर्ता/सहयोगकर्ता द्वारा पोषण

मैं -----के रूप में -----में कार्यरत (संस्था/संगठन का नाम) पुष्टि करता हूँ कि मैं या मेरी संस्था/संगठन जैविक संसाधनों का उपयोग आवेदन में कथित प्रयोजनों के लिए ही करेंगे और जिसे -----द्वारा (संस्था का नाम भेजा गया है) या जिसे श्री/ डा./श्रीमती/सुखी द्वारा लाया गया है, पचासिबति, उक्त जैविक संसाधन अध्ययन/भागीदारी के पूरा होने के पश्चात् पूर्णतया नष्ट कर दिए जाएंगे या अध्ययन के पश्चात् जैविक संसाधनों को उस संस्था को जहाँ से जैविक संसाधन प्राप्त किए गए थे को वापस भेज दिया जाएगा। मैं या संस्था जिसके साथ मैं सहयुक्त हूँ त्वरित आवेदन के अर्थात् किसी स्वामित्व का कोई दावा नहीं करेंगे न ही जैविक संसाधनों/व्युत्पन्नियों या अन्य संघटकों पर आवेदक संस्था और राष्ट्रीय जैव विविधता प्राधिकरण के पूर्व अनुमोदन के बिना बौद्धिक संपदा अधिकार का दावा करेंगे।

हस्ताक्षर-----

पदनाम-----

कार्यालय की मुहर-----

उपाबंध 1

उचित और साम्यापूर्ण फायदा बंटाने के विकल्प

निम्नलिखित विकल्पों को या तो एक या अधिक को आवेदक और एनबीए के बीच पारस्परिक रूप से सहमत निबंधनों के आधार पर मामला दर मामला के आधार पर जैव विविधता नियम, 2004 के नियम 20 के उप नियम (3) के उपबंधों के अनुसार लागू किया जा सकेगा। ये विकल्प उपदर्शन की प्रकृति के हैं और अन्य विकल्प जैसा कि एनबीए द्वारा केन्द्रीय सरकार के साथ परामर्श से अनुमोदित किए जाएं। को भी अंगीकार किया जा सकता है।

क. हनीय फायदे विकल्प

- अग्रिम संदाय;
- एक मुश्त संदाय;
- मुख्य उपलब्धियों पर संदाय;
- स्वामित्व और उद्भूत फायदों को बांटना;
- अनुज्ञानि फीसों को बांटना;
- राष्ट्रीय, राज्य या स्थानीय जैव विविधता निधियों में बंधदान;
- भारत में अनुसंधान और विकास का वित्त पोषण;
- भारतीय संस्थाओं और कंपनियों के साथ संयुक्त उद्यम;



- (ix) सुसंगत बौद्धिक संपदा अधिकारों का संयुक्त स्वामित्व;

ख. गैर धनीय फायदों का विकल्प

- (i) सांस्थानिक सक्षमता वर्धन का उपबंध करना जिसके अंतर्गत धारणीय उपयोग पर प्रशिक्षण अवसररचना का सुजन और जैविक संसाधनों के संरक्षण और धारणीयता से संबंधित विज्ञान कार्य हाथ में लेना;
- (ii) प्रौद्योगिकी का अंतरण या भारतीय संस्थाओं/व्यष्टिकों/निकायों के माध्यम से अनुसंधान और विकास के परिणामों को बांटना;
- (iii) प्रौद्योगिकियों के विकास के लिए क्षमताओं का सुदृढीकरण और भारत को प्रौद्योगिकियों का अंतरण और/या भारतीय संस्थाओं/व्यष्टिकों/निकायों के माध्यम से सहयोगकारी अनुसंधान और विकास कार्यक्रम;
- (iv) भारत में जैविक संसाधनों के संरक्षण और धारणीयता उपयोग पर शिक्षा और प्रशिक्षण से संबंधित अंशदान/सहयोग;
- (v) उत्पादन, अनुसंधान और विकास एककों की अवस्थिति और उस क्षेत्र में प्रजातियों के संरक्षण और परिरक्षण के लिए उपाय जहाँ जैविक संसाधनों तक पहुंच की गई है, स्थानीय अर्थव्यवस्था में अंशदान और स्थानीय समुदायों के लिए आय सुजन;
- (vi) जैविक संसाधनों के संरक्षण और धारणीय उपयोग जिसके अंतर्गत जैविक सूचियाँ और वर्गीकरण से सुसंगत वैज्ञानिक जानकारी को बांटना भी है;
- (vii) भारत में पूर्वीकता आवश्यकताओं की ओर निर्देशित अनुसंधान का संचालन जिसके अंतर्गत खाद्य, स्वास्थ्य और जैविक संसाधनों पर ध्यान केन्द्रित करते हुए जीवन यापन सुरक्षा भी है;
- (viii) अध्येता वृत्तियों, सहायता और वित्तीय सहायता का भारतीय संस्थाओं/व्यष्टिकों को उन क्षेत्रों/जनजातियों/पंथों जो जैविक संसाधनों और पश्चातवर्ती लाभ, यदि कोई है के परिदान में योगदान कर रहे हैं, का उपबंध करना;
- (ix) फायदा दावाकर्ताओं को सहायता प्रदान करने के लिए जोखिम पूर्वी निधि की स्थापना;
- (x) फायदे का दावा करने वालों को धनीय प्रतिफल और अन्य गैर धनीय फायदों का संदाय करना, जैसा कि एनडीए उपयुक्त समझे।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

(National Biodiversity Authority)

NOTIFICATION

New Delhi, the 21st November, 2014

G.S.R 827.—In exercise of the powers conferred by section 64 read with sub-section (1) of section 18 and sub-section (4) of section 21 of the Biological Diversity Act, 2002 (18 of 2003), hereinafter referred to as the Act, and in pursuance of the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity dated the 29th October, 2010, the National Biodiversity Authority hereby makes the following regulations, namely.—

Short title and commencement.—

(1) These regulations may be called Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

1. Procedure for access to biological resources and/ or associated traditional knowledge for research or bio-survey and bio-utilization for research. —

(1) Any person referred to under sub-section (2) of section 3 of the Act, who intends to have access to biological resources and/ or associated traditional knowledge for research or bio-survey and bio-utilization for research shall apply to the National Biodiversity Authority (NBA) in Form 1 of the Biological Diversity Rules, 2004 for obtaining access to such biological resource and/ or associated knowledge, occurring in India.



(2) The NBA shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for access to biological resource for research referred to in that sub-regulation:

Provided that in case of biological resources having high economic value, the agreement may contain a clause to the effect that the benefit sharing shall include an upfront payment by applicant, of such amount, as agreed between the NBA and the applicant.

2. Procedure for access to biological resources, for commercial utilization or for bio-survey and bio-utilization for commercial utilization.—

(1) Any person who intends to have access to biological resources including access to biological resources harvested by Joint Forest Management Committee (JFMC)/ Forest dweller/ Tribal cultivator/ Gram Sabha, shall apply to the NBA in Form-I of the Biological Diversity Rules, 2004 or to the State Biodiversity Board (SBB), in such form as may be prescribed by the SBB, as the case may be, along with Form 'A' annexed to these regulations.

(2) The NBA or the SBB, as the case may be, shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for access to biological resources, for commercial utilization or for bio-survey and bio-utilization for commercial utilization referred to in that sub-regulation.

3. Mode of benefit sharing for access to biological resources, for commercial utilization or for bio-survey and bio-utilization for commercial utilization.—

(1) Where the applicant/ trader/ manufacturer has not entered into any prior benefit sharing negotiation with persons such as the Joint Forest Management Committee (JFMC)/ Forest dweller/ Tribal cultivator/ Gram Sabha, and purchases any biological resources directly from these persons, the benefit sharing obligations on the trader shall be in the range of 1.0 to 3.0% of the purchase price of the biological resources and the benefit sharing obligations on the manufacturer shall be in the range of 3.0 to 5.0% of the purchase price of the biological resources:

Provided that where the trader sells the biological resource purchased by him to another trader or manufacturer, the benefit sharing obligation on the buyer, if he is a trader, shall range between 1.0 to 3.0% of the purchase price and between 3.0 to 5.0%, if he is a manufacturer:

Provided further that where a buyer submits proof of benefit sharing by the immediate seller in the supply chain, the benefit sharing obligation on the buyer shall be applicable only on that portion of the purchase price for which the benefit has not been shared in the supply chain.

(2) Where the applicant/ trader/ manufacturer has entered into any prior benefit sharing negotiation with persons such as the Joint Forest Management Committee (JFMC)/ Forest dweller/ Tribal cultivator/ Gram Sabha, and purchases any biological resources directly from these persons, the benefit sharing obligations on the applicant shall be not less than 3.0% of the purchase price of the biological resources in case the buyer is a trader and not less than 5.0% in case the buyer is a manufacturer.

(3) In cases of biological resources having high economic value such as sandalwood, red sanders, etc. and their derivatives, the benefit sharing may include an upfront payment of not less than 5.0%, on the proceeds of the auction or sale amount, as decided by the NBA or SBB, as the case may be, and the successful bidder or the purchaser shall pay the amount to the designated fund, before accessing the biological resource.

4. Option of benefit sharing on sale price of the biological resources accessed for commercial utilization under regulation 2.—

When the biological resources are accessed for commercial utilization or the bio-survey and bio-utilization leads to commercial utilization, the applicant shall have the option to pay the benefit sharing ranging from 0.1 to 0.5 % at the following graded percentages of the annual gross ex-factory sale of the product which shall be worked out based on the annual gross ex-factory sale minus government taxes as given below:-

Annual Gross ex-factory sale of product	Benefit sharing component
Up to Rupees 1,00,00,000	0.1 %
Rupees 1,00,00,001 up to 3,00,00,000	0.2 %
Above Rupees 3,00,00,000	0.5 %

5. Collection of fees.—

Collection of fees, if levied by Biodiversity Management Committee (BMC) for accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction under sub-section (3) of section 41 of the Act, shall be in addition to the benefit sharing payable to the NBA/SBB under these regulations.

6. Procedure for transfer of results of research relating to biological resources.—

(1) Any person who intends to transfer results of research relating to biological resources occurring in or obtained from India, to persons referred to under sub-section (2) of section 3 of the Act for monetary consideration or otherwise, shall—



- (a) apply to the NBA in Form II of the Biological Diversity Rules, 2004 for transfer of the results of research relating to biological resources occurring in or obtained from India for any purpose;
- (b) provide evidence of approval of NBA for access to the biological resource and/or associated knowledge involved in the research:

Provided that the requirement of evidence under this clause shall not apply to an applicant who is a citizen of India or a body corporate, association or organization which is registered in India and not having any non-Indian participation in its share capital or management;

- (c) provide complete information on potential commercial value within the knowledge of the applicant, of the results of research.
- (2) The NBA shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for transfer of the results of research referred to in that sub-regulation.

7. Mode of benefit sharing for transfer of results of research. — Applicant shall, in case of transfer of results of research under regulation 6, pay to the NBA such monetary and / or non-monetary benefit, as agreed between the applicant and the NBA:

Provided that in case of monetary benefit received by him, if any, on such transfer, the applicant shall pay to the NBA 3.0 to 5.0% of the monetary consideration.

8. Procedure for obtaining Intellectual Property Rights (IPR). —

(1) Any person who intends to obtain any intellectual property right by whatever name called, in or outside India, for any invention based on any research or information on any biological resources obtained from India, shall make an application to the NBA in Form III of the Biological Diversity Rules, 2004:

Provided that if the applicant is a person referred to under sub-section (2) of section 3 of the Act, he shall provide evidence of approval of NBA for access to the biological resources and/or associated knowledge used in the research leading to the invention:

Provided further that any person applying for any right under the Protection of Plant Varieties and Farmers' Rights Act, 2001 (53 of 2001) shall be exempted from this sub-regulation.

(1) The NBA shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant which shall be deemed as grant of approval for obtaining IPR.

9. Mode of benefit sharing in IPR. —

(1) The applicant shall, in case of commercializing the IPR obtained, pay to the NBA such monetary and/or non-monetary benefit, as agreed between the applicant and the NBA.

(2) Where the applicant himself commercialises the process/ product/ innovation, the monetary sharing shall be in the range of 0.2 to 1.0% based on sectoral approach, which shall be worked out on the annual gross ex-factory sale minus government taxes.

(3) Where the applicant assigns / licenses the process / product / innovation to a third party for commercialisation, the applicant shall pay to NBA 3.0 to 5.0% of the fee received (in any form including the license / assignee fee) and 2.0 to 5.0% of the royalty amount received annually from the assignee / licensee, based on sectoral approach.

10. Obligations of applicant in the event of commercialisation of IPR. —

(1) An applicant, granted IPR, who is a citizen of India or a body corporate, association or organisation which is registered in India and not having any non-Indian participation in its share capital or management, shall give prior intimation to the concerned SBB for access to biological resources, in the form prescribed by the SBB, and shall comply with such terms and conditions, if any, imposed by the SBB in the interest of promoting conservation and sustainable use.

(2) An applicant, granted IPR, who is a person or a body corporate or an association or an organization referred to under sub-section (2) of section 3 of the Act shall apply in Form I of the Biological Diversity Rules, 2004 to the NBA for access to biological resources.

11. Procedure for transfer of accessed biological resource and/ or associated knowledge to third party for research/ commercial utilization. —

(1) Any person who intends to transfer the biological resources and/or associated knowledge which has been granted access under regulation 1 to a third party for research or for commercial utilization, shall apply to NBA in Form IV of the Biological Diversity Rules, 2004 for transfer to such third party.

(2) The NBA shall, on being satisfied with the application under sub-regulation (1), enter into a benefit sharing agreement with the applicant, which shall be deemed as grant of approval for transfer of accessed biological resource and/ or associated knowledge referred to in that sub-regulation.

12. Mode of benefit sharing for transfer of accessed biological resource and/ or associated knowledge to third party for research/ commercial utilization.—



- (1) The applicant shall pay to the NBA such monetary and/ or non-monetary benefit, as agreed between the applicant and the NBA.
- (2) Applicant (transferor) shall pay to the NBA 2.0% to 5.0 % (following a sectoral approach) of any amount and/ or royalty received from the transferee, as benefit sharing, throughout the term of the agreement.
- (3) In case the biological resource has high economic value, the applicant shall also pay to the NBA an upfront payment, as mutually agreed between the applicant and the NBA.

13. Conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/ Government institutions.—

- (1) Any Indian researcher/ Government institution who intends to carry/ send the biological resources outside India to undertake basic research other than collaborative research referred to in section 5 of the Act shall apply to the NBA in Form 'B' annexed to these regulations.
- (2) Any Government Institution which intend to send biological resources to carry out certain urgent studies to avert emergencies like epidemics, etc., shall apply in Form 'B' annexed to these regulations.
- (3) The NBA shall, on being satisfied with the application under sub-regulation (1) or sub-regulation (2), accord its approval within a period of 45 days from the date of receipt of the application.
- (4) On receipt of approval of the NBA under sub-regulation (3), the applicant shall deposit voucher specimens in the designated national repositories before carrying / sending the biological resources outside India and a copy of proof of such deposits shall be endorsed to NBA.

14. Determination of benefit sharing.—

- (1) Benefit sharing may be done in monetary and/ or non-monetary modes, as agreed upon by the applicant and the NBA/ SBB concerned in consultation with the BMC/ Benefit claimer, etc. Options for such benefit sharing are provided in Annexure-1.
- (2) Determination of benefit sharing shall be based on considerations such as commercial utilization of the biological resource, stages of research and development, potential market for the outcome of research, amount of investment already made for research and development, nature of technology applied, time-lines and milestones from initiation of research to development of the product and risks involved in commercialization of the product:
Provided that special consideration may be given to cases where technologies/products are developed for controlling epidemics/diseases and for mitigating environmental pollution affecting human/ animal/plant health.
- (3) The amount of benefit sharing shall remain the same whether the end product contains one or more biological resources.

- (4) Where the biological resources of a product are sourced from the jurisdiction of two or more SBBs, the total amount of the accrued benefits shall be shared among them in proportion as decided by the NBA / SBBs concerned, as the case may be.

15. Sharing of benefits.—

- (1) Where approval has been granted by the NBA for research or for commercial utilization or for transfer of results of research or for Intellectual Property Rights or for third party transfer, the mode of benefit sharing shall be as under:—

- (a) 5.0% of the accrued benefits shall go to the NBA, out of which half of the amount shall be retained by the NBA and the other half may be passed on to the concerned SBB for administrative charges.
- (b) 95% of the accrued benefits shall go to concerned BMC(s) and/ or benefit claimers:

Provided that where the biological resource or knowledge is sourced from an individual or group of individuals or organizations, the amount received under this clause shall directly go to such individual or group of individuals or organizations, in accordance with the terms of any agreement and in such manner as may be deemed fit:

Provided further that where benefit claimers are not identified, such funds shall be used to support conservation and sustainable use of biological resources and to promote livelihoods of the local people from where the biological resources are accessed.

- (2) Where approval has been granted by State Biodiversity Board under these regulations.—

The sharing of accrued benefits shall be as under.— the SBB may retain a share, not exceeding 5% of the benefits accrued towards their administrative charges and the remaining share shall be passed on to the BMC concerned or to benefit claimers, where identified:

Provided that where any individual or group of individuals or organizations cannot be identified, such funds shall be used to support conservation and sustainable use of biological resources and to promote livelihoods of the local people from where the biological resources are accessed.

16. Processing of applications received by NBA. —

- (1) Every application shall be complete in all respects, including all the enclosures referred thereto.



- (2) Incomplete applications devoid of any relevant information specifically sought, including ambiguous replies, incomplete disclosure, absence of proof, etc., shall be returned to the applicants.
- (3) The time limit specified for processing the applications shall commence only when the application complete in all respects including fee prescribed is received.
- (4) Any information specified in the application as confidential shall not be disclosed, either intentionally or unintentionally, to any person not concerned thereto.
- (5) While processing the application for access to any biological resource (including plants and/ or animals and/ or their parts or genetic material or derivatives), the NBA may consider the following factors, namely:--

Whether the biological resource is –

- (i) cultivated or domesticated or wild;
 - (ii) rare or endemic or endangered or threatened species;
 - (iii) accessed directly through the primary collectors living in natural habitat or obtained through intermediaries like traders;
 - (iv) developed or maintained under ex-situ conditions;
 - (v) of high value/ importance to livelihoods of local communities;
 - (vi) restricted under the Act or any other law for time being in force;
 - (vii) exempted under section 40 of the Act;
 - (viii) included in crops listed under Annex I to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), to which India is a contracting party;
 - (ix) included in the Appendices of the Convention on International Trade on Endangered Species (CITES).
- (6) The NBA while taking any decision on the application relating to the use of biological resources and/ or knowledge associated thereto may consult through the SBBs, the BMCs within whose jurisdiction the biological resources and/ or the knowledge occur.
- (7) The NBA shall reject the application requesting access to biological resources for the reasons specified under rule 16 of the Biological Diversity Rules, 2004.
- (8) On receipt of application, the NBA may make enquiries, as it may deem fit, and if necessary, may consult an expert committee constituted for this purpose.
- (9) The NBA may upon such enquiry and/ or consultation referred to in sub-regulation (8), by order, grant approval or reject the application:

Provided that where the NBA has rejected such application, the reasons for such rejection shall be recorded in writing after giving an opportunity of being heard to the applicant.

- (10) Approval granted by the NBA shall be in the form of written agreement duly signed by an authorised officer of the NBA, the applicant and others as applicable:

Provided that the NBA may grant approval without a written agreement for the purposes of conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/ Government institutions under regulation 13.

- (11) Based on any complaint or *suo moto*, the NBA may withdraw the approval granted for access and revoke the written agreement on the grounds specified under rule 15 of the Biological Diversity Rules, 2004:

Provided that a copy of the order of such revocation shall be issued to the concerned State Biodiversity Board and the Biodiversity Management Committees for the purposes of prohibition of access.

- (12) Where a request has been made by the applicant for withdrawal of his application or the applicant fails to respond to queries of the NBA within the stipulated time, the NBA shall close the applications or initiate action under these regulations as it deems appropriate:

Provided that if the applicant wishes to revive the application, he shall make a fresh application with the requisite fee.

Note: Application forms for access to biological resources and/ or associated knowledge, guidelines for filling them and form of agreements, are available in the NBA website: www.nbaindia.org.

17. Certain activities or persons exempted from approval of NBA or SBB. —

The following activities or persons shall not require approval of the NBA or SBB, namely:--

- (a) Indian citizens or entities accessing biological resources and/ or associated knowledge, occurring in or obtained from India, for the purposes of research or bio-survey and bio-utilization for research in India;
- (b) collaborative research projects, involving the transfer or exchange of biological resources or related information, if such collaborative research projects have been approved by the concerned Ministry or



Department of the State or Central Government and conform to the policy guidelines issued by the Central Government for such collaborative research projects:

- (c) local people and communities of the area, including growers and cultivators of biological resources, and *vaid*s and *hakims*, practising indigenous medicine, except for obtaining intellectual property rights;
- (d) accessing biological resources for conventional breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping, in India;
- (e) publication of research papers or dissemination of knowledge, in any seminar or workshop, if such publication is in conformity with the guidelines issued by the Central Government from time to time;
- (f) accessing value added products, which are products containing portions or extracts of plants and animals in unrecognizable and physically inseparable form; and
- (g) biological resources, normally traded as commodities notified by the Central Government under section 40 of the Act.

[F. No. NBA/Tech/2/11]

HEM PANDE, Chairman

FORM A

(See regulation 2)

Information to be furnished for use of biological resources by the applicant Self-disclosure

Common Name of the biological resource proposed to be used: _____				
Scientific Name: _____				
Plants or animals or parts thereof traded: _____				
Specific purpose of access: _____				
Locations / source from where procured*	Quantity in Kgs	Rate per unit	State Biodiversity Board	Prospective Buyers/Users (if known)

*List of local body/BMCs, if already identified shall be attached.

Undertaking

1. I have read and understood the terms and conditions of ABS guidelines and I undertake to abide by relevant legal provisions applicable to biological resource.
2. I undertake to obtain the approval of the NBA/ SBB before making any change in the stated purpose.
3. I undertake to furnish/ share the relevant records with the NBA/ SBB, as and when required.
4. I further declare that the Information provided in the form is true and correct and I shall be liable for any incorrect/ wrong information and wilful suppression of the facts.

Signature

Name of the trader/ company/manufacturer/ Authorized Representative
Complete Address of the trader/ company/ manufacturer along with phone number
and email address

Place
Date

**Form B***(See regulation 13)***Conducting of non-commercial research or research for emergency purposes outside India by Indian researchers/Government institutions using the biological resources**

1	Name of the Applicant (Indian researcher/ Government Institution)	
2	Complete Address *	
	a. Permanent	
	b. Present	
3	Name and address of Institution in India	
4	Name of the Supervisor or Head of Institution at the place of work in India	
5	Name and contact details of the Institution or organization who shall guide the proposed research / receiving the biological resources.	
6	Details of the Supervisor or Head of Institution or organization who guides the proposed research or recipient of the biological resources	
7	Name of the funding agency supporting the proposed research	
8	Brief description of the research	
9	Details of biological resources proposed to be carried along or sent for the research	
	i. Name of the biological resource (scientific/ common name)	
	ii. Location of collection (Village/Taluk/Dist./State)	
	iii. Quantity required	
	iv. Duration of the research	
10	If it is for emergency purpose, specify details	

* Attach self-attested address / ID proof such as Aadhaar card/ PAN card / Passport, etc.

Undertaking

I, _____ Son/Daughter/Wife/Husband of _____ aged _____ residing at _____ in _____ holding a permanent, I.D.No. _____ (PAN Card/ Aadhaar Card/ Passport, etc.) hereby declare that all the information provided above is correct and true. I hereby affirm that the biological resources shall be used only for the purposes as stated in the application. I shall not share/provide/part/leave behind any biological resource at my collaborator's facility/ laboratory without approval of the NBA. I, along with my supervisor and collaborator, individually and severally declare that we shall not put to commercial utilization, nor shall seek any IPR claim on the biological resources and associated traditional knowledge used in this research/ collaboration. In case such a situation arises we shall apply to National Biodiversity Authority to seek prior approval. Results, process (es), products or other outcomes arising out of this activity shall be shared with the NBA during and/ or upon completion of research intended along with the copy of relevant documents and publications.

Signature:.....

Date:.....

Place:.....

Declaration by the Supervisor / Head of Institution

I, _____ working as _____ in _____ (Name of institution) confirm that the details provided by Mr/Dr/Mrs/Ms. _____ are true and correct.

Date:.....

Place:.....

Signature:.....

Designation:.....

Official Seal:.....

**Declaration by the Recipient / Collaborator**

I, _____ working as _____ in _____ (*Name of Institution / Organization*) hereby affirm that I or my institution / organization shall use the biological resources for the purposes as stated in the application and which were sent by..... (*Name of the institution*) or being brought by Mr./Dr./Mrs./Ms..... The said biological resources shall be destroyed in full after the completion of the studies/ partnership or upon completion of the studies the biological resources shall be sent back to the institution from where the biological resources were received as the case may be. I or the institution I am associated with shall not claim any ownership under instant application nor shall claim any IP Rights over the biological resources, derivatives or other such components without prior approval of the applicant, institution affiliated and the National Biodiversity Authority.

Signature:.....

Designation:.....

Official Seal:

Annexure 1**Fair and equitable benefit sharing options**

The following options, either one or more, may be applied in accordance with mutually agreed terms between the applicant and the NBA, on a case by case basis, in accordance with the provisions of sub-rule (3) of rule 20 of the Biological Diversity Rules, 2004. These options are indicative in nature and other options, as approved by the NBA in consultation with the Central Government, may also be adopted:

(a) Monetary benefits options:

- (i). Up-front payment;
- (ii). One-time payment;
- (iii). Milestone payments;
- (iv). Share of the royalties and benefits accrued;
- (v). Share of the license fees;
- (vi). Contribution to National, State or Local Biodiversity Funds;
- (vii). Funding for research and development in India;
- (viii). Joint ventures with Indian institutions and companies;
- (ix). Joint ownership of relevant intellectual property rights.

(b) Non-monetary benefits options:

- (i). Providing institutional capacity building, including training on sustainable use practices, creating infrastructure and undertaking development of work related to conservation and sustainable use of biological resources;
- (ii). Transfer of technology or sharing of research and development results with Indian institutions/ individuals/entities;
- (iii). Strengthening of capacities for developing technologies and transfer of technology to India and/or collaborative research and development programmes with Indian institutions/ individuals/ entities;
- (iv). Contribution/ collaboration related to education and training in India on conservation and sustainable use of biological resources;
- (v). Location of production, research, and development units and measures for conservation and protection of species in the area from where biological resource has been accessed, contributions to the local economy and income generation for the local communities;
- (vi). Sharing of scientific information relevant to conservation and sustainable use of biological diversity including biological inventories and taxonomic studies;



- (vii). Conducting research directed towards priority needs in India including food, health and livelihood security focusing on biological resources;
- (viii). Providing scholarships, bursaries and financial aid to Indian institutions/ individuals preferably to regions, tribes/ sects contributing to the delivery of biological resources and subsequent profitability if any;
- (ix). Setting up of venture capital fund for aiding the cause of benefit claimers;
- (x). Payment of monetary compensation and other non-monetary benefits to the benefit claimers as the NBA may deem fit.



रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D.L.-33004/99



सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 26 अक्टूबर, 2009

का.आ. 2726(अ).—केन्द्रीय सरकार, जैव विविधता अधिनियम, 2002 (2003 का 18) की धारा 40 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रीय जैव विविधता प्राधिकरण को परामर्श से यह घोषित करती है कि अधिनियम के उपबंध नीचे सारणी के तंत्र (2) में विनिर्दिष्ट विघ्नलिखित जैव संसाधनों को लागू नहीं होगा बशर्तें उनका वस्तु के रूप में व्यापार होल ही :

सारणी

क्रम संख्या	जातियों के नाम
(1)	(2)
I	औषधीय पौधा
1.	अबेलमोरशस मंशचैट्टस
2.	अकोरस कातापस
3.	अघाटोडा वाइलेनिका
4.	ऐलो बारबेडिनिस
5.	अल्पीनिया कौलकेरेटा
6.	अजादीराचल इडिका
7.	कैसेलपीनिया सपन
8.	कैरिया अंगुलिफोलिया
9.	कैथानथस रोसस
10.	सोचोरियम इंडीबस
11.	क्रोटोन टिगलिियम

(1)

(2)

12. कार्कुमा अंगमदुफोलिया
13. कार्कुमा चैरम्बेट
14. फिकस बैंगालेन्सिस
15. फिकस तैलीजियोसा
16. ग्लोथियोसा सुपरबा
17. इंडिगोफेरा टिन्कटोरिया
18. इनुला रैसियोसा
19. जैटोफा कुरुकस
20. कैंपफीरिया गैलंगा
21. लाम्बोनिडा इंटर्ग्रिमस
22. लैपिडियम सेंटैबम
23. ओसीमम बेसिलीकम
24. ओसीमम टैनुयुक्लोरम
25. पाइपर लांगम
26. प्लेटिगो ओवाटा
27. प्लैक्टोटस थारबेटस
28. पेंगामिथः पिनाटा
29. थुमुस आर्गोनिवाका
30. सिलिबम मारिफानम
31. सिमोनडासिया चिनेनसिस
32. ट्रेचोसर्पेग ऐसै
33. वाइटेक्स निगुंडो
34. विधानिया सोमनिफेरा
35. जिजीफस जुजुब



(1)	(2)	(1)	(2)
II.	मसाले	70.	साइटस ओरेंटीकोलिया
36.	अल्पीनिया गालंगल	71.	साइटस लैटीकोलिया
37.	अभोमम सुबुलाटम	72.	मनिलकरा जालोट सिन. अबरस सेपोय
38.	कॅपसीकम ऐनम	73.	परशिया अमेरीकान
39.	कॅपसीकम फ्रुटसर्सेस	74.	पैसीफ्लोरा इडुलिस
40.	मिनामोमम अरोमाटिकम	75.	लिच्ची चिनेनसिस
41.	मिनामोमम टामाला	76.	अनोना रेटीकुलेट
42.	मिनामोमम जिलानीकम	77.	अरटोकरपस हैट्रोफालस
43.	करकुना तांगा	78.	जिजीफस मॉरिरोनिया
44.	ऐलीटेरिया करडाभोम	79.	एंथलिका ऑफिशिनियलिस
45.	गारसिनिय कॅथोडिया	80.	फिकस कैरिका
46.	गारसिनिय इंडिका	81.	कैरिमा केरेनडास
47.	मुठया कोईरिंगी	82.	टोमारिन्डस इंडिका
48.	मिस्सिटिका फ्रैग्रेंस	83.	एंगल मारियलीस
49.	पिपेंटा डायोआइका	84.	आरटोकरपस इनसाइजा
50.	पादार निगरम	85.	एंवरटो कैरमबोल
51.	सिजीगिथम अरोमाटिकम	86.	पुनस ऐवियम
52.	डुमैरिण्डस इंडिका	87.	फोर्गक्स डैक्टिलिफेय
53.	वनिला स्थानिकोल्या सिन. वनिला फ्रैग्रेंस	88.	सिंजियम क्युमिनी
54.	बिगोबर आफिशिनल	89.	इरिवांथोटा जैपिनांका
55.	कोरियनद्रुप सैटीवम	90.	बंसिया लैटिकोल्या
56.	क्यूमीनम सिमिनम एल. सिन. क्युमिनम ओडोरम	91.	गारसिनिया मैगोसटान
57.	फोइनीकुलम बलागैरे	92.	इनिया सुचिन्द्रकैवैलिस
58.	ट्रिगॉनिला फोनम-पैकम	93.	नैफिलियम लेपाशियम
59.	कैरम कोपटीकम	94.	एंगनास बोभोसस
60.	ऐनेथम रोवोलेंस	95.	सिजीयम जैबोस
61.	निनेला सेटोया	96.	फोरोनिया लिनांगिया
62.	पिपीनेला ऐनीसम	97.	मेलस डोमैसाटिका
63.	ऐचियम प्रेवोलेंस	98.	पइरस कम्पूनिस
III.	उद्यान फसल	99.	पुनस परासका
क.	फल	100.	पुनस ऐम्बोर्डीलस
64.	मैगोफेरा इंडिका	101.	पुनस आमोनिंका
65.	कैरिका परैया	102.	जुगलंस रोजिया
66.	विटिस विनिफेरा	103.	एक्टोनिंडिया चाइननासिस
67.	पुनिका प्रेनेटम	ख.	सधियायां
68.	मोडियम गोबारा	104.	लाइकोपरिसकोन एस्क्यूलेनटम
69.	साइटस लिमोन	105.	सोलानम मेलॉन्या
		106.	अबेलमोशस एस्क्यूलेनटम



(1)	(2)	(1)	(2)
ख. 1	कडू	142.	सेसबेनिया प्रांडीफलोरा
107.	मोमोरिडिका चोर्निट्या	ग.	जड़, कंद और कटीय फसलें
108.	फुकुतिबिटा मोराचेटा	143.	सोलानम ट्यूबरौसम
109.	कुकुमिडा पेरो	144.	मैनीहोट एन्क्यूलेटा
110.	लेपेनरिया सहस्रर्येरेवा	145.	इपोमेइया चटाटास
111.	कुकुमिस मेलो	146.	डाइगोस्कोरिया अलाटा
112.	सरट्यूलस एनेटस	147.	डाइगोस्कोरिया एरक्यूलेटा
113.	बेनिनकासा द्विसपोडा	148.	डाइगोस्कोरिया टेटनटाटा
114.	फुकुमिस सेटीवस	149.	अम्बेरोफोफालस पार्वीफोलियस
115.	कुकुमिस मेलो एल. वर युटीलिमीमस	150.	सालेन्टेमोन रोस्ट्रोफोर्लिया
116.	ट्रिचोसानथिस डिप्योइका	151.	पैपीराजिपस इरोसस
117.	कॉकनिया इंडिका	152.	एलियम सौष
118.	तुका एक्यूटेनगुला	153.	एलियम सेटीवम
119.	तुका सिल्वेस्ट्रीकल	154.	मोर्टा अरंडीनेशिया
120.	ट्रेसिटुलस फिन्दुलोसस	घ	पुष्प फसलें
121.	ट्रिचोसानथिस कुकुमेरोना	155.	पेलिसनथेस ट्यूबरौब
122.	कुकुमिस मेलो वर. मोमोरिडिका	156.	डाइनथस कैरियोफाइलस
123.	कुकुमिस कैलोसस	157.	केलीस्टेफस चाइनिफिस
ख. 2	क्रूसीफेरी और शीतोष्ण सभ्जियाँ	158.	सिमबीडीथम एंड टैंडुवियम
124.	ब्रेसिका ओलेराशिया सव्वाफ. कैपिटटा	ङ	बागान फसलें
125.	ब्रेसिका ओलेराशिया एल. वर. बोटीरिस	159.	कोकोस न्यूसीफेरा
126.	ब्रेसिका ओलेराशिया वर. इटेरिका	160.	अरेका कैटेक्
127.	ब्रेसिका ओलेराशिया वर. गॉंगीलोइस	161.	थियोब्रोमा कैक्
128.	टाकूस कैसेटा	162.	एनाकारडियम आन्मीडेंटेस
129.	बेटा बलगेरिस	163.	कंमेलिया स्पाइनसिस
130.	रेफेनस रोडीवस	164.	कोफिच अरबिका
131.	ब्रासिका ओलेराशिया वर. बेंमिफेरा	165.	कोफिच रोबस्टा
132.	लेस्टुका सटीवा	166.	हेन्किश ब्रासिलीनेसिस
133.	बेटा बलगेरिस वर. बंगोलीनसिस	167.	इलेकिस गिनीनसिस
134.	पेट्रोसेलिनम होटेन्स	168.	बंरेस्सस फ्लोबेलीकर
135.	न्यूनेशिया ओलेराशिया	च.	औषधीय फसलें
ख. 3	उष्णोष्ण और पतझर सभ्जियाँ	169.	पापावर सोमनोफेरा
136.	फैजोल्स तुर्गेरिसिस	170.	कन्ट्रोफाइटम बोरीचिलेनम
137.	विगना अन्गुलता	171.	डाइगोस्कोरिया फल्लेरीमंडा
138.	डाल्मिचोस लबलब	172.	डिजिटलिस लंजेटा
139.	गिरीयम सैटीवम	173.	न्योरियम फल्लेवम
140.	साइनोपसिस टेट्रगोनीलोबस	174.	ग्लाइकोरिज गलेब्रा
141.	गोर्सिआ ओलेफेरा	175.	राओबोलेफिया सस्पेंडी



(1)	(2)
176.	सोलानम लेसीनेटम
177.	सोलानम ब्रायरम
178.	पद्वपर बेटली
179.	हियोस्काइमस म्यूटीकस
180.	थाइनस वलगेरिस
४.	सुगंधित फसलें
181.	सिंबोपोगोन फलैक्सयूसस
182.	सिंबोपोगोन मारटीनी वर. मोंशिया
183.	मेंपा स्पाइकेटा
184.	वैलिरियना जदागानसी
185.	पेलरगॉनियम इवोर्नेस
186.	भर्टीनिशिया पैलंस
187.	सिंबोपोगोन बिटेरियन्स
188.	मेंपा अरबोरेस
189.	पोगोस्ट्रेमोन पैटचोली
190.	वैटीबिरिया त्रिजेनीआइडीस

[फा. सं. 28-13/2008-सीएस (II)]

ए. के. गोयल, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 26th October, 2009

S.O. 2726(E).—In exercise of the powers conferred by Section 40 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government, in consultation with the National Biodiversity Authority, hereby declares that the provisions of the Act shall not apply to the following biological resources specified in column (2) of the Table below provided they are traded as commodities.

Sl. No. Biological Resources

(1)	(2)
1. Medicinal Plants	
1.	<i>Abelmoschus moschatus</i>
2.	<i>Acorus calamus</i>
3.	<i>Adiantum zeylanicum</i>
4.	<i>Aloe barbadensis</i>
5.	<i>Alpinia calcarata</i>
6.	<i>Azadirachta indica</i>
7.	<i>Caesalpinia sappan</i>
8.	<i>Cassia angustifolia</i>
9.	<i>Catharanthus roseus</i>
10.	<i>Cichorium intybus</i>

(1)	(2)
11.	<i>Croton tiglium</i>
12.	<i>Curcuma angustifolia</i>
13.	<i>Curcuma zambet</i>
14.	<i>Ficus benghalensis</i>
15.	<i>Ficus religiosa</i>
16.	<i>Gloriosa superba</i>
17.	<i>Indigofera tinctoria</i>
18.	<i>Inula racemosa</i>
19.	<i>Jatropha curcas</i>
20.	<i>Kaempferia galanga</i>
21.	<i>Lawsonia inermis</i>
22.	<i>Lepidium sativum</i>
23.	<i>Ocimum basilicum</i>
24.	<i>Ocimum tenuiflorum</i>
25.	<i>Piper longum</i>
26.	<i>Plantago ovata</i>
27.	<i>Plectranthus barbatus</i>
28.	<i>Pongamia pinnata</i>
29.	<i>Prunus armeniaca</i>
30.	<i>Silybum marianum</i>
31.	<i>Simmondsia chinensis</i>
32.	<i>Trachyspermum ammi</i>
33.	<i>Vitex negundo</i>
34.	<i>Withania somnifera</i>
35.	<i>Ziziphus jujuba</i>
II Spices	
36.	<i>Alpinia galanga</i>
37.	<i>Amonum subulatum</i>
38.	<i>Capsicum annuum</i>
39.	<i>Capsicum frutescens</i>
40.	<i>Cinnamomum aromaticum</i>
41.	<i>Cinnamomum tamala</i>
42.	<i>Cinnamomum zeylanicum</i>
43.	<i>Curcuma longa</i>
44.	<i>Elettaria cardamomum</i>
45.	<i>Garcinia cambogia</i>
46.	<i>Garcinia indica</i>
47.	<i>Murraya koenigii</i>
48.	<i>Myristica fragrans</i>
49.	<i>Pimenta dioica</i>
50.	<i>Piper nigrum</i>



(1)	(2)	(1)	(2)
51.	<i>Syzygium aromaticum</i>	92.	<i>Grewia subinequalis</i>
52.	<i>Tamarindus indica</i>	93.	<i>Nepholium lappaceum</i>
53.	<i>Vanilla planifolia</i> syn. <i>Vanilla fragrans</i>	94.	<i>Ananas comosus</i>
54.	<i>Zingiber officinale</i>	95.	<i>Syzygium jambos</i>
55.	<i>Coriandrum sativum</i>	96.	<i>Feronia limonia</i>
56.	<i>Cuminum cyminum</i> L. Syn. <i>Cuminum odorum</i>	97.	<i>Malus domestica</i>
57.	<i>Foeniculum vulgare</i>	98.	<i>Pyrus communis</i>
58.	<i>Trigonella foenum-graecum</i>	99.	<i>Prunus persica</i>
59.	<i>Carum copticum</i>	100.	<i>Prunus amygdalus</i>
60.	<i>Anethum graveolens</i>	101.	<i>Prunus armeniaca</i>
61.	<i>Nigella sativa</i>	102.	<i>Juglans regia</i>
62.	<i>Pimpinella anisum</i>	103.	<i>Actinidia chinensis</i>
63.	<i>Apium graveolens</i>		B. Vegetables
	III Horticultural crops	104.	<i>Lycopersicon esculentum</i>
	A. Fruits	105.	<i>Solanum melongena</i>
64.	<i>Mangifera indica</i>	106.	<i>Abelmoschus esculentus</i>
65.	<i>Carica papaya</i>		R.I. Cucurbits
66.	<i>Vitis vinifera</i>	107.	<i>Momordica charantia</i>
67.	<i>Punica granatum</i>	108.	<i>Cucurbita moschata</i>
68.	<i>Psidium guajava</i>	109.	<i>Cucurbita pepo</i>
69.	<i>Citrus limon</i>	110.	<i>Lagenaria siceraria</i>
70.	<i>Citrus aurantifolia</i>	111.	<i>Cucumis melo</i>
71.	<i>Citrus latifolia</i>	112.	<i>Citrullus lanatus</i>
72.	<i>Manilkara zapota</i> syn. <i>Achras sapota</i>	113.	<i>Benincasa hispida</i>
73.	<i>Persea Americana</i>	114.	<i>Cucumis sativus</i>
74.	<i>Passiflora edulis</i>	115.	<i>Cucumis melo</i> L. var. <i>utilissimus</i>
75.	<i>Litchi chinensis</i>	116.	<i>Trichosanthes dioica</i>
76.	<i>Annona reticulata</i>	117.	<i>Coccinia indica</i>
77.	<i>Artocarpus heterophyllus</i>	118.	<i>Luffa acutangula</i>
78.	<i>Ziziphus mauritiana</i>	119.	<i>Luffa cylindrical</i>
79.	<i>Embllica officinalis</i>	120.	<i>Præcitrullus fistulosus</i>
80.	<i>Ficus carica</i>	121.	<i>Trichosanthes cucumerina</i>
81.	<i>Carissa carandas</i>	122.	<i>Cucumis melo</i> var. <i>momordica</i>
82.	<i>Tamarindus indica</i>	123.	<i>Cucumis callosus</i>
83.	<i>Aegle marmelos</i>		B.2. Crucifers and Temperate Vegetables
84.	<i>Artocarpus incisa</i>	124.	<i>Brassica oleracea</i> subsp. <i>Capitata</i>
85.	<i>Averrhoa carambola</i>	125.	<i>Brassica oleracea</i> L. var. <i>botrytis</i>
86.	<i>Prunus avium</i>	126.	<i>Brassica oleracea</i> var. <i>italica</i>
87.	<i>Phoenix dactylifera</i>	127.	<i>Brassica oleracea</i> var. <i>gongyloides</i>
88.	<i>Syzygium cumini</i>	128.	<i>Daucus carota</i>
89.	<i>Eriobotrya japonica</i>	129.	<i>Beta vulgaris</i>
90.	<i>Bassia latifolia</i>	130.	<i>Raphanus sativus</i>
91.	<i>Garcinia mangostana</i>	131.	<i>Brassica oleracea</i> var. <i>gemmifera</i>



(1)	(2)	(1)	(2)
132.	<i>Lactuca sativa</i>	162.	<i>Anacardium occidentale</i>
133.	<i>Beta vulgaris</i> var. <i>bengalensis</i>	163.	<i>Camelia sinensis</i>
134.	<i>Petroselinum hortense</i>	164.	<i>Coffea Arabica</i>
135.	Spinaceae oleracea	165.	<i>Coffea robusta</i>
B.3. Leguminous and Leafy Vegetables		166.	<i>Hevia brasiliensis</i>
136.	<i>Phaseolus vulgaris</i>	167.	<i>Elacis guineensis</i>
137.	<i>Vigna unguiculata</i>	168.	<i>Borassus flabellifer</i>
138.	<i>Dolichos lablab</i>	F. Medicinal Crops	
139.	<i>Pisum sativum</i>	169.	<i>Papaver somniferum</i>
140.	<i>Cyamopsis tetragonolobus</i>	170.	<i>Chlorophytum borivilianum</i>
141.	<i>Moringa oleifera</i>	171.	<i>Dioscoria floribunda</i>
142.	<i>Sesbania grandiflora</i>	172.	<i>Digitalis lanata</i>
C. Root, Tuber and Bulbous Crops		173.	<i>Glaucium flavum</i>
143.	<i>Solanum tuberosum</i>	174.	<i>Glycyrrhiza glabra</i>
144.	<i>Manihot esculenta</i>	175.	<i>Rauwolfia serpentina</i>
145.	<i>Ipomoea batatas</i>	176.	<i>Solanum laciniatum</i>
146.	<i>Dioscorea alata</i>	177.	<i>Solanum viarum</i>
147.	<i>Dioscorea esculenta</i>	178.	<i>Piper betle</i>
148.	<i>Dioscorea rotundata</i>	179.	<i>Hyoscyamus muticus</i>
149.	<i>Amorphophallus paeoniifolius</i>	180.	<i>Thymus vulgaris</i>
150.	<i>Solenostemon rotundifolius</i>	G. Aromatic Crops	
151.	<i>Pachyrrhizus erosus</i>	181.	<i>Cymbopogon flexuosus</i>
152.	<i>Allium cepa</i>	182.	<i>Cymbopogon martini</i> var. <i>motia</i>
153.	<i>Allium sativum</i>	183.	<i>Mentha spicata</i>
154.	<i>Maranta arundinaceae</i>	184.	<i>Valeriana jatamansi</i>
D. Flower Crops		185.	<i>Pelargonium graveolens</i>
155.	<i>Polianthes tuberosa</i>	186.	<i>Artemisia pallens</i>
156.	<i>Dianthus caryophyllus</i>	187.	<i>Cymbopogon winterianus</i>
157.	<i>Callistephus chinensis</i>	188.	<i>Mentha arvensis</i>
158.	<i>Cymbidium</i> and <i>Dendrobium</i>	189.	<i>Pogostemon patchouli</i>
E. Plantation Crops		190.	<i>Vetiveria zizanioides</i>
159.	<i>Cocos nucifera</i>		
160.	<i>Areca catechu</i>		
161.	<i>Theobroma cacao</i>		

[F.No. 28-13/2008-CS-III]

A. K. GOYAL, Jt. Secy.




सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

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अधिसूचना

नई दिल्ली, 17 दिसम्बर, 2014

का.अ. 3232(अ).—भारत अंतरराष्ट्रीय खाद्य और कृषि के लिए पादप अनुवांशिकी संसाधन संधि (आईटीपीजी-आरएफए), का एक पक्षकार है और उक्त संधि पर भारत ने हस्ताक्षर कर दिए हैं और 10 जून, 2002 को उसका अनुसमर्थन कर दिया है; और

जबकि आईटीपीजीआरएफए के उद्देश्य खाद्य और कृषि के लिए पादप आनुवांशिक संसाधनों का संरक्षण और भरणिय उपयोग तथा उनके उपयोग में उद्भूत फायदों का जैविक विविधता के संरक्षण से सामंजस्यपूर्ण भरणिय कृषि और खाद्य सुरक्षा के लिए साम्यापूर्ण बंटवारा है; और

जबकि आईटीपीजीआरएफए का अनुच्छेद 12 बहु पक्षीय प्रणाली के अधीन संबिदाकारी पक्षकारों द्वारा खाद्य और कृषि के लिए पादप आनुवांशिक संसाधनों तक पहुंच को सुकर बनाने का उपबंध करता है; और

जबकि आनुवांशिक संसाधनों पर पहुंच और उनके उपयोग से उद्भूत फायदों का ऋतु और साम्यपूर्ण विभाजन करने पर नामोया प्रोटोकॉल और जैव विविधता कन्वेंशन तारीख 29 अक्टूबर, 2010 जैव विविधता कन्वेंशन के फायदों को बांटने हेतु पहुंच के कार्यान्वयन के लिए एक लिखत है; और

जबकि उक्त नामोया प्रोटोकॉल का अनुच्छेद 4 उपबंध करता है कि प्रोटोकॉल कवर किए गए विशिष्ट आनुवांशिक संसाधनों के संबंध में विशेषीकृत लिखत के पक्षकार या पक्षकारों को और विशेषीकृत लिखत के प्रयोजन के लिए लागू नहीं होता है; और

जबकि जैव विविधता अधिनियम, 2002 (2003 का 18) केन्द्रीय सरकार को उक्त अधिनियम के उपबंधों से कतिपय जैव संसाधनों को छूट प्रदान करने के लिए सशक्त करता है।

अतः, अब, केन्द्रीय सरकार, राष्ट्रीय जैव विविधता प्राधिकरण के परामर्श से, जैव विविधता अधिनियम, 2002 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 40 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और खाद्य और कृषि के लिए पादप आनुवांशिक संसाधनों तक पहुंच को सुकर बनाने के लिए आईटीपीजीआरएफए की भारत सरकार की



वाधयता को पूरा करने के लिए, घोषित करती है कि कृषि और सहकारिता विभाग समय-समय पर आईटीपीजीआरएफए के उपाबंध-1 में सूचीबद्ध फसलों में से ऐसी फसलों को, जो खाद्य फसलें तथा चांग हैं, जो उनकी बहुपक्षीय प्रणाली के अंतर्गत कवर की गई हैं, विनिर्दिष्ट कर सकेगा जैसा कि यह आवश्यक समझे और तदनुसार उन्हें उक्त अधिनियम की धारा 3 और 4 में अनुसंधान, प्रजनन और खाद्य और कृषि में प्रशिक्षण में उपयोग किए जाने के प्रयोजन के लिए छूट प्रदान कर सकेगा।

परंतु ऐसे प्रयोजनों में रासायनिक, भेषजीय और/या अन्य गैर खाद्य या दाना औद्योगिक उपयोग शामिल नहीं होंगे।

2. कृषि और सहकारिता विभाग, राष्ट्रीय जैव विविधता प्राधिकरण को आईटीपीजीआरएफए के अधीन पूर्वोक्त प्रयोजनों की बाबत खाद्य और कृषि के लिए पादप आनुवंशिक संसाधनों तक विनिर्दिष्ट फसलों, जैसी कि समय-समय पर उसके द्वारा विहित की जाएं, में अद्वयता रखेगा।

[फा. सं. 28-5/2008-CS(NBA)]

अनिल संत, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 17th December, 2014

S.O. 3232(E).—Whereas, India is a party to the International Treaty on Plant **Genetic Resources** for Food and Agriculture (ITPGRFA) having signed and ratified the said treaty on 16th June, 2002; and

Whereas, the objectives of the ITPGRFA are conservation and sustainable use of plant genetic resources for food and agriculture and fair and equitable sharing of the **benefits** arising out of their use, in harmony with the Convention on Biological Diversity, **for** sustainable agriculture and food security; and

Whereas, article 12 of the ITPGRFA provides for facilitated access to plant **genetic** resources for food and agriculture under the Multilateral System by the contracting **parties**; and

Whereas, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization to the Convention on Biological Diversity dated the 29th October, 2010 is the instrument for implementation of access for benefit sharing provisions of the Convention on Biological Diversity; and

Whereas, article 4 of the said Nagoya Protocol provides that the protocol does not apply for the party or parties to the specialized instrument in respect of the specific **genetic** resource covered by and for the purpose of the specialized instrument; and

Whereas, Section 40 of the Biological Diversity Act, 2002 (18 of 2003) empowers **the** Central Government to exempt certain biological resources from the provisions of the **said** Act.

Now, therefore, in exercise of the powers conferred by section 40 of the **Biological** Diversity Act, 2002 (hereinafter referred to as the said Act), and in fulfilment of **the** obligations of the Government of India to the ITPGRFA for providing facilitated access to **the** plant genetic resources for food and agriculture, the Central Government, in consultation with the National **Biodiversity** Authority, hereby declares that the Department of **Agriculture** and Cooperation may, from time to time specify such crops as it considers necessary **from** amongst the crops listed in the Annex I of the ITPGRFA, being food crops and **forages** covered under the Multilateral System thereof, and accordingly exempts them from Section 3 and 4 of the said Act, for the purpose of utilization and conservation for research, **breeding** and training for food and **agriculture**:

Provided that such purposes shall not include chemical, pharmaceutical and/or other non-food or feed **industrial uses**.

2. The Department of Agriculture and Cooperation shall keep the National Biodiversity Authority informed of all crops as may be specified by it from time to time, for **providing** access to plant genetic resources for food and agriculture under the ITPGRFA for **the** purposes aforesaid.

[F. No. 28-5/2008-CS(NBA)]

ANIL SANT, Jt. Secy.



रजिस्ट्री सं. डी. एल.- 33004/99

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अधिसूचना

नई दिल्ली, 8 नवम्बर, 2006

का.आ.1911(अ).— केन्द्रीय सरकार, जैव विविधता अधिनियम, 2002 (2003 का 18) की धारा 15 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित मार्गनिर्देश बनाती है, अर्थात् :-

1. (1) इन मार्गनिर्देशों का नाम संस्थाओं के बीच जिनके अंतर्गत सरकारी प्रायोजित संस्थाएं भी हैं और अन्य देशों में ऐसी संस्थाओं के बीच जैवीय संसाधनों या उनसे संबंधित जानकारी का अन्तरण या विनिमय अन्तर्निहित करने वाली अन्तर्राष्ट्रीय सहयोग अनुसंधान परियोजनाओं के लिए मार्गनिर्देश है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे

(3) इस तथ्य को ध्यान में रखते हुए कि जैवीय अनुसंधान परियोजनाओं को जैव विविधता अधिनियम, 2002 (इसमें इसके पश्चात् अधिनियम कहा गया है) की धारा 8 के अधीन स्थापित राष्ट्रीय जैव विविधता प्राधिकरण से अनुमोदन अधिप्राप्त करने से छूट देती है और यह कि अन्तर्राष्ट्रीय सहयोग अनुसंधान परियोजनाओं में जो द्विपक्षीय और बहुपक्षीय करार के अंतर्गत समझौता हस्तान्तरण के अधीन प्रायोजित हैं और कार्य योजना आदि में जैव संसाधनों को अन्तरण और विनिमय की आवश्यकता से इकारत नहीं किया जा सकता, ये मार्गनिर्देश पर्यावरण और वन मंत्रालय द्वारा अधिनियम के उक्त उपबन्धों के अनुपालन में और ऐसी अनुसंधान परियोजनाओं के लिए अधिसूचित किए जाते हैं।



2. (1) सहयोगी अनुसंधान परियोजना प्रस्ताव में स्पष्ट रूप से उल्लेख करोगी कि,—

- (क) प्रत्येक सहयोगी संस्था में मुख्य अध्येषक, जो सभी अनुपालनों के लिए उत्तरदायी होगा तथा किसी उल्लंघन की दशा में इस व्यक्ति को उत्तरदायी ठहराया जाएगा। मुख्य अध्येषक की पहचान में परिचर्तन केन्द्रीय सरकार के संबद्ध विभाग/ मंत्रालय को सूचित किए जाने चाहिए ;
- (ख) परियोजना के अधीन विनियम या अन्तरण के लिए आशयित भारत में उत्पन्न होने वाले जैव संसाधनों के ब्यारे और उससे सहशोधित ज्ञान जैसे जैव नाम, मात्रा, प्रयोजन, स्रोत, संग्रहण का स्थान और ऐसे अन्य क्रियाकलाप ;
- (ग) जैव संसाधन और सहशोधित ज्ञान में महत्व वृद्धि यदि कोई हो ;
- (घ) ऊपर (ख) में निर्दिष्ट जैव संसाधन की दशा में तत्काल भारत में प्रवृत्त किसी विशेष कानून के अधीन या किसी अन्तर्राष्ट्रीय करार के अधीन कोई विशेष प्रास्थिति, उसके ब्यारे तक्षम प्राधिकारी से आवश्यक अनुमति सहित उपलब्ध कराए जाए ;
- (2) सहयोगी विद्यमान राष्ट्रीय विधियों, विनियामक तंत्र और अन्तर्राष्ट्रीय करारों या संधियों के उपबन्धों का पालन करेंगे।
- (3) ऐसी परियोजनाओं के अधीन विनियम या अन्तरण के लिए आशयित जैव संसाधनों और सहशोधित ज्ञान के उपयोग केवल ऊपर उप पैरा (ग) के खंड (ख) में विनिर्दिष्ट अनुसंधान प्रयोजनों के लिए किया जाएगा।
- (4) अन्तर्गत या विनियम किए जाने के लिए आशयित जैव संसाधन(ों) की मात्रा उस मात्रा तक सीमित होंगी जो प्रस्ताव में यथाविनिर्दिष्ट प्रयोजनात्मक प्रयोजन के लिए आवश्यक है और राष्ट्रीय जैव विविधता प्राधिकरण द्वारा विकसित पहुंच और सामग्री अन्तरण मार्गनिर्देशों के अनुसार है ;
- (5) उस दशा में जहां इस परियोजना से अनुसंधान परिणाम बाव में किन्हीं बौद्धिक संपदा अधिकारों की ओर अग्रसर होने के लिए साबित होते हैं वहां सहयोगी भागीदार बौद्धिक संपदा अधिकारों के लिए आवेदन फाइल करने से पूर्व, अधिनियम की धारा 8 के उपबन्धों के



अनुसंधान में राष्ट्रीय विविधता प्राधिकरण (अधिनियम की धारा 8 के अधीन स्थापित) के साथ नए सिरे से करार करेंगे।

- (6) भारत में पाए जाने वाले जीव संसाधनों का परियोजना के अधीन अन्तर्गत किए गए और विनियम किए गए नमूनों को वाकफर अधिनियम की धारा 39 के अनुसार अभिहित संग्रहालय को भेजे जाएंगे।
- (7) भारत के मान्यताप्राप्त विश्वविद्यालयों और सरकारी संस्थाओं के तात्कालिक वैज्ञानिकों / आचार्यों, जो वार्षिकीय तात्कालिक अध्ययन में लगे हैं, के लिए सहयोगी अनुसंधान परियोजनाओं की पंजा में जिनमें उधार पर या किन्हीं अन्य निबन्धनों पर भारत के वनस्पति संग्रहालय को मूल अथवा संरक्षित नमूने विनियम करना और अन्तर्गत करना अन्तर्दलित है, यात केवल भारत सरकार के संबद्ध विभाग / मंत्रालय के अनुमोदन से किया जाएगा।
- (8) सहयोगी परियोजना के अनुसंधान परिणामों को किसी तृतीय पक्षकार को किसी रीति में इस प्रयोजन के लिए राष्ट्रीय जीव विविधता प्राधिकरण के साथ करार किए बिना संरक्षित या अन्तर्गत नहीं करेंगे।
- (9) ऐसी परियोजनाओं के अनुसंधान परिणामों के धार पर अनुसंधान पत्र पुस्तक, बुलेटिन, रजिस्ट्रीकृत अभिगमन और निष्कर्ष का प्रकाशन भारतीय सहयोगी के पूर्वानुमोदन के बिना नहीं किया जाएगा।
- (10) परियोजना के कार्यान्वयन के दौरान, भारत से जीव संसाधनों के विनियम या अन्तर्गत से सहयोजित कोई ज्ञान ऐसे ज्ञान के दस्तावेजीकरण को सुकर बनाने के लिए राष्ट्रीय जीव विविधता प्राधिकरण को सिधोटे किए जाएंगे।
- (11) सहयोगी परियोजना के अधीन भारत से विनियम किए गए और / या अन्तर्गत किए गए जीव संसाधन से सहयोजित ज्ञान के संबंध में कोई प्रकाशन से उस ज्ञान धारक की अभिस्वीकृत होगी जिससे ज्ञान अभिप्राय किया गया था।



- (12) परियोजना को माध्यम से अन्वेषण किए गए या विकसित किए गए वर्गीक, नस्ल, अनुवैशिक स्टाक, जीवाणु समूह, प्रजाति या पद्धति राष्ट्रीय जैव विविधता प्राधिकरण को रिपोर्ट की जाएगी और नमूना बाउचर अधिनियम के अनुसार अभिलिखित संग्रहालय के पास जमा किया जाएगा ।
- (13) सहयोगी अनुसंधान परियोजना को राज्य सरकार या केन्द्रीय सरकार के संबद्ध मंत्रालय द्वारा अनुमोदित किया जाएगा ।
- (14) सुसंगत व्यौरों सहित अनुमोदन की एक प्रति राष्ट्रीय जैव विविधता प्राधिकरण को भेजी जाएगी ।
- (15) जैव विविधता अधिनियम, 2002 के बारे में और अधिक बारे राष्ट्रीय जैव विविधता प्राधिकरण और संबंधित मुद्दे www.nbaindia.org पर संपर्क करें ।

[का. सं. 26/4/2006-सी एम सी]

देश दीपक वर्मा, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 8th November, 2006

S.O. 1911(E).— *In exercise of the powers conferred by clause (a) of sub-section (3) of section 5 of the Biological Diversity Act, 2002 (18 of 2003) the Central Government hereby makes the following guidelines namely:-*

1.(1) These guidelines may be called the Guidelines for International Collaboration Research Projects Involving Transfer or Exchange of Biological Resources or Information relating thereto between institutions including government sponsored institutions and such institutions in other countries.

(2) They shall come in to force on the date of their publication in the Official Gazette.

(3) In view of the fact that collaborative research projects have been exempted from obtaining approval of the National Biodiversity Authority established under section 8 of Biological Diversity Act, 2002, (hereinafter referred to as the Act) and that the need for transfer and exchange of biological resources cannot be ruled out in such projects, *sponsored under the bilateral and multi-lateral agreement, Memorandum of Understanding and work plan etc. under the International Collaborative Research Projects*, these guidelines are hereby notified by the Ministry of Environment and Forests in compliance with the said provisions of the Act and for such research projects.



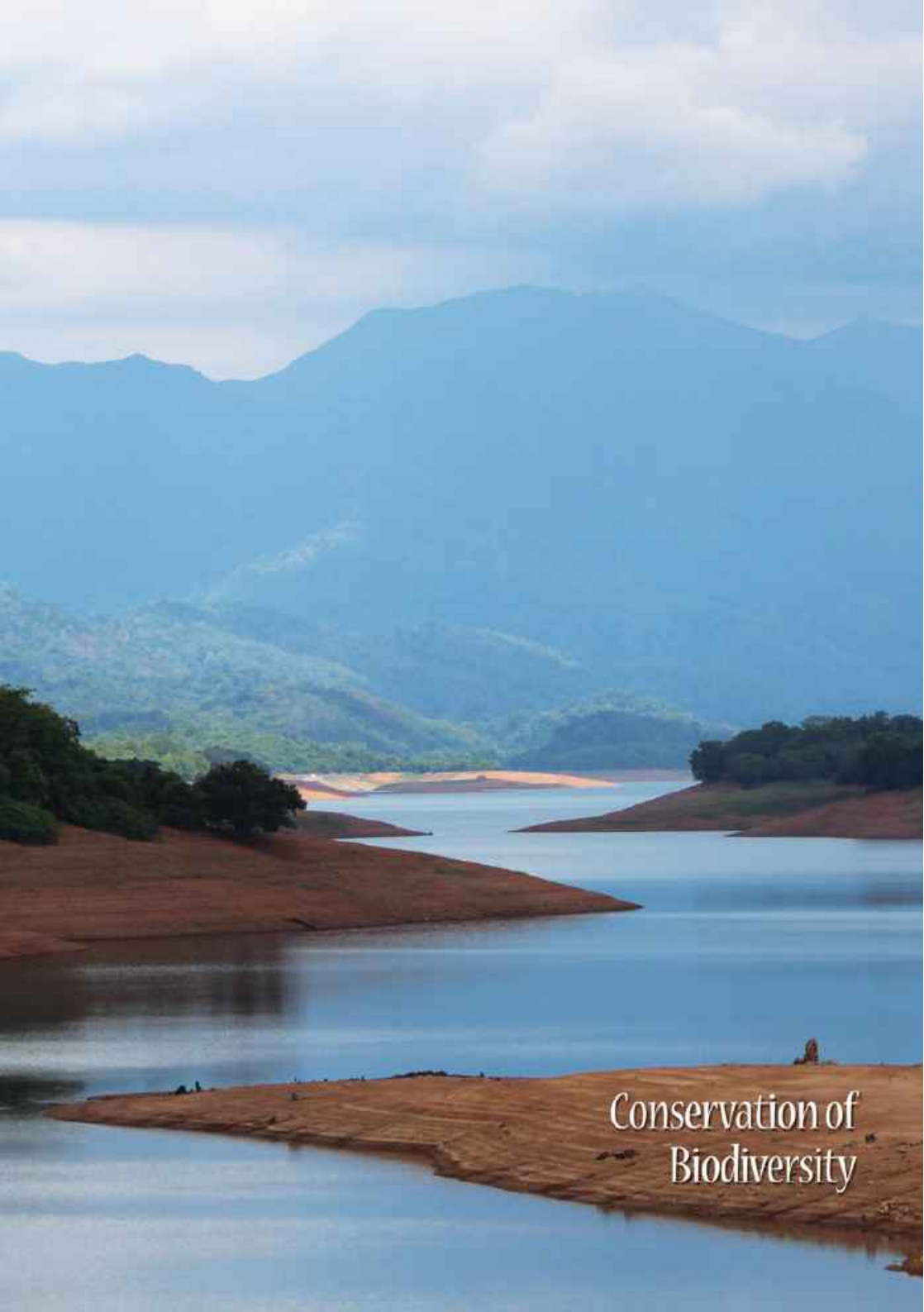
- 4 (1) The collaborative research project shall clearly state in the proposal,-
- (a) the key investigator(s) in each of the collaborating institution, who shall be responsible for all compliances and in case of any contravention, this person will be held responsible. Changes in the identity of the key investigator should be intimated to the concerned Department/Ministry of the Central Government;
 - (b) details of biological resources occurring in India and knowledge associated thereto, intended to be exchanged or transferred under the project, such as biological name, quantity, purpose, source, place of collection and such other activities;
 - (c) value addition, if any, to the biological resource and associated knowledge;
 - (d) in case the biological resource referred to in (b) above has any special status under any law in force in India or any international agreement, the details of the same may be provided, including necessary clearances from competent authority.
- (2) The collaborators shall abide by the provisions of existing national laws, regulatory mechanisms and international agreements or treaties.
- (3) The biological resource(s) and associated knowledge intended to be exchanged or transferred under such projects shall be used only for the research purpose specified in clause (b) of sub-paragraph (1) above.
- (4) The quantity of biological resource(s) intended to be transferred or exchanged shall be limited to the quantity necessary for experimental purpose, as specified in the proposal and as per the access and material transfer guidelines developed by National Biodiversity Authority.
- (5) In case the results of research from this project subsequently prove likely to lead to any Intellectual Property Rights, the collaborating partners shall enter into a fresh agreement with National Biodiversity Authority (established under section 8 of the Act) to ensure sharing of benefit in accordance with provisions of section 6 of the Act, prior to filing of the application for Intellectual Property Rights(s).
- (6) The voucher specimen of the biological resource occurring in India transferred or exchanged under the project shall be sent to the designated repository in accordance with section 39 of the Act.
- (7) In case the collaborative research projects involve exchange and transfer of dead or preserved specimen(s) and /or herbarium(s) of India on loan or on any other terms, for taxonomic studies as required by bona-fide scientists/professors of recognized universities and Government Institutions of India who are engaged in pure classical taxonomic studies, this shall be done with the approval of concerned Departments/Ministries of the Government of India.



- (8) Collaborators shall not communicate or transfer research results of the collaborative project to any third party in any manner without entering into an agreement with the National Biodiversity Authority for this purpose.
- (9) Publication of Research paper(s), book(s), bulletin(s), registered accession(s) and output(s) based on the results of the research of such projects, shall not be done without the prior approval of the Indian collaborator.
- (10) During the course of the implementation of the project, any knowledge associated with exchanged or transferred biological resource from India shall be reported to National Biodiversity Authority for facilitating documentation of such knowledge.
- (11) Any publication(s) relating to knowledge associated with biological resource exchanged and/or transferred from India under the collaborative project shall acknowledge the knowledge holders from whom this knowledge was obtained.
- (12) Any new taxon, breed(s), genetic stock(s), culture(s), strain(s) or line(s) discovered or developed through the project shall be reported to the National Biodiversity Authority and a voucher specimen shall be deposited with the designated repository in accordance with Act.
- (13) The collaborative research project shall have to be approved by the concerned Ministry/Department of the State or the Central Government.
- (14) A copy of the approval along with all relevant details shall be sent to the National Biodiversity Authority
- (15) For more details about Biological Diversity Act, 2002, National Biodiversity Authority and related issue log on www.nbaindia.org.

[F. No. 26/4/2006-CSC]

DESH DEEPAK VERMA, Jt. Secy.



Conservation of
Biodiversity



रजिस्ट्री सं० डी० एल०-33004/99

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PART II—Section 3—Sub-section (ii)

प्रधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 15 अप्रैल, 2009

क्र.अ. 997(अ).—जैवविविधता अधिनियम, 2002 (2003 का 18)की धारा 38 द्वारा प्रस्तावित शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केरल सरकार के साथ परामर्श करके ऐसे पादपों और वन्यजीव प्रजातियों को अधिसूचित करती है, जो विलुप्ति के कगार पर हैं, जो कि नीचे दी गई शारणी के स्तम्भ (2) में सूचीबद्ध हैं, और केरल राज्य के संबंध में इस अधिसूचना के उपाबंध में विनिर्दिष्ट शक्तों के अधीन उनके संग्रहण को प्रतिषेध और विनियमित करती है, अर्थात्

शारणी

क्रम सं० (1)	प्रजातियों के नाम (2)
पादप	
1	एडिनोस्मा मालाबारिकम हुक. एक.
2	अगारिचयाम्लाइया पॉसीफ्लोरा(बेड.) एत. राजकुमार एवं जनार्थ (पोयसीतोन्यूरान पॉसीफ्लोरम बेड.)
3	आगलेंया मालाबारिका सांसिध ।
4	अनाकोलेसा डैसीफ्लोरा बेड.
5	अतुना इंडिका(बेड.) कोस्टम
6	कालिएट्टा साइनोमेट्राइडस बेड
7	सिनोमोमम ट्रावनकोरिकम मेम्बल
8	डायलियम ट्रावनकोरिकम बेड.
9	डाइमो फोकालिक्स बेडोमई (बैथ.) एयरी शा
10	डिप्टेरो कार्पस बोर्डील्लोनी ब्रांडिस
11	एलियोकार्पस वेनस्टस बेड.
12	गासीनिया इम्बेस्टी बॉर्ड
13	हबोल्ड्टिया एक्सानुलाटा एयरी शा

1549 012009

(1)



14	हबोल्डिया बडी लोनी प्रेन
15	हम्बोल्टिया ट्राईजुगा(जोसोफ एवं वी चन्द्रास)मोहानन
16	जानकिया आर्यालयाथा जोजेफ एवं वी चन्द्रास
17	मथुका बाडोलोनी (गेम्बल) एच जे.लैम
18	मेमीसाइलोन सिसपेरेंस गेम्बल
19	पेफियोपेडिलम डस्टर्ड(बेड.(स्टेन
20	सालेसिया मे ला बारिका गेम्बल
21	साईजीजियम पाल्घाटेस गेम्बल
22	साईजियम पेरीयारेसिस जॉमी एवं सेसिध
23	टोक्सोकार्पस बेडडोमेई गेबल
24	टोक्सोकार्पस पाल्घाटेसिस गेबल
25	वंडा ध्वेडेइसी हुक. एफ.
26	वंडा विघटी आर सी एच बी एक.
वन्यजीव	
1	लेटीडेस सेलीमाली थान्लोग्या, 1974
2	विदेरा सिवेटिना व्लिध, 1862
3	बेलेनोटेरा मरक्पूल्स (लिनीअस, 1758)
4	डुगोंग डुगोंग (मूलर, 1776)
5	पेथेरा टाइग्रिस टाइग्रिस, लिनीअस, 1758
6	जिप्स बेगा लिसिस (मिलिन, 1788)
7	जिप्स इंडोकस (रकोपोली, 1786)
8	डर्मोचेलिस कोरियासिया(वंडेरी, 1761)
9	इरेटोमोचेलिस्स इम्ब्रीकाटी (लिनाडस, 1766)
10	फीजरवार्या मुर्धी पिल्लई, 1979
11	इंडियाना फ्राइनोडर्मा(बाउलेजर, 1882)
12	फिलॉटस चालाजिओडिस(गुथेर 1876)
13	प्रिस्टिस जिज्जान ब्लोकर, 1851

उपाबद्ध**शर्त
सं.****शर्तें**

1. किसी भी व्यक्ति द्वारा निम्नलिखित प्रयोजन के सिवाय, ऊपर अधिसूचित पादप अथवा वन्यजीव प्रजातियों का जीवित अथवा मृत अवस्था में संग्रह नहीं किया जाएगा जब तक कि इस संबंध में संबंधित राज्य के जैवविविधता बोर्ड से अनुमोदन न लिया गया हो और यह भारतीय वन अधिनियम, 1927 (1927 का 16) और वन्यजीव (संरक्षण) अधिनियम, 1972 (1972 का 53) या सुसंगत राज्य के वन और वन्यजीव विधानों के उपबंधों के अनुरूप भी हो; अर्थात्



- (क) वैज्ञानिक अनुसंधान,
 (ख) हरबेरियम और वैज्ञानिक और शैक्षिक संस्थाओं का संग्रहालय,
 (ग) प्रचार; और
 (घ) कोई अन्य वैज्ञानिक अन्वेषण।

2. संबंधित राज्य जैवविविधता बोर्ड निम्नलिखित अरम्भ या संचालन करेंगे:-

- (i) रामग्र जानकारी के लिए, अधिसूचित प्रजातियों के सभी पहलुओं का अध्ययन करना।
 (ii) स्वस्थाने और स्थान बाह्य संरक्षण और पुनः स्थापन के प्रयोजनार्थ, अधिसूचित प्रजातियों का प्रचार; और
 (iii) जागरूकता कार्यक्रम चलाना और वन विभाग के कर्मियों, जैवविविधता प्रबंधन समितियों, पर्यावरणीय पर्यावरण कार्यक्रमों और वनवासियों तथा जनजातियों को अधिसूचित प्रजातियों के संबंध में शैक्षिक सामग्री उपलब्ध कराना।

[फा. सं 28-12/2006-सी एस-III]

ए. के. गोयल, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS
 NOTIFICATION

New Delhi, the 15th April, 2009

S.O. 997(E).—In exercise of powers conferred by section 38 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government, in consultation with the Government of Kerala, hereby notifies the species of plants and animals which are on the verge of extinction, as listed in column (2) of the Table given below, and prohibit and regulate the collection thereof, subject to the conditions specified in the Annexure to this notification, for the State of Kerala, namely:—

TABLE

Sl.No.	Name of the species
(1)	(2)
	Plants
1.	<i>Adenosma malabaricum</i> Hook. f.
2.	<i>Agasthiyamalaia pauciflora</i> (Bedd.) S. Rajkumar & Janarth. [= <i>Poeciloneuron pauciflorum</i> Bedd.]
3.	<i>Aglaia malabarica</i> Sasidh.
4.	<i>Anacolosa densiflora</i> Bedd.
5.	<i>Atuna indica</i> (Bedd.) Kosterm.
6.	<i>Calliandra cynometroides</i> Bedd.
7.	<i>Cinnamomum travancoricum</i> Gamble
8.	<i>Dialium travancoricum</i> Bedd.
9.	<i>Dimorphocalyx beddomei</i> (Benth.) Airy Shaw
10.	<i>Dipterocarpus bourdillonii</i> Brandis
11.	<i>Elaeocarpus venustus</i> Bedd.
12.	<i>Garcinia imberti</i> Bourd.
13.	<i>Haplothismia exanulata</i> Airy Shaw
14.	<i>Humboldtia bourdillonii</i> Prain
15.	<i>Humboldtia trijuga</i> (Joseph & V. Chandras.) Mohanan
16.	<i>Janakia aryalpathra</i> Joseph & V.Chandras.



17.	<i>Madhuca bourdillonii</i> (Gamble) H.J. Lam.
18.	<i>Mamecyon sisparensense</i> Gamble
19.	<i>Paphiopedilum druryi</i> (Bedd.) Stein
20.	<i>Salacia malabarica</i> Gamble
21.	<i>Syzygium paighatense</i> Gamble
22.	<i>Syzygium periyarensis</i> Jomy & Sasidh.
23.	<i>Toxocarpus beddomei</i> Gamble
24.	<i>Toxocarpus palghatensis</i> Gamble
25.	<i>Vanda thwaitesii</i> Hook.f
26.	<i>Vanda wightii</i> Rohb.f.
Animals	
1.	<i>Latidens sailmali</i> , Thonglongya, 1974
2.	<i>Viverra civettina</i> , Blyth, 1862
3.	<i>Balaenoptera musculus</i> (Linnaeus, 1758)
4.	<i>Dugong dugon</i> (Muller, 1776)
5.	<i>Panthera tigris tigris</i> , Linnaeus, 1758
7.	<i>Gyps indicus</i> (Scopoli, 1786)
8.	<i>Dermochelys coriacea</i> (Vandell, 1761)
9.	<i>Eretmochelys imbricata</i> (Linnaeus, 1766)
10.	<i>Fejervarya murthii</i> Pillai, 1979
11.	<i>Indirana phrynoderma</i> (Boulenger, 1882)
12.	<i>Philaotus chalaziodes</i> (Günther, 1876)
13.	<i>Pristis zijsron</i> Bleeker, 1851

Annexure**Condition
No.****Conditions**

1. No plant or animal species as notified above shall be collected in live or dead condition by any person except, for purposes mentioned below, with the approval of the concerned State Biodiversity Board, and also in accordance with the provisions of the Indian Forest Act, 1927 (16 of 1927) and the Wild Life (Protection) Act, 1972 (53 of 1972) or the relevant State forest and wildlife legislations, namely:-

- (e) Scientific research;
- (f) Herbarium and museum of scientific and academic institutions;
- (g) Propagation; and
- (h) Any other scientific investigation.

2. The concerned State Biodiversity Board shall initiate or conduct :-

- (iv) studies on all aspects of the notified species for holistic understanding;
- (v) propagation of the notified species for the purpose of *in situ* and *ex situ* conservation and rehabilitation; and
- (vi) awareness programmes and provide educational materials on notified species for forest department personnel, Biodiversity Management Committees, ecotourism programmes, and forest dwellers and tribals.

[F. No. 28 12/2008-CS-III]

A. K. GOYAL, Jt. Secy.



No.26-11/2007-CSC
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

Dated the 28th August, 2008

ORDER

Subject :- Designation of repositories under the Biological Diversity Act, 2002

In exercise of the powers conferred by sub-section(1) of Section 39 of the Biological Diversity Act, 2002, read with sections 6 and 12 of Notification S.O. 1911(E), dated 8th November, 2006, the Ministry of Environment and Forests, Govt. of India, hereby designates the following institutions to act as repositories under the Act for different categories of biological resources:

S.No.	Name of the Institution	Category of biological resource
1.	Botanical Survey of India, Kolkata	Flora (Angiosperms, Gymnosperms, Pteridophytes, Bryophytes, Lichens, Macrofungi, Macroalgae)
2.	National Bureau of Plant Genetic Resources, New Delhi	Plant genetic resources
3.	National Botanical Research Institute, Lucknow	Flora (Angiosperms, Gymnosperms, Pteridophytes, Bryophytes, Lichens, Macrofungi, Macroalgae)
4.	Indian Council of Forestry Research and Education, Dehradun (Forest Research Institute, Dehra Dun; Institute of Forest Genetics and Tree Breeding, Coimbatore; and Tropical Forest Research Institute, Jabalpur)	Flora (Angiosperms, Gymnosperms, Pteridophytes, Bryophytes, Lichens, Macrofungi, Macroalgae). For TFRI only - Fauna (termites, butterflies, moths)
5.	Zoological Survey of India, Kolkata	Fauna
6.	National Bureau of Animal Genetic Resources, Karnal, Haryana	Genetic resources of domestic animals
7.	National Bureau of Fish Genetic Resources, Lucknow, U.P.	Fish genetic resources
8.	National Institute of Oceanography, Goa	Marine flora and fauna
9.	Wildlife Institute of India, Dehradun	Faunal resources in Protected Areas
10.	National Bureau of Agriculturally Important Micro-organisms, Mau Nath Bhanjan, U.P.	Agriculturally important micro-organisms
11.	Institute of Microbial Technology, Chandigarh	Microorganisms
12.	National Institute of Virology, Pune	Viruses
13.	Indian Agricultural Research Institute, New Delhi	Microbes/Fungi

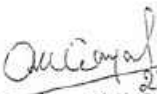


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2. In accordance with sub-section (2) of Section 39 of the Act, the designated repositories shall also keep in safe custody the representative samples, as voucher specimens of the biological material accessed in accordance with the provisions of Section 19 of the Act, alongwith relevant information related to the material, such as DNA fingerprints, if so required by the National Biodiversity Authority (NBA).

3. The designated repositories at serial No 1,3,4,5,10,11,12 and 13 shall also keep in safe custody the type specimen deposited by any person who discovers a new taxon, in accordance with sub-section (3) of Section 39 of the Act.

4. This order issues with the approval of the competent authority.


28.7.08
(A.K. Goyal)

Joint Secretary to the Government of India

To

1. Director, Botanical Survey of India, CG J Complex, 3rd MSO Building, Block F, DL Block, Sector 1, Salt Lake City, Kolkata – 700 064.
2. Director, Zoological Survey of India (ZSI), Prani Vigyan Bhawan, M- Block, New Alipora, Kolkata - 700 053.
3. Director, National Bureau of Plant Genetic Resources, Pusa Campus, New Delhi-110 012.
4. Director, National Botanical Research Institute, Rana Pratap Marg, P. B. No. 436, Lucknow – 226 001, U.P.
5. Director General, Indian Council of Forestry Research & Education, P. O. New Forests, Dehradun – 248 006, Uttarakhand.
6. Director, National Bureau of Animal Genetic Resources, Makrampur Campus, G.T. Road Bye Pass, Near Basant Vihar, P.O. Box 129, Karnal (Haryana)-132001.
7. Director, National Bureau of Fish Genetic Resources, Canal Ring Road, P.O. Dilkusha, Teliabagh, Lucknow- 226 002, Uttar Pradesh.
8. Director, National Institute of Oceanography, Dona Paula – 403 004, Goa.
9. Director, Wildlife Institute of India, P.B. No. 18, Chandrabani, Dehradun –248 001, Uttarakhand.
10. Director, National Bureau of Agriculturally Important Micro-organisms, Kusmaur (Pos. Bag Kaiti-auli), Post Box. No. 6, Mau Nath Bhanjan, Uttar Pradesh- 275 101.
11. Director, Institute of Microbial Technology, Sector 39-A, Chandigarh – 160 036.
12. Director, National Institute of Virology, 20-A, Dr. Ambedkar Road, P.B.No.11, Pune- 411 001.
13. Director, Indian Agricultural Research Institute, Pusa Road, New Delhi.

Copy to the Chairman, National Biodiversity Authority, 475, 9th South Cross Street, Kapaleswarar Nagar, Melankarai, Chennai-600 04.



F. No.26-15/2007-CSC
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

Dated the 12th September, 2012

ORDER

Subject :- Designation of repositories under the Biological Diversity Act, 2002

In exercise of the powers conferred by sub-section(1) of Section 39 of the Biological Diversity Act, 2002, read with sections 6 and 12 of Notification S.O. 1911(E) dated 6th November, 2006, and in continuation of this Ministry's Order dated 28th August, 2008, the Ministry of Environment & Forests, Government of India, hereby designates the National Bureau of Agriculturally Important Insects as the repository under the Act for agriculturally important insects, mites and spiders.

2. In accordance with sub-section (2) of Section 39 of the Act, the designated repository shall also keep in safe custody the representative samples, as voucher specimens of the biological material accessed in accordance with the provisions of Section 19 of the Act, alongwith relevant information related to the material, such as DNA fingerprints, if so required by the National Biodiversity Authority (NBA).

3. The designated repository shall also keep in safe custody the type specimen deposited by any person who discovers a new taxon, in accordance with sub-section (3) of Section 39 of the Act.

4. This order issues with the approval of the competent authority.

(Hem Pande)

Joint Secretary to the Government of India

To

1. The Director, National Bureau of Agriculturally Important Insects (NBAII), P.O. No. 2491, H.A. Farm Post, Bellary Road, Bangalore-560 024
2. Directors of institutions designated as repositories vide order dated 28.8.12:
 - i. The Director, Botanical Survey of India, CGO Complex, 3rd MSO Building, Block F, D1 Block, Sector 1, Salt Lake City, Kolkata - 700 064.
 - ii. The Director, Zoological Survey of India (ZSI), Prani Vigyan Bhawan, M- Block, New Alipore, Kolkata - 700 053.
 - iii. The Director, National Bureau of Plant Genetic Resources, Pusa Campus, New Delhi 110 012.
 - iv. The Director, National Botanical Research Institute, Rana Pratap Marg, P. B. No. 436, Lucknow – 226 001, U.P.



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- v. The Director General, Indian Council of Forestry Research & Education, P. O. New Forests, Dehradun – 248 006, Uttarakhand.
- vi. The Director, National Bureau of Animal Genetic Resources, Makrampur Campus, G.T. Road Bye Pass, Near Basant Vihar, P.O. Box 129, Karnal (Haryana)-132001.
- vii. The Director, National Bureau of Fish Genetic Resources, Canal Ring Road, P.O. Dilkusha, Telibagh, Lucknow- 226 002, Uttar Pradesh.
- viii. The Director, National Institute of Oceanography, Dona Paula – 403 004, Goa.
- ix. The Director, Wildlife Institute of India, P.B. No. 18, Chandrabani, Dehradun –248 001, Uttarakhand.
- x. The Director, National Bureau of Agriculturally Important Microorganisms, Kusmaur (Post Bag Kaithauli), Post Box. No. 6, Mau Nath Bhanjan, Uttar Pradesh- 275 101.
- xi. The Director, Institute of Microbial Technology, Sector 39-A, Chandigarh – 160 036.
- xii. The Director, National Institute of Virology, 20-A, Dr. Ambedkar Road, P.B.No.11, Pune- 411 001.
- xiii. The Director, Indian Agricultural Research Institute, Pusa Road, New Delhi- 110012.

Copy to:

- i. The Chairman, National Biodiversity Authority, Chennai
- ii. The Secretary, National Biodiversity Authority, Chennai



F. No.26-15/2007-CSC
Government of India
Ministry of Environment and Forests
(CS-III Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003

Dated the 8th July, 2013

ORDER

Subject :- Designation of repositories under the Biological Diversity Act, 2002.

In exercise of the powers conferred by sub-section(1) of Section 39 of the Biological Diversity Act, 2002, read with sections 6 and 12 of Notification S.O. 1911(E), dated 8th November, 2006, and in continuation of this Ministry's Orders dated 28th August, 2008 and 12th September, 2012, the Ministry of Environment & Forests, Government of India, hereby designates the Microbial Culture Collection (MCC), National Centre for Cell Science (NCCS), Pune as the repository under the Act for microorganisms.

2. In accordance with sub-section (2) of Section 39 of the Act, the designated repository shall also keep in safe custody the representative samples, as voucher specimens of the biological material accessed in accordance with the provisions of Section 19 of the Act, alongwith relevant information related to the material, such as DNA fingerprints, if so required by the National Biodiversity Authority (NBA).

3. The designated repository shall also keep in safe custody the type specimen deposited by any person who discovers a new taxon, in accordance with sub-section (3) of Section 39 of the Act.



(Hem Pande)

Additional Secretary to the Government of India

To

1. The Scientist 'F' and Principal Investigator, Microbial Culture Collection (MCC), National Centre for Cell Science (NCCS), NCCS Complex, University of Pune Campus, Ganeshkh nd, Pune- 411 007
2. The Secretary, Department of Biotechnology, Ministry of Science & Technology, CGO Complex, Lodhi Road, New Delhi-110 003
3. Directors of institutions designated as repositories vide order dated 28.8.12 and 12.9.12:
 - i. The Director, Botanical Survey of India, CGO Complex, 3rd MSO Building, Block F, DL Block, Sector 1, Salt Lake City, Kolkata – 700 064.
 - ii. The Director, Zoological Survey of India (ZSI), Prani Vigyan Bhawan, M- Block, New Alipore, Kolkata - 700 053.



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- iii. The Director, National Bureau of Plant Genetic Resources, Pusa Campus, New Delhi-110 012.
- iv. The Director, National Botanical Research Institute, Rana Pratap Marg, P. B. No. 436, Lucknow – 226 001, U.P.
- v. The Director General, Indian Council of Forestry Research & Education, P. O. New Forests, Dehradun – 248 006, Uttarakhand.
- vi. The Director, National Bureau of Animal Genetic Resources, Makrapur Campus, G.T. Road Bye Pass Near Basant Vihar, P.O. Box 129, Karnal (Haryana)-132001.
- vii. The Director, National Bureau of Fish Genetic Resources, Canal Ring Road, P.O. Dilkusha, Telibagh, Lucknow- 226 002, Uttar Pradesh.
- viii. The Director, National Institute of Oceanography, Dona Paula – 403 004, Goa.
- ix. The Director, Wildlife Institute of India, P.B. No. 18, Chandrabani, Dehradun –248 001, Uttarakhand.
- x. The Director, National Bureau of Agriculturally Important Micro-organisms, Kusmaur (Post Bag Kaithauli), Post Box. No. 6, Mau Nath Bhanjan, Uttar Pradesh- 275 101.
- xi. The Director, Institute of Microbial Technology, Sector 39-A, Chandigarh – 160 036.
- xii. The Director, National Institute of Virology, 20-A, Dr. Ambedkar Road, P.B.No.11, Pune- 411 001.
- xiii. The Director, Indian Agricultural Research Institute, Pusa Road, New Delhi-110012.
- xiv. The Director, National Bureau of Agriculturally Important Insects (NBAII), P.O. No. 2491, H.A. Farm Post, Bellary Road, Bangalore-560 024

Copy to:

- i. The Chairman, National Biodiversity Authority, Chennai
- ii. The Secretary, National Biodiversity Authority, Chennai

Guidelines for
**Selection and Management
of the Biodiversity Heritage Sites**





Guidelines for selection and management of the Biodiversity Heritage Sites

1. Introduction

Under Section 37 of Biological Diversity Act, 2002 (BDA) the State Government in consultation with local bodies may notify in the official gazette, areas of biodiversity importance as Biodiversity Heritage Sites (BHS).

Under sub section (2) of Section 37, the State Government in consultation with the Central Government may frame rules for the management and conservation of BHS.

Under sub section (3) of Section 37, the State Governments shall frame schemes for compensating or rehabilitating any person or section of people economically affected by such notification.

Considering the above provisions of the Act, the National Biodiversity Authority (NBA) hereby issues the following guidelines for selection and management of the BHS.

2. Significance and objectives of Biodiversity Heritage sites

- a. Biodiversity is closely linked to ecological security and therefore, human welfare. To strengthen the biodiversity conservation in traditionally managed areas and to stem the rapid loss of biodiversity in intensively managed areas, such areas need special attention.
- b. Such areas also often represent a positive interface between nature, culture, society, and technologies, such that both conservation and livelihood security are or can be achieved, and positive links between wild and domesticated biodiversity are enhanced.
- c. To have a BHS in or around a community should be a matter of pride and honour to such community and this virtuous act of community may work as an example to the entire nation apart from ensuring availability of the resources to their own future generation. The areas like existing sacred grooves in general and those existing in Western Ghats in particular can be straight away be declared and notified as BHS.
- d. It is necessary to instill and nurture conservation ethics in all sections of the society. The creation of BHS will ensure bringing home these values in the society and thereby put an end to over-exploitation of natural resources and avoid environmental degradation.
- e. The creation of BHS may not put any restriction on the prevailing practices and usages of the local communities, other than those



voluntarily decided by them. The purpose is to enhance the quality of life of the local communities through this conservation measure.

3. Definitions

"Biodiversity Heritage Sites" (BHS) are 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: 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 and are important for the maintenance of cultural diversity, with or without a long history of human association with them.

All other terms used are as defined in Section 2 of the Biological Diversity Act (2002)

4. The criteria for identification of BHS

The BHS may be identified in accordance with the definition in (2) above. Accordingly areas having any of the following characteristics may qualify for inclusion as BHS.

- a. Areas that contain a mosaic of natural, semi-natural, and man made habitats, which together contain a significant diversity of life forms.
- b. Areas that contain significant domesticated biodiversity component and /or representative agro-ecosystems with ongoing agricultural practices that sustain this diversity.
- c. Areas that are significant from a biodiversity point of view as also are important cultural spaces such as sacred groves/trees and sites, or other large community conserved areas.
- d. Areas including very small ones that offer refuge or corridors for threatened and endemic fauna and flora, such as community conserved areas or urban greens and wetlands.
- e. All kinds of legal land uses whether government, community or private land could be considered under the above categories.
- f. As far as possible those sites may be considered which are not covered under Protected Area network under the Wildlife Protection Act 1972 as amended.
- g. Areas that provide habitats, aquatic or terrestrial, for seasonal migrant species for feeding and breeding.
- h. Areas that are maintained as preservation plots by the research wing of Forest department.
- i. Medicinal Plant Conservation Areas.



5. Identification and Declaration of Biodiversity Heritage Sites

State Biodiversity Boards (SBB) may invite suggestion (or consider those already coming from communities) for declaration of BHSs, through BMCs and other relevant community institutions including gram sabhas, panchayats, urban wards, forest protection committees, tribal councils. SBB may undertake widespread dissemination of information related to the proposed BHS among rural communities, NGOs, farmer/fishermen/adiwasi associations, urban groups, research institutions, government agencies, and other organizations, regarding the provision of BHSs, through locally appropriate means. These could include local language newspapers, radio, holding meetings with the communities, letters to line departments, gram panchayats, local bodies and others. The process may further be achieved through the following:

- a. NGOs and community institutions (including Panchayat Raj institutions, Biodiversity Management Committees, or institutions set up for environment and development purposes by communities on their own or under other environmental schemes) to carry out their own process, may also initiate proposals for declaring BHSs.
- b. Consolidation of the suggestions, by the SBBs, to come up with a list of areas which can be designated as the Biodiversity Heritage Sites; even while such consolidation is ongoing, suggestions and applications for individual BHSs to be considered as and when they are made.
- c. Public discussions amongst the local bodies, gram sabhas, urban ward committees, and other relevant local institutions, regarding concrete proposals for declaring BHSs, in their area, including the implications such as possible restrictions on resource use; a full attempt to be made to bring on board various sections of society with gender and social representation, in such discussions.
- d. Once approved by the relevant gram sabhas or urban local bodies, SBB to move for issuing a preliminary notification specifying the boundaries of the BHS, which may require some prior surveying and mapping, and specifying also restrictions if any that may be required for management of the BHS, this to be published in the local media inviting suggestions and objections from the interested parties/stakeholders, particularly in case of lands owned by communities and individuals.
- e. Based on the suggestions and objections raised, a team may be constituted by the BMCs/other relevant local institutions/SBB in consultation with the local bodies for conducting studies to gain a clear understanding of the BHS. The team would include the following members (not exceeding 12 individuals) with one member preferably from the local community/ies selected to head the team:
 - i. Knowledgeable or experienced women & men representing all socio-economic groups of the concerned communities, nominated by the relevant rural/urban local bodies.



- ii. One or more NGOs/institutes focusing on ecology / conservation (including conservation biologists familiar with the flora and fauna of the particular BHS).
 - iii. One or more NGOs/institutes working on social (gender, livelihood, etc) issues.
 - iv. One or more NGOs/institutes focusing on agriculture.
 - v. Research wing of the agriculture, forest or other relevant department (where appropriate and possible).
 - vi. Representatives of Botany and Zoology departments of nearest College/University.
- f. The above team will conduct a study (over a period of 3 to 6 months) in consultation with the concerned community irrespective of occupation, gender or social strata. Such consultations should inevitably include groups such as forest dwellers, farmers, coastal and pastoral community(ies) and / or other relevant occupations. The study on the following aspects needs to be carried out with the use of community-based PBRs/PRA, participatory mapping, and other possible tools that are considered appropriate by the concerned communities. All state departments are to ensure that they cooperate in this exercise through the provision of relevant information, maps, and other documents that would enhance the productivity of the exercise. The study may include:-
- i. History of land/water bodies ownership/rights, including Common Property Resources (CPRs), administrative control, and land and resource use.
 - ii. Current status of land ownership, tenurial status of and access/rights to CPRs, disputed claims over land/ forests, if any, land and resource use pattern (including biodiversity-based livelihoods), legal and administrative control, rights and responsibilities.
 - iii. Community composition, character, socio-economic and gender differentiated dependence on the resources, socio- economic and demographic profile.
 - iv. Existing institutions, their characteristics, rules and regulations governing natural resources, and access to decision making by marginalized sections including women.
 - v. Ecological profile of the area, critical wildlife and agricultural biodiversity values, and threats and pressures to the biological diversity, if any.
 - vi. Use of the area as the corridor or refugia for the wild animals or any other use for the wildlife.
 - vii. Cultural (including agricultural) practices followed by the communities affecting the biodiversity (whether positively or negatively).
 - viii. Scope of livelihood generation (including from resource use, community-based ecotourism, etc) in the area.
 - ix. Impacts of restrictions, if any, on people and on the biodiversity.



- g. Report of the study may be submitted by the team to the BMCs or other relevant local institutions linked to the local bodies in case BMC does not exist, which before submitting it to the SBB may disseminate the findings of the team (in local languages), along with the proposal for declaring the BHS, to the concerned communities and to all stakeholders.
- h. SBB shall review the document submitted by BHS survey group or BMCs or other relevant local institutions linked to the local bodies in case BMC does not exist within a period of 3 months, including feedback if any to the relevant community.
- i. Final decision on the proposal may be made by the SBB in a joint sitting of all stakeholders, at the proposed site.
- j. Draft notification and announcement for declaring the BHS may be made at the state level in an appropriate manner giving it wide media coverage particularly in the local language.
- k. After 30 days of the draft notification of the BHS, the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist along with the Local bodies may conduct a Public Hearing where all details about the BHS should be placed and the comments received from the public recorded and, attempts made to remove aspersions, if any, that they may have on the consequences of declaring the area as BHS. The local community should be taken to confidence assuring that by declaring the BHS their traditional rights and privileges will not be affected.
- l. On declaration of the BHS, the SBB may write to all the concerned Government departments announcing the establishment of the BHS.
- m. While the above process is desirable in all situations, it should be noted that in many situations communities may not be in a position to follow them in view of the urgency for declaration as a BHS to ward off a threat, or for other reasons. In some cases proposals may be coming from a community that has already a proven track record of conservation, and urgently requires the BHS status to consolidate its position. In such situations, the requirement for these detailed studies may be waived for the purpose of the notification, but should be applied subsequent to the notification and no relocations and restrictions to access will be declared till then other than what the community is already imposing upon itself.

6. Management of BHS

- a. The Biodiversity Management Committee or other appropriate institution as determined by relevant local body in the absence of BMCs, which in addition to their duties defined in the Act, may also take care of the management of each BHS. Wherever the BHS extends to more than one



- local bodies, the management of the BHS shall be the responsibility of the Biodiversity Heritage Site Management Committee constituted by the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist, and approved by the SBB.
- b. The committee responsible for the management of the BHS may include representatives of all sections of local communities, and in particular those most dependent on the natural resources as also those who have been traditionally conserving the area.
 - c. It may be the responsibility of the BMC/BHS Management Committee to prepare and implement a management plan for the BHS which should cover a period of five to ten years.
 - d. SBBs will then recognize and facilitate the implementation of the final management plan. Such facilitation may include directions to all relevant government departments to assist the communities in implementation, including through appropriate changes in their plans and schemes, to eliminate biodiversity-damaging practices and to fully enable and empower the communities in conserving biodiversity. Where necessary orientation programmes may be organized for such departments and NGOs.
 - e. SBBs and concerned government departments will also facilitate the regeneration or revival of degraded or lost ecosystems and taxa, including the reintroduction of threatened/locally extinct wildlife where feasible, and the repatriation of lost/declining domesticated biodiversity from ex-situ collections.
 - f. Wherever there are existing conservation related management practices serving the purpose of the BHS may be documented and considered as the BHS Management Plan.
 - g. Any project/activity to be implemented by government or any other agency, which is likely to have adverse impact on the BHS may be avoided.
 - h. Generally no restriction is likely to be placed on the community on the existing utilization of resources from the proposed BHS.
 - i. Restriction in form of regulating the use of the resources may be warranted in some cases and such restriction may be totally voluntary on the part of community.
 - j. The management structure and utilization of resources for BHS notified on Government forest areas and other government owned areas will be determined by the concerned departments of the State Government.

7. Components of the management plan of BHS

- a. A map of the BHS with clear administrative boundaries as notified.
- b. The status of ownership



- c. The current land-use pattern, conservation related practices and beliefs, and the dependence of local communities
- d. Major biodiversity in the area and their status as endemic, threatened, endangered or vulnerable
- e. Whether a waterfowl refuge during winter, breeding place for water birds or corridor for any wild animals
- f. The type and quantum of resources being used by the local community and their role/importance in the domestic economy as also the average income from them in situations where they are marketed.
- g. Any shift in the pattern of utilisation during the past 10 years. If so the reason for the same.
- h. Authentic data on the flora, fauna and natural resources in the area
- i. Details of projects, if any, in the area under any government/ international schemes.
- j. The suggestions, if any, from the local communities for the improved conservation of biodiversity, and the betterment of the livelihood by using natural resources.
- k. Threats, present and potential if any, to the BHS.
- l. Management prescription separately for conservation and, sustainable use of bio-resources to enhance the livelihood of the local community
- m. A rough projection of the expected outcomes of setting up the BHS, including ecological and social/economic (including, where relevant, estimate of the income expected of on completion of the project).
- n. Estimated time frame for completion of each component of the plan, and rough indicators to judge success of each component.
- o. The above process of management planning must not be one that constrains the wide variety of ways in which communities conserve and manage natural resources. It should also not be considered absolutely necessary to formulate a management plan, if the community has other adequate means of sustaining the effort and if thereby, conservation and sustainable management is taking place. In many situations also, communities may not be in a position to immediately or quickly formulate such a plan, which should not be a reason for not accepting their site as a BHS.



- p. The SBB on receipt of the Management Plan may constitute an expert committee to evaluate the same, if necessary visit the BHS and hold consultations with the local communities and the local bodies and obtain their approval of the Management Plan. The Management Plan may also be integrated into the district level planning process, to enable optimum facilitation and funding by relevant government agencies.
- q. On receipt of approved plan, the SBB may accept the same.
- r. Management plan may be periodically reviewed and modified appropriately by the expert committee constituted by the SBB, based on the recommendations of the BMC or other relevant local institutions linked to the local bodies in case BMC does not exist, and accepted by the SBB. Such modifications shall be brought to the notice of all stakeholders before implementing the same.

8. Monitoring of BHS

- a. There may be a State-level Monitoring Committee constituted by the SBB.
- b. The State level Monitoring Committee may comprise the following chosen out of knowledgeable individuals in the field of conservation of wild and domesticated biodiversity, and related socio-economic aspects, from the following categories:
 - i) The Member Secretary of the SBB, may act as Chairman of the monitoring committee and CEO, Zilla Parishad may act as Co-Chairman.
 - ii) One representative of local community,
 - iii) An expert having knowledge and experience in the field of forestry/wildlife/agro-biodiversity/ aquaculture management or in the area relevant to the particular BHS,
 - iv) a member of the BMC / BHS management committee concerned or other relevant local institutions linked to the local bodies in case BMC does not exist
 - v) a nominee of the Local body/Panchayat concerned
 - vi) a representative from Revenue Department.
- c. The State-level Monitoring Committee shall monitor the implementation of management plan periodically and submit a report to the SBB indicating clearly the extent (in qualitative and where possible quantitative terms) of achievement under each component of the Management Plan and recommendations for improvement. This committee shall monitor the implementation of management plan periodically.
- d. The tenure of the Monitoring Committee may be three years.



9. Budget

- a. Once the BHS is notified by the State Government, the NBA may support the initial establishment of BHS financially by allocating adequate funding support as seed money through SBB. Simultaneously, the financial requirement of BHS may be included in the annual budget of the local body(ies). The State Government may also allocate adequate seed money to each BHS on its notification through SBB. The BMC or other institution which is managing BHS would be recognized as an authorized body to avail the financial assistance under all government schemes and other funding sources as legally permissible. The existing/new interest accruing saving account of BMC or other institution maintained in a nationalized bank or post office is authorized to receive all such amounts. The accounts maintained by the aforesaid institutions managing BHS shall be audited annually as per the rules and as done in case of Local bodies.
- b. The SBBs shall keep the NBA informed of notification of creation/declaration of BHS in their states. . The NBA through its expert committees may get the performance audit of the management of BHS done by BMCs/ other institutions/SBBs.

10. Miscellaneous

- a. The SBBs may ensure adequate and sensitive public visibility of the BHSs through popular media, workshops, brochures etc., to ensure consideration of their importance and status. The NBA may allocate fund as required to SBB only for undertaking aforesaid activities.
- b. The NBA may organize one National level review meeting of all BHSs involving NGOs, BMCs/other institutions managing, SBBs, officials of line departments, academic institutions, experts etc., annually and may submit the proceedings of the minutes to the Ministry of Environment and Forests, Government of India.
- c. These are only model guidelines framed after consulting various experts to act as precursor for framing rules under the biodiversity Act by various State Governments with suitable modifications but are within the spirit and frame work of BD Act 2002.
- d. The State Governments may **notify the rules** after consulting the Central Government through National Biodiversity Authority.

State Rules





GOVERNMENT OF KERALA
Environment Department

NOTIFICATION

G.O. (P) No.1/2008/ ENVT

Dated, Thiruvananthapuram, 10th June 2008

S.R.O. No. 602/2008. In exercise of the powers conferred by section 63 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the Government of Kerala hereby make the following rules, namely:-

RULES

1. Short Title and Commencement. - (1) These rules may be called the Kerala Biological Diversity Rules, 2007,

(2) They shall come into force at once.

2. Definitions. - (1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Biological Diversity Act, 2002 (Central Act 18 of 2003);

(b) "Authority" means the National Biodiversity Authority constituted under section 8 of the Act;

(c) "Board" means the Kerala Biodiversity Board established under section 22 of the Act;

(d) "Biodiversity Management Committee" means a Committee constituted by the local bodies under sub section (1) of section 41 of the Act;

(e) "Chairperson" means the Chairperson of the Kerala Biodiversity Board;

(f) "Fee" means any fee prescribed by the Board from time to time;

(g) "Form" means the Form set out in the Schedule to these rules;

(h) "Government" means the Government of Kerala;

(i) "Member" means a member of the Kerala Biodiversity Board and includes the Chairperson thereof;

(j) "Section" means a section of the Act;

(k) "Secretary" means the Member Secretary of the Kerala Biodiversity Board;

(l) "Schedule" means the Schedule appended to these rules;

(m) "Year" means the financial year commencing on the first day of April;

(n) "State biodiversity" means Kerala State Biodiversity

(o) 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

The Chairperson of the Board shall be appointed by the Government either on



deputation from other services or from outside service. The Chairperson shall be an eminent person having adequate knowledge and experience in the conservation and sustainable use of biodiversity and in matters relating to equitable sharing of the benefits. If the appointment is made on deputation, the appointee shall not be below the rank of Secretary to the Government.

4. Term of Office of the Chairperson

(1) The Chairperson of the Board shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment:

Provided that no Chairperson shall hold office as such after he has attained the age of 65 years.

(2) The Chairperson may resign from his office by giving at least one month notice to the Government.

5. Salary, allowances and other conditions of service of the Chairperson

(1) The Chairperson shall be entitled to a fixed pay as may be determined by the Government from time to time. In case a retired person is appointed as the Chairperson, his salary and allowances shall be fixed in accordance with the orders of the Government as applicable to such persons.

(2) The Chairperson shall be entitled to such allowance, leave, provident fund, residential accommodation and other perquisites as may be determined by the Government from time to time.

(3) No pension will ordinarily be attached to the office of the Chairperson or other members of the Board.

6. Appointment, term of office, allowances, etc. of the non-official Members. -

(1) There shall be five non-official members, from amongst the experts in different fields connected with biodiversity issues and the matters related to conservation of biological diversity, sustainable use of biological resources and equitable sharing of benefits arising out of the use of biological resources, nominated by the Government,

(2) Every non-official member shall hold office for a term not exceeding three years at a time from the date of publication of the notification of his appointment in the official gazette,

(3) Every non-official member shall be entitled to sitting allowances at the rate of Rs.500/- per day and traveling allowance, daily allowance and such other allowances as admissible to Class 1 officers of the State Government.

7. Filling up of vacancies of non-official Member

(1) A non-official member of the Board may resign his membership at any time by giving notice in writing under his hand to the Government but shall continue in office until his resignation is accepted by the Government.

(2) Any casual vacancy in the Board shall be filled up by fresh appointment and the person so appointed shall hold office only for the remaining portion of the term of the member in whose place he was appointed,



8. Removal of members of the Board

No member of the Board shall be removed from the office on the grounds enumerated in section 11 of the Act without due and proper enquiry by an officer not below the rank of a Secretary to the Government and without giving him an opportunity of being heard.

9. Appointment of Ex-officio Members

The Government shall appoint the following ex-officio members:

- (1) Agriculture Production Commissioner, Agriculture Department
- (2) Principal Secretary, Fisheries Department
- (3) Principal Secretary, Forest & Wildlife Department
- (4) Secretary, Agriculture and Animal Husbandry Department
- (5) Secretary, Environment Department

10. Powers and functions of the Member Secretary of the Board.

(1) There shall be a Member Secretary to the Board, who shall be appointed by the Government.

(2) The Member Secretary shall be responsible for day to day administration of the Board, convening meetings, maintaining the records of proceedings, management of funds and implementation of activities under various programmes, under the guidance of the Chairperson of the Board.

(3) The Member Secretary, either himself/herself or through an officer authorized for the purpose, may sanction and disburse all payments against the approved budget.

(4) The Member Secretary shall have powers for granting administrative and technical sanctions to the estimates included in the approved budget of the Board on the basis of the decision taken by the Board.

(5) The Member Secretary shall be in charge of all confidential papers and records of the Board and shall be responsible for their safe custody. He shall produce such papers whenever so directed by the Board or by the Government.

(6) The Member Secretary shall maintain confidential reports of all officers and staff of the Board and shall the Chairperson countersign them.

(7) The Member Secretary shall exercise such powers and perform such other functions as may be delegated to him from time to time by the Board.

(8) The terms and conditions of service of the Member Secretary shall be determined by the Government by regulations.

11. Meetings of the Board (1) The Board shall meet at least four times in a year, with an interval of three months, at the head office of the Board or at such other place as may be decided by the Chairperson,

(2) The Chairperson shall, upon a written request from not less than five members of the Board or upon a direction of the Government, call for a special meeting of the Board.

(3) The meeting shall be called by notice under the signature of the Chairperson or any other officer authorized in this behalf by the Chairperson, who shall cause of



notice to be delivered safely to each member of the Board at his last known place of residence or business either through messenger or serving it by registered post or in such other manner as the Chairperson may, in the circumstances of the case, think fit.

(4) The member shall be given at least fifteen days notice for holding an ordinary meeting and three days notice for holding a special meeting, specifying the purpose, the time and venue at which such meeting is to be held.

(5) Every meeting shall be presided over by the Chairperson and in his absence by an officer to be elected by the members present from among themselves.

(6) The decision of the Board 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.

(7) Each member shall have one vote.

(8) The quorum at every meeting shall be 1/3 rd of the total members of the Board. In case of the absence of quorum, the meeting shall be adjourned for half an hour and reconvened

(9) No member shall be entitled to bring forward for consideration of a meeting any matter of which he has not given ten days' notice in writing unless the Chairperson in his discretion permits him to do so.

12. Functions of the State Biodiversity Board

Without prejudice to the generality of the provisions of this Act, the Board may perform the following particular functions, namely:

(i) lay down the procedure and guidelines to govern the activities under Section 23 of the Act.

(ii) advise the Government, subject to any guidelines issued by the Central Government on any matters relating the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilizations of biological resources,

(iii) provide technical assistance and guidance to various departments of the Government;

(iv) Regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any biological resource by any Indian or foreign Nationals/institutions/corporate bodies ;

(v) Facilitate updating and implementation of State Biodiversity Strategy and Action Plan;

(vi) Commission studies and sponsor investigation and research;

(vii) Bio-conservation and preservation of unknown potential of every gene in every species of ecosystem;

(viii) engage consultants for specific periods, not exceeding three years, for providing technical assistance to the Board in the effective discharge of its functions, provided that if it is necessary and expedient to engage any consultant beyond three



years the Board shall seek prior approval of Government for such engagement;

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

(x) Inventorisation, cataloguing of biodiversity, monitoring the rate of depletion, awareness creation in public, decision makers and planners and initiating scientific, administrative, legal and socio-economic measures for the protection of biodiversity;

(xi) Compile a complete database on the biodiversity resources in the State;

(xii) Development of statewide strategy for implementing biodiversity programmes;

(xiii) Identify the natural habitat of useful biological communities by consulting the services of the locally available experts;

(xiv) Preparation of an exhaustive inventory of the species available in the natural habitat of useful biological communities and take steps to preserve them;

(xv) Take steps to build up database and to create information and documentation system for biological resources and associated traditional knowledge through biodiversity registers and electronic database, to ensure effective management, promotions and sustainable use;

(xvi) To devise methods to ensure protection of rights including intellectual property rights over biological resources and associated knowledge including systems of maintaining confidentiality of such information as appropriate, including the protection of the information recorded in People's Biodiversity Register;

(xvii) Ensure that biodiversity and biodiversity-dependent livelihoods are integrated into all sectors of planning and management, and at all levels of planning from local to state, to enable such sectors and administrative levels to contribute effectively for conservation and sustainable use;

(xviii) Plan and organize training programmes for personnel engaged or likely to be engaged for programmes in the conservation of biological biodiversity and sustainable use of its components;

(xix) Organize through mass media a comprehensive programme regarding conservation of biological diversity, sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge;

(xx) Setting up sufficient infrastructure and strengthening technology base in biochemistry and biotechnology including molecular systematics;

(xxi) Preparation of annual budget of the Board incorporating its own receipts as also devolution from the Central and State Governments and National Biodiversity Authority;

(xxii) Recommend creation of posts to the Government for the effective discharge of functions by the Board and to create such posts: Provided that no such posts whether



temporary or permanent posts of any nature shall be created without the prior approval of the Government;

(cxviii) Approve the method of recruitment to such posts;

(cxvix) Fix the terms and conditions of services of the employees (including salary and allowances, leave etc.), with the prior approval of the Government of Kerala.

(cxvi) Co-ordinate the activities of the Biodiversity Management Committees;

(cxvii) Give directions to Biodiversity Management Committees for the effective implementation of the Act and to facilitate their meaningful participation in all measures relating to conservation, sustainable use and equitable benefit sharing;

(cxviii) Report to the Government and the National Biodiversity Authority about the functioning of the Board and implementation of the Act;

(cxvix) Recommend, prescribe or modify collection fee of biological resources from time to time;

(cxvix) Sanction grant-in-aid and grants to the Biodiversity Management Committee for the specific purpose;

(cxxx) Undertake physical inspection of any area within its jurisdiction in connection with the implementation of the Act;

(cxxxi) Do such other functions as may be directed by the Government from time to time.

13. Powers and responsibilities of the Chairperson

(1) The Chairperson shall ensure that the affairs of the Board are run efficiently and in accordance with the provisions of the Act and the Rules made there under.

(2) Apart from the general duties and responsibilities specified in the Act and such other powers and duties that may be devolved by the Government over the management of affairs and finances of the Board, the Chairperson shall have the powers of general superintendence over the officers and staff of the Board and the Chairperson may issue necessary directions for the conduct and management of the affairs of the Board.

(3) All orders or instructions to be issued by the Board shall be under the signature of the Chairperson or any other officer authorized on his behalf by the Board.

(4) The Chairperson shall convene and preside over all meetings of the Board and shall ensure that all decisions of the Board are implemented in proper manner.

(5) The Chairperson shall have powers to delegate any or all specific powers enumerated above for a specific period to the Member Secretary or any other officer of the Board.

(6) The Chairperson shall exercise such other powers and perform such other functions as may be delegated to him from time to time by the Board.

14. Employees of the Board, conditions of their service, etc

The Board may appoint such officers and other employees as specified under the Rules and Regulations in respect of Service conditions, recruitment, conduct, finance and purchase as applicable to the Kerala State Council for Science, Technology and Environment with changes made from time to time.



15. Application and operation of State Biodiversity Fund

(1) The State Biodiversity Fund shall be deposited in a Nationalized Commercial Bank as approved by the Board in the name of the Kerala Biodiversity Fund and operate the same in accordance with the decision of the Board and such other bye-laws as may be framed.

(2) The State Biodiversity Fund shall be operated by the Member Secretary under his seal and signature or by such other officer of the Board as may be authorized by the Member Secretary of the Board with the approval of the Chairperson in this behalf.

(3) The State Biodiversity Fund shall have separate heads of accounts for receipts from -

- (i) Central Government,
- (ii) National Biodiversity Authority,
- (iii) State Government,

and the other concerning the fee, royalty and such other receipts.

16. Procedure for access to collection of biological resources for certain purposes

(1) Every person, other than a person referred to in Sub-Section (2) of Section 3 of the Act seeking approval of the Board for access to collection of biological resources for commercial utilization or bio-survey and bio-utilisation for commercial utilization shall make an application in Form I to the Board. Every application shall be accompanied by a fee of Rs. 100/- (Rupees One Hundred only) in case such access is for research and academic purpose and Rs. 1,000/- (Rupees One Thousand only) for commercial utilization, and shall be in the form of a Demand Draft or a cheque drawn in favour of the Chairperson payable at the head office of the Board. The access to the bioresources shall be as per the guidelines issued by the Board from time to time.

(2) The Board, on due consideration of the application and in consultation with the Biodiversity Management Committee concerned and, after collecting such other additional information, as it may deem necessary, shall take decision on the application as far as possible within a period of 90 days of the receipt of the application.

(3) On being satisfied with the merit of the application, the Board may grant permission, subject to such terms and conditions, as it deems necessary to impose.

(4) The permission shall be in the form of a written agreement signed by the Chairperson or any duly authorized officer of the Board on the one part and the applicant on the other part. The form of agreement shall be prescribed by the Board and shall contain such conditions, as the Board may consider necessary to protect the biological diversity of the country.

(5) The agreement shall provide measures specifically for the conservation, protection and benefit sharing out of the utilization of the biological resources.

(6) The Board shall have the full right to reject any application for good and sufficient reasons, but before rejecting applications it shall give the applicant an opportunity of being heard.



17. Revocation of Permission

(1) The Board may, either *suo-moto* or on the basis of any complaint, withdraw any permission granted or revoke or restrict or modify the written agreement in the circumstances specified below, namely

(a) on the ground of reasonable apprehension that the person to whom the permission was granted has violated any of the provisions of the Act or the conditions on which the permission was granted or he/she has failed to comply with any of the conditions of the written agreement;

(b) in the interest of public cause or for the protection of environment and conservation of biological diversity.

(2) The order revoking or restricting or modifying, as the case may be, shall be made provided that nothing in this rule restricts the right of the Board to pass interim orders to modify or restrict acts permitted by it in the written agreement of approval without giving an opportunity of being heard to the person so affected for the purpose of conserving biological diversity or sustainable use of biological resources.

(3) The Board shall communicate a copy of the order of such withdrawal or revocation, as the case may be, to the Biodiversity Management Committee and the local body concerned for prohibiting the person concerned from utilizing the biological resources and also to assess the damage, if any, caused and to recover the damages.

18. Annual Report and Annual Statement of Accounts

(1) The Board shall prepare its annual report for each year giving detailed accounts of its plan of action, activities, achievements and such other details as it may consider appropriate and necessary and, the annual statement of accounts and submit a copy thereof to the Government.

(2) The accounts of the Board shall be audited by the Accountant General of the State and the expenditure, if any, towards it shall be borne by the Board.

(3) The Board shall submit the annual report together with the audited statement of accounts for each year to the Government by the 30th of the month of September so as to enable the Government to lay them before the Legislative Assembly.

19. Establishment and management of Biodiversity Heritage Sites

(1) The Board shall, in consultation with local bodies and other key stakeholders, take necessary steps to facilitate setting up of areas of significant biodiversity values as Heritage Sites. On recommendation from the Board the Government shall issue notification to this effect.

(2) The Board shall frame guidelines for the management and other aspects of Heritage Sites, ensuring the decision-making role for relevant Biodiversity Management Committees.

20. Constitution of Biodiversity Management Committees

(1) Every local body shall constitute a Biodiversity Management Committee (BMC) within its area of jurisdiction. Accordingly, Biodiversity Management Committees are to be constituted at Grama Panchayat level as well as Municipality and Municipal Corporation levels.



(2) The Biodiversity Management Committees constituted under sub rule (1) shall consist of a Chairperson and not more than six members nominated by the local body, of whom, not less than one third shall be women, one member should belong to Scheduled castes/ Scheduled tribes. The six persons being so nominated shall include herbalists, agriculturists, Non-Timber Forest Produce collectors/traders, fisher folk, representatives of user associations, community workers, academicians and any person/ representative of organization, on whom the local body trusts that it can significantly contribute to the mandate of the Biodiversity Management Committee. All the above persons should be residents of the local body and their names should be in the voters list.

(3) The local body shall nominate six special invitees from forest, agriculture, animal husbandry, livestock, health, fisheries and education departments.

(4) The Chairperson of the Biodiversity Management Committee shall be Chairperson of the local body and the Secretary of the local body shall be the member Secretary of the Biodiversity Management Committee, who shall maintain all the records. The Chairperson of the Biodiversity Management Committee shall have casting vote in the case of a tie.

(5) The Member of the Legislative Assembly of the locality and Member of Parliament would be special invitees to the meetings of the Biodiversity Management Committees at different levels.

(6) A technical support group comprising experts in the field of biodiversity drawn from government agencies, Non Governmental Organizations, academic field, community and individuals shall be established by Biodiversity Board. The expert group shall lend support to Biodiversity Management Committees.

(7) The key mandate of the Biodiversity Management Committees will be to ensure conservation, utilization and equitable sharing of benefits from the biodiversity. The Biodiversity Management Committees shall facilitate the preparation of people's Biodiversity Registers at Grama Panchayat/ Municipality/ Municipal Corporation levels by the respective Biodiversity Management Committees using the process and the format set by the Board. 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 Board shall be responsible for developing a district wide network of People's Biodiversity Registers database. The Biodiversity Management Committees and local bodies will be responsible for ensuring the protection of the knowledge recorded in the People's Biodiversity Registers, especially to regulate its access to outside agencies and individuals.

(8) The other functions of the Biodiversity Management Committee are to advise on any matter referred to it by the State Biodiversity Board or Authority for granting approval, and to maintain data about the local *Vaidyas* and practitioners using biological resources.



(9) The Grama panchayat/Municipality/Corporation levels Biodiversity Management Committees shall strive to mainstream biodiversity conservation concerns in the development planning process at local level.

(10) The Board shall provide guidance and technical support to the Biodiversity Management Committees for preparing People's Biodiversity Registers, and shall ensure that all information recorded in such Registers receive legal protection against misuse and appropriation by outside agencies and individuals.

(11) The people's Biodiversity Registers shall be maintained and validated by the Biodiversity Management Committees.

(12) The committee shall also maintain 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.

(13) The Biodiversity Management Committees at Grama Panchayat/ Municipality/Municipal Corporation levels may decide the terms on which it would permit access to biodiversity resources and associated knowledge to different parties for various purposes within their jurisdiction and levy charges by way of collection fees from any person for accessing or collecting any biological resources for commercial purpose from the area falling within its jurisdiction. 80% of levy charged for the material collected/ cultivated from private land should be given to the owner/ cultivator of the land/ knowledge holder/s and the balance should be deposited in Local Biodiversity Fund of Biodiversity Management Committee. The levy charged for the material collected/ cultivated from government land should be totally deposited in Local Biodiversity Fund of Biodiversity Management Committee.

(14) The Board shall provide guidelines for terms of access and fee collection by the Biodiversity Management Committees.

(15) The Grama panchayat/ Municipality/ Municipal Corporation level Biodiversity Management Committees shall prepare a Biodiversity Management Plan using output from People's Biodiversity Register and in consultation with the Board, and will be responsible for or participate in its implementation.

(16) The local bodies shall ensure that the Biodiversity Management Committees are integrated with the functioning of existing local institutions by cross-membership, regular coordination meetings, and other such measures, as determined by the local bodies or as specified by the Board.

(17) Other functions of the Biodiversity Management Committees 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 *Vaidyas* and practitioners using the biological resources.

21. Utilization of Local Biodiversity Fund

(1) The Local Biodiversity Fund shall be utilized strictly in accordance with the provisions of sub-sections (1) and (2) of section 44 of the Act and the fund shall be



used for conservation and promotion of biodiversity in areas falling within the jurisdiction of the concerned local body and for the benefit of the community so far such use is consistent with the conservation of biodiversity.

(2) The Fund shall be deposited in a Nationalized Commercial Bank approved by the Biodiversity Management Committee concerned and it shall be operated by the Chairperson of the Committee under his/her seal and signature or any other officer of the Biodiversity Management Committee as may be authorized by the Chairperson in this behalf.

22. Annual Reports and Annual Statement of Accounts of Biodiversity Management Committee

(1) The Biodiversity Management Committee shall prepare the Annual Report for each year giving detailed accounts of its activities. The Annual Report shall invariably contain:

- (a) the name of the Committee
- (b) the period to which the report relates
- (c) the incumbency of office for the period
- (d) detailed statement of programmes of action for the year
- (e) detailed report on the activities performed during the year, and
- (f) a brief account of financial position of the Committee.

(2) The accounts of the Local Biodiversity Fund shall be audited by the Examiner of Local Fund Audits in consultation with the Accountant General.

(3) The Biodiversity Management Committee shall submit the annual report together with the audited statement of accounts to the local body concerned by the 30th of the month of September, to enable the Local Body to submit it to the Board.

23. Removal of doubts.

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government, whose decision thereon shall be final.

By Order of the Governor

Secretary

EXPLANATORY NOTE

(This does not form part of the notification, but it is intended to indicate its general purport.)

Sub Section (1) of Section 63 of the Biological Diversity Act, 2002 (No. 18 of 2003), empowers the State Government to frame State Biological Diversity Rule for the enforcement of the Act. Accordingly in exercise of the powers the State Government has framed the Kerala Biological Diversity Rule 2007.

The notification is intended to achieve the above objects.



SCHEDULE

FORM I

(See rule 16)

Application form for access to or collection of biological resources for commercial utilization and associated traditional knowledge

Part A

1. Full particulars of the applicant:
 - (i) Name;
 - (ii) Permanent address;
 - (iii) Address of the contact person / agent, if any, in India;
 - (iv) Profile of the organization (personal profile in case the applicant is an individual). Please attach relevant documents of authentication);
 - (v) Nature of business;
 - (vi) Turnover of the organization in rupees;
2. Details and specific information about nature of access sought and biological material And/or associated knowledge to be accessed:
 - (i) Identification (scientific name) of biological resources and its traditional use;
 - (ii) Geographical location (including grama panchayat, tehsildar, and district) of proposed collection;
 - (iii) Description / nature of traditional knowledge and its existing manifestations and uses (oral / documented);
 - (iv) Any identified individual / family / community holding the traditional knowledge;
 - (v) Quantity of biological resources to be collected;
 - (vi) Time span in which the biological resources are proposed to be collected;
 - (vii) Name the number of persons authorized by the company for making the selection;
 - (viii) The purpose for which the access is requested including the type and extends of research, commercial use being derived and expected to be derived from it;
 - (ix) Whether any collection or use of the resource endangers any component of biological diversity and the risks, which may arise from the access;
3. Estimation of benefits that would flow to communities arising out of the use of Accessed bioresources and traditional knowledge;
4. Proposed mechanism and arrangements for benefit sharing;
5. Any other relevant information;



Part B

Declaration

I/ we declare that the collection and use of the proposed biological resources shall not:

- Adversely affect the sustainability of the resources;*
- Entail any environmental impact;*
- Pose any risk to biodiversity, including ecosystems, species and genetic diversity;*
- Adversely affect the local communities;*

I/we undertake to pay any fee and/ or royalty, as may be levied by the Board or Biodiversity Management Committees. I/we further undertake to furnish any irrevocable bank guarantee, as may be prescribed by the Board.

I/we further declare the information provided in the application form is true and Correct and I /we shall be responsible for the accuracy.

Place:

Signature of the Applicant

Date:

Name of the Applicant



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Government of Kerala
2014



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2012-14

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA
Environment (A) Department

NOTIFICATION

G. O. (P) No. 09/2014/Env. Dated, Thiruvananthapuram, 28th June, 2014
14th Mithunam, 1189.

S. R. O. No. 404/2014.—In exercise of the powers conferred by Section 63 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the Government of Kerala, hereby make the following rules to amend the Kerala Biological Diversity Rules, 2008 published by notification under G. O. (P) No. 1/2008/Env. dated 10th June, 2008 and published as S. R. O. No. 602/2008 in the Kerala Gazette Extraordinary No. 1175 dated 10th June, 2008, namely:—

33/2856/2014/S-13.



2

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Biological Diversity (Amendment) Rules, 2014.

(2). They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Biological Diversity Rules, 2008, in the proviso to sub-rule (1) of Rule 4, for the figures and words “65 years” the figures and words “68 years” shall be substituted.

By order of the Governor,

P. K. MOHANTY,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per sub-rule (1) of Rule (4) of the Kerala Biological Diversity Rules, 2008, the Chairperson of the Board shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment. But, the proviso thereto limits the age for such appointment or continuance as 65 years. Government consider that in order to have the services and expertise of highly qualified eminent and experienced scientists in the field, the age limit has to be enhanced to 68 years.

The notification is intended to achieve the above object.



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Government of Kerala
2015



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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		20th November 2015	
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		4th Vrischikam 1191	
		1937 കാർത്തികം 29	
		29th Karthika 1937	

GOVERNMENT OF KERALA
Environment (A) Department
NOTIFICATION

G. O. (P) No. 14/2015/Env. Dated. *Thiruvananthapuram, 11th November, 2015*
25th Thulam, 1191.

S. R. O. No. 772/2015.—In exercise of the powers conferred by section 63 of the Biological Diversity Act, 2002 (Central Act 18 of 2003), the Government of Kerala, hereby make the following rules to amend the Kerala Biological Diversity Rules, 2008 issued under G. O. (P) No. 1/2008/Env. dated 10th June, 2008 and published as S. R.O. No. 602/2008 in the Kerala Gazette Extraordinary No. 1175 dated 10th June, 2008, namely:—

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33/4360/2015/S-19.



2

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Biological Diversity (Amendment) Rules, 2015

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Biological Diversity Rules, 2008,

(1) In rule 6, sub-rule (3), for the figure “500”, the figure “1000” shall be substituted.

(2) In rule 11,—

(a) in sub-rule (1), the words “with an interval of three months,” shall be omitted;

(b) in sub-rule (5), for the words “an officer”, the words “a member of the Board” shall be substituted; and

(c) in sub-rule (6), for the words “and voting and”, the words “by voting and in the event of equal votes” shall be substituted.

(3) In Rule 12, item (iv), the words “or foreign” shall be omitted.

(4) In rule 16, sub-rule (2),—

(a) for the figure “90”, the figure “45” shall be substituted and the following shall be added at the end, namely:—

“The Biodiversity Management Committee is to provide the required information within a period of 30 days of receipt of application.”

(5) In rule 20,

(a) in sub-rule (2), for the words “not less than one third shall be women, one member”, the words “two members (one third of six members) shall be women and one member (approximately 18% of six members)” shall be substituted;



3

(b) after sub-rule (5), the following shall be added, namely:—“(5a) The special invitees nominated as per sub-rule (3) and sub-rule (5) shall have no voting powers.”;

(c) after sub-rule (6), the following shall be added, namely:—

“(6a) The Biodiversity Management Committee shall hold a minimum of four meetings in a year and meet once in three months. The meeting shall be chaired by the Chairperson of the Biodiversity Management Committee and in his absence, by any other member elected by the members present. The quorum of every meeting shall be three including the Chairperson and excluding the special invitees.”;

(d) in sub-rule (10), the following sentence shall be added at the end, namely:—

“Two copies of the People’s Biodiversity Registers shall be prepared, of which one shall be submitted to the Board for statutory authorization and for the preparation of a district level data base.”;

(e) after sub-rule (17), the following shall be added, namely:—

“18. The tenure of the Biodiversity Management Committee shall be five years or co-terminus with the term of Local Self Government Institutions even if the Chairperson of the Biodiversity Management Committee changes consequent on the change of the Chairperson of the Local Self Government Institutions.”.

(6) In rule 21, sub-rule (2), for the words “by the Chairperson of the Committee under his/her seal and signature or any other officer of the Biodiversity Management Committee as may be authorized by the Chairperson in this behalf”, the words “by the Chairperson and the Member Secretary of the Biodiversity Management Committee under their seal and signature.” shall be substituted.



4

(7) In rule 22, sub-rule (3), for the words and figures "by the 30th of the month of September", the words and figures "before the 30th of August" shall be substituted.

By order of the Governor,

P. MARA PANDIYAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The National Biodiversity Authority has pointed out to effect certain amendments in the Kerala Biological Diversity Rules, 2008 so as to make it in accordance with the Biological Diversity Act, 2002 and Biological Diversity Rules, 2004. Accordingly, the Kerala State Biodiversity Board has engaged a sub-committee to suggest the amendments and the amendments have been approved in the 29th meeting of the Kerala State Biodiversity Board. Government have decided to make necessary amendments in the Kerala Biodiversity Rules, 2008 also.

The notification is intended to achieve the above object.





Policies and Action Plan

Kerala State Environment Policy

2009

**Department of Environment
Government of Kerala**



GOVERNMENT OF KERALA
(Abstract)

Kerala State Biodiversity Board – Environment Department – State Environment Policy, 2009 - Approved – Orders issued.

Environment Department

G.O (MS) No.04/09/Envt.

dated, Thiruvananthapuram 31.12.2009

- Ref:-
1. G.O (M/S) 22/07/Envt. dtd. 4.4.2007
 2. Letter No.200/A1/08/KSBB dtd.1.10.2009 from the Member Secretary, Kerala State Biodiversity Board.

ORDER

In order to evolve an Environment Policy for the State, Government formulated a draft Environment Policy and sought for the opinion and suggestions of the experts in the field of environment, scientists and environmentalists. As per the reference cited first, Government constituted a 16 member Working Group with the Member Secretary of the Biodiversity Board as Convener to examine the suggestions thus received and to finalize the Environment Policy.

The said Working Group discussed the remarks and suggestions received from various organizations, agencies and departments and on the basis of that, formulated a draft Environment Policy.

The Environment Policy was discussed at various workshops at different places in the state involving institutions concerned with Environment protection, environmentalists, NGOs and experts. Thereon Government obtained the remarks and suggestions of various Government Departments and those were made available to the Biodiversity Board to incorporate in the draft policy.



As per the letter read as second paper, the Member Secretary of the Kerala State Biodiversity Board submitted for approval of the Government, the modified final draft Environment Policy incorporating all the remarks and suggestions received from various Departments.

Government have examined the matter in detail and order that the State Environment Policy- 2009 enclosed herewith, is approved.

(By Order of the Governor)

**C.K.Viswanathan,
Secretary.**

**Chairman, Kerala State Biodiversity Board, Thiruvananthapuram
Chairman, Kerala State Pollution Control Board, Thiruvananthapuram
Director, Environment Management Agency, Kerala, Thiruvananthapuram
All Principal Secretaries/ Secretaries/ Special Secretaries
All District Collectors/ All Head of Departments
All Departments of the Secretariat including Law & Finance
Accountant General (A&B/ Audit), Kerala**

Copy to:

**Private Secretary to Chief Minister
Joint Secretary to Chief Minister
General Administration (SC) Department
Stock file/ Office copy**

By order

Sd/-

Section Officer

(Translated to English)

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Kerala State Environment Policy

Vision

To ensure clean air, water, soil and food to the people of Kerala and its sustainability for a healthy living condition

1. Preamble

- 1.1. The Indian constitution is one of the first in the world to recognize the importance of environmental conservation. The Constitution directs the "State to take measures to protect and improve the environment and to safeguard the environmental quality". It also makes it a fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife.
- 1.2. As the Constitution provides the framework for creating a welfare state, it is necessary that the finite natural resources of the country be optimally utilized without adversely affecting either the health of the people or the environment. This is the essence of the term sustainable development. We must make conservation - oriented development choices to avert pressure on natural resources and life-support systems.
- 1.3. Kerala provides a geographical and ecologically circumscribed but complex mosaic of land where the development-environment link is getting neglected and disrupted. The environmental systems here are very fragile because of the inherent nature of geography, climatic conditions and ecological characteristics. The biophysical system of the State could be considered among the richest in the whole world. It has all the three maximally productive and biodiversity rich ecosystems in the world, namely the tropical rainforest, the coastal, freshwater and brackish water wetlands; and the coastal marine coral reefs. All these three systems are compressed within a width of 50 km. The tropical humid climate of the State, high rainfall spread over more than six months, biogeographic position, long history of biological as well as human civilizational continuity without major upheavals are all our assets.
- 1.4. There has been progressive pressure on the environment and the natural resources of Kerala over the years. The exceptional nature of Kerala with a high literacy rate, its unique economic, social, political and cultural ethos and high density of population contribute to pressures on the environment. The alarming consequences of this pressure are becoming increasingly evident and utmost care has to be taken to see that the demand on the environment does not exceed its carrying capacity for the present as well as future generations. In this context, we need to recognize the physical limits imposed by economic activity and give a new thrust towards conservation along with sustainable development.
- 1.5. The Government of India has enunciated the National Conservation Strategy and Policy Statement on Environment and Development 1992, in response to the need for laying down the guidelines to highlight environmental considerations in the development process. This has necessitated a State Policy Statement with the objective of complementing and supplementing the National Strategy and Policy.
- 1.6. State government is in the process of framing policies related to forests, water and agriculture. Even though all these policies forward strategies and action plans for sustainable development in their respective fields, there is, so far, no comprehensive



policy dealing with environment. Hence, the present Environment Policy, intended, mainly, to mainstream environmental concerns in all development activities.

- 1.7. The policy has been designed to suit the specific local conditions of the State of Kerala and to help re-orient its development in conformity with environmental perspectives so as to make the development sustainable.
- 1.8. This Policy document provides a framework within which conservation and development can be achieved simultaneously with a view to maximize the quality of life for every one in the State, optimizing the ecological load on the natural systems as well as building up the State's economy while minimizing environmental degradation.

2. Environmental scenario of Kerala

Kerala State, with a total area 38,863 km², harbours a population of more than 30 million. The long coastline with an intricate system of backwaters along the coast, the tropical moist forests on the Western Ghats, the highly undulating terrain and the tropical monsoon climate make the State a unique geographical and environmental entity. The people have a high level of literacy and are generally conscious of health care practices, nutritional requirements and hygienic practices resulting in high life expectancy, low population growth and low infant mortality rate. The undesirable consequences of the development measures carried out without proper environmental considerations have left their indubitable impacts on the environment in Kerala, specifically in the following ways:

- 2.1. **Loss and degradation of forests:** On the Western Ghats, the forest are degrading alarmingly and the biodiversity base is shrinking, disrupting the ecology seriously; especially the pristine faunal and floral life. These lead to alarming fall in water availability in the rivers and other wetland systems and, also to land slides and heavy sedimentation of reservoirs.
- 2.2. **Loss of mangrove ecosystems:** In spite of being the most productive ecosystems of the world, mangrove in Kerala is confined mainly to a few areas in the northern districts. The remaining patches are also facing increasing threats, especially from new industrial and infrastructure development projects including tourism and housing. The impact of this on the fishing sector is recognized, but inadequately addressed and is a classical example of the need for integrating the sectoral planning process.
- 2.3. **Threat to coastal ecosystems:** Coastal erosion, pressure from various stakes, especially tourism, lack of basic infrastructure for fishermen families, such as toilets and sewage systems, pollution from urban areas and high density of population in the coast have made our coast a hotspot. A serious intervention to remediate, without affecting the habitats and livelihoods of fisher folk need to be developed. Also, vital is to improve the marine aquatic wealth with a focus on conservation needs.
- 2.4. **Increased sand and clay mining:** Mining from the rivers, river banks and paddy lands causes not only unaccounted ecological losses, but eventually will affect our food and water security. Attempts to regulate it through the district administration and police have not been able to curb this menace. It must be recognized that sand mining is directly related to the construction industry. Kerala's construction boom may have its economic spin-offs, but could destroy its water and food resources irreversibly.



Hence, this also needs to be effectively regulated. Kerala is losing its hills and rocks also at a fast pace and this also needs to be immediately curtailed.

- 2.5. **Fresh water and marine fauna:** These valuable resources of the State are fast getting depleted because of the habitat loss as well as over exploitation. The growing export industry is also a cause for the depletion. The need to conserve and replenish the habitats, as well as a focused activity to render their habitats viable and free from human influence such as pollution, reclamation, and construction also needs to be undertaken. As a source of livelihood and as an export commodity, a serious conservation and management strategy is needed, in association with the fisheries department and other impacting sectors.
- 2.6. **Conversion of paddy lands:** Conversion of paddy fields for cash crops, construction and other development activities has made serious erosion in food production in the State. As much as 5 lakh ha have been reclaimed in 30 years since 1971. This, indeed, is alarming. Worse still is that it affects water availability, as paddy fields essentially are water-conserving tanks, replenishing the ground water. Highest priority must, therefore, be given to the protection of paddy fields and revival of paddy cultivation.
- 2.7. **Deterioration of the rivers:** The rivers and the river ecosystems in Kerala are deteriorated, because of sand mining, encroachment, over-exploitation by industries, pollution from chemicals used in the plantations and, effluent and sewage/solid waste from industries, Municipalities and Corporations. A revival and remediation programme for the rivers on a river basin basis involving the local self governments, self help groups, schools and colleges has to be taken on a high priority. Appropriate acts and laws may also be needed to protect the river systems and maintain its good health.
- 2.8. **Increasing scarcity of water:** Water has become one of the most abused resources in Kerala, and there are growing—inter-state and intra-state conflicts in sharing water. It is ironical that contrary to the expectations that the State would have surplus water because of the good rainfall, most of the rivers in the state have become almost seasonal. Over-exploitation of the remaining water for domestic and industrial uses and the increasing level of industrial contamination pose a real threat to clean water availability.
- 2.9. **Loss of farmland productivity:** One of the reasons for the agrarian crisis is the loss of productivity of farmlands. This is attributed to intensive modern agriculture practices using chemical fertilizers and pesticides leading to loss of soil health, lack of adequate water when needed, non-availability of good quality seeds and also organic inputs.
- 2.10. **Alarming rate of air, water and soil contamination:** It is a matter of serious concern that tonnes of chemical fertilizers are being pumped into the agricultural land in the name of increasing productivity and, chemical pesticides, even those banned, are sprayed indiscriminately, again, in the name of protecting the crop from pests. As a result, today, analyses of pesticide residues in the State show that most of our food and water are contaminated at various levels. The latest incidence of contamination of soft drinks and bottled water is a clear indication of the seriousness of the situation.
- 2.11. **Menace solid waste:** Solid waste continues to be a seemingly unsolvable issue all across the State, in spite of the various initiatives taken to contain them. Most of the



Panchayaths, Municipalities and Corporations face the issue of not being able to manage the solid waste that is being dumped out of homes and establishments. Plastics, especially the disposable ones such as bags, cups, plates used and dumped into public places pose health disasters, such as Chikunguniya and Dengue. Special and intensive focus must be given to phase out the use of disposable plastics from our society.

- 2.12. ***Increasing threats from Industrial Pollution:*** Industrial Pollution, especially in the industrial estates in Ernakulam (Eloor-Edayar) and Palakkad (Plachimda, Kanjikode), has made life miserable. Some of these pollutants found in the environment – soil, river and air have entered the food chain and some of the worst toxins have been found in food and human blood. Increasing incidence of cancer and several health diseases caused by such contamination have been reported from Eloor-Edayar Industrial belt. While remediation is needed in such areas, the State must also formulate policies for the remediation of the distressed people.
- 2.13. ***Menace from electronic waste:*** Electronic-waste, produced from IT and electronic industries is becoming a serious issue to be reckoned with. Even with the intervention of the Supreme Court, Kerala has not yet been able to stop the problem of hazardous waste. This shows that a concerted effort along with community groups and local participation is needed to eliminate-waste.
- 2.14. ***Growth of urbanization:*** The fast growing urbanization impacts the urban landscapes and living environment, making it more and more un-inhabitable, especially when urban waste disposal remains as a daunting job as yet. This is now spreading into rural landscapes as well. Apart from numerous ecological problems, rapid urbanization is also causing loss of sand from rivers and paddy lands. Increasing demand for sand has forced the industry to turn to rock sand destroying the already manned hills and rocks that are also water sources.
- 2.15. The net result of the deteriorating environmental conditions is amply reflected in the fast deteriorating health conditions of the people. The statistics showing recurring contagious diseases, alarmingly increasing life-style diseases, increasing rates of diseases affecting the growing child, especially related to mental growth and learning disabilities, increasing rate of cancers of almost all types, are manifestations of the sublimely poor environment where we live.

The Environmental Policy reflects all these serious issues affecting us and our life – support systems.

3. Environmental initiatives undertaken

- 3.1. The State Government have been pursuing to implement several regulatory and promotional measures for environmental protection and conservation through their various departments such as Department of Environment, Science and Technology, Health and Family Welfare, Forests and Wildlife, Factories and Boilers, Industries, Mining and Geology and Groundwater.

Some such regulatory measures introduced on the basis of Acts/Rules/Notifications are listed below:



- i. The Wildlife (Protection) Act, 1972 as amended in 1983, 1986 and 1991, 1992, 1993, 1995, 1998, 2002, 2003.
 - ii. The Water (prevention and Control of Pollution) Act, 1984 as amended in 1998.
 - iii. The Water (Prevention and Control of Pollution) Cess Act, 1977 amended in 1991, 2003.
 - iv. The Forest (Conservation) Act, 1980 as amended in 1988, 1992 and 2003.
 - v. The air (prevention and Control Pollution) Act, 1981 as amended in 1987.
 - vi. The Environment (Protection) Act, 1986.
 - vii. The Environment (Protection) Rules 1986 as amended in 1991, 1998, 1999, 2001, 2003 and 2004.
 - viii. The Hazardous Waste (Management and Handling) Rules, 1989, 1996, 1997, 1999, 2000, 2001, 2003.
 - ix. The Manufacture, Storage and Import of Hazardous Chemicals Rules 1989.
 - x. The Coastal Regulation Zone Notification 1991, amended in 1998, 1999, 2001, 2002, 2003.
 - xi. The Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms and Genetically Engineered Organisms or Cells Rules 1989.
 - xii. The Environmental Impact Assessment, 1994, Amendments 1997, 2000, 2001, 2002, 2004.
 - xiii. The Chemical Accidents (Emergency Planning, Preparedness & Response) Rules 1996.
 - xiv. The Environmental Public Hearing Notification, 1997.
 - xv. The Biomedical Waste (Management & Handling) Rules 1998, 2000, 2003.
 - xvi. The Recycled Plastics (Manufacture & Usage) Rules 1999, amended in 2003.
 - xvii. The Environment (Setting for Industrial Projects) Rules 1999.
 - xviii. The Noise Pollution (Regulation & Control) Rules 2000, amended in 2002.
 - xix. The Municipal Solid Wastes (Management & Handling) Rules 2000.
 - xx. The Biological Diversity Act 2002 and the Biological Diversity Rules 2004.
 - xxi. Kerala River Bank Protection and Sand Mining Regulation Act (2001).
 - xxii. The Motor Vehicles Act, 1938, as amended in 1988.
 - xxiii. The Public Liability Insurance Act 1991; and
 - xxiv. The Public Liability Insurance Rules, 1991, amended in 1992 and 1993.
- 3.2. Kerala is one of the first States in India to constitute a State Pollution Control Board for monitoring and regulating measures for the abatement of pollution. The Government have also taken initiatives for the conservation and management of its forest and wildlife resources through the Department of Forests and Wildlife.
- 3.3. In order to strengthen the R&D efforts required in the field of environment, the Government have established Kerala State Council for Science, Technology and Environment and a number of autonomous R&D centres such as the Centre for Earth



Science Studies (CESS), the Tropical Botanic Garden & Research Institute (TBGRI), the Kerala Forest Research Institute (KFRI), the Centre for Water Resources Development and Management (CWRDM), the Rajiv Gandhi Centre for Biotechnology (RGCB), National Transportation Planning and Research Centre (NATPAC) and Agency for Non-conventional Energy and Rural Technology (ANERT). The State's Science and Technology Policy was revised in 2002 to ensure that science and technology inputs become an essential part of its decision making process with regard to environmental issues. Further, University departments, colleges, research centers and a few NGOs also pursue R&D on environment-related issues in the State.

- 3.4. The Government constituted Environmental Protection Programme Planning Committee (EPPPC) and an Environment Protection, Task Force (EPTF) for facilitating the implementation of environmental protection, regulation and management measures. The EPTF has provisions for facilitating expert consultations on critical environmental issues.
- 3.5. Considerable effort is being taken through various public as well as non-governmental institutions for creating environmental awareness among the public. As a result, the State has already achieved the distinction of being a highly environmentally conscious State.
- 3.6. The Government of Kerala has brought out a State Water Policy addressing the water-related issues and to sustainably manage water resources with the primary objective of ensuring availability of safe drinking water.
- 3.7. The State Government has established the Kerala State Biodiversity Board (KSBB) during 2005, as per the provisions under the Biological Diversity Act, 2002 & Biological Diversity Rules 2004, in order to take measures for documentation, conservation and sustainable utilization of the State's rich biodiversity. The KSBB facilitate the formation of Biodiversity Management Committee (BMC) in all the Panchayats. The BMCs are expected to lead preparation of People's Biodiversity Registers, and biodiversity management plans and regulate collection of biological resources for commercial purposes.
- 3.8. The decentralized development system established through the three-tier Panchayat institutions is the most effective vehicle to address the issue of conservation of environment at the grass-root level, as it ensures active participation of the citizens. This has raised environmental consciousness in local development planning. A few Panchayats have attempted to set up biodiversity gardens and bird sanctuaries. A major effort is underway to prepare watershed-based master plans at the block level, which will lead to a long-term perspective plan towards sustainable and equity oriented development. There, however, is a need for environmental empowerment of Panchayats.
- 3.9. The achievements of these environmental management initiatives, although modest, are by no means insignificant. However, there is a greater need now than ever before for a comprehensive Environmental Policy considering the ever increasing thrust for 'development', unmindful of the deteriorating health of the environment and the life-support systems. Such a policy should be built on the premises of the following broad objectives:



4. Broad objectives of the environment policy

4.1. Ensure conservation of resources

Ensure conservation of natural resources, including species, ecosystems and genetic wealth of the State.

4.2. Ensure equitable access and sustainable use of resources

Ensure equitable access to natural resources to all sections of the society, particularly the poor, whose survival depends on the availability of natural resources, and to ensure sustainable and equitable use of environmental resources for meeting their basic needs of present as well as future generations.

4.3. Optimise the efficiency in environmental resource use

Ensure efficient use of environmental resources by reducing their consumption per unit of economic output, to minimize adverse environmental impacts.

4.4. Mitigation and restoration activities

Mitigate the damage already caused to the environment and the ecosystems by suitable restoration/rehabilitative measures and, to prevent and control further deterioration of land, biomass, water and air which constitute our basic life-support systems.

4.5. Promulgate guidelines and policies for waste disposal

Promulgate guidelines and policies for the waste disposal especially for those emanating from industrial and municipal sources.

4.6. Integration of environmental concerns in economic and social development

Ensure that development vision, plans and projects are evolved with full respect to the environment and social concerns and, are correctly translated and implemented minimizing their adverse environmental consequences while maximizing economic and social benefits.

4.7. Environmental governance

Apply the principles of good governance (transparency, rationality, accountability, reduction in time and costs, participation, and regulatory independence) to the management and regulation of use of environmental resources.

4.8. Enhancement of resources for environmental conservation

Ensure higher resource flows, comprising finance, technology, management skills, traditional knowledge, and social capital for environmental conservation through mutually beneficial multi-stakeholder partnerships among local communities, public agencies, investors, academic and research community and, multilateral and bilateral development partners.



4.9. Create environmental awareness for all sections of the society

Sensitise all sections of the society the critical need for sustainability of the ecosystems and environment to meet the growing human development needs and, to promote public involvement in all environmental activities.

5. General Approach

- i. Carry out environmental impact assessment of all development projects right from the planning stage and integrate them with their cost-benefit considerations. Appropriate costs for environmental safeguards and eco-regeneration would continue to form an integral part of the projects. Data/information should be made available in the public domain.
- ii. Ensure that all projects/ activities, especially in ecologically sensitive/ fragile areas require compulsory prior environmental clearance.
- iii. Formulate appropriate legally binding environmental safeguards and protection measures in policies, planning, site selection, choice of technology and implementation of schemes in areas such as agriculture, water resource development, animal husbandry, fisheries, industries, mining and quarrying, mineral extraction and processing, energy, forestry, tourism, transportation and human settlements.
- iv. Encourage research, development and adoption of environmentally compatible technologies, and promote the application of modern tools of science and technology for conservation and restoration and in supply of natural resources;
- v. Identify and notify environmentally sensitive areas.
- vi. Elicit participation of people in programmes for integrating environmental concerns in planning and implementation of development projects; such participation should be done after informed consent.
- vii. Implement eco-mark and eco-labelling schemes for popularization and encouragement of eco-friendly products and projects.
- viii. Create environmental awareness in the society in tune with the goals of sustainability of the eco-systems for human survival and development needs.
- ix. Moderate the demand on resources by reducing wasteful consumption, recycling waste material and natural resources, conserving energy, reducing the use of natural resources in industries through measures like substitution of material. For example encourage substitute for river sand and wood.
- x. Frame policies and provide incentives to people to adopt life-styles consistent with ecological sustainability.
- xi. Develop appropriate organizational structures and a pool of professional manpower for environmental management.
- xii. Create and strengthen the requisite enforcement machinery and effectively implement all laws and regulations for environmental protection.
- xiii. Vigilance for municipal waste disposal and special strategy for disposal of hospital waste.



Strategies and Action plans

6. Wetland Ecosystems

Strategy

Conservation and sustainable use of wetlands, the most productive ecosystem of the world, for ensuring water and food security and economic benefit of the people.

Actions

6.1. Rivers, lakes, reservoirs, ground water and rain water

- 6.1.1 Basin-wise assessment of total quantity of fresh water available in the State and budgeting it for the demand for industry, agriculture, fisheries, household utilization, hospitals, hotels, recreation centres, and ecosystem functioning.
- 6.1.2 Continuous monitoring of demand and supply of fresh water and regulation of water utilization for completion of hydrological cycles.
- 6.1.3 Remedial measures to be undertaken, if there is a shortfall of water in completing the hydrological cycle.
- 6.1.4 Protection of all fresh water resources from pollution of any kind, and diversions.
- 6.1.5 Regular monitoring of soil erosion in all the major wetlands.
- 6.1.6 Formulating simple methods to monitor soil erosion and involving schools/ colleges in the programme.
- 6.1.7 Prohibition of heavy utilization without proper impact assessment study.
- 6.1.8 Regular collection of rain data based on sub-basins.
- 6.1.9 Enacting necessary rules to make rain water harvesting mandatory.
- 6.1.10 Assessment of effluent loading capacity of each receiving water body before sanctioning new projects.
- 6.1.11 Fixation of maximum quantity of fresh water which an industry, institution, establishment or individual can utilize without prior sanction from the government.
- 6.1.12 Conservation, recycling and optimal use of surface and ground water, and rainwater harvesting will be brought under the local administration with clear guidelines.
- 6.1.13 New standards will be fixed for discharge of treated effluents based on ecotoxicological studies, especially the treated effluents to fresh water resources taking into consideration of the long-term effects.
- 6.1.14 A state level water literacy mission to educate the public on appropriate utilization and conservation of water.

6.2. Drinking water

- 6.2.1 Assessment of per capita drinking water requirement of the State at regional level and demarcation of their supply for other domestic purposes and irrigation.



- 6.2.2. Provide clean drinking water to all the people.
 - 6.2.3. Promotion of community/village based drinking water supply projects.
 - 6.2.4. Community based monitoring and water testing facilities in every local body.
- 6.3. Irrigation**
- 6.3.1. Encouragement to small-scale irrigation projects which have only a minimum impact on the environment.
 - 6.3.2. Encourage traditional systems of water management like pond irrigation and the promotion of alternate irrigation systems such as the harvesting of run off rain water.
 - 6.3.3. Adoption of measures for increasing water use efficiency, conservation and recycling.
 - 6.3.4. Designing and implementing of irrigation projects which are environmentally sustainable based on the experience from and the evaluation of earlier projects.
 - 6.3.5. Provision of drainage as an integral component of irrigation projects so as to prevent water logging.
 - 6.3.6. Formulation of guidelines for water management.
 - 6.3.7. Adoption of command area development approach for irrigation projects to ensure optimal utilization.
 - 6.3.8. Development of irrigation systems incorporating local water resources utilization, water conservation, recycling and optimum methods of irrigation and crop management.
 - 6.3.9. Ensuring farmers 'participation in irrigation management' by the formation of farmers association and the development of group farming systems that are conducive to the preservation of the environment.
 - 6.3.10. Continued evaluation and monitoring of all irrigation projects for their societal benefit and environmental impacts, if any.
- 6.4. Ponds, lakes and mangroves**
- 6.4.1. No reclamation of wetlands shall be permitted.
 - 6.4.2. Enact stringent legislation against conversion of all types of wetlands. As a prelude to this, notify banning conversion of wetlands into any other land use.
 - 6.4.3. Conservation of existing mangroves and restoration wherever possible, through enacting appropriate legislative measures.
 - 6.4.4. Encourage and support mangrove afforestation wherever possible.
 - 6.4.5. While developing water bodies as a medium for transportation (National Waterway), the greatest caution shall be exercised to prevent pollution of the waters by discharge of oils and wastes from the vessels that operate on them.
 - 6.4.6. Sensitize the public and local bodies on the environmental hazards of wetland reclamation.
 - 6.4.7. Regulate unsustainable tourism in wetland areas.



- 6.4.8. Promote sustainable utilization of wetlands without compromising their biodiversity values.

7. Forests and wildlife including fisheries

Strategy:

Conservation of the forests and wildlife and, sustainable use of the fishery resources

Actions:

- 7.1. Survey, mapping and demarcation of all natural forest land as defined in 202/95 Supreme Court judgment.
- 7.2. Conservation of forests with special thrust to conservation of biodiversity.
- 7.3. Preservation of sacred groves with the biodiversity therein, without tampering with cultural integrity.
- 7.4. Restoration of degraded forests with people's participation, wherever possible.
- 7.5. Increase the tree cover in the State through afforestation and social forestry programmes, especially on denuded and degraded lands with participation of communities under the leadership of Local Self Governments.
- 7.6. Increase the productivity of production forestry / agroforestry by adopting modern technologies, and encourage efficient utilization of forest produce.
- 7.7. Encourage and enable local production, outside the forest areas, to meet the requirements of medicinal plants, timber, fire-wood, fodder and green manure.
- 7.8. Assist forest tribes to collect Non-Wood Timber Produce (NWFP) in a sustainable manner and to carry on a life-style that does not harm the environment; exclusive right of forest tribes to access and sustainably harvest NWFP will continue.
- 7.9. Alternative source for wood-based industries should be found out from outside forest areas.
- 7.10. Participatory Forest Management policy will be strengthened/implemented in the forest fringe areas.
- 7.11. Establish habitat corridors by restoring lost patches through appropriate measures.
- 7.12. Promote direct relationship between forest-based industry and farmers to raise the required raw material without diverting prime agricultural lands and without displacing small and marginal farmers.
- 7.13. Tourism activities within the forest areas should be under the strict control and supervision of forest department and, necessary administrative/legislative measures shall be taken to keep the natural ecosystems undisturbed.
- 7.14. Prevent and control the entry of Invasive Alien Species into natural ecosystems.
- 7.15. Augment the population of riverine endemic species through appropriate ranching programmes and research.
- 7.16. Prevent over exploitation of indigenous ornamental fishes and collection of fish species listed in the RET (Rare, Endangered, Threatened) category.



- 7.17. Establish fish sanctuaries in water bodies rich in RET species.
- 7.18. Prevent fishing using explosives and poisons in all water bodies.
- 7.19. Discourage indiscriminate and injudicious exploitation of fishery wealth from all type of open waters.
- 7.20. Encourage and support R&D programmes on conservation, restoration and sustainable utilization of forest resources. Priorities may be given to:
 - a. causes of degradation of natural forests and depletion of wildlife population, and corrective measures to restore them,
 - b. extensive research and development in forestry for better regeneration and improved productivity,
 - c. development of scientific methods for the efficient, sustainable and eco-friendly utilization of forest produce and dissemination of the knowledge generated through extension activities,
 - d. reproductive strategies and regeneration pattern of flora and fauna and causes of extinction and endangerment of flora and fauna,
 - e. management of natural forests to provide material and enable services without environmental degradation,
 - f. restoration of degraded forests in a phased manner,
 - g. improvement of the productivity of man-made forests while reducing large-scale planting of exotics and,
 - h. ensure eco-system integrity while promoting eco-tourism.

8. Agriculture land systems

Strategy

Develop Kerala's agriculture through the judicious utilization of the scarce resources of land, water, rural manpower and technology, focusing on increased production and productivity in a planned manner to ensure the food requirement of the State with least damage to the environment.

8.1. Crops in general

- 8.1.1. Strengthen soil conservation and soil enrichment programmes for preventing soil degradation.
- 8.1.2. Periodic monitoring of soil fertility to maintain and improve its productivity.
- 8.1.3. Encourage crops based on land capability classification and cropping patterns suitable for productivity conservation.
- 8.1.4. Promote organic farming along the Organic Farming Policy of the State and achieve complete organic farming within 5-10 years.
- 8.1.5. Revive traditional varieties of crops and establish gene/seed banks for their conservation.



- 8.1.6. Adopt integrated nutrient and pest management systems with the use of bio-fertilizers, organic compost and bio-pesticides.
- 8.1.7. Conserve paddy land and prevent its use for other crops.
- 8.1.8. Ensure the use of agrochemicals in a judicious manner and phase out chemical pesticides over time as stipulated in the State Organic Farming Policy.
- 8.1.9. Evolve efficient and cost-effective methods of water conservation and use.
- 8.1.10. Promote traditional practices of mixed cultivation in homesteads.
- 8.1.11. Provide support for storage, incentives for marketing and price stability by promoting local markets and discouraging involvement of middlemen.
- 8.1.12. Sustainable agricultural practices shall be encouraged and research projects pertaining to them shall be given priority.
- 8.1.13. Encourage cultivation of crops with least demands on water and energy inputs.

8.2. Paddy cultivation

Paddy farmers face a multiplicity of problems, many of which may be ameliorated by ecological measures, namely:

- 8.2.1. Regulation of water regimes, restoration of traditional irrigation structures such as contour tanks, drainage channels at suitable contours, conservation of water in tanks with combined irrigation and social use (e.g., 'temple tanks').
- 8.2.2. Cultivation of legume crops along field bunds so that the bunds are strengthened and the farmer gets an additional income yielding crop.
- 8.2.3. Combine fodder cultivation in rice fallows and other available lands, so that animal husbandry can be successfully integrated.
- 8.2.4. Conserve straw, as was the traditional practice.
- 8.2.5. Wherever possible, combine pisciculture with paddy, integrating duck or poultry farming.

8.3. Homestead farming

- 8.3.1. The holders of Homestead Farms require special empowerment in order to protect their holdings from economic threats like fragmentation and alienation, as well as ecological degradation by wrong usage by the owners themselves, and consequential uncontrolled actions by neighbours and public agencies.
- 8.3.2. Government and the Panchayats will accord high priority to organize neighborhood associations of homestead farmers, and enable them to undertake work for the ecological protection of their properties. Following examples illustrate this point:
 - a. plan together measures for conservation of soil and moisture for maximum benefit,
 - b. moderate alternative land use (e.g., construction, expansion of houses), so that it does not interfere with beneficial enjoyment of neighbours' properties, or with natural water flows, soil regimes, or crop sequences,



- c. undertake work of common benefit such as retention walls, bunds and moisture conservation pits; combined land use such as fodder cultivation and animal husbandry, production of high value vegetation such as orchids and vanilla and, processing, marketing and maximizing value addition by local collectivists and,
- d. organize collective consideration of proposals for alternative land use including urban and housing development, so that informed consent may be accorded or denied.

8.4. Cautions against genetically modified organisms

- 8.4.1. Widespread and indiscriminate adoption of untested exotic planting material, however mightily advertised, is fraught with irreversible damage. Government, Panchayats and Farmers will be constantly educated against the use of GMOs.
- 8.4.2. The Government would continue on its declared stand that GMOs will not be permitted within the State even for trials, until the controversy that is going world over on their negative impacts on economy, health and environment are settled beyond dispute.

9. Coastal and marine resources

Strategy

Conservation and sustainable use of the coastal and marine eco-system and, fisheries - both fresh water and marine, in the State.

Actions

- 9.1. Preparation of a database on inland and marine fishery resources, including maximum sustainable yield available for harvest in the water bodies.
- 9.2. Prevention of coastal and riverbank erosion by means of, as far as possible, biological methods.
- 9.3. Eco-friendly aquaculture activities to meet the gap between demand, production and supply.
- 9.4. Regulate total fishing efforts for avoiding over fishing and, encourage sustainable fishing.
- 9.5. Protect aquatic habitats from pollution, reclamation, dredging, infestation from weeds, over-exploitation and, unscientific methods of fishing.
- 9.6. Control trawling in the territorial waters of Kerala during the monsoon and frequent analysis of resources to record the availability of stock.
- 9.7. Regulation of mesh size in trawl net and fixed engine for conserving the juvenile fish and shellfish; adopt measures to reduce by-catch.
- 9.8. Regulation of fishing at the entrance of river mouths.
- 9.9. Establish a Fishery Resource Management Cell for monitoring optimum fishery utilization and to function as a clearing house for development programmes



with special reference to conservation and sustainable utilization of the precious fishery resources of the State.

- 9.10. Maintain a register of all fishing vessels with essential details under State jurisdiction.
- 9.11. Effective use of Geographical Information System for fisheries management; monitoring and control of fishing effort and energy use.
- 9.12. Evolve a mandatory programme for training and certification for non-motorised, motorised and mechanized fisherman in safe navigation, responsible fishing, log keeping and reporting.

10. Animal husbandry

Strategy

Maintain healthy and productive animal population to help enhance the economy while causing least damage to the environment. The environment related activities would be:

Actions

- 10.1. Improve the genetic variability of the indigenous breeds.
- 10.2. Control cattle population in the forest fringes so as to conserve the fodder resources and to avoid spread of diseases.
- 10.3. Restoration and protection of the existing grazing lands along with the promotion of stall feeding and rotational grazing.
- 10.4. Taking measures to increase the production of fodder and grass to bridge the gap between supply and demand.
- 10.5. Scientific siting and waste management should be mandatory for all the animal farms.
- 10.6. Integration of animal husbandry with farming systems to sustainably maximize farmers' benefits.
- 10.7. Encourage community action by neighbourhood groups so that cattle trespass, over-grazing of common lands and such like activities are prevented, and economies of scale achieved by means such as processing gobar gas, compost manures, vermi-compost and fodder production.
- 10.8. Enable existing Milk Producers' Co-operative Societies to maximize value addition at site, and to ensure that the maximum advantage is derived by the members.
- 10.9. Recycle household waste food and agricultural residues to be used as manure for fodder cultivation.
- 10.10. Integrate non-conventional animal husbandry such as rabbit-rearing, and farming of bird species (example: turkey and guinea fowl) for maximum benefit to the farmers.
- 10.11. Constant research and extension to ensure improvement of genetic variability.
- 10.12. Monitor migratory birds for pathogens and taking appropriate measures to check entry of exotic pathogens.



- 10.13. Enforcement of quality control by community action by Panchayats.
- 10.14. Monitoring and take up mass vaccination programmes in animals and birds to prevent diseases.
- 10.15. Launching training programmes for farmers in Scientific Animal Husbandry practices, reducing pressure on environment.
- 10.16. Promotion of backyard poultry for effective utilisation of household/ kitchen waste thereby reducing environment damage.
- 10.17. Hygiene management of slaughter houses, abbaters and proper waste management.
- 10.18. Proper treatment of dairy waste in dairy plants of the state by compulsors setting up of effluent treatment plants and ensuring constant monitoring.
- 10.19. Enforcement of licensing for all those engaged in processing and marketing of milk and milk products in the state so as to prevent environment pollution.

11. Biodiversity conservation

Strategy

Conservation and sustainable utilisation of the biodiversity of the State for the benefit of all sections of the society.

Actions

- 11.1. Intensification of surveys inside and outside the Protected Areas for complete documentation of biodiversity, including microbes.
- 11.2. Inventory of biological resources in different parts of the State through People's Biodiversity Register at Panchayat, Municipality and Corporation levels.
- 11.3. Conservation of biodiversity through a network of protected areas including biosphere reserves, national parks, sanctuaries, gene conservation centres, wetlands, mangroves, sacred groves, heritage sites and, such other natural habitats of biodiversity.
- 11.4. Protection and sustainable use of plant and animal genetic resources through appropriate laws and practices.
- 11.5. Protection and conservation of domesticated species/varieties of plants and animals in order to conserve indigenous genetic diversity.
- 11.6. Maintenance of corridors between national parks, sanctuaries, other protected areas, forests and, animal habitats for ensuring the natural movement of animals.
- 11.7. Documentation and conservation of traditional skills and knowledge related to biodiversity.
- 11.8. Conservation of threatened and endangered plants and animal species by special or insitu programmes and also through application of modern techniques of tissue culture, biotechnology and cloning.



- 11.9. Discourage monoculture.
- 11.10. Introduction of any exotic species, if found critically needed to control noxious exotic species of flora and fauna, shall be done only after adequate experimentation.
- 11.11. Control of invasive species already affecting the land and water ecosystem.
- 11.12. Promote community biodiversity centres in local bodies.
- 11.13. Strengthen the State Biodiversity Board to function as a watch-dog of the State Biodiversity resources.
- 11.14. Control over-exploitation of biodiversity for commercial purposes.
- 11.15. Set up a Biodiversity Museum of international standards.
- 11.16. Popularise the need for biodiversity conservation.
- 11.17. Include biodiversity as a subject in curriculum at school and college levels.

12. Industrial development

Strategy

Prioritise and promote projects which would help the poor sections of the society and implement them through least possible damage to the environment.

Actions

- 12.1. Provision of incentives to environment friendly technologies involving recycling and reuse of wastes and the conservation of natural resources.
- 12.2. Insist on the installation of effluent and emission treatment plants in the industrial units and mining.
- 12.3. Operation of the 'polluter pays' principle shall be strictly adhered to and punitive measures be taken against those industries who exceed permitted standards by charging them with effluent tax and resource tax.
- 12.4. Demarcation of industrial areas in each locality/region and designation of specific areas for certain industries in the State.
- 12.5. Ensure setting up and running of industries adhering strictly to the environmental guidelines.
- 12.6. Establish industrial sites/zones for compatible industries so that effluent treatment could be common, reducing costs and enhancing effectiveness; Wastes from one could be used as raw material for another and thus the net pollution load could be minimized.
- 12.7. Strict enforcement of pollution control norms by Pollution Control Board in various types of industrial units, depending upon their process/technologies and pollution potential; particular attention being paid to highly polluting industries.
- 12.8. Strict implementation of the treatment required for industrial effluents and solid waste disposal/management.
- 12.9. Common effluent storing/treatment facilities in industrial estates.



- 12.10. Regular monitoring of the quality of the industrial effluents, solid and gaseous emissions, and prompt action on complaints by the local people.
- 12.11. Incentives and recognition to industries for effective pollution control and reduction of wastes.
- 12.12. Establish green belts in the vicinity of/around industrial establishments.
- 12.13. Formulate regulations and enforcement of norms in respect of auto emission. Encourage the use of environmentally benign automobiles/motor vehicles and up-gradation of emission standards for automobiles in urban areas initially and in phases over the whole State.
- 12.14. Prepare 'on-site emergency' plans for hazardous industries and off-site emergency plans for districts in which hazardous units are located.
- 12.15. Setting up of Environmental Cells in industries for implementing Environmental Management Plans and for compliance with the requisite environmental laws.
- 12.16. Incorporation of the costs for environmental safeguards as an integral component of the total project cost.
- 12.17. Dissemination of information to the local public and workers on hazardous substances and measures to ensure safety of workers and people.
- 12.18. Promote zero industrial waste generation technology.
- 12.19. Formulate effective methods of treatment facility deal with e-waste in IT industry and households.

13. Mining and quarrying

Strategy

Mining and quarrying should be restricted to meet the bare minimum requirement and that too following well defined measures, leaving least environmental damages.

Actions

- 13.1. Environmental Impact Assessment (EIA) by competent agencies prior to the allocation of sites for mining and quarrying activities.
- 13.2. Strict implementation of regulations for mining and quarrying in compliance with pollution control mechanism ensuring minimal disturbance to the environment.
- 13.3. Restoration of the mined and abandoned areas by those responsible for their damage.
- 13.4. Ensure compulsory land filling and tree planting in the mined areas.
- 13.5. Implement Environment Management Plans approved by the appropriate authorities like the Pollution Control Board concurrently with the ongoing mining operations to ensure adequate ecological restoration of the affected areas.



- 13.6. Discourage selective mining of high-grade ores leading to local accumulation of low-grade ores, causing environmental degradation.
- 13.7. Upgradation and utilization of minerals at source to the extent possible in order to ensure the utilization of low grade minerals and to reduce the cost of transportation/processing and utilization.
- 13.8. Prevent mining and quarrying of hills.
- 13.9. Regulation and restriction of sand mining from all rivers, rivulets and, clay mining from paddy fields based on scientific studies.
- 13.10. Identification and promotion of alternative construction material and eco-friendly construction models and methods to avoid pressure on natural resources, mainly river sand.
- 13.11. Popularization of the ill effects of river sand mining.
- 13.12. Environmentally safe disposal of the bye-products and wastes of all mining operations.

14. Energy

Strategy

Popularize non-conventional energy systems and promote efficient and moderate energy use without waste.

Actions

- 14.1. Environment Impact Assessment should be mandatory as a prior condition for investment decisions and site selection for power generation projects.
- 14.2. Adoption of clean technologies for energy production including utilization of wastes for power generation.
- 14.3. Energy conservation in all sectors including households, agriculture, industry and transportation.
- 14.4. Energy conservation education and awareness activities.
- 14.5. Incentives to encourage energy conservation and, punitive measures for improper energy use.
- 14.6. Popularisation of the relevance and use of non-conventional and renewable energy sources and incentives for their use.
- 14.7. Promote researches on non-renewable energy sources.
- 14.8. Incentives for raising of bio-fuel plants in wastelands/degraded areas.
- 14.9. Promotion of efficient wood-burning chulahs.
- 14.10. Regular monitoring of the environmental impact of energy generation projects through well defined parameters and adoption of measures for the mitigation of environmental degradation.



- 14.11. Promotion of small scale hydroelectric projects (micro, mini and small).
- 14.12. Increase biomass availability to meet essential requirements of biomass based energy generation.
- 14.13. Regulation of trade and unscientific disposal of hazardous wastes.
- 14.14. Development of technologies for enhancing the productivity and efficiency in the use of all biomass resources (both terrestrial and marine) for energy generation.

15. Human settlements of built environment

Strategy

Provide reasonably comfortable housing to all people in the State in clean, hygienic and healthy surroundings, and to encourage green building technology by using energy efficient design, lay out and construction material.

Actions

- 15.1. Adoption of environment-friendly techniques and material in housing in the State.
- 15.2. Promotion of low cost building systems using indigenous and energy-efficient building material in construction and the improvement of existing building stock.
- 15.3. Promotion of strategies for the decentralization of urbanization through the establishment of satellite cities and townships with the necessary infrastructure facilities and job opportunities.
- 15.4. Documentation of the details of buildings, places and monuments of cultural heritage value and the adoption of measures including strict regulation on tourists/pilgrims for the protection and preservation of such places of historical/heritage values.
- 15.5. Adoption of deterrent measures to discourage unsustainable growth of human settlements and polluting industries in ecologically vulnerable areas such as hilly regions and coastal stretches.
- 15.6. Ensure the quality of water supply and provision for adequate sanitary facilities in all cities and towns, commercial centres, industrial establishments and rural residential areas.
- 15.7. Programmes for scientific and cost-effective management and disposal of sewage, garbage and domestic wastes.
- 15.8. Encourage planting of shade, fruit-bearing and ornamental trees on the roadside, in market places and commercial centres, school compounds, hospitals, offices, places of worship and other public places and provide incentives and recognition for the same.
- 15.9. Establish parks and gardens in urban and rural public places for public use and for the promotion of environmental awareness.
- 15.10. Promote cultivation of medicinal plants in home gardens and private farmlands.
- 15.11. Promote homestead farming.
- 15.12. Restriction of pavement to facilitate infiltration of water.



- 15.13. Prevent environmental degradation and resulting health problems, related to communicable and non-communicable diseases, by educating the people on personal hygiene, sanitation and the use of pure drinking water.
- 15.14. Prevent spreading of communicable diseases by creating awareness on individual community hygiene.
- 15.15. Strict vigilance and action by concerned local authorities in villages, towns and cities for the speedy removal and disposal of all accumulating rubbish, waste and garbage, and for keeping the surroundings of human dwellings and places of activities, as clean and neat as possible.
- 15.16. Promotion of the use of local products such as khadi and handlooms and encourage products using local resources.
- 15.17. Preparation of Environmental Impact Assessment and Environmental Management Plan for activities such as development of new townships, industrial units/clusters, settlement colonies, major highway projects, commercial complexes, hotel complexes, hospitals, and office complexes.

16. Tourism

Strategy

Promote sustainable eco-tourism in the State ensuring economic benefits to the local communities without causing damage to the natural environment.

Actions

- 16.1. Promotion of tourism on the basis of a careful assessment of the target areas with regard to their carrying capacity, and availability of support facilities such as transport, fuel, water and sanitation.
- 16.2. Regulate tourism in Protected Areas mainly forests and ecologically sensitive areas such as grass lands and wetlands.
- 16.3. Development of sustainable eco-tourism in harmony with the environmental conditions and without affecting the life style or the cultural heritage of the local people.
- 16.4. Encourage responsible tourism in all the tourist destinations.
- 16.5. Ensure that eco-tourism help enhance the livelihood of the local communities.

17. Transportation

Strategy

Develop an environmentally compatible but efficient transportation system in the State.

Actions

- 17.1. Improve the existing transport system based on scientific studies so as to provide efficient and safe transportation and to reduce consumption of fuel, traffic congestion and environmental pollution.



- 17.2. Development of inland water transport infrastructure which is more energy saving and cost effective on commercial basis.
- 17.3. Incentive for transportation using the backwaters, canals and river systems.
- 17.4. Promote the use of vehicles using LPG.
- 17.5. Encourage transportation of material through suitable means such as water, rail and pipeline in place of road.
- 17.6. Enforcement of smoke emission standards for containing pollution from vehicular exhausts at the manufacturer and user levels and, impose stringent punishment to violators.
- 17.7. Introduction of renewable energy and non-polluting transport systems, especially Compressed Natural Gas (CNG) for vehicles in a phased manner.
- 17.8. Promote the use of bicycles and enforce user friendly pedestrian and cycle tracks.
- 17.9. Strict enforcement of updated traffic laws/rules for the safety of users and the passengers.
- 17.10. Develop transportation infrastructure including roads which does not adversely affect the environment during construction or operation.
- 17.11. Enforce strict rules and regulations for environmental safety while transporting dangerous and hazardous materials.
- 17.12. Enforcement of regulations on cases such as overhead wires, construction of arches and, fixing of advertisement hoardings across and in the proximity of roads.
- 17.13. Avoid construction of roads through ecologically sensitive areas.

18. Air and noise pollution

Strategy

Ensure clean air in the State by preventing and controlling air and noise pollution.

Actions

- 18.1. Encourage use of clean fuels and clean technologies, energy efficient devices and air and noise pollution control systems.
- 18.2. Adoption of source specific and zone-wise air quality standards and set time bound plans to achieve the quality standards.
- 18.3. Locate development projects appropriately to minimize the adverse impact of noise on people and environment during construction and operation.
- 18.4. Strictly enforce emission control measures in industrial and transport sectors.
- 18.5. Incentives for environmentally benign substitutes, technologies and energy conservation.
- 18.6. Establishment of green belts with appropriate plant species for mitigating pollution.



- 18.7. Promote appropriate technologies to reduce emission of carbon dioxide and greenhouse gases.
- 18.8. Set up digital display boards showing atmospheric pollution at crucial areas in the State.
- 18.9. Reduce /avoid use of ozone depleting substances.
- 18.10. Strict control over the use of incinerators for solid waste treatment other than biomedical waste.
- 18.11. Promote recycling of plastics adopting modern technologies and ensuring least damage to environment.
- 18.12. Ensure safe disposal of electronic waste.

19. Promotion of environmental education, training and awareness

Strategy

Create environmental awareness among all sections of the society including students judiciary legislatures, bureaucrats, police, defense, NGOs and general public.

Actions

- 19.1. Revision of the existing syllabi and the contents of the text books from primary School to University level in a phased manner to include subjects relating to environment.
- 19.2. Organize special training programmes for the benefit of teachers imparting instruction in various aspects of Environmental Sciences.
- 19.3. Engage village level NGOs and literacy centres to promote public awareness and involve them in environmental activities.
- 19.4. Encourage non-governmental organizations involved in environmental activities, science popularization and social welfare to conduct environmental awareness campaigns.
- 19.5. Conduct through women's organisations and local bodies, special environmental awareness programme for women, since they have a pivotal role in environmental conservation programmes at the grassroots level.
- 19.6. Promote women to take up conservation programmes which are income generating, self-financing and sustainable on a long-term basis.
- 19.7. Develop required educational resource material by encouraging various institutions, NGOs, writers and publishers involved in the field of environment to publish literature on different aspects of environmental conservation, protection, preservation and, pollution control.
- 19.8. Conduct regular compulsory inservice courses to update knowledge on environmental appraisal, impact assessment, environmental management planning and mitigatory measures for professionals, bureaucrats and other officials and local bodies involved in project planning and implementations especially those using and regulating the use of natural resources.



- 19.9. Launch State-level ecological literacy programme in each Panchayat.
- 19.10. Design and implement awareness creation and capacity building programmes for the elected people's representatives, bureaucrats and judiciary.

20. R&D and promotion of technologies

Strategy

Encourage Research and Development activities to promote development of appropriate technologies suitable for the local socio economic and environmental conditions with least disturbance to environment.

Actions

- 20.1. Initiate special efforts to promote R&D on cleaner technologies.
- 20.2. Encourage new projects making use of both conventional and modern high-tech methodologies such as remote sensing and biotechnology.
- 20.3. Create centralized Environmental Data Bank under the State's Environment Management Agency with the help of R & D centres in the field of environment studies, for the use of activities such as, initiation of new projects, environmental assessment, natural resource accounting and pollution abatement.
- 20.4. Assist the local bodies in the State with science and technology inputs in the preparation of projects which have environmental bearings, especially watershed development master plans.

21. Rehabilitation of affected people projects

Strategy

Ensure proper planning and adequate budget in the project document itself for rehabilitating the people compelled to be displaced for the project and, implement the same, honourably before the commencement of project activities.

Actions

- 21.1. Take conscious efforts to avoid displacement of local people.
- 21.2. Ensure comprehensive measures on priority basis, if rehabilitation is unavoidable, by providing suitable facilities, which shall be done before launching the project activities.
- 21.3. The rehabilitation package should contain not only the cost of the land, but also that of construction of the house and means of better livelihood.



22. Environmental audit statement

Strategy

Ensure strict adherence to the relevant rules and regulations pertaining to pollution and resource use by concerned industries.

Actions

- 22.1. Insist submission of Annual Environment Audit (AEAR) Report by each company within three months of the financial year end.
- 22.2. Ensure that the AEAR contains, the type and quantum of the material used, the type and quantum of effluents discharged, and, those of gaseous emissions; report of the monitoring of the levels pollution; periodical certificate by the Pollution Control Board; details of waste disposal; the modifications made, if any, on the advice of the PCB from time to time and, such other details that may be prescribed by the Pollution Control Board.
- 22.3. Ensure submission of the AEAR of all industries by the Pollution Control Board to the Government within 30th September of every year.

23. Report on the state of the environment

Strategy

Document the natural resources such as land, water, forests, wetlands and minerals of the State periodically for effective planning and conservation.

Actions

- 23.1. Entrust the various R & D Centres of the State to periodically assess the availability of natural resources such as land, water, forests, wetlands and minerals, each centre to take up the responsibilities of the components of its interest.
- 23.2. One of the R&D Centres will coordinate the activities and compile the status of natural resource availability and utilization every five years.
- 23.3. Evaluation of regional carrying capacity based on these information by the State Environment Department with the support of R&D Centres of the State.
- 23.4. The Government will prepare a five year natural resources budget based on the regional carrying capacity assessment, considering the availability of resources such as land, forests, water and minerals and, prepare an estimate of the extent of utilization of such resources every year.
- 23.5. This can be used while preparing the Five Year Plan of the State, thus ensuring conservation with sustainable development, allocating natural resources from the available sources for various development purposes.



24. Policy Implementation structures and linkages

Ensure full involvement of individuals, individual households, Grama Panchayats, Block Panchayats, District Panchayats, various Departments of the Government and the committed NGOs and civil societies for the effective implementation of the objectives of the environmental policy.

24.1. Individual and household

Strategy

The primary agency for action to protect and enrich the environment is the very citizen and the very household of Kerala. The following activities could be the responsibility of individuals and households.

- 24.1.1. Increase own households and neighbours' awareness of the goals of sustainability of eco-systems for human survival and development.
- 24.1.2. Moderate demands on resources by reducing wasteful consumption, recycling waste material and natural resources, using substitutes for natural resources which are scarce and difficult to replace, conserving energy as well as resorting to non-conventional energy and, maximizing production of bio-mass for recycling.
- 24.1.3. Safeguard water, both in quantity and quality, by reducing run-off, harvesting rain water at the site, recycling, and gradation of quality of supply according to end use.
- 24.1.4. Act collaboratively with neighbours and other agencies for establishment of biogas plants, vermi-compost units, kitchen gardens, integrating animal husbandry into agricultural pursuits, such that cost is reduced, benefit maximized, and the environment protected and enriched.

24.2. Grama panchayats

The Grama panchayats should take up the following responsibilities.

Compared to all-India level, Kerala's grama panchayats are large, with about 20,000 people in each, and spreading over arbitrarily delineated territory. Therefore, it is necessary to organize at ward level and at even more primary collectivists, people's organisations under the Panchayat umbrella. Such groupings shall be based on micro-watersheds, so that they are clearly defined from an ecologically meaningful viewpoint. All programs for soil conservation and for preventing soil degradation, monitoring of soil fertility, encouragement of cropping systems in accordance with land capability classification, and other works in relation to agricultural lands will devolve on Village Panchayats. They shall arrange these works according to the identified micro-watersheds, and entrust the works to the multi-tiered people's organisations, to be formed as mentioned above.

24.3. Block and district panchayats

The Block and District Panchayat would undertake the responsibility for the following:



- 24.3.1. Conduct training classes, bringing about attitudinal, and competence change to enable the people to be conscious of ecological imperatives, while seeking economic maximization goals.
- 24.3.2. Co-ordinate and encourage programmes such as bio-gas plants, mini- and micro-hydel projects, wind energy farms, solar energy plants, and plantation of fuel wood species.
- 24.3.3. Pioneer and encourage the production and spread of fodder planting material and the cultivation of these species by farmers so that self-sufficiency in fodder needs is approached / reached.
- 24.3.4. Supplement, complete, and extend efforts undertaken by village panchayats and grass roots organisations to maximize benefits.
- 24.3.5. Ensure that public demand and profit-driven business in scarce material are harmonized with eco-specific requirements.
- 24.3.6. Link and form 'associations of associations' at the village panchayat and smaller levels, engaged in ecological conservation and enrichment activities, and businesses based on non-invasive land use, so that better economies and stronger bargaining for advantage are secured.

24.4. Departments and agencies of government

- 24.4.1. Government hope to end the pernicious colonial view on the relationship between Departments of Government and public property and prepare to usher in a more realistic, rational approach that the Departments, and their echelons at various levels, shall only be instrumentalities, whose services shall always be available to the Panchayati Raj institutions and people's organizations.
- 24.4.2. Environmental policy foregrounds people, and their participatory involvement. Departments of Government at all levels shall revise the rules and procedures so that the people's organizations receive the full cooperation of the Departments. Departmental officers and experts shall serve as consultants and technical experts in advising Panchayati Raj institutions on how best to achieve the ecological objectives together with economic growth.
- 24.4.3. Government will re-define and reform the working of various Departments vested with responsibilities in these areas, making them owning responsibility to the people, and ensuring complete transparency in their transactions.
- 24.4.4. Government will also constantly review the laws and regulations, relating to or having impact on ecological concerns, and revise them accordingly so that they become more effective dynamic tools to implement desirable ecological practices and to penalize eco-violative actions.

24.5. State environment department

- 24.5.1. Bring all the major activities related to environment under the Department of Environment.
- 24.5.2. The Environment Department shall be responsible for coordination of the activities of different departments, authorities and local bodies in the State relating to environment, and implementation of the Environment Policy of the State.



24.5.3. The department will focus on promotional aspects for the protection and conservation of the environment with the help of the concerned government departments, research institutes, regulatory bodies, local bodies and reputed non-governmental organizations, researchers and academicians.

24.5.4. Strengthen the enforcement mechanism by enacting a comprehensive legislation.

24.6. State and district advisory councils

Advisory Councils comprising experts will be set up at the state and District levels to strengthen the administration with technical and scientific inputs while implementing the policy.

24.6.1. Formulate the State Level Environment Advisory Council, chaired by the Minister for Environment and comprising officials of various departments and governmental bodies, as well as experts and representatives of reputed non-governmental organisations working in the field of environment to advise Government on the issues of policy and implementation.

24.6.2. Constitute, District Level Environmental Advisory Councils to be headed by the respective District Panchayat Presidents and comprising official and non-official members focusing on district and local level problems relating to the environment.

24.6.3. The State Level Advisory Councils will be assisted by the District Level Advisory Councils.

24.7. Non-Governmental organizations

Strategy

Involve local non-governmental organizations from the planning stage itself of any project which will have environmental implications.

Actions

24.7.1. Ensure participation of residential associations and non-governmental organizations at the District, Block and Panchayat levels.

24.7.2. Local bodies shall ensure such participation for the successful implementation of the project with least disturbance to the environment.

24.7.3. Set up Environmental Information Centres at the district level, with the cooperation of NGOs and local District Panchayat, containing information on the local resources and environmental conditions and also different systems of environmental management practices.

24.7.4. The environmental information shall be disseminated through different NGOs, media and, through various other methods.



24.8. Strengthening legislation

A comprehensive legislation to successfully implement the Environmental Policy of the State is to be enacted.

25. State environment fund

There is a felt need for creating a separate corpus fund for tackling issues related to environmental hazards.

Primary source of this fund shall be the industries and shall be collected by introducing "Polluter Pays Principle/lines". The fund shall be used exclusively for environmental protection and tackling environmental hazards.



KERALA STATE ORGANIC FARMING POLICY, STRATEGY AND ACTION PLAN

GOVERNMENT OF KERALA

2010

Agriculture (P.B.) Department

G.O.(P) No. 39/2010/Agri.

Thiruvananthapuram, 2010 February 10

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Kerala State Organic Farming Policy, Strategy and Action Plan

Vision

Make Kerala's farming sustainable, rewarding, and competitive, ensuring poison-free water, soil and food to every citizen.

Background

India has a glorious history of farming, starting probably from the 6th millennium BC in the Indus Valley, harnessing the annual floods and the subsequent alluvial deposits. The Indus Valley Civilization was founded on sustainable farming practices. Subsequently, our culture and ethos became reflections of the agricultural practices and it became mutually inseparable till recently. Harvest of the main crops is celebrated through out the country.

In Kerala, it went to the extent of identifying the farmland with Mother God or a female. Just like the female has to take rest after delivery, the farm land has also to be given rest for three months after the harvest; tilling is strictly prohibited during this period. Although it may look superstitious, the ecological reason behind this ritual is that tilling during monsoon leads to severe soil erosion and thus, is an unsustainable practice. Therefore, sustainability has been the hallmark of our farming system from time immemorial; growing the time tested, weather suited, traditional crops with or without additional organic inputs, but deeply interwoven with the ecological systems and climatic conditions.

The once flourished *Pokkali* cultivation in the coastal districts and the *Katpad* farming system in Kannur district are testimonials to man's ingenuity in harnessing the natural events for farming, that too integrated farming, without affecting the natural ecological processes and without even any external inputs.

However, the so called modern agriculture-unmindful of the ecosystem principles so revered and practiced for centuries-led to seemingly irrevocable ecological and environmental catastrophes in the country. The Green Revolution essentially replaced the traditional varieties with high-yielding ones. These high yielding varieties now recognized as 'high input varieties' needed tonnes of fertilizers, to achieve the target growth. The crops and varieties alien to the soil attracted new pests and diseases and also outbreaks of existing pests. To combat them, came in huge quantities of pesticides. Input of these "exotic" elements into the traditional farming led to multitude of environmental issues.

The microorganisms declined; the soil lost its fertility and vitality; water demand increased and, the time tested traditional varieties disappeared. In short, the century old practices came to a halt. The eternal relationship between the farmer and farm land was lost. More importantly, sustainability of the agriculture systems collapsed, cost of cultivation soared, income of farmers stagnated and, food security and food safety became a daunting challenge.



Biodiversity in the agricultural fields has now become a history of the past. The farmland became silent; devoid of the croak of frogs, chattering of warblers, whistling of Whistling Ducks. The long tubular straw striven nests of the Baya weaver bird hanging on the fronds of palm-a once spectacular sight-have disappeared from most localities. The insectivorous birds such as drongo, bee-eater, even the house sparrow became rare or locally extinct, indicating the collapse of the entire food webs of the farm land.

In the forestry sector, fortunately the use of pesticides has been much less. However, the aerial spraying of pesticides in India was first tried in Kerala in 1965 to control the teak defoliators in Kanni forest division. It was noted that within 48 hours nearly 162 non-target species of arthropods were knocked down.

The mentally and physically retarded and handicapped children in Padri village in Kasargod tell the world in unequivocal terms the tragedies and disasters that aerial spraying of pesticides could inflict on human life.

As a result of all these "modern" techniques, the air, water and the soil were polluted; most food grains and farm products were contaminated by pesticides. The run off from the farm land contaminated the wetlands - rivers, tanks, ponds, reservoirs, lakes and all water bodies-and the life in them. Fishes carried high levels of pesticides and also heavy metals, the latter as a result of the many chemical industries that sprang up to provide chemical fertilizers.

Health hazards became unimaginably high. Incidence of fatal diseases rose. Hospitals with modern amenities came up in the cities as profit making industries. Pharmaceuticals flourished.

Food crops became non-attractive, while cash crops became more remunerative. Rice fields have been filled up for non-agricultural activities. The area under cash crops expanded during the last 20 years (16% under rubber alone), while that under food crops plummeted (to just 9% of the total cultivated area). The monoculture of such economically valuable crops led to soil erosion and loss of soil fertility to a great extent. The advent of chemical intensive farming and its prevalence in Kerala for the past 50 years have resulted in the near stagnant levels of productivity of many of these economically important crops such as coconut, cashew, pepper, coffee, tea, cardamom and arecanut. Besides these, many regions in Kerala, like Wayanad started facing acute water scarcity. The State has taken note of it and given priority in the Eleventh Five Year Plan.

Over and above, the economic liberalization and WTO policies added to the woes of the farmers by bringing down the prices of agriculture commodities. They are caught in the debt trap owing to the loan taken to meet the high cost of farming, as it demanded more external inputs such as fertilizers, pesticides and water. These led to increasing instances of suicide by farmers. Investment in agriculture has essentially changed from the farmer to the industries supplying input to the farmer, and as a direct consequence, net income for farmers decreased while the industries supporting agriculture in the country flourished.

The national policies of opening retail sector to national and multinational companies pose great threat to our food sovereignty and right to safe food. The enhanced 'food miles'



led to increased carbon emission, further increasing the load of green house gases. The potent danger of introducing Genetically Modified crops, monopoly of seeds by national and multinational corporate hodies could very well be the last straw on the camel's back for the farmers of Kerala.

Many farmers have realized that they are fighting a loosing battle with the "high yield variety - fertilizer-pesticide pack" of Green Revolution. They have also realized that the degradation and disruption of the fragile ecosystems of the 'God's own country' are the chief culprits for the water scarcity, nutritional insecurity, loss of primary productivity and agrarian crisis being faced by the State.

The farmers in Kerala are convinced that the only way is to return to the traditional sustainable ways of cultivation without harming the ecosystem. Thus the organic farming, a system with the broad principle of 'live and let live', came up which was recognized nationally and internationally.

Organic agriculture is not limited to crop production alone, but encompasses animal husbandry, dairy, fisheries, poultry, piggery, forestry, bee keeping, and also uncultivated biodiversity around.

By and large, there is an increasing awareness among the consumers also on the deleterious effects of pesticides and hence, there has been a high demand for organically cultivated food produces. Therefore it has become a solemn responsibility of the Government to encourage organic farming to ensure poison-free food at affordable price to every citizen.

There have been demurs and doubts on the practicability of organic farming on the ground that the production would plummet and the country would once again be forced to yet another food crisis. This is quite unfounded. Success stories on high productivity of organic farming are now abundant. The Food and Agriculture Organization reports at the International Conference on Organic Agriculture and Food Security 2007 as follows: *"Conversion of global agriculture to organic management, without converting wild lands to agriculture and using N-fertilizers, would result in a global agricultural supply of 2640 to 4380 kcal/person/day. Sustainable Intensification in developing countries through organic practices would increase production by 56 per cent. Organic yields on average are comparable to conventional yields; although yields do decline initially when converting from high-input systems and almost double when converting from low-input systems".* It also has found that organic farms use 33 to 56 per cent less energy per ha than conventional farms.

Worldwide, as of now, more than 22.81 million hectares of land area is managed organically and the market of organic food is around \$30 billion. It may be noted that Cuba, a country with 42,402 sq. miles of land and with 11.3 million people, is completely organic.



A brief history of organic farming

Pesticides have been in use in agriculture since Second World War and from the very beginning there have been concerns about the commercialization of chemical pesticides. Rachel Carson's, "Silent Spring" published in 1964 brought out the scientific certainties of the impacts of pesticides on environment. Although DDT was banned in the developed world in the 1970's, and its use in the agriculture fields of developing countries later, varieties of toxic pesticides found their way into the farms. The scientific predictions of Rachel Carson became true and the public, especially farmers and scientists, the world over realised the dangers of pesticides. This led to the beginning of non-chemical farming. Researches and trials of traditional methods and also new models of soil and crop management began to appear.

For the last 4-5 decades scientists have been trying to find out a sustainable agricultural system. One of the prominent personalities among them was Sir. Albert Howard, the Advisor for Agriculture in India from 1905 to 1924. "An Agricultural Testament", written by him, is considered to be the first authentic book on organic farming in India. "Indoor method" in organic composting was also worked out first by him.

The permaculture (permanent agriculture) experiments of Bill Mollison and Holmen in the 1970's gave hope to many farmers the world over. The permaculture wave had its impact in Kerala too and since then many farmers have started experimenting this methodology and they found that this is one of the best practices for Kerala with its topographical peculiarities and high rainfall so as to conserve soil and water and improve productivity of their farms.

In a report submitted in 1983 to the Department of Agriculture of the United States, Robert Papendick and James Parr, agriculture scientists of the same department, had emphasised the crucial need for focussing research on sustainable agriculture to replace the farming systems being followed using chemical pesticides and fertilizers.

The infamous Bhopal tragedy of 1984 was an eye opener to a larger section of people in India and abroad. Discussion on alternatives began seriously. Publication of the book "One Straw Revolution" in 1984 by Masanobu Fukuoka (a Japanese scientist turned farmer), on his success in natural farming for the last half a century and, translation of his book into Malayalam in 1985 were timely in channelling such discussions in Kerala. Biodynamic farming was another method of organic farming which attracted many farmers.

The very sustainability of agriculture assumed serious concern in the discussions among the farmers and organizations in Andhra Pradesh, Karnataka, Tamil Nadu, Gujarat, Maharashtra, Punjab and Kerala during the same period. The total external dependence of farmers for agriculture inputs had started affecting their economics leading to desperation among farming communities and ultimately to agrarian crisis. As an alternative, to make farming sustainable, Low External Input Sustainable Agriculture (LEISA) thus gained momentum in many places, especially sustainable among small and marginal farmers. The agriculture crisis that began in the late 1990s further strengthened this movement. Many



individuals and organizations started interacting with farmers to make them understand the problems of the modern agriculture.

Thus, from a simple beginning, organic farming later matured to such dimensions as women's empowerment, seed conservation, development of seed banks, value addition and, more importantly, food and nutritional security. It took only 10-15 years for this transition and the results are encouraging.

Currently there are a number of certified organic farmers in the state, those cultivating cash crops such as spices, tea, and coffee, mainly targeting export market and also non-certified organic farmers who focus on food crops and biodiversity. All of them, whether certified or not, focus clearly on soil health improvement. Kerala also has an accredited organic certifying agency catering to the needs of the farmers.

Some of the farming systems such as *Pokkali* and *Kaipad* cultivation, cultivation of *Jeerakasala* and *Gandhakasala* varieties of paddy in Wayanad and, homestead farming systems all over the state are default organic. Studies have established the economic viability and productivity of homestead farms in the State and elsewhere. Recently the Adat panchayath in Thrissur district has started organic cultivation of rice in an area of 2,500 acres, promoting integrated farming system, which is known as Adat model. Similarly Marappanmoola in Wayanad has another model organic farming system involving hundreds of farmers.

Marketing of organic produce is also being experimented in many places like Organic Bazaar in Thiruvananthapuram, Eco-shops in Thrissur and Kozhikode and, Jaiva Krishi Sevana Kendram in Kannur. Self help groups of women are encouraged to undertake organic farming of vegetables in some panchayats.

There is a rich potential for promoting organic farming in Kerala in the light that intensity of inorganic agriculture here is not that severe compared to that in other States in the country. While the national average consumption of fertilizers and pesticides during 2002-2003 was 90kg/ha and 288g/ha respectively, it was only 60kg/ha and 224g/ha respectively in Kerala. This points to the positive side of agriculture in Kerala in terms of the already low levels of consumption of hazardous chemicals and, therefore, chances of redeeming farmers to organic agriculture are quite high.

Realising the ground realities, the State Department of Agriculture commenced organic farming promotional activities since 2002-03. In the following year, the Department set up a cell for Promotion of Sustainable Agriculture and Organic Farming. It has also launched two brands, namely 'Kerala Organic' and 'Kerala Naturals' to market organic farm produces. Currently, about 7,000 farmers practice organic farming in the State as per NPOP standards, covering a total area of 5750 ha. But non-certified organic cultivation area, assessments of which have not been done, is expected to be much more than this.



Benefits of organic farming

- Makes agriculture more rewarding, sustainable and respectable.
- Sustains soil fertility by preventing the loss of soil and leaching of minerals.
- Protects and enriches biodiversity - micro organisms, soil flora and fauna, plants and animals.
- Requires less water and promotes water conservation.
- Improves and maintains agro ecosystem and natural landscape for sustainable production.
- Depends mostly on renewable on-farm resources.
- Encourages consumption of renewable energy resources- mechanical and other alternate sources of fuel.
- Includes domestic animals as an essential part of organic system which helps maintaining soil fertility and also increases the income of farmers.
- Ensures pollution free air, water, soil, food and, natural ecosystems.
- Improves agro-biodiversity (both varieties and crops).
- Protects and enhances traditional knowledge in farming, processing and seed improvement leading to its protection for the future generations.
- Reduces the cost of production through locally suitable methods and inputs.
- Produces adequate quantity of nutritious, wholesome and best quality food and develops a healthy food culture.
- Reduces the food - mileage and, thereby, carbon emission.

The State Government have seized of the importance of organic farming and, realized the health hazards and un-sustainability of chemical farming as it clearly states in its Biodiversity Strategy and Action Plan that the state has to have an organic farming policy to protect its rich biodiversity and thus sustain various livelihoods dependent on this precious resource.

Organic Farming Policy, Strategy and Action Plan

Objectives

1. Make farming sustainable, remunerative and respectable.
2. Enhance natural soil fertility and productivity.
3. Ensure soil and water conservation.



4. Ensure agricultural bio-security and food and nutritional security.
5. Create and ensure domestic market for organic products controlled by the farmers.
6. Avoid the use of agrochemicals and other hazardous material and, ensure chemical - free water, soil, air and food.
7. Ensure seed, food and sovereignty.
8. Promote biodiversity based ecological farming.
9. Ensure quality control in organic inputs and agricultural produce
10. Enable human health promotion by providing safe agricultural products and commodities
11. Conservation and extension of traditional knowledge related to agriculture.

FAO put the objectives succinctly: "Organic agriculture improves food access by increasing productivity, diversity and conservation of natural resources, by raising incomes and by reducing risks for farmers. Improvement also results from sharing of knowledge among farmers. These benefits lead to poverty reduction and a reversal of rural outward migration. Policy requirements to improve food access include: increasing farmers' rights to seeds, local varieties and biodiversity; expanding fair-trade systems along the full value chain; evaluating current emergency aid and procurement programmes; and strengthening the rights of indigenous farmers".

Strategies and Action Plan

General approach: The mission to convert Kerala into an organic State is to be achieved focusing on potential crops and areas in a phased and compact manner with the aim of converting a minimum of 10% of the cultivable land into entirely organic every year and thus achieving the target within five to ten years. On completion of the third year of implementation of the organic farming policy, a Committee of experts comprising representatives of farmers and scientists should make a comprehensive assessment of the farmer's well being, economy and environment and, only after rectifying the drawbacks, if any, can the policy be implemented in rest of the areas.

Definition of organic farmer

A farmer may be defined as 'Organic Farmer' provided he/she adheres to and practices the following three essentialities of organic farming.

- (1). a farmer who practices mixed farming including food crops.
- (2). a farmer who ensures the conservation of soil and water.
- (3). a farmer who conserves the biodiversity of the farmland.



Strategy 1

Ensure seed sovereignty of the farmers and the State

Action

- 1.1 Establish seed villages exclusively for organic farming.
 - 1.1 (a) Begin programmes for the production of seeds, seedlings, planting materials and traditional animal breeds at the Panchayat level, so as to become self-sufficient in the availability of good quality local seeds, both indigenous and breeder seeds developed by the KAU and other institutions of agricultural research.
 - 1.1(b) Begin at the farmers' group levels, seed banks and seed cooperatives to produce, store, share and supply good quality seeds, including those which are traditional and location specific.
 - 1.1(c) Promote farmers who can produce organically, good quality seeds and develop participatory seed production programmes along with the KAU and other institutions of agricultural research.
 - 1.1(d) Develop storage facilities/protection measures using traditional methods
- 1.2 Ensure maintenance of traceability chain mandatory at the Local Self Government Institution level by the Biodiversity Management Committees (BMC) with regard to seeds produced, sold, transferred and shared in the Panchayat to protect the farmers from spurious low quality seeds, including hazardous genetically modified seeds
- 1.3 Declare and ensure Genetically Modified(GM) free villages/panchayats and State
- 1.4 Establish a mechanism to regulate the prices of seeds
- 1.5 Ensure supply of locally suitable seeds in each agro-climatic zone

Strategy 2

Implementation of organic farming policy in a phased manner

Action

- 2.1 Conduct an initial assessment of the status of organic farming and farmers in the State including cultivated, certified and non-cultivated wild organic areas in the State.
- 2.2 Develop an action plan with an objective of converting annual crops such as grains, fruits and vegetables to organic within five years and the perennial crops with in 10 years.
- 2.3 Develop a clear plan of action with budgets for incorporation into the planning process of the Local Self Government Institutions for phasing in organic farming in the State.



- 2.4 Special thrust should be initially given to complex, diverse and risk prone areas such as rain-fed districts, drought-prone districts, food crop producing districts and tribal districts.
- 2.5 All agricultural practices to be launched in the tribal belts of Kerala should compulsorily be organic.

Strategy 3

Compact Area Group approach in organic farming

Action

- 3.1 Encourage the formation of Organic farmers groups, especially women organic farmer groups, clubs, SHG's and cooperatives for the purpose of cultivation, input production, seed/seedlings/planting materials production, certification and marketing.
- 3.2 Each group should be of a minimum five members (as stipulated under the Participatory Guarantee System of Certification)
- 3.3 Models such as Vegetable and Fruit Promotion Council of Kerala (VFPCCK), Masappanmoola Cooperative Society, Adat Cooperative Society for paddy, GALASA, Compact Area Group approach of Kannore KVK, Harithasree may be adopted.
- 3.4 Encourage Kudumbasree, Vanasamrakshana Samithi, Theera SVS, Grama Haritha Samithi to develop organic farming enterprises

Strategy 4

Strengthen soil and ensure water conservation measures

Action

- 4.1 Declare the existing sacred groves, ponds and mangroves as protected areas and ensure their conservation.
- 4.2 Ensure organic farming approach in all the watershed development areas and extend support including capacity building and financial assistance for soil and water conservation measures through ongoing watershed development programmes.
- 4.3 Integrate the various institutions presently involved in watershed management and introduce organic farming as a key component.
- 4.4 Adopt appropriate agronomic practices suitable to the agro-ecological conditions as well as the topographical conditions at the micro watershed level and, discourage/restrict inappropriate crops and cropping practices.



- 4.5 Kerala Agricultural University and other research institutions should develop suitable crop combinations and locally suitable technology, through participatory research with farmers.
- 4.6 Encourage landowners and part-time farmers by providing adequate financial support to utilize their lands for organic farming, if left unutilized.
- 4.7 Formulate legislative measures to rejuvenate and protect traditional water resources including fresh water lakes, *saravagas* and ensure rain water conservation, restriction of bore wells, especially in dark zones and recharging of existing bore wells, open wells and ponds, and other conservation measures so as to improve ground water table and also conserve top soil.
- 4.8 Establish testing facilities for soil, water, micronutrients and microorganisms at least at the block and introduce the system of providing Soil Health Cards.
- 4.9 Promote bio-fencing and thus help ensure soil and water conservation and, availability of green manure and green leaf manure
- 4.10 Conduct training programmes for resource persons at the Local Self Government Institution level on soil and water conservation measures
- 4.11 Avoid use of plastics in agricultural practices. Coir and other natural fibres should be encouraged to prepare shade for nurseries and flower farming.

Strategy 5

Promote a mixed farming approach for livelihood security and ecological sustainability

Action

- 5.1 Make crop-livestock (including poultry) integrated farming as part of organic farming, with women centered ownership and management in the farmer households and groups. Emphasis may be given to Kerala's traditional farming approach of integrated farming of dominantly coconut with cattle and poultry.
- 5.2 Develop Bee-keeping, fisheries, duckeries and similar enterprises as part of the mixed farming programme.
- 5.3 Promote decentralized production of livestock feed from locally available resources, but excluding spurious ingredients such as growth promoters and hormones.
- 5.4 Document and popularise traditional knowledge related to animal health care.
- 5.5 Develop linkages between organic farmers and livestock growing farmers for exchange of manure for fodder.



- 5.6 Encourage mixed cropping of indigenous trees and medicinal plants through organic farming.
- 5.7 Promote proven and successful practices developed by farmers.
- 5.8 Tax relaxation shall be given to the land holding with maximum forest and wild trees.

Strategy 6

Conserve and improve agro-biodiversity and undomesticated biodiversity

Action

- 6.1 Document agro-biodiversity and related traditional knowledge and practice, both cultivated and un-cultivated, in each Panchayat.
- 6.2 Encouragement in the form of financial support may be given for the establishment of model agro-biodiversity conservation farms.
- 6.3 Develop programmes for farmers to collect, purify and multiply traditional seeds.
- 6.4 Encourage protection of traditional agricultural systems such as *Kaipad*, *Pokkali* and *Kole* and *Kuttanad* as "agricultural heritage of Kerala"
- 6.5 Promote indigenous rice varieties such as *navara*, *jeerakassala* and *ganthakassala* and also other traditional indigenous varieties of crops.

Strategy 7

Launch a state-wide intensive campaign on organic farming in the form of a popular movement: "Jaiva Kerala"

Action

- 7.1 Organise Organic Mela's in all districts.
- 7.2 Begin state-wide awareness programmes for the promotion of organic farming focusing on the advantages of organic produce and harmful effects of chemical-based farming.
- 7.3 Produce handouts, publications of case-studies and best practices, video films, posters and other awareness materials to reach out to all sections, especially women.
- 7.4 Organize workshops, seminars and exchange programmes for consumers, teachers, traders, farmers, government and semi-government officials in the related area.
- 7.5 Ensure the strict enforcement of the provisions of the Food Adulteration Act, 1954, and rules 1955, and bring suitable legislations to notify and enable Agriculture Officers, Veterinary Doctors and similar professionals as Inspectors under the Act and also establish quality and adulteration testing facilities at district level.



- 7.6 Encourage setting up of organic kitchen gardens, organic orchards in urban and rural households.

Strategy 8

Ensure availability of quality organic manure to the farmers

Action

- 8.1 Encourage, with adequate support, the availability of biomass in the organic farm itself, through programmes such as crop rotation, tree crops, cover crops, leguminous crops, green manure and green leaf manure.
- 8.2 Provide support for cow, buffalo, duck, fish, poultry and goat, preferably traditional breeds, to organic farmers/groups to ensure integrated farming and the availability of farmyard manure and urine.
- 8.3 Required changes in the existing Cattle Breeding Policy may be made to ensure availability of indigenous varieties of cow and buffalo to the organic farmers.
- 8.4 Encourage the production of various types of compost in the farm itself, including vermi-composting and biogas slurry.
- 8.5 Formulate special programmes for increasing the biomass and organic manures, especially in rain-fed cultivation areas where soil depletion is high, so as to drought proof the farm.
- 8.6 Encourage indigenous species of earthworms and effective microorganisms in composting.
- 8.7 Establish a decentralized system to produce organic manure from biodegradable organic waste segregated at source.
- 8.8 Ensure the quality of the organic manure and establish a centralized testing laboratory to monitor the same.
- 8.9 Discourage burning of all organic materials in the field, which could be utilized as manure.
- 8.10 Under the leadership of the "Padasekhara Samithi" and other farmer groups draw the benefits of the provisions of the National Rural Employment Guarantee Programme to ensure production of green leaves and extraction of silt from the rural ponds, tanks, reservoirs, streams and rivulets for augmenting the fertility of the farm lands.



Strategy 9

Ensure farm inputs for organic farming

Action

- 9.1 Implement programmes for the production of seeds, seedlings and other planting materials, manure, plant protection materials at the farm with the help of agriculture department, Agricultural university, at local level.
- 9.2 Encourage Farmers Associations/Clubs/Cooperatives/Companies of farmers, SHG's/Youth groups at the local level to produce need based farm inputs.
- 9.3 Link organic municipal solid waste segregated at source, especially from markets, hostels, densely populated areas and other institutions including night soils to farms through such means as simple and cost-effective decentralised composting, biogasification and vermi-composting and thus ensure organic matter recycling. Organic waste treatment plant should be made compulsory for the flats.
- 9.4 Conduct training programmes for local resource persons for producing good quality input, quality testing and for such related aspects at the Local Self Government Institution level.
- 9.5 Formulate legislative measures to empower the Local Self Government Institutions, reputed NGO's for ensuring quality of inputs, including necessary rules, guidelines, standards, monitoring and testing procedures and establishment of laboratories.
- 9.6 Establish special financial assistance schemes, and/or link existing support schemes to groups to start production facilities for farm inputs.
- 9.7 Develop local linkages for low cost input materials to farmers and ensure markets for good quality input materials at reasonable price
- 9.8 Steps may be taken to formulate the organic farming packages developed by the Agricultural University in collaboration with organic farmers. Priority may be given for crops like banana, ginger, pine apple, vegetables, pepper, cardamom, paddy etc.
- 9.9 Prepare a database on the organic content of the soil in different zones of Kerala.
- 9.10 Ensure the quality of fruits and vegetables coming from other states.

Strategy 10

Capacity Building for farmers, implementing officers, agencies, and local self-government members

Action

- 10.1 Conduct orientation, training and exposure visit programmes.



- 10.2 Group of 10-20 unemployed youth in each Panchayat (50% women) in the model of kudumbaree would be designated as "Karahaka Sevakar", trained in all facets of organic farm management supported through Local Self Government Institution programmes to assist farmers in organic farming.
- 10.3 Develop the existing Agro-clinics of the Department of Agriculture into Organic Farming Resource Centres and the staff should be given training on organic farming.
- 10.4 Create awareness on organic farming practices among the agriculture officers in the Agriculture Department.

Strategy 11

Develop Model Sustainable Organic Farms in the State

Action

- 11.1 Every Local Self Government Institution would develop model organic farms in select farmers' fields.
- 11.2 Research Stations in each agro-ecological zones under the KAU and other agricultural institutions should be converted to organic management systems, and thus become a field study centre for students, farmers and peoples' representatives.
- 11.3 Such farming areas could be made as part of the responsible tourism programme.

Strategy 12

Ensure and improve the health and wellbeing of the tribal through special tribal agriculture programmes.

Action

- 12.1 Ensure adequate nutritional food availability for tribals, whose traditional agriculture has been degraded.
- 12.2 Develop specific programmes for the rejuvenation of their traditional agriculture and knowledge protection.
- 12.3 Ensure sustainable collection of minor forest produce and facilitate the fair marketing of these produce through organic outlets.
- 12.4 Formulate specific schemes to provide tribal children with their traditional food at least once in a day.
- 12.5 Develop village (*oarsa*) level seed banks of their traditional crops and medicinal plants.
- 12.6 Integrate watershed programmes, NREG etc in the rejuvenation of tribal agriculture.



Strategy 13

Establish Producer Companies promoted by organic farmers

Action

- 13.1 Facilitate establishment of Organic Farmer Producer Companies or similar concerns as an organic farmers promoted enterprise with share investment by the organic farmers and the LSGs

Strategy 14

Establish storage and transportation facilities

Action

- 14.1 Establish separate and decentralized storage facilities for organic farm produce to ensure its organic integrity and help farmers in certification processes.
- 14.2 Provide separate local transportation facilities for organic produce to nearby domestic markets.

Strategy 15

Promote farm level processing, value addition and encourage the use of organic farm produce in food industry

Action

- 15.1 Encourage farm processing by farmers groups, SHGs and Farmer Producer Companies for value addition.
- 15.2 Ensure value addition does not compromise organic produce quality by facilitating testing and evaluation of processes with help from KAU and other research institutions.
- 15.3 Encourage organic food-based industry in Kerala to procure and use organic produce in their products.
- 15.4 Set up food industries at manageable decentralised levels in the State with special incentive packages.

Strategy 16

Develop diverse channels for marketing of organic produce

Action

- 16.1 Set up separate markets/facilities for organic produce certified by the PGS process through the existing channels of marketing of Agriculture products such as the Milma, Supplyco, Horti-corp, Haritha and People's Market.



- 16.2 Encourage direct marketing/linkages by farmers groups with end user institutions such as schools, hostels, hotels, hospitals, Ayurveda centres, SHG's making food products and food-based industries in the State.
- 16.3 Encourage institutions such as schools, hostels, hospitals and government institutions to procure local organic produce following rules and specific guidelines.
- 16.4 Disallow large private retail corporations through suitable legislations.
- 16.5 Encourage existing vegetable, fruits and grocery vendors to promote organic products
- 16.6 Facilitate the establishment of organic farm produce outlets in all the districts, with the help of Governmental and Non governmental organizations.
- 16.7 Ensure that the tourism industry, through the Responsible Tourism Initiative, source organic produce from local producers as much as possible for their hotels and resorts.

Strategy 17

Develop a simple certification process in the State for all organic farmers

Action

- 17.1 Encourage through specific scheme the implementation of an internal control system for organic farmer group.
- 17.2 Encourage the Participatory Guarantee System of Certification for small and marginal farmers to supply to the domestic market.
- 17.3 NGOs accredited by the PGS Council of India shall be authorised to help implement and monitor the PGS system in the State
- 17.4 The State will develop an Organic Kerala Certification and a logo and, "Jaiva Keralam" shall be developed as a brand. Since each country is following different norms, crops aimed at export may go for third party certification.
- 17.5 Fix local standards for quality testing and certification.
- 17.6 Ensure that every organic farmer who is doing organic farming for three years is given the certificate free of cost.
- 17.7 Include organic livestock rearing, (Animal husbandry) in the certification system



Strategy 18

Provide financial incentives for promoting organic farming

Action

- 18.1 Provide interest-free loans to organic farmers, especially small and marginal farmers. Credits linked to banks shall be subsidized through Central/State Governments.
- 18.2 Set in place production linked incentive system supports.
- 18.3 Promote revolving funds system.
- 18.4 Provide assistance during conversion period; two years for annual crops and three years for perennials.
- 18.5 Introduce a State led insurance scheme for small and marginal organic farmers
- 18.6 Introduce pension for organic farmers.

Strategy 19

Encourage the use of renewable energy sources

Action

- 19.1 Assistance in terms of expertise and finances should be given for use of biogas plants, solar energy and wind energy units wherever feasible to reduce dependence on external energy sources.
- 19.2 Develop appropriate small farm machinery for reducing energy, cost and drudgery

Strategy 20

Introduce organic farming in education institutions

Action

- 20.1 Introduce organic farming in educational institutions, prisons and juvenile homes, through academic inputs. A specific campaign shall be started among students to ensure that they take organically grown food.
- 20.2 Set up a system in all schools in Kerala to have organic vegetable and fruit gardens as well as paddy, in potential regions, as part of inculcating among the children the love for organic farming and biodiversity conservation and, perpetuation in their households. Necessary support schemes may be formulated and implemented through the Local Self Government Institutions.
- 20.3 Encourage schools to have seed banks and seed farms in the premises, wherever feasible, to produce and supply good quality seeds for the use in their nearby regions.



- 20.4 Promote children-farmer interfaces in each school, which shall include visits to organic farms.
- 20.5 Encourage schools to link with organic farmers for supply of rice, vegetables, fruits, pulses, milk, egg and honey as part of the noon-meal and nutritional supplement programmes. The ICDS can also be encouraged to supply organic food processed and prepared through SHG's for the Anganwadis.
- 20.6 Provide suitable incentives to baby food industries that use organic inputs and processes.
- 20.7 Develop a curriculum for school students on organic farming.
- 20.8 Publicity through the Farm Information Bureau.

Strategy 21

Reorient Research, Education and Extension

Action

- 21.1 The KAU would set up a special multi-institutional special task force to re-orient the Research, Education and Extension systems to support the Organic Farming Policy and the transition of the State's agriculture to organic farming.
- 21.2 The KAU shall develop package of practices and model demonstration farms for organic farming in different agro-ecological zones.
- 21.3 Introduce as part of the course curriculum, both at under and post graduate levels, interactions with leading organic farmers, groups and NGO's promoting organic farming in the state.
- 21.4 Develop participatory research programmes with organic farmers on all aspects of organic farming, ensuring a monthly remuneration for the farmers of the participatory research programme.
- 21.5 Research and inventories so as to recognize and document existing practices of organic farmers.
- 21.6 Identify and screen native livestock/fish breeds which are locally adaptable and resistant to parasites and diseases.
- 21.7 Develop herbal remedies for control of diseases and pests of livestock/ crops/ fish.
- 21.8 To institutionalise the above, an Organic Farming Research Institute (OFRI) may be set up.



Strategy 22

Phase out Chemical Pesticides and Fertilizers from the farming sector

Action

- 22.1 Ensure phased restriction/ban of sale and use of chemical agricultural inputs such as fertilizers, pesticides, fungicides and weedicides parallel to the implementation of the organic farming policy in the region.
- 22.2 Through necessary legislation stop the sale and use of the highly toxic Class-1a and 1b pesticides as a preliminary step.
- 22.3 Declare and maintain ecologically sensitive areas with rich biodiversity and natural resource base (e.g. water bodies), as Chemical Pesticide and Fertilizer-Free Zones.
- 22.4 Regulate the sale and use of pesticide through necessary legislations, enforcing a prescription based system ensuring that pesticides are sold only on a case-to-case basis after obtaining prescription from the Agriculture Officer.
- 22.5 Strictly prohibit the sale of pesticides to children, pregnant women and non-farmers
- 22.6 Generate a database on the non-agricultural use of pesticides (e.g.: household, storage, food processing, construction) and regulate its sale and use.
- 22.7 Review and regulate promotional activities and advertisements of pesticides as per the FAO Code of Conduct and Guidelines for Pesticide Use.
- 22.8 Conduct periodical analysis of water, soil, milk and crops at the district level where pesticides continue to be used and the data made public.
- 22.9 Precautionary measures should be taken before using exotic organisms for biocontrol programmes.

Strategy 23

Integrate the programmes and activities of various departments, local self-governments and organizations

Action

- 23.1 Integrate the various government departments, institutions, civil societies, and their schemes in a harmonious manner duly considering organic farming principles and local situations. These include government departments such as Agriculture, Animal Husbandry, Forest, Fisheries, Local Bodies, Finance, Revenue, Industries, Tribal, Khadi and Village Industries; Financial Institutions, State Corporation Department; institutions, such as Kerala Agriculture University, ICAR institutions in the state; Commodity Boards for Spices, Coffee, Tea, Coconut and Rubber; APEDA, MILMA



and other milk marketing societies; Farmers' Organisations and Societies, Self Help Groups; Organic Farming Associations and, NGOs promoting organic farming

Strategy 24

Organizational set-up for promotion of organic farming

Action

- 24.1 Set up an Organic Kerala Mission to implement the organic farming policy, strategy and action plan and ensure their success. Since the coordination of the various departments is vital for the same, a General Council to be chaired by the Honourable Chief Minister and, since the policy has to be implemented by the Agricultural Department, an Executive Committee to be chaired by the Honourable Minister for Agriculture will supervise and guide the functioning of Organic Kerala Mission.

General Council:

Honourable Chief Minister	-	Chairman
Honourable Minister for Agriculture	-	Vice Chairman
Honourable Minister for Fisheries	-	Member
Honourable Minister for Animal Husbandry	-	Member
Honourable Minister for Local Self Government	-	Member
Honourable Minister for Finance	-	Member
Agriculture Development Commissioner	-	Member
Secretary, Agriculture Department	-	Convener
Presidents of District Organic Farming Societies	-	14 Members
Representative of the Kerala Agricultural University	-	1 "
Representative of the Agricultural Department	-	2 "
Representatives of research institutions	-	3 "
Representatives of line departments	-	6 "
(Fisheries, Animal husbandry, Local Self Government, Finance, Forest and Directorate of Indigenous Medicine)		
Plantation Corporation - Managing Director	-	"
Spices Board - Chairman	-	"
Tea Board - Chairman	-	"
Coffee Board - Chairman	-	"



Rubber Board – Chairman	-	“
Coconut Development Board – Chairman	-	“
Kerala State Agricultural Prices Board – Chairman	-	“
Representatives of NGOs working in the field of agriculture (to be nominated by the Govt.)		
Kerala State Biodiversity Board – Chairman	-	“
Additional Director, Soil Survey, Conservation Department	-	“
Chief Engineer, Irrigation Department	-	“
Director, State Horticulture Mission	-	“
C.E.O., Vegetable and Fruit Promotion Council	-	“
Representative of the Planning Board	- 1	“

Executive Committee:

Hon. Minister for Agriculture	-	Chairman
Secretary, Department of Agriculture	-	Member
Secretary, Department of Animal Husbandry	-	Member
Secretary, Department of Fisheries	-	Member
Secretary, Department of Local Self Government	-	Member
Chairman, Kerala State Biodiversity Board	-	Member
Director, Department of Agriculture	-	Convener
Representatives of Kerala Agriculture University	-	Member
Director, Animal Husbandry	-	Member
Director, Fisheries	-	Member
Director, Department of Ayurveda, Traditional Medicines	-	Member
Representative, Kerala State Planning Board	-	Member
Representative of organic farmers	-	2 Members
Representative of NGOs working in the field of organic farming	-	2 Members



Guidelines for Eco-restoration of Urban and Rural Ponds

Introduction

Kerala State Biodiversity Board is actively involved in the process of conservation of Biodiversity of the state so as to “*To ensure clean air, clean water, healthy soil and safe food to mankind*” sustainably. One of the major activities of the Board is Urban Biodiversity Conservation Programme targeted at promoting the conservation of urban/rural natural ecosystem, ponds and other water bodies, and bringing eco friendly approaches for planned green development in urban and rural areas through BMCs of Corporation/Municipalities/Panchayat and Resident’s Associations. The Guidelines developed by Kerala State Biodiversity Board have the objective to assist in setting up a mechanism for funding assistance for eco restoration of urban / rural ponds. Guidelines also include specific actions that LSG/ resident associations might draw upon in designing locally applicable practices to ensure that green space is maintained.

Aim of the Programme

- Conservation of urban/ rural ponds so as to prevent their further degradation and ensure their wise use for the benefit of local communities for recreational purposes. The Water bodies will function as spaces for development of open space greenery which provide for a range of micro natural habitats for flora and fauna.

Objectives

KSBB shall seek to promote:

1. Conservation and rejuvenation of degraded ponds for recharging aquifers of the state
2. Control of pollution of small water bodies and uncontrolled discharge of waste water, and solid effluents to ponds
3. Conservation of aquatic flora and fauna
4. Development of the surrounding areas with suitable flowering plants/medicinal plants/shrubs/ climbers
5. Enhancing natural beauty and providing a green space for enriching the spiritual, aesthetic and social life of dwellers



Process for identification of urban / rural ponds

Applications invited through advertisement in the website or through press

Eligibility for the scheme:

- Any pond which needs restoration which is located in a public domain.
- The representatives of the Residents Association/ Peoples representatives/NGO/ Organizations/Institutions can submit formal request in the format attached.

Priority pond selection criteria

- 1) Highly degraded and cannot be used because of domestic and other pollution
- 2) The pond was an important source of drinking water/ domestic use but is no longer usable due to pollution and not meeting the desired water quality
- 3) The pond was rich in biodiversity but now degraded
- 4) Inappropriate land use leading to heavy soil erosion and deposition of sediments / solid wastes resulting in eutrophication
- 5) There is demand from the local stakeholders for its protection

Scrutiny of proposals and approvals

- Site inspection visit by experts and board officials.
- Based on the genuinity and merit of the proposals, selection is made by a committee consisting of the Chairman, Member Secretary, Principal Scientific Officer and Technical Experts.
- A formal discussion with the officials of the residents association & Peoples representatives to understand their commitment and capability to undertake the work.
- Preparation of the estimate after consultation with experts followed by the official approval by the Board.



- Technical advice will be provided by the KSBB
- Monitoring of the Project by BMC of the LSG.

Quantum of assistance

The assistance will be limited to a maximum one time grant of Rs 3 Lakhs/ per pond

Agreement:

- An agreement on a stamp paper with the Member Secretary, Kerala State Biodiversity Board, as the “first party” and the Secretary/President of the respective Residents Association/NGO/ Institutions as the second party is to be signed on approval of the project.

Disbursement of funds:

- Funds will be disbursed on signing of the agreement on stamp paper.
- The second party shall have a bank account opened (if not) in its name as soon as this agreement is signed and shall provide its Bank account number to the first party.
- Out of the total sanctioned budget of the project, 80% will be released immediately to the respective Residents Association/Institutions/NGO.
- 10% of the project cost may be earmarked for periodical maintenance.

Execution of work:

- The implementation of the project is the sole responsibility of the Residents Association/ Peoples representatives/ N G O / Organizations/ Institutions with technical advice from the KSBB.
- Conservation of ponds, maintenance of cleanliness, conservation of flora and fauna of the area etc should be carried out by the concerned party.
- Display boards describing the conservation slogan must be placed in vicinity as prescribed by the KSBB.



Admissible Methodology of restoration work:

a) Water management and pollution control

- Cleaning of the pond – Removal of plastic and other waste materials, draining out the polluted water, removal of clay and other weeds.
- Solid waste management can be considered as per the availability of space and resources.

b) Biodiversity conservation

- Water Plants – Based on the ecological conditions of the pond, controlled growth of different coloured Nymphaea and Nelumbium species can be promoted either in pots or in mud bottom.
- Fish Fingerlings – Based on the ecological conditions of the pond, fingerlings of suitable native fishes can be introduced. Exotic fishes are highly restricted.
- Medicinal Plants – If suitable land area is available, medicinal plants like Asoka, Neem, Tulsi, Adhatoda, *Vitex negundo* can be planted in the bank and surrounding area.
- Biodiversity enrichment in the area must be emphasized by introducing frogs, native fishes, plants etc.
- Beautification – Flowering plants to provide colour either in pots or on land can be planted according to the land availability.
- Sustainable residency - Sustainability models for wind, solar and biogas plants can be implemented according to the availability of space and resources.

Protection measures

- Biofencing is recommended in the banks especially with Vetiver, Pandanus and other riparian vegetation.
- Biocontrol – Invasive species can be controlled by biocontrol agents.
- Water weeds can be controlled using herbivorous fishes.



Accounting procedure

- The project has to be completed within the stipulated period of 45 days, failing which the whole amount with the penal interest has to be refunded to KSBB and the sole responsibility is vested with the President/Secretary of the respective Residents Association.
- On completion of the project, the expert committee will evaluate the project and issue the completion certificate.
- The President/Secretary of the respective Residents Association/ Peoples representatives/NGO/ Organizations/Institutions has to submit the completion certificate together with the audited Statement of Expenditure and Utilisation certificate to the KSBB, so as to release the balance amount and to settle the account.

Monitoring and evaluation of works:

- The maintenance and periodical cleaning of the pond can be entrusted to the Residents Association/ Biodiversity Club/ Eco club/ National Green Corps of the nearby College/Schools.
- Monitoring of the Project will be done by BMC of the LSG.

Expected measureable outcomes from the funded projects:

- Increased green space/ aquatic habitat
- Reduced damage from flooding during monsoon
- Increase water absorption through percolation
- Reduced water pollution
- Reduction in public health risks caused by polluted water
- Increased knowledge or awareness about water management

**FORMAT FOR SUBMITTING PROPOSAL FOR ECORESTORATION OF URBAN/
RURAL PONDS**

1.	Name of the Pond	
2.	Location of Pond indicating district	
3.	Legal status:	
4.	Geographical coordinates	
	Area (in hectares)	
	Water spread area	
	Surrounding area	
	Total area	
5.	Nodal agency with full Address, phone	
6.	Topography	
	Ecological features	
	Threats	
	Biodiversity	
7.	Benefits to residents	
8.	Management interventions already undertaken	
9.	Management interventions sought	
10.	Any other relevant information	
11.	Total project cost (Rs. in lakhs)	
12.	Financial assistance required for Current Financial Year (Rs. in lakhs)	
13.	Expected outcomes:	

Date

Seal

Signature
President/Secretary



**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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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/vaids/food 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	Villages 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.



Annexure 1

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**



Annexure 2

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



Annexure 4

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



Annexure 5

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



Annexure 6

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



Annexure 7

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



Annexure 8

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:



Annexure 9

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



Annexure 10

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



Annexure 11

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



Annexure 12

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)



Annexure 13

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.



Annexure 14

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



Annexure 15

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)



Annexure 17

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			



Annexure 18

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



Annexure 19

Journal Register

Name of BMC _____

Register Page No. _____ Financial Year _____

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



BIODIVERSITY CLUB MANUAL



KERALA STATE BIODIVERSITY BOARD

L-14, Jai Nagar, Medical College P.O Thiruvananthapuram-695011

Phone: 0471-2553135 Fax-0471-2448234

www.keralabiodiversity.org

keralabiodiversity@gmail.com





BIODIVERSITY CLUB

MANUAL



KERALA STATE BIODIVERSITY BOARD

L-14, Jai Nagar, Medical College (P.O),

Thiruvananthapuram – 695 011

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Biodiversity Club Manual

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Member Secretary

Kerala State Biodiversity Board

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Foreword

The major constraint to Biodiversity conservation has been identified globally as the lack of public awareness on the importance of biodiversity. Communication, Education and Public Awareness (CEPA) programmes of Government is an important instrument for addressing this problem. Enlisting the help of the younger generation for biodiversity conservation, is a major step in this direction. Conservation messages conveyed to a student are passed on to family members and subsequently to the wider community. Taking into consideration the key role that youngsters have in protecting nature and natural resources Biodiversity clubs have been established by KSBB in educational institutions in Kerala. The Biodiversity club manual provides guidelines on developing activities and projects to enhance the knowledge of the environment and its conservation among the students and youth. Activities suggested includes Nature camps, Tree Plantation campaigns, clean-up campaigns, awareness campaigns in the locality, recycling and re-use of waste materials, and various competitions such as essay, poetry writing quiz programme etc. The activities listed are aimed at bringing about changes in the attitude and behavior of youth and local people through various awareness programs, so that they become catalysts for a positive change. We sincerely hope that this initiative will encourage the youth, as the future crusaders for biodiversity conservation, to participate in building a future with clean air, clean water and safe food.

Dr. K.P. Laladhas
Member Secretary, KSBB

Dr. Oommen V. Oommen
Chairman, KSBB





BIODIVERSITY CLUB MANUAL

Introduction

The main objectives of establishment of Biodiversity clubs is to educate students about their immediate environment and impart knowledge about the ecosystems, and to connect the younger generation with the native biodiversity and encourage them to act in a proactive manner to deal with local ecological issues. A group of students committed to the cause of protecting the environment and conserving biodiversity can become members of Biodiversity clubs. They can generate interesting and exciting activities around the topic “our environment” and this manual provides some guidance for developing projects.

Objectives of Club

- To raise awareness about biodiversity and its importance for sustainable development.
- To study the native biodiversity of the school/college and surrounding community.
- To identify key aspects of local habitats and the local ecosystem that promotes biodiversity.
- To improve the biodiversity found on school/college grounds.
- To provide information regarding the benefits of a biologically diverse ecosystem to students, families, and the community.



Biodiversity club manual

Formation of Biodiversity club

Since the club is a school/college related activity, any teacher who is concerned about the environment can take the lead in forming a Club. It could be a science teacher, social studies teacher, language teacher or arts teacher. Preferably two teachers can be involved in the activities to provide guidance - a teacher in-charge and a supporting teacher. The office bearers shall be student representatives who will function as:

Programme Coordinator: He/she calls the meetings; liaison with the teachers, school/college administration, etc., on behalf of the Club; takes a leadership role in organizing events and in planning projects.

Secretary: Keeps the minutes of the meetings; sends copies of the minutes to concerned persons, maintains the record of attendance of members; prepares the report of activities at the end of every school/college term and at the end of the year.

Treasurer: He/she collects and manages all the money of the Club; keeps accounts of the funds received, spent, etc and is in charge of the materials, books, charts, etc., of the Club.

Members of Biodiversity Club

The club can have about 25-35 members and shall have a minimum of two meetings in each term. The club can take up awareness programmes, environmental campaigns or projects. Some of the suggested activities which can be taken up by Biodiversity club according to interests are listed below.



Suggested activities

1. Awareness Programmes

- a. Awareness programmes to encourage the students and local community to keep their surroundings green and clean by undertaking planting of saplings.
- b. Awareness generation of nutritional benefits of local seasonal fruits and vegetables.
- c. Awareness programmes of importance of Agrodiversity for food and nutritional security.
- d. Awareness programmes to sensitize the students and local community to minimize the use of plastic bags.
- e. Awareness programmes for conservation of water by minimizing the use of water and recycling waste water for gardening.
- f. Awareness programmes to motivate students and locals to promote sustainable development with minimum waste generation, source separation of waste and disposing the waste to the nearest storage point, re-use of waste material & preparation of products out of waste.

2. Campaigns which can be taken up by Biodiversity Club

- i. Tree Plantation drive.
- ii. Anti Plastic bags.
- iii. Zero Garbage concept in school/college.
- iv. Water Conservation and Energy Conservation.
- v. Message on commemorative days as Environment day and Biodiversity day.
- vi. Action oriented programmes like paper recycling, vermicomposting, rain water harvesting, vegetable cultivation, waste management etc.



Biodiversity club manual

- vii. Campaigns for conservation of water body in the adjacent area.
- viii. Organize rallies, marches, human chains and street theatre at public places with a view to spread environmental awareness.
- ix. Mobilize action against environmentally unsound practices like garbage disposal in unauthorized places, unsafe disposal of hospital wastes etc.
- x. Beautify selected road side area with plants and flowers and put campaign boards to generate awareness.
- xi. Any other innovative programme on environmental issues.

3. Biodiversity Club Literary Activities

1. Essay writing competition
2. Debate
3. Extempore
4. Poster making
5. Slogan making
6. Drawing and Painting
7. Quiz Competition
8. Organize seminars, lectures and popular talks on environmental issues.

4. Biodiversity Club Projects

- a. Complete a bird count in the school/college grounds.
- b. Make birdhouses and nesting boxes on school/college grounds
- c. Grow local varieties of vegetables, tubers, flowering plants on school/college ground.
- d. Build a nature trail in school/college with signposts and information.
- e. Waste composting, using grass, fruit and vegetable scraps.



- f. Start recycling project by collecting cans, bottles, paper or cloth.
- g. Remove alien invasive plant species in streams and catchment areas.
- h. Construct water harvesting structures in school/college.
- i. Document local varieties of Mango, Jack fruit including local name, photos, local knowledge.
- j. Organize treks to surrounding biodiversity rich areas to know about the Biodiversity.
- k. Biodiversity Auditing of school/college grounds

5. Annual Nature Camps

The Biodiversity club in school/colleges can organize annual nature camps during vacations to nearby areas with help of teachers and experts in the field. The nature camp can be conducted in association with KSBB/Forest department.

Activities

- Trekking / Bird watching
- Conservation projects like planting saplings, paper recycling, vermicomposting, rain water harvesting, vegetable cultivation, documentation of native diversity of fruit trees as Mango, Jack fruit, cereals like rice, tubers etc., conservation of water bodies in the adjacent area
- Film shows/ slide shows on wildlife conservation
- Literary activities as debate, extempore, poster making, slogan making, quiz competition
- Biodiversity documentation of nearby wetlands/areas rich in Biodiversity.



Biodiversity club manual

Assessment and grading of students as part of CCE

The participation in Biodiversity clubs can be made a part of CCE evaluation of students and students can be assessed for co-scholastic areas. Some of the suggested Indicators for assessment are listed below

Sl. No	Indicators of Assessment	Grading
1	Attitude towards Biodiversity conservation	Excellent - A Good - B Satisfactory - C Only participation - D
2	Interest in environment campaigns, programmes, projects	
3	Participation in Nature camps	
4	Participation in Biodiversity club activities	
5	Participation in community activities relating to care for environment	
6	Leadership skills in organizing conservation oriented activities	
7	Social skills in working as a team	
8	Literary skills	
9	Thinking skills in generating innovative programmes	
10	Communicating skills	



BIODIVERSITY AUDIT FORMAT FOR SCHOOLS/COLLEGES

Biodiversity is the web of life. There are a variety of living things that are found within the school/college coexisting with the activities of students and teachers. These include the trees, shrubs, smaller plants and grasses, as well as birds, mammals and small invertebrates such as spiders and insects. The type of flora will influence the animals that are attracted to the school/college grounds. The audit focus is to survey the school/college grounds to assess the level of biodiversity of flora and fauna found within the school/college. The aim is to quantify the area of the school/college covered by vegetation and to assess the amount and diversity of habitats which could support a variety of species.

Biodiversity auditing can be done based on the following broad parameters

- a. Biodiversity Conservation
- b. Greening the campus
- c. Awareness Programmes and Projects undertaken
- d. Waste Management
- e. Energy Conservation
- f. Water Conservation

A. General

1. What is the total strength of students and teachers in your school/college?



Biodiversity club manual

Sl. No	Class/Courses	No. of Students	No. of Teachers
1	Primary		
2	Secondary		
3	Senior Secondary		
4	Graduation		
5	Post-Graduation		
6	Other		
	Total		

2) Which of the following are available in your school/college?

1. Garden area
2. Play ground
3. Toilets (Girls, Boys)
4. Garbage dump (number)
5. Laboratory/ Library
6. Canteen
7. Others (specify)

3) Which of the following are found near your school/college?

1. Municipal dump yard/ Garbage heap
2. Stagnant water
3. Open drainage
4. Bus / Railway station
5. Market/Shopping complex/Public halls

B. Conservation of Biodiversity Flora/Fauna

1. On a map of the school/college, draw the plants located in the school/college grounds. Note if the plant is a tree, shrub or ground cover.
2. Note the approximate height of the trees? Are they healthy? If not, why?



Biodiversity club manual

3. Do they provide shade/ Are there bird nests/ or other insects
4. Are there shrubs and underground/
5. Tally the number of shrubs and ground covers (Record if they are native, bird/ butterfly attracting (with flowers).

Format for recording flora of the campus

Common Name	Scientific name	Herb/ Shrub/Tree	Tally	Habitat for birds/insects

Fauna

6. List the animals (wild and domestic) found on the campus (dogs, cats, squirrels, birds, insects, etc.)
7. Are you aware of existing Environmental Laws?
8. Does your school/college have any rules to protect the greenery?
9. List possible rules you could include.



Biodiversity club manual

C. Programme/Projects/Awareness programme conducted

1. How many Awareness programmes were conducted during the year, Give Details?
2. How many Biodiversity campaigns were taken up Give Details?
3. How many projects were initiated? Give Details?
4. List key challenges faced while implementing the project/programme/initiative and how they were overcome: Give Details?
5. Details of nature camps conducted.

D. Greening the Campus

1. Is there a garden/ lawn in your school/college?
2. Do students spend time in the garden?
3. How many saplings were planted this year?
4. How do you rate the greenery of the campus?

E. Waste Management

1. Does your school/college generate any waste? If so, what are they?
2. What is the approximate amount of waste generated per day? Biodegradable and Non biodegradable (in Kilograms) (approx.).
3. How is the waste generated in the school/college managed?
 - a. Composting.
 - b. Recycling.
 - c. Reusing.
4. Are there separate boxes for biodegradable and non biodegradable? What are the colour codes used.



Biodiversity club manual

5. Do students use books made of recycled paper in school/college?
6. Can you achieve zero garbage in your school/college? How?

F. Energy Conservation

1. List the ways that you use energy in your school/college (Electricity, LPG, others). Using this list, try to think of ways that you could use less energy every day.
2. Are there any energy saving methods employed in your school/college? If yes, please specify.
3. What are the ways by which students come to school/college: Personal/ school/college bus/ Cycle.
4. How much money does your school/college spend on energy such as electricity, gas, etc. in a month. Record energy consumption month wise.
5. Has CFL bulbs been installed in your school/college?
6. Are any alternative energy sources employed / installed in your school/college? Specify.
7. Are your computers/ Smart board and other equipments put on power- saving mode?

G. Water Conservation

1. List uses of water in your school/college.
2. How does your school/college store water? Are there any water saving techniques followed?
3. If there is water wastage, specify why?
4. How can the wastage be prevented / stopped?
5. Where does your water come from? (Source)
6. Where does the waste water go?



Biodiversity club manual

7. Write down ways that could reduce the amount of water used in your school/college and how waste water can be reused
8. Record water use from the school/college water meter for six months (record at the same time of each day). Compile a table to show how many litres of water have been used.
9. Does your school/college harvest rain water?

H. How do you rate your school/college?

- a. Conservation of Biodiversity (Flora and Fauna)
- b. Programmes/Projects/Awareness programmes conducted
- c. Greening the campus
- d. Waste management
- e. Energy conservation
- f. Water conservation

"Biodiversity is out there in nature, everywhere you look, an enormous cornucopia of wild and cultivated species, diverse in form and function, with beauty and usefulness beyond the wildest imagination. But first we have to find these plants and animals and describe them before we can hope to understand what each of them means in the great biological—and human—scheme of things".

Hugh H. Iltis, Botanist



KERALA STATE BIODIVERSITY BOARD

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Administrative matters





रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D.L.-33004/99



समय नवनी

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii).
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पर्यावरण एवं वन मंत्रालय

अधिसूचना

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 2708(अ).—केंद्रीय सरकार, जैव विविधता अधिनियम, 2002 (2003 का 18) की धारा 61 के खंड (क) द्वारा उद्देश्य शक्तियों का प्रयोग करते हुए नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट अधिकारियों को इस शर्त के अधीन उक्त स्तम्भ (3) की तत्त्वानी प्रविष्टि में प्रत्येक के सम्बंध में विनिर्दिष्ट अधिकारिता क्षेत्रों के भीतर उक्त अधिनियम के अधीन दंडनीय अपराधों के सम्बंध में शिकायत फाइल करने के लिए प्राधिकृत करता है कि केंद्रीय सरकार ऐसे प्राधिकार का प्रतिस्ठान कर सके या उक्त धारा के अधीन शक्तियों का स्वयं प्रयोग कर सके, यदि उसकी राय में ऐसी कार्रवाई करना लोकहित में आवश्यक है, अर्थात् :-

सारणी

क्र. सं.	जैव विविधता अधिनियम, 2002 की धारा 61 (क) के अधीन शिकायत फाइल करने के लिए प्राधिकृत अधिकारी	अधिकारिता क्षेत्र
(1)	(2)	(3)
1.	राष्ट्रीय जैव विविधता प्राधिकरण के अधिकारी, जो वैज्ञानिक 'ग' के रैंक से नीचे न हो	सम्पूर्ण भारत
2.	राज्य जैव विविधता प्राधिकरण के अधिकारी जो वैज्ञानिक 'ग' रैंक से नीचे न हो	सम्पूर्ण सम्बंधित राज्य
3.	पर्यावरण और वन मंत्रालय, भारत सरकार के क्षेत्रीय कार्यालयों के अधिकारी जो वैज्ञानिक 'ग' रैंक से नीचे न हो	सम्बंधित क्षेत्रीय कार्यालयों की क्षेत्राधिकारिता के अधीन सम्पूर्ण राज्य

[फा. सं. 28-14/2008-सीएस-III (एनबीए)]

ए. के. गोयल, संयुक्त सचिव



MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 17th November, 2008

S.O. 2708(E).—In exercise of the powers conferred by clause (a) of Section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby authorises the officers specified in column (2) of the Table below, to file complaints with regard to offences punishable under the said Act, within the areas of jurisdiction specified against each in the corresponding entry in column (3) of the Table aforesaid, subject to the condition that the Central Government may revoke such authorisation or may itself exercise the powers under the said section, if in its opinion such a course of action is necessary in the public interest, namely :—

TABLE

Sl. No.	Officers authorised to file complaints under Section 61(a) of the Biological Diversity Act, 2002	Area of Jurisdiction
(1)	(2)	(3)
1.	Officers of the National Biodiversity Authority, not below the rank of Scientist 'C'	Whole of India
2.	Officers of the State Biodiversity Boards, not below the rank of Scientist 'C'	Whole of the concerned State
3.	Officers of the Regional Offices of the Ministry of Environment and Forests, Government of India, not below the rank of Scientist 'C'.	Whole of the States under the jurisdiction of the respective Regional Offices.

[F.No. 28-14/2008-CS-III (NBA)]

A. K. GOYAL, Jt. Secy.



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पर्यावरण एवं वन मंत्रालय
अधिसूचना

नई दिल्ली, 7 जनवरी, 2009

का.आ. 120(अ).—जैव-विविधता अधिनियम, 2002 (2003 का 18) को धारा 61 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा दिनांक 17 नवम्बर, 2008 की अधिसूचना संख्या का.आ. 2708 (अ) में आगे निम्नलिखित संशोधन करती है, नामतः :-

उपर्युक्त अधिसूचना में :-

तालिका में क्रम सं. 3, क्रम सं. 4 और उनके कॉलम सं. 2 और 3 में की गई अनुसूची-प्रविष्टियों के बाद निम्नलिखित को अन्तः स्थापित किया जाएगा, नामतः :-

क्रम सं.	जैव विविधता अधिनियम, 2002 की धारा 61 (क) के अंतर्गत शिक्कापत्र दर्ज करने के लिए प्राधिकृत अधिकारी	अधिकार क्षेत्र
(1)	(2)	(3)
4.	वन अधिकारी जो रेंज ऑफिसर के रैंक से कम न हों	उनके अपने-अपने अधिकार क्षेत्र में

[फा. सं. 28-14/2008-सोएल-III (एन सी ए)]

ए. के. गोयल, संयुक्त सचिव

टिप्पणी : मूल अधिसूचना दिनांक 17 नवम्बर, 2008 की अधिसूचना सं. का.आ. 2708(अ) के तहत भारत के राजपत्र, असाधारण में प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 7th January, 2009

S.O. 120(E).—In exercise of the powers conferred by clause (a) of Section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby make the following further amendments in the Notification No.S.O. 2708 (E), dated 17th November, 2008 namely :-

In the said Notification :-

In the TABLE, after Sl.No. 3, Sl.No. 4 and the corresponding entries in column No. 2 & 3 thereof, shall be inserted, namely :-

Sl.No.	Officer authorised to file complaints under Section 61 (a) of the Biological Diversity Act, 2002	Area of jurisdiction
(1)	(2)	(3)
4.	Forest Officers not below the rank of Range Officers	In their respective jurisdictions

[F.No. 28-14/2008-CS-III (NBA)]

A. K. GOYAL, Jt. Secy.

Note : The Principal Notification was published in the Gazette of India, Extraordinary vide Notification No. S.O. 2708 (E), dated 17th November, 2008.

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भारत का राजपत्र

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अधिसूचना

नई दिल्ली, 10 जून, 2015

का.आ. 1633(अ).—केन्द्रीय सरकार, जैव विविधता अधिनियम, 2002 (2003 का 18) की धारा 61 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में संख्यांक का.आ. 2708 (अ) तारीख 17 नवंबर, 2008 द्वारा प्रकाशित अधिसूचना का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

क्रम सं.	जैव विविधता अधिनियम, 2002 की धारा 61(क) के अधीन परिव्राट फाइल करने के लिए प्राधिकृत अधिकारी	अधिकारिता क्षेत्र
(1)	(2)	(3)
5.	मन्नाह्वार (विधि), राष्ट्रीय जैव विविधता प्राधिकरण, चेदई	संपूर्ण भारत में।

[का.सं. 28-14/2008-पीएस-III(एनसीए)]

अनिल संत, संयुक्त सचिव

टिप्पण: मूल अधिसूचना भारत के राजपत्र, असाधारण में अधिसूचना संख्यांक का.आ. 2708(अ), तारीख 17 नवंबर, 2008 द्वारा प्रकाशित की गई थी और संख्यांक का.आ. 120(अ) तारीख 7 जनवरी, 2009 द्वारा उसमें पञ्चातवर्ती संशोधन किया गया था।



MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 10th June, 2015

S.O. 1633(E).—In exercise of the powers conferred by clause (a) of section 61 of the Biological Diversity Act, 2002 (18 of 2003), the Central Government hereby make the following further amendments in the Notification of the Government of India, Ministry of Environment, Forests & Climate Change, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 2708 (E), dated the 17th November, 2008, namely:—

In the said Notification, in the TABLE, after serial number 4 and the corresponding entries relating thereto the following, shall be inserted, namely:—

Sl.No.	Officer authorised to file complaints under Section 61(a) of the Biological Diversity Act, 2002	Area of Jurisdiction
(1)	(2)	(3)
5.	Adviser (Law), National Biodiversity Authority, Chennai	Whole of India

[F. No. 28-14/2008-CS-III(NBA)]

ANIL SANT, Jt. Secy.

Note: The Principal Notification was published in the Gazette of India, Extraordinary vide Notification number S.O. 2708(E), dated the 17th November, 2008 and subsequently amended vide S.O. number 120(E), dated the 7th January, 2009.



GOVERNMENT OF KERALA

Abstract

Environment Department-Kerala State Biodiversity Board-Kerala State Biodiversity Fund-constituted-Orders issued.

ENVIRONMENT (A) DEPARTMENT

G.O. (Ms) No. 03/12/Envr.

Dated, Thiruvananthapuram, 24.02.2012

Read: Letter No.1511/A1/11/KSBB dated 04.11.2011 from the Chairman, Kerala State Biodiversity Board

ORDER

WHEREAS as per Section 22 of the Biological Diversity Act 2002, the Government of Kerala has constituted the Kerala State Biodiversity Board by G.O.(Ms) No.1/05/STED dated 28.02.2005;

AND WHEREAS Section 31 of the said Act require that '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 sum of money as the State Government may think for being utilized for the purpose of the Act;

AND WHEREAS the state legislature has appropriated amounts for the purpose of the State Biodiversity Fund;

NOW THEREFORE the Government hereby constitute the Kerala State Biodiversity Fund under Section 32 of the Biological Diversity Act 2002.

The operation of the fund will be as per Section 32 of the Act read with Rule 15 of the Kerala Biological Diversity Rules, 2008, and the bye-laws of the Fund. The budgetary allocation under Section 31 of the Act shall be non lapsable.

The funds being received from the State Government shall be credited in Special Treasury Savings Bank Account No.15176 of District Treasury, Thiruvananthapuram and shall be accounted as per sub rule (3) of Rule 15 of the Biodiversity Rules 2008.

(By Order of the Governor)

JAMES VARGHESE
Principal Secretary to Government

To

The Chairman, Kerala State Biodiversity Board, Thiruvananthapuram
The Member Secretary, Kerala State Biodiversity Board, Thiruvananthapuram
The Secretary to Government of India, Paryavaran Bhavan, Lodhi Road,
New Delhi-15 (with covering letter)
The Member Secretary, National Biodiversity Authority, TICL Biopark-
6th Floor, Taramani Road, Taramani, Chennai-600 113
(with covering letter)



The Director, Directorate of Environment & Climate Change,
Thiruvananthapuram

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
(This issues with concurrence of Finance Department)

The Accountant General (A&E), Kerala, Thiruvananthapuram

The Public Relations Department

The Finance Department

(vide U.O.No.11574/Exp.B2/12/Fin dated 16.02.2012)

P. A. to Principal Secretary, Environment Department

Stock File/Office copy

Forwarded/By Order

Section Officer



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Constitution of Biodiversity Management Committee(BMCs) - Sanction accorded - Orders issued.

LOCAL SELF GOVERNMENT (DA) DEPARTMENT
G.O.(MS) 86/08/LSGD Dated, Thiruvananthapuram, 18.03.2008

Read: - 1) G.O.(RI) No. 1589/07/LSGD dated 5.6.2007,
2) Letter No. 92/BMC/2008 dated 2.2.2008 of Chairman, Kerala State Biodiversity Board.

ORDER

As per G.O. read as first paper above Biodiversity Management Committee has been constituted in five pilot Village Panchayats viz Vithara (Thiruvananthapuram), Kumarakam(Kottayam), Malampuzha (Palakkad), Chitradkal (Kannur) and Neeleswaram (Kasargode), under the provisions of National Biological Diversity Act - 2002.

In the letter read as second paper above the Chairman, Kerala State Biodiversity Board has requested to constitute Biodiversity Management Committee in all Village Panchayats, Municipalities and Corporations in order to assist the preparation of the People's Biodiversity Register for their respective jurisdictions.

After examining the matter in detail, Government are pleased to accord sanction for constituting a Biodiversity Management Committee in all the Village Panchayats, Municipalities and Corporations with the following structure

- | | |
|-----------------|---|
| 1) Chairperson | : President of the Panchayat/Chairperson of the Municipality/Mayor of the Corporation |
| 2) Secretary | : Agriculture Officer. |
| 3) Six nominees | : To be nominated by the Local Governments from among agriculturists, herbalists, Non-Timber Forest Products collectors / traders, fisher folk, representative of user associations, community workers, academicians and any person representative of organizations, whom the local governments consider that he/she can significantly contribute to the mandate of the Biodiversity Management Committee |



- 4) **Special Invitees** Representative of the departments of Forest & Wildlife, Animal Husbandry, Health, Fisheries, Education and Research Institutions and Local MLA and MP.

The nominees should include at least two women and one from among SC/ST communities.

BY ORDER OF THE GOVERNOR
S.M VIJAYANAND
PRINCIPAL SECRETARY

To

1. The Director of Panchayat, Thiruvananthapuram.
2. *The Commissioner for Rural Development, Thiruvananthapuram.*
3. *The Director of Urban Affairs, Thiruvananthapuram.* }
(to be communicated to concerned LSGs for immediate compliance)
4. *The Director of Animal Husbandry, Thiruvananthapuram.*
5. *Principal Chief Conservator of Forest, Thiruvananthapuram.*
6. *The Director of Health Services, Thiruvananthapuram.*
7. *The Director of Public Instructions, Thiruvananthapuram.*
8. *The Director of Fisheries, Thiruvananthapuram.*
9. *The Executive Director, IKM, Thiruvananthapuram. (For publishing in the Official Website of Local Self Government Department.)*
10. *The Director of Agriculture, Thiruvananthapuram.*
11. *Chairman, Kerala State Biodiversity Board, Pallinukku, Pettah P.O. Thiruvananthapuram.*

Forwarded/ by Order


Section Officer.

Copy to:

The Environment/Forest & Wildlife/Fisheries Health/Education/Agriculture/
Animal Husbandry Departments.
Personal Assistant to Principal Secretary/Secretary, LS&D.
Stock File/Office copy.



കേരള സർക്കാർ

സംഗ്രഹം

കേരള സംരക്ഷണ വകുപ്പ് - കേരള സ്റ്റേറ്റ് ബയോ ഡൈവേഴ്സിറ്റി ബോർഡ് - പീപ്പിൾസ് ബയോ ഡൈവേഴ്സിറ്റി റജിസ്റ്റർ തയ്യാറാക്കൽ - തുക ചെലവഴിക്കുന്നതിന് ഗ്രാമ പഞ്ചായത്തുകൾക്കും നഗരസഭകൾക്കും അനുമതി നൽകി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

അദ്ദേശ സന്ധം ഭരണ (എഫ്.എം) വകുപ്പ്

സ.ഉ.(സാധാരണ) നം. 618/2010/ത.സ.ഭ.വ.

തീയതി, തിരുവനന്തപുരം, 25.02.2010

പരാമർശം- 1) കേരള സ്റ്റേറ്റ് ബയോ ഡൈവേഴ്സിറ്റി ബോർഡ് ചെയർമാൻ സമർപ്പിച്ച 26.02.2010-ലെ

719/എ/കെ.എസ്.ബി.ബി/08 നമ്പർ അപേക്ഷ

2) 27.01.2010-ലെ സംസ്ഥാനതല കോ-ഓർഡിനേഷൻ കമ്മിറ്റിയുടെ 2.5 നമ്പർ തീരുമാനം

ഉത്തരവ്

പീപ്പിൾസ് ബയോ ഡൈവേഴ്സിറ്റി റജിസ്റ്റർ തയ്യാറാക്കുന്നതുമായി ബന്ധപ്പെട്ട പ്രവർത്തനങ്ങൾക്കായി പഞ്ചായത്തുകൾക്ക് 1.5 ലക്ഷം രൂപ ചെലവ് വരുമെന്നും ടി തുക 2010-11 വർഷത്തെ ബഡ്ജറ്റിലെ വകയിരുത്തുന്നതിനാവശ്യമായ നിടപടികൾ സ്വീകരിക്കണമെന്നും കേരള സ്റ്റേറ്റ് ബയോ ഡൈവേഴ്സിറ്റി ബോർഡ് ചെയർമാൻ പരാമർശം മറ്റ് പ്രകാരം അപേക്ഷിക്കുകയുണ്ടായി.

2. സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിച്ചു. പീപ്പിൾസ് ബയോ ഡൈവേഴ്സിറ്റി റജിസ്റ്റർ തയ്യാറാക്കുന്നതിന് 2010-11 വാർഷിക പദ്ധതിയിൽ പൊതു വിഭാഗം വീകസന ഫണ്ടിൽ നിന്നും തനത് അനൽ പർപ്പസ് ഫണ്ടിൽ നിന്നും 7,00,000/- രൂപ (എഴുപതിനായിരം രൂപ മാത്രം) വരെ ചെലവഴിക്കുന്നതിന് ഗ്രാമ പഞ്ചായത്തുകൾക്കും നഗരസഭകൾക്കും അനുമതി നൽകി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

(ഗവർണ്ണറുടെ ഉത്തരവിൻ്റെ അടിസ്ഥാനത്തിൽ)
ആർ.രാജീവ്,
അഡീഷണൽ സെക്രട്ടറി

ചെയർമാൻ, കേരള സ്റ്റേറ്റ് ബയോ ഡൈവേഴ്സിറ്റി ബോർഡ്, വള്ളിച്ചേർ, പെട്ട, തിരുവനന്തപുരം പഞ്ചായത്ത്, ഡയറക്ടർ, തിരുവനന്തപുരം, പകർപ്പ് ബന്ധപ്പെട്ട അദ്ദേശസമയംഭരണ സ്ഥാപനങ്ങൾക്ക് അയയ്ക്കുന്നു. തീരുമാനം അനുസരിച്ച് നടപടികൾ എടുക്കണമെന്നും അറിയിക്കുന്നു. പീപ്പിൾസ് ബയോ ഡൈവേഴ്സിറ്റി ബോർഡ് (ഓഡിറ്റ്), തിരുവനന്തപുരം, അക്കൗണ്ടന്റ് ജനറൽ (എ & ഇ), കേരള, തിരുവനന്തപുരം, ഡയറക്ടർ, ലോക്കൽ ഫണ്ട് ആഡിറ്റ്, തിരുവനന്തപുരം, സ്റ്റേറ്റ് പ്ലാൻ ഫോറേസ്റ്റ് ആഡിറ്റ് ഓഫീസർ, തിരുവനന്തപുരം, ഓഫീസ് കോർപ്പറേഷൻ ഓഫീസർ, തിരുവനന്തപുരം.

ഉത്തരവിൻ്റെ അടിസ്ഥാനത്തിൽ

സെക്ഷൻ ഓഫീസർ

പകർപ്പ്-
അദ്ദേശസമയംഭരണ (ഡി.എ) വകുപ്പ്, (06.02.2010-ലെ 3156/ഡി.എ/10/ത.സ.ഭ.വ. നമ്പർ ക്യാമ്പ് പ്രകാരം.)



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Constitution of Biodiversity Management Committee(BMC)-Government order modified - Orders issued

LOCAL SELF GOVERNMENT (DA) DEPARTMENT

G.O.(R)No. 2088 /2011/LSGD. Dated, Thiruvananthapuram, 05.09.2011

Read :- 1)GO(MS)No.86/08/LSGD dated 18/03/08.

2)Letter No.823/A1/2011/KSBB dated 01.08.2011 from the Member Secretary Kerala State Biodiversity Board.

ORDER

As per Government Order read as 1st paper above sanction was accorded for constituting a Biodiversity Management Committee in all the Village Panchayats, Municipalities and Corporations with the Agriculture Officer as it's Secretary.

In the letter read as 2nd paper above, the Member Secretary, Kerala State Biodiversity Board has informed that as per the Biodiversity Act 2002, the Secretary of the Biodiversity Management Committee should be the Secretary of the Panchayat and not the Agricultural Officer and requested to appoint Panchayat Secretaries as the Secretary of Biodiversity Management Committee, since the composition of the members is a statutory exercise.

Government have examined the matter in detail and are pleased to modify the composition of Biodiversity Management Committee by nominating the Secretary of Panchayat as Secretary of Biodiversity Management Committee instead of Agriculture Officer.

The Government Order read above stands modified to this extent

By Order of the Governor,

V.Sobha,

Additional Secretary

To,

The Director of Panchayat, Thiruvananthapuram.
The Commissioner of Rural Development, Thiruvananthapuram.
The Director of Urban Affairs, Thiruvananthapuram.
(to be communicated to concerned LSG's for immediate compliance).



കേരള സർക്കാർ

നം.63664/ഡിഎ1/ 2011/അബദവ തദ്ദേശസ്വയംഭരണ(ഡി.എ)വകുപ്പ്,
തിരുവനന്തപുരം, തീയതി :02.12 2011.
സർക്കുലർ

വിഷയം:- ജനകീയ ജൈവ വൈവിധ്യ രജിസ്റ്റർ നിർമ്മാണം - നടപടി
സീകരിക്കുന്നതിനു സംബന്ധിച്ച്
സൂചന :- 24.02.10 - ലെ സ.ഉ(സാധാ)163/2010/തസഭവ

പീപ്പിൾസ് ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ (പിബിആർ) തയ്യാറാക്കുന്നതിന് 2010-11 വാർഷിക പദ്ധതിയിൽ പൊതുവിഭാഗം വികസന ഫണ്ടിൽ നിന്നും തനത്/ജനറൽ പരിപ്പാസ് ഫണ്ടിൽ നിന്നും 70,000/- (എഴുപതിനായിരം) രൂപ വരെ ചെലവഴിക്കുന്നതിന് ഗ്രാമപഞ്ചായത്ത്/നഗരസഭകൾക്ക് അനുമതി നൽകി സൂചന പ്രകാരം റദ്ദ്ക്കാർ ഉത്തരവ് പുറപ്പെടുവിച്ചിരുന്നു. എന്നാൽ ഭൂരിപക്ഷം പഞ്ചായത്തുകളും പീപ്പിൾസ് ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ (പിബിആർ) നിർമ്മാണത്തിനുള്ള പദ്ധതി നിർദ്ദേശം സമർപ്പിക്കുകയുണ്ടായില്ലെന്ന് ശ്രദ്ധയിൽപ്പെടുന്നു.

മേൽ സാഹചര്യത്തിൽ സംസ്ഥാന ധനകാര്യ കമ്മീഷൻ ശുപാർശ ചെയ്ത പ്രകാരം ജനകീയ ജൈവ വൈവിധ്യ രജിസ്റ്റർ (പിബിആർ) തയ്യാറാക്കൽ ഗ്രാമപഞ്ചായത്ത്/നഗരസഭകൾക്ക് നിർബന്ധിതപ്രവർത്തനമാക്കേണ്ടതാണ്. ഇനിയും പ്രവർത്തനം ആരംഭിച്ചിട്ടില്ലാത്ത പഞ്ചായത്തുകൾ/നഗരസഭകൾ 2011-12 സംസ്ഥാനിക വർഷത്തിൽ (പിബിആർ) തയ്യാറാക്കുന്നതിനുള്ള പദ്ധതി രൂപീകരണങ്ങളെയും ഇക്കാര്യം ജില്ലാ ആസൂത്രണസമിതികൾ ഉറപ്പുവരുത്തേണ്ടതുമാണ്. പദ്ധതി രൂപീകരണത്തിനായി ചെലവഴിക്കാവുന്ന തുക സൂചന ഉത്തരവിൽ നിശ്ചയിച്ചിരുന്ന പരമാവധി 70,000/- (എഴുപതിനായിരം) രൂപയിൽ പരിമിതപ്പെടുത്തേണ്ടതാണെന്നും ഉത്തരവ് പുറപ്പെടുവിടുന്നു.

ജെയിംസ് വർഗ്ഗീസ്
ഗവൺമെന്റ് പ്രിൻസിപ്പൽ സെക്രട്ടറി

എല്ലാ ജില്ലാ ആസൂത്രണസമിതി മെമ്പർ സെക്രട്ടറീമാർക്കും

പഞ്ചായത്ത് ഡയറക്ടർ,തിരുവനന്തപുരം } എല്ലാ തദ്ദേശസ്വയംഭരണ
നഗരകാര്യഡയറക്ടർ, തിരുവനന്തപുരം } സ്ഥാപനങ്ങൾക്കും
നൽകുന്നതിനായി

ഗ്രാമവികസന കമ്മീഷൻ, തിരുവനന്തപുരം
✓എക്സിക്യൂട്ടീവ് മിഷൻ ഡയറക്ടർ ഐ ഐ. എം. തിരുവനന്തപുരം
എസ്.പി.എൻ തിരുവനന്തപുരം
പഞ്ചായത്തും തദ്ദേശസ്വയംഭരണ വകുപ്പ് കൺസ്യൂമർ അഫയേഴ്സ് സെക്രട്ടറിയുടെ
വ്യവസായവും ഐ.ടി.ടി നഗരകാര്യവും വകുപ്പ് മനുഷ്യവകുപ്പ് പ്രൈവറ്റ് മനുക്രമിയിൽ

contd....



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ഗ്രാമവികസനവും ആസൂത്രണവും വകുപ്പ് മന്ത്രിയുടെ പ്രത്യേക സെക്രട്ടറിയ്ക്ക്
പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ പിന്തുടർച്ച
സെക്രട്ടറിയുടെ പിന്തുടർച്ച

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ



കേരള സർക്കാർ

നം.57681/ഡിഎ2/12/തസ്വഭവ.

തദ്ദേശസ്വയംഭരണ(ഡി എ) വകുപ്പ്,
തിരുവനന്തപുരം, തീയതി: 16.10.12

ഗവൺമെന്റ് പ്രിൻസിപ്പൽ സെക്രട്ടറി

പണ്ടന്തത്ത്ത് ഡിവിഷൻ,
തിരുവനന്തപുരം.

നഗരകാര്യ ഡയറക്ടർ,
തിരുവനന്തപുരം

സർ,

വിഷയം:- തദ്ദേശസ്വയംഭരണ വകുപ്പ്-ജനകീയ ജൈവ വൈവിധ്യ രജിസ്റ്റർ തയ്യാറാക്കൽ-പഞ്ചായത്തുകളിലെ പദ്ധതി രൂപീകരണ സംബന്ധിച്ച്.

സൂചന:-1.തദ്ദേശ (ഡിഎ) വകുപ്പിന്റെ 2/12/11 ലെ 5308A/ഡിഎ/2011/ - തസ്വഭവ നമ്പർ സർക്കുലർ.

2. കേരള സംസ്ഥാന ജൈവ വൈവിധ്യ ബോർഡിന്റെ

25/9/12 ലെ 323/എ1/2011/കെ.എസ്.ബി.ബി നമ്പർ കത്ത്.

സുവനകളിലേയ്ക്ക് താങ്കളുടെ ശ്രദ്ധ ക്ഷണിക്കുന്നു. സംസ്ഥാന പനകാര്യകമ്മീഷന്റെ ശുപാർശ പ്രകാരം സംസ്ഥാനത്തെ ഗ്രാമപഞ്ചായത്തുകൾ/നഗരസഭകൾ ജനകീയ ജൈവ വൈവിധ്യ രജിസ്റ്റർ(പി.ബി.ആർ) തയ്യാറാക്കേണ്ടത് നിർബന്ധിതമാക്കിയിരുന്നു. ആരും തയ്യാറാക്കാത്ത ഗ്രാമപഞ്ചായത്ത്/നഗരസഭകൾ 2011-12 സാമ്പത്തിക വർഷത്തിൽ പി.ബി.ആർ തയ്യാറാക്കുന്നതിനുള്ള പദ്ധതി രൂപീകരിക്കേണ്ടതും, ഇക്കാര്യം പ്രിയ്ക്കുന്ന ആസ്വരണ സമിതികൾ ഉറപ്പുവരുത്തേണ്ടതുമാണെന്ന് സൂചന (1) പ്രകാരം നിർദ്ദേശം നൽകിയിരുന്നു. എന്നാൽ 424 ഗ്രാമപഞ്ചായത്തുകൾ ഇതുവരെയും ജൈവ വൈവിധ്യ രജിസ്റ്റർ തയ്യാറാക്കൽ പദ്ധതി, വാർഷിക പദ്ധതിയിലുൾപ്പെടുത്തി അംഗീകാരം വാങ്ങിയിട്ടില്ലായെന്ന് സൂചന (2) പ്രകാരം കെ.എസ്.ബി.ബി മെമ്പർ സെക്രട്ടറി അറിയിച്ചിട്ടുണ്ട്.



മേൽ സഹചര്യത്തിൽ ജൈവ വൈവിധ്യ രക്ഷിപ്പിൻ്റെ തയ്യാറെടുപ്പിനായ് ഗ്രാമപഞ്ചായത്ത്/നഗരസഭകൾക്ക് 2012-13 വർഷം തന്നെ ജൈവ വൈവിധ്യ രക്ഷിപ്പിൻ്റെ തയ്യാറെടുപ്പിൽ, അതിവാര്യ പുദ്ധതിയോടെ തയ്യാറെടുപ്പിക്കണമെന്ന നിർദ്ദേശം ഖർജ്ജകരമാണ്.

പി.ശ്യാമപ്രസാദ്
മെമ്പർ സെക്രട്ടറി
അണ്ടർ സെക്രട്ടറി
പ്രിൻസിപ്പൽ സെക്രട്ടറിയിൽക്കു മേമ്പർ

അംഗീകാരത്തോടെ,

മുസംതാൻ അഹ്മദിൻ

പകർപ്പ്:- മെമ്പർ സെക്രട്ടറി,

കേരള ബ്യൂറോ ഓഫ് ബയോലോജിക്കൽ ഡൈവേഴ്സിറ്റി മോണിറ്ററിംഗ്
വള്ളിച്ചെരി, ചേട്ട, തിരുവനന്തപുരം



കേരള സർക്കാർ

പരിസ്ഥിതി (എ) വകുപ്പ്

സർക്കുലർ

നമ്പർ 3784/എ2/12/പരി.

തിരുവനന്തപുരം, 2013 ഫെബ്രുവരി 7.

വിഷയം—പരിസ്ഥിതി വകുപ്പ്—ജനകീയ ജൈവവൈവിധ്യ രജിസ്റ്റർ പരിശോധനാ നുമതി—സംബന്ധിച്ച്.

പ്രാദേശിക ജൈവവൈവിധ്യത്തെക്കുറിച്ചുള്ള അറിവും അവയുടെ ലഭ്യത സംബന്ധിച്ച വിവരങ്ങളും അടങ്ങുന്ന ജനകീയ ജൈവവൈവിധ്യ രജിസ്റ്റർ തയ്യാറാക്കുക എന്നത് 2008-ലെ കേരള ബയോളജിക്കൽ ഡൈവേഴ്സിറ്റി റൂൾസിലെ ചട്ടം 20 (7) പ്രകാരം അതാത് തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലെ ജൈവവൈവിധ്യ പരിപാലന സമിതിയുടെ (BMC) യും ബന്ധപ്പെട്ട തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളുടെയും നിയമപരമായ ചുമതലയാണ്. ഇപ്രകാരം തയ്യാറാക്കുന്ന രജിസ്റ്ററിലെ ജൈവവൈവിധ്യ സംബന്ധിച്ച വിവരങ്ങളും പരമ്പരാഗത വിജ്ഞാനവും പുറമെയുള്ള വ്യക്തികൾക്കും ഏജൻസികൾക്കും പ്രാപ്യമാകാതെ സംരക്ഷിക്കേണ്ട ചുമതലയും ജൈവവൈവിധ്യ നിയമങ്ങൾ 2002 വകുപ്പ് (3) കേന്ദ്ര ജൈവവൈവിധ്യ നിയമങ്ങൾ 2004 വകുപ്പ് (14), സംസ്ഥാന ജൈവവൈവിധ്യ ചട്ടങ്ങൾ 2008 വകുപ്പ് (7) എന്നിവ പ്രകാരം തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലും ജൈവവൈവിധ്യ പരിപാലന സമിതികളിലും നിക്ഷിപ്തമാണ്.

(2) എന്നാൽ മേൽ നിയമങ്ങൾക്ക് വിരുദ്ധമായി ജൈവവൈവിധ്യ രജിസ്റ്ററുകൾ ചില തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾ തന്നെ ജൈവവൈവിധ്യ ബോർഡോ, സംസ്ഥാന സർക്കാരോ അറിയാതെ നേരിട്ട് അന്യ ഏജൻസിക്കു ലഭ്യമാക്കിയതായുള്ള ഒരു സംഭവം സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്. ഈ സാഹചര്യത്തിൽ ജൈവ വൈവിധ്യ രജിസ്റ്റർ പരിപാലനത്തിൽ മേൽ പരാമർശിച്ച നിയമങ്ങൾ, ചട്ടങ്ങൾ എന്നിവയിലെ വ്യവസ്ഥകൾ കർശനമായി പാലിക്കേണ്ടതാണെന്നും, ജൈവ വൈവിധ്യ

GCPT. 3/824/2013/DTP.



മാനേജ്മെന്റ് കമ്മിറ്റിയും, സംസ്ഥാന ജൈവവൈവിധ്യ ബോർഡോ, സംസ്ഥാന സർക്കാരോ അതോ സാഹസികമായി സംഗതികളിൽ ബാധകമാകുന്ന രീതിയിൽ അനുവദിച്ച പ്രകാരം മാത്രമേ ജനകീയ ജൈവവൈവിധ്യ രജിസ്റ്ററിലെ വിവരങ്ങൾ വിദേശ വ്യക്തികൾക്കും ഏജൻസികൾക്കും പ്രാപ്യമാക്കാൻ പാടുള്ളൂ എന്ന് അറിയിക്കുന്നു. അതുപോലെ ജൈവ വൈവിധ്യ സംബന്ധമായ അറിവുകൾ, അവ വാണിജ്യോടിസ്ഥാനത്തിൽ ഉപയോഗപ്പെടുത്തുന്നത് എന്നീ കാര്യങ്ങളിൽ ജൈവവൈവിധ്യ നിയമം 4-ാം വകുപ്പുപ്രകാരം മാത്രമേ നടപടി സ്വീകരിക്കാൻ പാടുള്ളൂ എന്നും ബന്ധപ്പെട്ട എല്ലാവരെയും അറിയിക്കുന്നു.

ജെയിംസ് വർഗ്ഗീസ്,
പ്രിൻസിപ്പൽ സെക്രട്ടറി.

പഞ്ചായത്ത് ഡയറക്ടർ, പബ്ലിക് ഓഫീസ് ബിൽഡിംഗ്, തിരുവനന്തപുരം-33
നഗരകാര്യ ഡയറക്ടർ, പബ്ലിക് ഓഫീസ് ബിൽഡിംഗ്, തിരുവനന്തപുരം-33
മെമ്പർ സെക്രട്ടറി, സംസ്ഥാന ജൈവവൈവിധ്യ ബോർഡ്, തിരുവനന്തപുരം
ചെയർമാൻ, സംസ്ഥാന ജൈവവൈവിധ്യ ബോർഡ്, തിരുവനന്തപുരം
ഡയറക്ടർ, പബ്ലിക് റിലേഷൻസ് വകുപ്പ്
സ്റ്റോക്ക് ഫയൽ/ഓഫീസ് കോപ്പി.



Translated copy



GOVERNMENT OF KERALA

Abstract

Environment Department - Notification authorizing Biodiversity Management Committee to prevent Local environmental depletion

ENVIRONMENT (A) DEPARTMENT

G.O. (P) No.04/13/Envt

Dated, Thiruvananthapuram, 2013 May 13

- Ref:
1. First report submitted by Environmental committee (2006-2009) of Kerala Legislative on 19-7-2007
 2. Letter No 61/A1/2012/ KSBB dt 24-1-2012 sent by Kerala State Biodiversity Board, Member Secretary
 3. Government order No 1/2013/ Emt dt 22-3-2013

ORDER

As per the Reference No. 1, a detailed study report was submitted by Environment committee of Kerala Legislature regarding the local pollution and environmental issues created due to Iron and steel manufacturing industries in Kanjikode Industrial estate of Palghat district and to take necessary timely remedial actions to the environmental issues faced by this area, it was recommended to constitute an "Environmental watch group" with adequate authority. Presently Pollution Control Board is the only agency that takes appropriate timely legal action to prevent such large and small scale environmental degradation. For taking timely action, against activities which cause or may cause environmental degradation, violation of Environmental laws, acts and ordinances and instances where local Environmental degradation causes threat to human life and health, concerned Thahasildars, medical officers of Primary medical centre/ community medical centre, Health Inspectors of Cities and towns, stations, House officers of Police stations and Gramapanchayat/ Municipality, Corporation secretaries have been authorized to send enquiry reports, to Environment department as per the reference cited as 3 above.

2. At present there is no system to intimate the above mentioned authorities about the Environmental issues occurring /or which may occur at regional level and to ensure timely implementation of legal actions. In all Gram Panchayats of Kerala, Biodiversity Management Committee have been constituted according to Biological Diversity Act 2002. This statutory committee which has been authorized to deal with environmental issues at Gram Panchayat level is hereby authorized by Government to function as "Environmental watch group" also. In addition to the responsibilities assigned by Biological Diversity Act and Rules, BMC can take up the below mentioned activities also as Environmental watch group.



(1) At the grass root level community primary environmental protection will be the responsibility of the BMC of respective panchayat.

(2) The respective BMC will be responsible to inform the concerned authorities for taking immediate action against all activities violating environmental rules, acts, notifications, as also environmental depletion, general public health problems and circumstances which leads to/ or may lead to threat for human life. For this concerned directions in the above mentioned notifications may be followed.

3) Formulation of directions for environmental conservation of Panchayat and their implementation through the Panchayat committee, to timely inform the regulatory authorities regarding instances relating to violation of environmental clearance regulations (eg. Paramada rock mining, sand mining, developmental projects for which environmental clearance has been accorded beforehand).

(4) Take lead role in organizing awareness activities at the panchayat level to ensure, healthy environmental protection and cleanliness.

(5) Organize programmes with people's participation to ensure that the water bodies in the Panchayat remain in their natural conditions, and to restore and assure sustainable protection of those which have undergone environmental depletion, ensuring sustainable conservation.

(6) Organize programmes for panchayat level environmental protection and cleanliness during special occasions.

(7) To organize discussions regarding panchayat level environmental issues, organize seminar and other awareness programmes in collaboration with educational institutions, cultural centres, environmental groups, other nongovernmental organizations, environmentalists and voluntary organizations in the panchayat.

(8) To directly examine the environmental conditions of the panchayat, unauthorized exploitation of natural resources and present conditions of habitats and inform the matter to concerned authorities.

(9) To formulate directions for incorporating Primary environmental protection programmes in the schemes of the panchayat, present them in the Gramsabha and take actions to include them in the development schemes of the panchayat.

10) To generate awareness regarding Government programmes related to environmental protection (eg Organic farming, conservation of native breeds and varieties, Biogas from household waste, rain water harvesting, protection of water bodies, planting of trees, solar energy etc) and peruse activities to include them in the annual schemes of the Panchayat.

3. The technical support required for the successful functioning of Environmental protection group of BMC, is to be provided by the Biodiversity Board through the regional Technical support groups.



4. Budget provisions for environmental matters may include conduct of training programmes for BMC for carrying out the responsibilities stipulated as per this order legally.

5. The reports/ complaints received from BMC as per this notification are to be given highest priority, by concerned authorities at the regional level authorized as per Government Reference No. 3, column 4 and further action is to be taken and the necessary report is to be submitted to Government at the earliest.

6. Every year the best BMC in district and state level are to be given trophy by Chief Minister on World Environment day. This evaluation has to be done by State Biodiversity Board, the actions taken in connection with this notification have to be taken into account in this regard.

7. The activities in their capacity as Environmental watch groups can also be included by the respective BMC in their annual activity report being submitted according to Biological Diversity Rules section 45.

As per the order of the Governor

James Varghese,

Principal Secretary.

Chairman, State Biodiversity Board, Thiruvananthapuram

Chairman, State Pollution control Board, Thiruvananthapuram

Director, Environment and Climate change department, Thiruvananthapuram

Executive Vice President, Kerala State Science and Technology Council, Sasithra Bhavan, Pattom, Thiruvananthapuram-4

Panchayat Director, Thiruvananthapuram

Municipal Director, Thiruvananthapuram

All District Collectors

All Taluk Tahsildhars (Through District Collector)

All District Medical Officers

All Police Superintend

All Panchayat Secretaries (Through Director)

All Corporation secretaries (Through Corporation director)

Revenue/ Industry/ LSG/ Medical Department

Stock file/ Office copy



കേരള സർക്കാർ

സംഗ്രഹം

തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - കേരള സംസ്ഥാന ബയോഡൈവേഴ്സിറ്റി ബോർഡ് - പീപ്പിൾസ് ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ തയ്യാറാക്കൽ - തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങൾക്ക് ചെലവഴിക്കാവുന്ന തുക വർദ്ധിപ്പിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

തദ്ദേശ സ്വയംഭരണ (ഡി.എ) വകുപ്പ്

സ.ഉ(സാധാ)നം. 2945/2013/തന്യഭവ

തിരുവനന്തപുരം, തീയതി. 30.11.2013

- പരാമർശം:-
- (1) 24.07.2010-ലെ സ.ഉ(എ.എസ്)നം.618/2010/ത.സാ.ഭ.വ
 - (2) കേരള സംസ്ഥാന ബയോഡൈവേഴ്സിറ്റി ബോർഡ് മെമ്പർ സെക്രട്ടറിയുടെ 31.01.2012-ലെ 823/എ/2011/കെ.എസ്.ബി.ബി നമ്പർ കത്ത്
 - (3) 25.09.2013-ലെ സംസ്ഥാനതല കോ-ഓർഡിനേഷൻ സമിതി തീരുമാനം ഇനം നം. 3.18

ഉത്തരവ്

പരാമർശം ഒന്ന് ഉത്തരവുപ്രകാരം പീപ്പിൾസ് ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ തയ്യാറാക്കുന്നതിന് ഗ്രാമപഞ്ചായത്തുകൾക്കും, നഗരസഭകൾക്കും 70,000/- (എഴുപതിനായിരം രൂപ) രൂപ വരെ ചെലവഴിക്കുന്നതിനുള്ള അനുമതി നൽകിയിട്ടുണ്ട്. പരാമർശം 2-ലെ കത്തുപ്രകാരം ഗ്രാമപഞ്ചായത്തുകൾക്കും, നഗരസഭകൾക്കും ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ തയ്യാറാക്കുന്നതിനുള്ള തുക യഥാക്രമം 1,25,000/-, 2,50,000/- രൂപയായി വർദ്ധിപ്പിക്കണമെന്നും കോർപ്പറേഷനുകളിൽ പരമാവധി 5,00,000/- രൂപ വരെ ചെലവഴിച്ച് പ്രസ്തുത രജിസ്റ്റർ തയ്യാറാക്കുന്നതിന് അനുമതി നൽകണമെന്നും കേരള സ്റ്റേറ്റ് ബയോഡൈവേഴ്സിറ്റി ബോർഡ് മെമ്പർ സെക്രട്ടറി അപേക്ഷിച്ചിരിക്കുന്നു.

സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിക്കുകയും പരാമർശം 3-ലെ കോ-ഓർഡിനേഷൻ സമിതി തീരുമാനപ്രകാരം ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ തയ്യാറാക്കുന്നതിനുള്ള തുക ഗ്രാമപഞ്ചായത്തുകൾക്ക് 1,25,000/- (ഒരു ലക്ഷത്തി ഇരുപത്തി അയ്യായിരം രൂപ) രൂപയായും നഗരസഭകൾക്ക് 2,50,000/- (രണ്ട് ലക്ഷത്തി അൻപതിനായിരം രൂപ) രൂപയായും വർദ്ധിപ്പിച്ചും കോർപ്പറേഷനുകൾക്ക് പരമാവധി 5,00,000/- (അഞ്ച് ലക്ഷം രൂപ) രൂപ വരെ ചെലവഴിച്ച് ബയോഡൈവേഴ്സിറ്റി രജിസ്റ്റർ തയ്യാറാക്കുന്നതിനുള്ള അനുമതി നൽകിയും ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം
സിവസല
ഗവ.ജോയിന്റ് സെക്രട്ടറി

✓ ചെമ്പർമാൻ, കേരള സംസ്ഥാന ബയോഡൈവേഴ്സിറ്റി ബോർഡ്,
പള്ളിമുക്ക്, പേട്ട, തിരുവനന്തപുരം

പഞ്ചായത്ത് ഡയറക്ടർ, തിരുവനന്തപുരം } പകർപ്പ് ബന്ധപ്പെട്ട തദ്ദേശ സ്വയംഭരണ വകുപ്പ്
നഗരകാര്യ ഡയറക്ടർ, തിരുവനന്തപുരം } സ്ഥാപനങ്ങൾക്ക് നൽകേണ്ടതാണ്.

ഡയറക്ടർ, ഇൻഫർമേഷൻ കേരള ലിങ്ക്സ്, തിരുവനന്തപുരം
പ്രിൻസിപ്പൽ അക്കൗണ്ടന്റ് ജനറൽ (റേഡിയറ്റ്), കേരള, തിരുവനന്തപുരം
അക്കൗണ്ടന്റ് ജനറൽ (എച്ച്.ഇ), കേരള, തിരുവനന്തപുരം
ഡയറക്ടർ, ലോക്കൽ ഫണ്ട് ആഡിറ്റ്, തിരുവനന്തപുരം
സ്റ്റേറ്റ് പെർഫോമൻസ് ആഡിറ്റ് ഓഫീസർ തിരുവനന്തപുരം
ഓഫീസ് കോപ്പി/സ്റ്റോക്ക് ഫയൽ

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ



കേരള സർക്കാർ

തസവേ-ഡിഎ 1/208/2015-തസവേ

തദ്ദേശ സ്വയം ഭരണ (ഡി എ) വകുപ്പ്
തിരുവനന്തപുരം, തീയതി : 16.11.2015

സർക്കുലർ

വിഷയം - തദ്ദേശ സ്വയംഭരണ വകുപ്പ് - തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിൽ ജൈവവൈവിധ്യ പരിപാലന സമിതികളുടെ പുനർ രൂപീകരണം -സംബന്ധിച്ച് -

സൂചന - കേരള സംസ്ഥാന ജൈവവൈവിധ്യ ബോർഡ് ചെയർമാന്റെ 03.11.2015-ലെ 1340/എ 5/2015/കെ.എസ്.ബി.ബി നമ്പർ കത്ത്

2002-ലെ ജൈവവൈവിധ്യ ആക്ട് പ്രകാരം എല്ലാ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിലും രൂപീകരിച്ചിട്ടുള്ള ജൈവവൈവിധ്യ പരിപാലന സമിതികളുടെ (ബി.എം.സി) കാലാവധി കഴിഞ്ഞിരിക്കുന്ന സാഹചര്യത്തിൽ, പുതിയ ഭരണ സമിതികൾ തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളിൽ നിലവിൽ വന്ന് 3 മാസത്തിനുള്ളിൽ ജൈവവൈവിധ്യ പരിപാലന സമിതികളുടെ പുനർ രൂപീകരണം നിർബന്ധമായും നടത്തണമെന്ന് കർശ്യാന നിർദ്ദേശം നൽകുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം
കെ.എസ്.ശോഭന
ജോയിന്റ് സെക്രട്ടറി

- ✓ ചെയർമാൻ, കേരള സംസ്ഥാന ജൈവവൈവിധ്യ ബോർഡ്
- പഞ്ചായത്ത് ഡയറക്ടർ, തിരുവനന്തപുരം
- നഗരകാര്യ ഡയറക്ടർ, തിരുവനന്തപുരം
- ഗ്രാമവികസന കമ്മീഷണർ, തിരുവനന്തപുരം
- എക്സിക്യൂട്ടീവ് ചെയർമാൻ & ഡയറക്ടർ, ഐ.കെ.എം, തിരുവനന്തപുരം.
- ഓഫീസ് കോപ്പി/സ്റ്റോക്ക് ഫയൽ

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ



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